

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

Minutes of the Council Meeting
September 15, 2009
Southfield, Michigan

Present:

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

Section Members:

Ellen Jannette (via phone)
Catherine Heise (via phone)
Christopher Cobb (via phone)
Noreen Slank (via phone)
Julie Fershtman (via phone)
Geoff Brown (via phone)

INSURANCE AND INDEMNITY LAW SECTION
September 15, 2009
Southfield, Michigan

Welcome and call to order

- A. The meeting was called to order at 4:03 p.m. and opened with a reading of the anti-trust statement by Hal Carroll.

I. Approval of Meeting Minutes

- A. It was moved (Mark Cooper) and seconded (Kathlee Lopilato) 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 \$8,454.00 as of August 31, 2009.

III. Chair's Report

- A. It was reported by Hal Carroll that the membership is 358.
- B. It was also discussed that Cooley Law School invited participation in a pilot “SBM/Bar Association Fair” on Wednesday, October 21, 2009 in Grand Rapids. The cost of a table is \$35.00. Steve Fox was appointed the liaison for this program. It was moved (Steve Fox) and seconded (Andy Portinga) to authorize the purchase of a table for \$35.00. *Motion carried* (unanimous).

IV. Editor's

- A. Hal Carroll reported that *The Journal* is in process.

V. Committee Reports

- A. Noreen Slank volunteered that she is still willing to chair the Indemnity Committee.
- B. Deb Hebert requested volunteers for the Construction Risk Committee to serve as discussion facilitators for a program on January 14, 2010, at the Townsend Hotel in Birmingham.

VI. Fall Meeting

- A. It was moved (Tim Casey) and seconded (Debra Hebert) that \$1,200 for costs be authorized for the Fall Meeting. *Motion carried* (unanimous).

VII. Old Business

- A. Discussion of the proposed amicus brief that was circulated to Council members took place. An individual count of the Council members who intended to participate in the vote and disclosure of any perceived conflicts was taken and a total of eight Council members formally discussed and voted on filing the brief. It was moved (Steve Fox) and seconded (Marty Brown) that the section file the proposed amicus brief in the Michigan State Supreme Court in Nos. 137400, 137407, *Insurance Institute of Michigan, et al. v. Commissioner, Financial & Insurance Services, et al.*, which raises issues regarding rule-making and the use of credit ratings in making underwriting decisions. The vote passed with a unanimous count of eight Council members in favor, none opposed, three abstentions and one member absent.

IX. Next Council Meeting:

Date: November 10, 2009 at 4:00 p.m.

Location: Jaffe, Raitt, Heuer & Weiss, P.C., Southfield Michigan.

VIII. Adjournment

A. The meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Mark G. Cooper, Secretary