

## State Bar of Michigan | 2016-2017 SECTION ANNUAL REPORT

### Article VIII §1, Bylaws of the State Bar of Michigan

*Every Section and State Bar entity so directed by the Board of Commissioners or Representative Assembly shall annually make a written report containing a summary of its activities during the association year which shall be submitted to the Secretary on or before May 31. Annual reports may not exceed five 8 1/2" x 11" pages unless a waiver of this limitation is approved by the Executive Director.*

### Environmental Law Section

#### Chair

P47229 Dennis J. Donohue  
Warner Norcross & Judd LLP  
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#### Chair-Elect

P42490 Scott J. Steiner, Grand Rapids

#### Secretary-Treasurer

P66968 Kelly Marie Martorano, Troy

#### Council Member

##### Term Ending: 2017

P64456 Rebecca J. Cassell, Howell  
P70105 Ross A. Hammersley, Traverse City  
P28179 Steven C. Kohl, Southfield  
P44166 AnnMarie B. Sanford, Southfield

##### Term Ending: 2018

P69719 Paul Michael Collins, Lansing  
P46455 James P. Enright, Grand Rapids  
P69431 Tammy Lyn Helminski, Grand Rapids  
P66968 Kelly Marie Martorano, Troy  
P33213 Dustin P. Ordway, Traverse City  
P66358 Todd C. Schebor, Detroit

##### Term Ending: 2019

P44331 Douglas G. McClure, Ann Arbor  
P32516 Susan J. Sadler, Bloomfield Hills  
P70888 Nicholas Joseph Schroeck, Detroit  
P70185 Scott Michael Watson, Grand Rapids

#### Commissioner Liaison

P56304 Colleen A. Pero, Lansing

#### Ex Officio

P48100 Anna M Maiuri, Troy  
P53862 William R. Schikora, Northville  
P33213 Dustin P. Ordway, Traverse City  
P54061 Kurt M. Brauer, Southfield  
P48907 S. Lee Johnson, Detroit

#### Administrator

Mary Anne Parks, Troy

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**Council Meeting Schedule:**

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Please attach any additional information needed regarding Council meetings as an addendum.

Meeting Type	Date	Location
Annual Business Meeting	9/22/16	Grand Rapids, MI
Council Meeting	1/11/2017	Southfield, MI
Council Meeting	4/13/17	Lansing, MI
Council Meeting	6/7/2017	Grand Rapids, MI

**Addendum Information:** Please list any addendums attached.

Meeting Minutes from 09/22/16, 01/11/17, draft minutes for 4/13/17

**Events and/or Seminars:**

Please attach any additional information needed regarding events and/or seminars as an addendum.

Event or Seminar Title	Date	Location
Joint Program with E&W Chapters of the Air & Waste Management Association	12/1/16	Lansing Community College
Endangered Species and Land Act Webinar	3/7/17	
Environmental Lawyers New Frontier- Vapor Intrusion Webinar	3/30/17	
Spring Air Conference with MMA	4/13/17	MMA, Lansing
Vapor Intrusion Due Diligence Webinar	4/25/17	
Annual Program-Flint Water Update	9/22/16	Grand Rapids

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**Legislative issues:**

None

**Recommendations for next Council:**

Continue to look at and explore additional joint program opportunities.

**Other Information:**

The section published the 2017 spring issue of the Michigan Environmental Law Journal Spring  
The section is in the process of revising and updating its bylaws this year, to be finalized at the annual meeting.

As part of the bylaws update, we will be approving a dues increase.

**Reports must be submitted before May 31, 2016 to:**

Jennifer Williams  
Administrative Assistant  
306 Townsend Street, Lansing MI 48933  
Email: [jwilliams@mail.michbar.org](mailto:jwilliams@mail.michbar.org)  
Phone 517-367-6421 Fax: 517-482-6248

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## MEETING MINUTES

### STATE BAR OF MICHIGAN- ENVIRONMENTAL LAW COUNCIL September 22, 2016 - 4:45 to 5:45 p.m.

*Officers Present:* Bill Schikora (Past Chair), Dennis Donohue (Chair Elect), Scott Steiner (Vice Chair Elect), Kelly Martorano (Secretary/Treasurer Elect).  
*Next meeting:* January 11, 2017

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The Meeting was held directly after the State Bar Annual Meeting and Programming.

