



REGULAR MONTHLY MEETING AGENDA
May 6, 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: Bluhm, Fisher, Forbush, Forsyth, James, Joppich, Kolb, McGee, Mithani, Sluggett, So, Steele, Thomas, Watza, Zeits

Absent: King, Mills, Nettleton, Tamm

Motion to excuse absences: Fisher **Second:** Watza

Council approved by unanimous vote.

2. Approval of Agenda

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

Council approved by unanimous vote.

3. Minutes of April 15, 2023 Regular Meeting

Motion to approve as presented: Joppich **Second:** McGee

Council approved by unanimous vote.

4. Treasurer's Report

Chair Mithani shared that the invoice from Canton Township for the Winter Seminar was received, and at \$833, was less than expected. Secretary-Treasurer reported that the Council did not make money on the Winter Seminar, but the expenses were less than expected. The Council still has approximately \$70,000 fund balance.

5. Amicus Committee

Williams advised there was nothing to share, no meetings of the Committee had been held.

Fisher shared that in the case of *Peterson v Kentwood*, the Michigan Supreme Court denied leave to appeal. The Court had previously granted oral argument without granting or denying leave to appeal. Fisher commented specifically on the filed by Justice Viviano and the dissent filed by Justice Welch. Fisher requested the support of the Council in a motion for reconsideration. Discussion was had regarding the cost of filing a brief in support of the motion for reconsideration.

Motion to pay Jerry Fisher an amount not to exceed \$4,000 to draft a brief in support of the motion for reconsideration in the matter of *Peterson v Kentwood*:

Watza **Support:** Williams

Ayes: Bluhm, Forbush, Forsyth, James, Joppich, Kolb, McGee, Mithani, Sluggett, So, Steele, Thomas, Watza, Zeits

Nays: None

Absent: King, Mills, Nettleton, Tamm

Abstain: Fisher

6. Publications Committee

Chair Mithani reported that Kevin McQuillian, the new editor, was planning a *Briefly* issue in June. He already had some articles lined up. The deadline for additional articles is the end of May.

7. Old Business

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

Vice-Chair Forbush thanked James for providing names for the homelessness panel for the conference. Justice Cavanaugh would be speaking on Saturday and the agenda has been reworked to accommodate her. Vice-Chair Forbush shared the schedule for the Conference.

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

Chair Mithani reported that she had spoken with Professor Norton about the Council's questions and concerns. He has proposed waiting until he knows whether he has been awarded the grant, which is expected in July.

c. Business Court Jurisdiction – Municipal Corporations

Chair Mithani reminded the Council of the proposal to expand the jurisdiction of the business court to also handle local government issues. Members of the Council shared their concerns with this proposal.

Motion for the Council to oppose any effort for business courts to take on municipal issues: Bluhm **Support:** Watza

Council approved by unanimous consent.

8. New Business

a. Referral of ADM File 2022-11: Proposed Amendments to MCR 2.511(C) and 6.412(C).

Chair Mithani provided some background on the proposed amendments. After some discussion, Bluhm suggested there were more important issues for the Council to focus on. There was general consensus with this.

b. Referral of SB 0257: Civil procedure: other; video recordings of court proceedings; provide for availability and review.

Chair Mithani introduced the proposed amendment. Joppich suggested the Council hold off on taking a position at this time.

9. Council Comments

Bluhm raised the issue of changes to governmental immunity.

Adjournment

Meeting adjourned at 10:47 a.m. The next Council meeting is June 24th during the Summer Conference.

Minutes taken by Kolb