

**STATE BAR OF MICHIGAN  
ANNUAL REPORT**

**Bar Year: 2012-13**

**Section Name: ENVIRONMENTAL LAW SECTION**

**MISSION STATEMENT:** The Environmental Law Section of the State Bar of Michigan provides education, information, and analysis about issues of concern through meetings, seminars, our website, public service programs, and publication of the Michigan Environmental Law Journal. Membership in the Section is open to all members of the State Bar of Michigan and to law students. Statements made on behalf of the Section do not necessarily reflect the views of the State Bar of Michigan.

**OFFICERS AND COUNCIL MEMBERS:**

**OFFICERS 2012-2013**

<b>Officer</b>	<b>Name</b>	<b>Address</b>	<b>Telephone</b>	<b>E-mail</b>
Chair	Dustin P. Ordway, P33213	300 Ottawa Avenue, N.W. Grand Rapids, MI 49503	(616)451-2177	dpordway@ordwaylawfirm.com
Chair-Elect	Kurt M. Brauer, P54061	2000 Town Center, Ste. 2700   Southfield, MI 48075-1318	(248)784-5182	kbrauer@wnj.com
Secretary-Treasurer	S. Lee Johnson P48907	660 Woodward Ave., Ste 2190 Detroit, MI 48226	(313)465-7432	sljohnson@honigman.com

**ENVIRONMENTAL LAW SECTION COUNCIL 2012-2013**

<b>Member</b>	<b>Term</b>	<b>Member</b>	<b>Term</b>
Courtney E. Goldberg, P46921	2013	AnnMarie B. Sanford, P44166	2014
Sara R. Gosman, P66907	2013	William R. Schikora, P53862	2014
R. Craig Hupp, P36254	2013	George F. Curran, III, P31328	2015
Robert P. Reichel, P31878	2013	James P. Enright, P46355	2015
Scott J. Steiner, P42490	2013	Tammy Lyn Helminski, P69431	2015
Rebecca J. Dukes, P64456	2014	Kurt A. Kissling, P61937	2015
Rodger A. Kershner, P26049	2014	Kelly Marie Martorano, P66968	2015
Steven C. Kohl, P28179	2014		

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**COUNCIL MEETING SCHEDULE:**

Meeting Type	Date	Location
Council Annual Meeting	September 20, 2012	Grand Rapids, MI
Council Meeting	November 14, 2012	Lansing, MI
Council Meeting	January 16, 2013	Southfield, MI
Council Meeting	April 17, 2013	Grand Rapids, MI
Council Meeting	June 21, 2013	Bath, MI
Council Annual Meeting	September 19, 2013	Lansing, MI

**GENERAL BUDGET INFORMATION:** As of April 30, 2013, the Section has an ending Fund Balance of **\$59,638.52**. Budget expenses seem to be in line for this point in the year.

**EVENTS AND/OR SEMINARS:**

Event or Seminar Title	Date	Location
“Environmental Litigation: Michigan compared to Illinois – Life on the other side of the pond.”	September 25, 2012	Clinton Township, MI
Michigan’s Environment in 2012 and Beyond: Developments and Emerging Issues in the Management and Regulation of Air, Water, Energy, and Waste. Joint Conference of the Air Quality Committee together with the East and West Michigan Chapters of the Air & Waste Management Association	November 14, 2012	Lansing, MI
Meeting of Ad Hoc Committee to Consider Subject Matter Committee Definition (Sustainability and Energy Committees).	January 8, 2013	Conference Call
The Lender's Perspective on Borrowers, Lawyers, and Environmental Risks	February 19, 2013	Webinar
Council Retreat Regarding Committees	March 5, 2013	Lansing, MI
Section Member/Student Mixer with Ann Arbor Area Law Schools	March 11, 2013	Ann Arbor, MI
“Update of the MDEQ Remediation and Redevelopment Division’s Objectives, Its Activities and the Priorities for Allocation of the Division’s Resources,” with RRD Chief Bob Wagner	March 19, 2013	Webinar
Section Member/Student Mixer with Lansing Area Law Schools	April 8, 2013	East Lansing, MI
“Emerging Air Quality Laws and Policies: What's on the Horizon in Michigan” – Joint conference with Michigan Manufacturers Association	April 11, 2013	Lansing, MI
“The K.I.S.S. Principle in Environmental Litigation,” with Charles Denton	May 21, 2013	Webinar
"In Search Of . . . Judicial Guidance under Part 201	June 11, 2013	Webinar

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ELS Annual Summer Program: Topic Regarding Energy and Sustainability	June 21, 2013	Bath, MI
Annual Meeting and Program	September 19, 2013	Lansing, MI

**LEGISLATIVE ISSUES:** Numerous individual members of the Section actively work on legislative issues, as advocates, spokespersons and experts. Those members regularly share their experiences with the Section and offer their opinions and outlooks. However, the Section itself is not presently active with respect to any pending legislative issues.