1. June 24, 2016 Minutes. A Motion to approve the Minutes was made and seconded, approved by voice vote.
2. Chairman's Report. Bill Schikora offered his final comments and thanks as chair of the Section and handed over the duties to Dennis Donohue as the incoming Chair. Presentation of Plaque to Mr. Schikora.
3. Secretary/Treasurer's Report. Scott Steiner provided a brief review of the written Secretary/Treasurer's report and 2016 year end budget report.
4. Administrator's Report. Mary Anne Parks is now the Section Administrator and has been helping plan events and coordinate online/email content, such as the listserv and Linked-In. Mary Anne will also be available to plan and coordinate webinars/seminars in 2017.
5. Announcements. Dennis Donohue reported that in addition to his transition as Chair, Scott Steiner will fill the position of Vice Chair and Kelly Martorano has accepted the position of Secretary/Treasurer. Dennis also noted that there is one open council position and asked for recommendations.
6. Journal Writing Competition Awards Presentation.
7. Standing and Subject Matter Committee Reports. None presented.
8. Strategic Planning Committee. Bill Schikora reported that a draft of the member survey is in the final review stages and will be distributed in early 2017.
9. Action and Discussion.

The Council voted to continue to waive the annual student member and governmental member dues. There was some discussion regarding raising dues in 2017. No action was taken and discussion will continue at the next meeting.

Meeting adjourned.

MINUTES

State Bar of Michigan  
Environmental Law Section Meeting  
Southfield Office of Warner Norcross and Judd  
January 11, 2017 - 6:00pm

Meeting called to order 6:01pm

In attendance:

Dennis Donohue – Chair	Kurt Brauer
Scott Steiner – Vice Chair	Sue Sadler
Ann Marie Sanford	Kurt Kissling
Kelly Martorano – Secretary/Treasurer	Todd Schebor
Chris Dunskey (by phone)	Dustin Ordway (by phone)
Paul Collins (by phone)	Ross Hammersley (by phone )
Scott Sinkwits (by phone)	Tommy Helminski (by phone)
Bill Schikora (by phone)	Doug McClure (by phone)
Steve Kohl (by phone)	Mary Anne Parks - Administrator

1. **September 2016 Minutes.** A motion to approve the minutes was made and seconded, approved by voice vote.

2. **Chairman's Report.** Dennis Donohue presented the following report:

- a. Acceptance of Committee reports received. No need for written reports from committee chairs that are present in-person or by phone and can provide a verbal report.
- b. Council vacancy due to Brad Sysols departure.
  - The question is whether the council needs to replace him and ultimately do we need such a large council?
  - Currently the Council has 15 plus representatives and one ex officio member. Should we get down to 12 people in the next several years?
  - Mr. Donahue and Mr. Steiner suggested that the Section Bylaws would need to be amended, per State Bar rules. We would need a resolution to change the Bylaws, publish at annual meeting and present to Board of Trustees.
  - Mary Anne commented that there are twelve people on Administrative Law Section Council.
  - Discussion regarding the amendment of the Bylaws as relates to council size. It was suggested that we could amend to say that the Council shall have up to X number of members, so there is flexibility.



- We need to increase flexibility for people to move into leadership positions (not having to have 3 years on Council, such strict requirements).
  - We want flexibility, but also want to avoid the need to do any further amendments to the bylaws in the future.
- c. Margarethe Karney(sp?) has agreed to be on the programs committee. Kelly will step-down from the membership committee due to Secretary/Treasurer duties and Anne Marie Sanford will handle membership.
- d. Membership is a standing committee in the bylaws, should we review this committee and others and possible change when we make changes to the bylaws?
- e. Doug McClure is seeking a co-chair for litigation committee.
- f. Ontario Bar Association - Joint Program. They have a long term program planning approach. Lynn Mitchell (Dennis's Counterpart for the Ontario Bar Association). Special ad hoc committee to look into this type of program? Yes, Dennis, Anne Marie, Sue agreed to participate on ad hoc committee to discuss/review options. Dennis will report back after further discussion with the Ontario Bar Association.
- g. Webinars/Events Calendar. Anne Marie suggested that maybe we could assign committees to cover a webinar each quarter. That way committee will know they need to produce a webinar and we will have some firm commitments.
- h. MMA has asked about partnering with other media specific groups for webinars/seminars, such as waste, water, etc.
3. **Treasurer's Report.** Kelly Martorano presented the Treasurer's report showing 2016 year end totals and provided a draft 2017 budget.
- a. Dues increase for 2017 - think about it and vote on it at the April meeting or put off until strategic planning is done? The consensus was that we should prepare to vote on it at the April meeting.
  - b. Upon review of the draft budget there was further discussion regarding the continued need for some budgeted items. K. Martorano will look at the Budget and adjust based on discussion and then put together final budget for approval at the April meeting.

