

**STATE BAR OF MICHIGAN
ENVIRONMENTAL LAW SECTION COUNCIL**

**April 18, 2023
3:00 pm EDT**

Meeting held in Person at the Lansing office of the Michigan
Manufacturer's Assoc. and via Zoom Teleconference

MEETING MINUTES

Meeting called to order at 3:02 pm.

Council members present in person at the meeting or by phone or video conference: K. Kissling, T. Bodwin, S. Sinkwitts; R. Hammersley, S. Sadler, K. Konwinski, J. Roach, K. Martorano, and N. Maloof. Section Administrator Ms. Parks was also present in person. A quorum of council members was present (six required) at the meeting.

1. Approval of minutes – Motion to approve by K. Kissling; seconded by T. Bodwin; passes unanimously.
2. Secretary/Treasurer Report – Mr. Sinkwitts discussed expenditures & income from SBM 3/31/23 ELS report with fund balance. Leadership is soliciting ideas & exploring opportunities to return to membership some of the funds that have been collected over the years: webinars are quite inexpensive; law student outreach is ongoing, with some returning students having expressed some interest and we may look for something in September as far as law school outreach; etc.

Reviewed the expenses and revenues provided for in the draft budget; further details will be worked through by Pres. Sinkwitts, Treasurer Hammersley and Administrator Parks with an alternative/updated budget to be presented in coming weeks/month. Discussions also took place as to Zoom (Webinar) and Constant Contact (June) Renewal but later in the meeting (please see below).

3. Administrator Report (Parks) – Ms. Parks assisted MMA with the Clearing the Air Conference today, and upcoming conference assistance will be provided as well;
4. Chair Report (Sinkwitts) – Same theme as last meeting; looking for opportunities to spread the word about ELS and help members feel like they are getting their money's worth for the year; summer program is next up, and hopefully some fall events as well; would like to fill in some newly vacated spots on council / committees.
5. Summer Conference – Scheduling questions relating to holding the conference on June 8th or the 15th? Two dates reserved, but most folks seem to be expressing a preference for the 15th; any conflicting events with schools/courts? Barring something new coming in, it appears the 15th is likely to be the preferred option; since this involves signature on a contract, we will need a motion to approve to sign the contract to confirm the rental of the Bengal Nature Center in Bath on June 15th. Motion by K. Konwinski, 2nd by K. Kissling → passes unanimously;
6. Subject Matter Committees – Advance Reports, Webinars

a. Air (Kissling/Collins) – K. Kissling: lot of late registrants (close to 50!), and a great event; folks appeared to really appreciate a live, in person event. West Michigan’s spring conference will take place next week, so they are likely to want to shift focus to their next set of leadership positions and upcoming conferences, so coordination with them will likely continue in the near future.

b. Hazardous Substances and Brownfields (Enright/Maloof) – There is an Aug. 8-11 National Brownfield Conference that is upcoming in Detroit and may be a sponsorship/outreach opportunity if attended by a lot of Michigan-based practitioners. T. Bodman indicates there may be a “show floor” with booth opportunities, and while we may not be looking for more members with more dues, there may be other opportunities there. N. Maloof reminded folks about the AG Opinion that he emailed about recently as well (see latter portion of the agenda) – will be a speaker at the Brownfield conference as well, and will discuss w/ S. Sinkwitts & S. Sadler re. involving members of the section or section funding for a happy hour after N. Maloof panel or something along those lines; K. Martorano & T. Bodwin indicate we could potentially sponsor some law students to attend the conference as well.

c. Natural Resources, Energy and Sustainability (Sadler) - S. Sadler: no report

d. Great Lakes and Inland Waters (Schroock/Hammersley) – R. Hammersley: no formal report – likely to have a committee call soon to determine next plan of action for committee.

e. Environmental Litigation and Admin Practice (Steiner) – S. Steiner: reached out via email to inform S. Sinkwitts that he is about to retire and may need a new committee chair/co-chair in the near future; may be able to discuss ideas with T. Schebor / Program Committee as well;