**RECOMMENDATIONS FOR NEXT COUNCIL:** The next Council is encouraged to continue the focus on the growth and diversity of Section membership, starting with law school students and continuing through newer practitioners. Continued outreach through multiple media adds value for the existing members and encourages new members to be involved as recipients and providers of a wide spectrum of programming. Cooperative efforts with other sections of the State Bar and other affinity organizations, as well as among the Committees of this Section, can bring synergistic effects. Also, continuing the ongoing efforts to secure more stable committee leadership and to develop more committee/section member interaction and continuing to increase value for section members, with a focus on effective transitioning from committee membership to effective leadership, should remain in the forefront to assure continued growth for the Section and its membership.

**OTHER INFORMATION:** The Section is on a sound financial footing despite a net loss of membership during the economic downturn. Several multi-year initiatives continue to show progress, including to significant headway toward completion of a second edition of its online Deskbook and the transition of the Deskbook to systems preferred by the State Bar of Michigan.

**Reports must be submitted by May 31, 2013, to:**

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Administrative Assistant  
306 Townsend Street, Lansing MI 48933  
E-mail: [jwilliams@mail.michbar.org](mailto:jwilliams@mail.michbar.org)  
Phone (517) 367-6421, Fax: (517) 372-1139

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**SECTION NAME:** Have there been any changes in the section name? Details provided may be interesting to the public and other readers.

**There have been no changes to the section name.**

**SECTION MISSION STATEMENT:** A section's mission statement is a critical description of the goals the section sets for the whole of its membership. Including the statement in an Annual Report serves as a yardstick by which to measure progress.

**See above.**

**OFFICERS AND COUNCIL MEMBERS:** Including P#s; accurately identifies officers and the council.

**See above.**

**SECTION COMMITTEES:** Descriptions of the various committees provides a clearer picture of a section's work, especially if the name of the chair and description of committee activities are included. Including meeting schedules allows potential future volunteers for committee work to better understand the frequency with which the committee meets.

**THE AIR COMMITTEE OF THE ENVIRONMENTAL LAW SECTION** is composed of attorneys interested in federal, state, and local air pollution control laws and policy. Air laws and policies continue to evolve and raise significant issues for government, business, and citizen organizations in Michigan. The Air Committee meets several times a year to discuss emerging air-related topics, organize air-related programs, and conduct other types of outreach to Environmental Law Section members, including sponsoring site visits.

The Air Committee welcomes any Environmental Law Section member interested in air issues to participate in upcoming activities, which are typically publicized through the Environmental Law Section e-mail distribution list, calendar, and social media outlets.

**THE ENVIRONMENTAL LITIGATION AND ADMINISTRATIVE PRACTICE COMMITTEE** is responsible for legal issues that relate to environmental disputes in administrative, state, and federal jurisdictional forums. The committee periodically arranges programs on these topics. The environmental litigation committee welcomes any Section member interested in the foregoing issues and maintains an e-mail list to notify members of meetings and events.

**THE HAZARDOUS SUBSTANCES AND BROWNFIELDS COMMITTEE** is responsible for legal issues that relate to the treatment, storage, disposal, and remediation of hazardous substances (including hazardous wastes) under both federal and state law, including CERCLA, RCRA subtitle C, and Parts 111 and 201 of NREPA. It is also responsible for the topics of liability under those statutes for injunctive relief, recovery of response costs and natural resource damages, related contribution actions, and associated claims for insurance coverage. Finally, it is responsible for the topic of managing transactions that are

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complicated by the real or potential presence of hazardous substances by environmental investigations, baseline environmental assessments and related mechanisms, environmental insurance, and incentives for brownfield re-development.

The Hazardous Substances Committee welcomes any Environmental Law Section member interested in the foregoing issues and maintains an e-mail list to notify members of meetings and events.

**MICHIGAN ENVIRONMENTAL LAW JOURNAL/PUBLICATIONS:** The Journal Committee publishes a quarterly electronic newsletter that includes scholarly articles about environmental issues, as well as information about section activities and events, important decisions by Michigan and federal courts in environmental cases, and new Michigan environmental regulations and legislation. The committee increases the level of interest in environmental law by sponsoring an annual writing competition among law students at all Canadian and U.S law schools. Winners of the writing competition receive generous cash awards and have their articles published in the section's Michigan Environmental Law Journal.

**THE MEMBERSHIP COMMITTEE** mission is to: (1) assist the Section and each of the other committees in their respective functions by providing useful information about the membership of the section and its needs and interests; (2) increase Section membership; and (3) promote race/ethnic and gender diversity in the membership and leadership of the section. The Membership Committee encourages any interested Environmental Law Section members to join this committee or attend the next meeting.

**THE NATURAL RESOURCES COMMITTEE** tracks developments in federal state and local laws and regulations that relate to issues concerning natural resources, including wetlands, oil and gas, mining, forestry, and fisheries. The Committee periodically arranges programs on these topics.