4. **Administrator's Report.** MaryAnne says there are 409 survey responses. Upcoming events, include the Spring Air Conference with MMA and she is involved in planning. There is a need for some additional help with the Section Journal. Eliminated Facebook, Twitter is active. We do not have any scheduled webinars for first quarter 2017. She is making updates to the webpage at least once per week. She has tried to obtain a video or disk with the fireside chat from Grant Trigger to post on the webpage and use for marketing purposes. This video was from the 25th anniversary event. We are up to 33 Twitter followers!

5. **Standing Committee Reports.**

- Deskbook – absent
- Membership – Anna Marie, how can you service your members? The current survey is aimed at answering this question.
- Programs Committee – Todd Schebor, Summer Program to be held at the Bengal Center June 8<sup>th</sup> (especially because we have a credit there).
- Law Journal - Chris Dunskey, he expects to publish end of January/early February

6. **Subject Matter Committees.**

- Air Committee, Kurt and Paul, April 13th program with MMA – The are doing it differently this year. Sponsorship/articles, etc. You'll have more content at the conference to look at.
- Environmental Litigation and Administrative Practice Committee, Doug McClure, he wants to explore webinar ideas with committee members and produce a webinar.
- Natural Resources Committee, Sue Sadler, working on a webinar that will be a 101 and 201 on Endangered Species Act. Trying to make the program broad.
- Great Lakes and Inland Waters Committee, Ross Hammersley, Recent ALJ opinion on Anglers of the Ausable case, they were planning a webinar of this case.
- Hazardous Substances and Brownfields Committee, Tammy Helminski, they hope to have a webinar topic soon and then they will present something.

7. **Strategic Planning.** Bill Schikora noted that the membership survey was recently sent via e-mail to all ELS members; we've had a good response so far. Please ask colleagues and clients to fill out the survey.

Deleted Liaison reports from the agenda. We no longer have any!

Next Meeting - April 13th at 2:30pm, following the MMA meeting.  
Then the next meeting is June 8th, 2017 at Bengal Center.

Meeting Adjourned at 7:11pm

MINUTES

State Bar of Michigan  
Environmental Law Section Meeting  
Michigan Manufacturers Association – Lansing  
April 13, 2017 - 2:00pm

Meeting called to order at 2:00pm

In attendance:

Scott Steiner – Vice Chair	Sue Sadler (by phone)
Kelly Martorano – Secretary/Treasurer	Bill Schikora (by phone)
Paul Collins	Todd Schebor (by phone)
Scott Sinkwits	Dustin Ordway (by phone)
Steve Kohl	Ross Hammersley (by phone )
Kurt Kissling	Tommy Helminski (by phone)
Margrethe Kearney	Doug McClure (by phone)
Mary Anne Parks - Administrator	Jim Enright (by phone)

1. **January 2017 Minutes.** A motion to approve the minutes was made and seconded, approved by voice vote.
2. **Chairman's Report.** Dennis Donohue was out of the country and unable to attend so Scott Steiner presented the Chairman's report as follows:
  - a. A draft version of the updated and revised Environmental Law Section Bylaws was distributed to the Council prior to the meeting. Changes were made to the provisions discussing the size of the Council, the qualifications for being nominated to serve on the counsel, and counsel dues.