7. Standing Committee Reports

a. Desk Book – Inquiries re. printed book (any “current” book is at least 8-years outdated). K. Martorano & S. Sinkwitts stated that the committee is looking for potential opportunities to digitize it (via PDF or some other on-line viewable format), likely to preserve as is with no updates, but with links perhaps provided... hoping to have ideas for resolving/retiring deskbook at upcoming meeting. S. Sadler: suggest maybe inserting an index / addendum, where we could potentially add links to webinars or subsequent programs that are relevant.

b. Program Committee (Schebor) – need to establish programming for upcoming June meeting, so if you have topic ideas or a speaker in mind, please pass that information along (even if out of town and we need to cover air/hotel); likely will be a meeting update that will be forthcoming.

c. Environmental Law Journal – still looking for a replacement for A. Urban; discussions in the past have revolved around potentially shifting to a blog format, perhaps sharing links to articles that may be of interest, etc. K. Martorano indicated that perhaps we could modify the Section’s LinkedIn page for such purposes.

8. New Business

a. Ad Hoc Member Outreach Committee – K. Konwinski: follow-up from last meeting and conversation w/ K. Konwinski & S. Sinkwitts; perhaps two events (one in Lansing to hit Cooley & MSU, one in the fall in Detroit, and perhaps a subsequent one in Ann Arbor as well). Might be helpful to pair some outreach with a section meeting(s), and there is interest in events elsewhere too (TC, Grand Rapids, Kzoo, etc.); good to pair free food/beverages with outreach to students.

b. Michigan Student Request – UMich student (Jake Farnworth) reached out with interest in Michigan Sustainable Strategy group, looking for experience & opportunities in environmental law, energy, etc. → not really Section-centered (re. projects), but S. Sinkwitts will pass along to any interested firms/attorneys;

c. Member Comments to: [ADM File No. 2021-10: Proposed Amendment of the Michigan Rules of Evidence \[courts.michigan.gov\]](#) The proposed amendments of the Michigan Rules of Evidence (MRE) reflect the work of the Michigan Rules of Evidence Committee established by Administrative Order No. 2021-8. The Committee was tasked with restyling the MREs in an effort to remain as consistent as possible with the 2011 restyling of the Federal Rules of Evidence. Major reorganization of the rules appears in MRE 803 and MRE 804 where the residual exceptions found in both rules are moved into a new MRE 807, and in MRE 804 where the exception regarding deposition testimony is moved up from subrule (b)(5) to proposed subrule (b)(2).

*Some substantive changes, as well as edits to include gender-neutral pronouns; Section not likely to comment, but individual attorneys/firms can do so at the link above.

d. Council vacancies – S. Sinkwitts puts out the call for new members for the section; please publicize the section and think of potential contacts that Scott can reach out to, either as members or on council, etc.

e. Collaboration on National Sea Grant Law Center Research Project – some discussion of Prof. Richard Norton’s project and available information; no action here, but if you are interested or would like more information, please feel free to reach out to Ross and/or Richard directly.

f. AG Formal No. 7321 Agricultural Release Exception and Due Care Obligations
[Please See Attached Formal Opinion \[lnks.gd\]](#).

*N. Maloof – discusses AG’s opinion re. agricultural exemption from “release” definition, but with ongoing due care responsibility; would love input from the section as to how much this might actually change things; marking this as a potential topic for the summer conference program;

g. Future Meeting Schedule – Summer Program & next meeting will take place on June 15; order of events/schedule will be forthcoming, likely with two different invites (one for program and one for meeting).

*K. Kissling: just learned Joint Program at LCC will run on 11.2.23;

*Going back to Agenda Item 2(b) – two contracts (one for Constant Contact, the other for Zoom);

-Motion to approve annual constant contact contract for the next year; moved by N. Maloof; seconded by R. Hammersley → passes unanimously

-Motion to approve zoom meeting contract with ability to move to a webinar hosting contract should the need arise; moved by N. Maloof; seconded by K. Konwinski → passes unanimously;

Move by K. Kissling, seconded by T. Bodwin to adjourn the meeting at 4:02 → passes unanimously and the meeting is adjourned
