

**INSURANCE AND INDEMNITY LAW SECTION  
OF THE  
STATE BAR OF MICHIGAN**

Minutes of the Council Meeting  
June 16, 2009  
*Lansing, Michigan*

*Present:*

Hal O. Carroll  
Mark G. Cooper  
Elaine Pohl (via phone)  
Amy Iannone  
Tim Casey  
Deb Hebert  
Martin Brown (via phone)  
Steven Fox (via phone)  
Kathy Lopilato  
Dan Steele (via phone)  
Andy Portinga

Section Members:

Sarah Wohlford  
Ellen Jannette

**INSURANCE AND INDEMNITY LAW SECTION**  
June 16, 2009  
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Welcome and call to order

- A. The meeting was called to order at 4:04 p.m. and opened with a reading of the anti-trust statement by Sarah Wolford.

**I. Approval of Meeting Minutes**

- A. It was moved (Deb Hebert) and seconded (Mark Cooper) to approve the minutes of the prior council meeting. *Motion carried* (unanimous).

**II. Treasurer's Report**

- A. Elaine Pohl reported that the Section has a balance of approximately \$9,278.80 as of May 31, 2009.

**III. Chair's Report**

- A. It was reported by Hal Carroll that the membership is up to 358.
- B. Mark Cooper, Kathleen Lopilato and Tim Casey are writing articles for the upcoming edition of Lawyer's Weekly that has a focus on insurance law issues.
- C. The council generally discussed a possible amendment to the by-laws granting the outgoing Chairperson the right to vote for two years following the expiration of that person's term. This issue will be voted on at the annual meeting.

**IV. Website Manager Report**

None.

**V. Editor's Report**

- A. The next issue of the Journal is on track and we have authors for all of the space.

**VI. Committee Reports**

- A. A construction law committee has a conference with the real property section scheduled on January 14, 2010 at the Townsend Hotel. This will be a round table format with additional details to follow.

**VII. Fall Meeting**

- A. No additional updates were provided although Tim Casey is working on the final details for the annual meeting.

**VIII. Old Business**

- A. A detailed discussion was undertaken in response to the Michigan State Supreme Court's invitation to the section, among other entities, to submit an Amicus curiae brief on the issue of credit scoring and regulations. The consensus of the council was that Marty Brown will draft an outline of the brief for a final vote of the council on Aug. 4, 2009. The section's position in the brief will avoid whether credit scoring is a good, or bad, position but will focus on when the insurance department considers any rating factor how an insurer must comply and the role of the court in that compliance will be discussed.

**IX. Next Council Meeting:**

Date: August 4, 2009

Location: Foremost Insurance Company in Grand Rapids

**IX. Adjournment**

- A. It was moved (Deb Hebert) and seconded (Kathleen Lopilato) that the meeting be adjourned at 5:07 p.m. *Motion carried* (unanimous). Meeting adjourned.

Respectfully submitted,

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Mark G. Cooper, Secretary