



GOVERNMENT LAW SECTION

REGULAR MONTHLY MEETING AGENDA

April 15, 2023 – 10:00 AM

A meeting of the Government Law Section was called to order by Chair Mithani at 10:00 a.m.

Call to Order

1. Attendance and Excused Absences

Present: Fisher, Forbush, Forsyth, James, Joppich, King, Kolb, Mithani, So, Thomas, Watza, Zeits

Absent: Bluhm, Brown, McGee, Mills, Nettleton, Sluggett, Steele, Tamm, Williams

Motion to excuse absences: Thomas

Second: Fisher

Council approved by unanimous vote.

2. Approval of Agenda

Motion to approve as presented: Kolb **Second:** Forsyth

Council approved by unanimous vote.

3. Minutes of March 4, 2023 Regular Meeting

Motion to approve as presented: Forbush

Second: King

Council approved by unanimous vote.

4. Treasurer's Report

a. February 2023 financials

Treasurer-Secretary Forsyth reported that all expenses have paid for the Winter Seminar except for the Summit on the Park. Deputy Treasurer-Secretary Kolb indicated that she had sent a follow-up to Canton Staff.

Treasurer-Secretary Forsyth reported \$9,550 in revenue from the Winter Seminar, approximately \$500 less than last year. He shared that the Section still had a healthy fund balance.

b. March 2023 financials

Treasurer-Secretary Forsyth had no additional report.

5. Amicus Committee

Member Williams was absent but had reported to Chair Mithani that the committee had had no activity and therefore nothing to report.

6. Publications Committee

Chair Mithani shared that new co-editor Kevin McQuillin was back to work after paternity leave. She shared that the most recent edition of *Briefly* saw a 56% open rate, and a 15.5% click rate, which was actually quite good.

7. Old Business

a. 2023 Summer Conference (June 23-24, 2023 - Crystal Mountain) – Update

Forbush reminded the Council that the MML meeting was the same week as the Summer Conference, and therefore the program was starting Friday afternoon. The planning committee was still looking for two panelists for the homelessness topic on Friday. Saturday would include a US Supreme Court update, Assistant General Counsel from IMLA, a discussion on PFAs, and Peter Letzman covering the topics of mediation/ethics/civility and professional responsibility.

Fisher shared that he had been attempting to contact Justice Bernstein with no success. In the meantime, Vincent Duckworth with the MML contacted Justice Cavanaugh who responded affirmatively but wanted to speak on Saturday. After Justice Cavanaugh confirmed, Justice Bernstein responded that he was available Friday. It was agreed that Forbush would contact V. Duckworth to discuss further.

b. Michigan Supreme Court Order ADM File No. 2021-35

Chair Mithani shared that 324 comments were received, including from school districts. The Attorney General submitted a very thorough statement in opposition. One appeals court judge submitted a comment in favor of the proposed change.

8. New Business

a. Request for Collaboration – Professor Norton – Collaboration on National Sea Grant Law Center Research Project

Chair Mithani shared the request from UM Professor Richard Norton. Joppich made a motion to commit to participate through a subcommittee to be formed. Kolb seconded the Motion. The Chair took a vote; Thomas abstained, wanting more time to review the information associated with the request. After some discussion, there was a consensus to table the issue to allow more review of the materials and possibly have more members present at a future meeting.

Motion to rescind the prior motion. Joppich **Second:** Mithani

Council approved by unanimous vote.

b. Protec Legislative Plan

Watza shared PROTEC's legislative agenda, which focused on initiatives at the state of Michigan legislature to undo prior actions taking away local control of rights-of-way. Joppich asked about a legislative fix for the *Taylor* case, which was based on an interpretation of the constitution.

c. Real Property Law Section – Summer Conference

The Council received a request from the Real Property Law Section to send information about its summer conference to the GLS membership. Discussion was had about the information going out before the GLS/MAMA summer conference info was sent to members. Discussion was also had about a corresponding request to send info about the GLS/MAMA summer conference to the Real Property Law Section membership.

Motion to grant request of RPLS to allow them to send info regarding their conference to GLS members, but only one month prior to the conference: Thomas

Second: Forsyth

Motion passed by unanimous consent.

d. Business Court Jurisdiction – Municipal Corporations

Chair Mithani shared that the Business Courts were considering amending to include municipal issues. Discussion was had regarding the wide-ranging legal issues municipalities faced, and the general consensus was that they were not all appropriate for the Business Court.

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Motion to oppose the inclusion of municipalities in the Business Court jurisdiction:
Forsyth

Second: King

Motion passed by unanimous consent.

e. Referral of ADM File 2021-10: Proposed Amendment to Michigan Rules of Evidence

Chair Mithani introduced the proposed amendment. There were no specific concerns raised by Council members.

f. Notice of Public Policy items to be considered by the SBM Commissioners

Chair Mithani introduced the public policy items up for consideration. There was no interest from the Council in taking a position on them.

9. Council Comments

There were no Council comments.

Adjournment

Motion to adjourn: Thomas **Second:** Watza

Meeting adjourned at 11:05 a.m. The next Council meeting is May 6, 2023.

Minutes taken by Kolb