**THE PROGRAM COMMITTEE** plans educational programs for the benefit of Section members. The Committee meets monthly by phone for about an hour to discuss the needs and interests of the members. The programs are designed to provide members with information on important new developments and opportunities for socializing and networking with other Section members. The length and content of programs vary widely, from informal lunch roundtables covering one topic to multiple day seminars that cover numerous topics. The committee selects dates, locations, and general themes for the programs, and one or two committee members will chair or co-chair the programs. The chair/co-chairs arrange for speakers and other details of the programs. Certain program committee members also function as liaisons to the subject matter committees to facilitate programming for those committees. This year the Committee has increased the Section's utilization of webinars as one of its programming methods.

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In short, the Program Committee provides opportunities for members to be kept informed on important new developments in the environmental legal landscape. Planning those opportunities is an effective and fun way to participate in Section activities. The Program Committee welcomes any Environmental Law Section member interested in keeping Section members up to date on current events and maintains an e-mail list to notify members of meetings and events.

**THE TECHNOLOGY COMMITTEE** supports the Section's use of Bar-provided resources such as the list serve and the website, and investigates, develops and supports the use of newer communications technologies as suggested by the Section. The Technology Committee also investigates and prepares presentations for the Section on new environmental technologies. The Technology Committee welcomes any Environmental Law Section member interested in the section's technology related issues, and maintains an e-mail list to notify members of meetings and events.

**THE WATER COMMITTEE** tracks developments in federal, state, and local regulation of discharges to and use of surface water and groundwater. The Committee periodically arranges programs in which experts in water law discuss important developments in surface water or groundwater regulation. These programs also offer an opportunity for Section members to meet and benefit from learning about other attorneys' experiences in working on water-related matters. The Water Committee welcomes any Environmental Law Section member interested in the foregoing issues and maintains an e-mail list to notify members of meetings and events.

**THE ENERGY COMMITTEE AND THE SUSTAINABILITY/CLIMATE CHANGE COMMITTEE** have been reorganized into a single Committee and will post the combined Committee mission on the website as soon as it is finalized.

**SECTION MEMBERSHIP:** Section membership fluctuates from year to year. Tracking the membership numbers at a set time of year, such as the Annual Report deadline, can provide a good picture of changes in the section membership.

**We have initiated a new form of outreach to section members about lapsed membership and the benefits for members of participating in the section listserv, and are seeing positive results from that outreach.**

**571 Members as of May 29, 2013**

**SECTION BYLAWS:** Awareness of bylaw changes can be critical for understanding a section's operation. Including the most recent revision date of the bylaws will allow readers familiar with the bylaws to ensure they have the most current version at hand. Additionally, if there are any forthcoming changes, this is a good opportunity to summarize plans briefly.

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Visit [www.michbar.org/environmental](http://www.michbar.org/environmental) to obtain the most current version. There have been no recent revisions.

**SECTION PUBLICATIONS:** Some of the most frequent questions for sections are in regard to publications the section has produced. Providing a list including publication information for journals, newsletters, and other publications creates a valuable resource.

**The Section has published the second edition of the Michigan Environmental Law Deskbook, consistent with our educational mission and this valuable resource is available electronically and is being updated for the benefit of all interested readers. Similarly, our respected Environmental Law Journal is in electronic format and with renewed energies and talents has been published regularly during the Bar year. Access to both publications is available on our website.**

**MEETINGS, ACTIVITIES, AND SEMINARS:** This is critical information for the Annual Report. Describing meetings, activities and seminars can be detailed, or brief. Suggestions for information to include are the date, location, and a minimum of one paragraph describing the event.

**Current and past event information is available on our website. Events are shown above on the template.**

**SECTION LEGISLATURE AND POLICY:** The section's involvement in legislature, policy, or *amicus curiae* is a matter of great interest, many questions are asked regarding the sections involvement in such. A brief description of any such involvement is requested, as this falls under the heading of section activities.

**See above.**

**AWARDS:** Many sections present awards, honors, or scholarships. The Annual Report is another opportunity to laud the recipients, as well as detail any awards presented to the section itself. A description of the history of the award, or why the award is given, is useful.

**The Environmental Law Section sponsors an annual environmental law essay contest open to students in U.S. and Canadian law schools. First place prize is \$2,000, second place is \$1,000 and third place is \$500.**

**FINANCIAL REPORT:** Section finances vary from simple to complex. A brief statement of general budget information would be very appropriate to include in any Annual Report, or a reprinting of an annual treasurer's report if the section feel it is necessary.

**See above.**

**FUTURE GOALS AND ACTIVITIES:** Because the Annual Report is often used as a resource for future planning, and is viewed by members of the public who may be considering membership in the

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section, a brief description of future goals and activities is recommended. This may also serve as a recommendation to the next council.

**See above.**