Mr. Enright suggested that we also look at the section on term limits for Council members and committee chairs; how do the draft revisions impact current Council members. Nomination to serve as a member, 4 full years as a member. Term limits for subject matter committees. Are term limit provisions something that we even want for committees?
  - b. Comments and suggested revisions to the draft Bylaws should be sent to Mr. Donahue by **May 24<sup>th</sup>**.
  - c. Next steps will be to review comments and final draft of the Bylaws at the June 7<sup>th</sup> council meeting and present the revised Bylaws for a vote by the ELS at the Annual State Bar Meeting September 28/29.



- d. Ontario Bar Association - Joint Program. Planning for this event is ongoing.
- e. Webinars/Events Calendar.
  - i. Hazardous Waste Committee held a successful webinar on vapor intrusion and has another one coming up on April 25<sup>th</sup>.
  - ii. Natural Resources Committee held a webinar on endangered species.
  - iii. Air committee involvement in April 13<sup>th</sup> joint program with MMA
- f. Michigan Environmental Law Journal (MELJ). Chris Dunsky is stepping down after many years of dedicated service on the MELJ. ELS appreciates his dedication and he will be sorely missed. Discussed finding other volunteers for this job. Also discussed taking on a new approach to the MELJ, capitalizing on social media outlets, student involvement, etc. Is SBM Connect a good forum for blog posts/articles?
- g. One law student has expressed interest in getting students to attend the annual meeting, work on strategic planning and outreach to students and young professionals. Danil? MaryAnne/Dennis to respond to him or keep in touch with him.

3. **Treasurer's Report.** Kelly Martorano presented the Treasurer's report showing Section fund balance as of the end of February 2017 is \$50,185.89, which still exceeds the ending fund balance for FY 2016. Expenses as of the end of February were \$3,164.

Presentation of 2017 budget. Some expenses eliminated such as student writing contest awards. Discussion regarding MELJ expense for Chris Dunsky.

- A motion to approve the 2017 budget was made and seconded, approved by voice vote.
- A motion to approve the budget line item for the Michigan Environmental Law Journal, of \$2,500 and to pay Chris Dunsky for his service was made and seconded, approved by voice vote.

4. **Administrator's Report.** MaryAnne is working on preparations for the annual meeting in September. We need to provide an explanation to the State Bar of the programs we are doing for the Annual Meeting. The State Bar has an event that they want people to attend during the Annual Meeting; therefore, we have adjusted our council meeting time to be from 11:30-12:30pm, with programs to follow and SBM social event at 5:00pm.

She is making updates to the webpage at least once per week and posting events and materials. The MMA event today was successful.

**5. Standing Committee Reports.**

- Programs Committee – Todd Schebor, Summer Program cancelled. Focus is on annual meeting in Detroit; program committee is looking for ideas and topics.

**6. Subject Matter Committees.**

- Air Committee, Kurt and Paul, program with MMA today was successful, reasonably well attended. We will get survey/feedback information and can see how we did with overall financially and participation levels.

DEQ is considering a waste program this fall during the same week as the annual East and West Michigan and State Bar Joint Conference. They have asked us to potentially move that conference so it does not conflict with DEQ event. Could move the event date and location to Cooley Law School. May be a consideration for future events. Wait to see what West Michigan decides to do because they are leading the joint conference planning this year. Kurt will keep us posted.

- Environmental Litigation and Administrative Practice Committee, Doug McClure, he had a planning conference call and there were 20 participants/members of the committee. Possible webinar topics include Enbridge case at MI Supreme Ct., aqua culture regulations, NESHAP/asbestos.
- Natural Resources Committee, Sue Sadler, working on a sustainability webinar/seminar.
- Great Lakes and Inland Waters Committee, Ross Hammersley, aquaculture webinar. Nick and Ross think this could be bigger than a webinar and want to gauge interest. Possible other topics include a hatchery case or water law in general.
- Hazardous Substances and Brownfields Committee, Tammy Helminski/Jim Enright, upcoming webinar on vapor intrusion and due diligence.

- 7. Strategic Planning.** Bill Schikora noted that the membership survey was recently completed and we got approximately 40 complete responses. More data gathering needs to be done and then they would like to target specific groups of people (i.e. non-profits, government, industry).

8. Miscellaneous/General Discussion.

- Motion to approve \$500 for a representative of the ELS to go to the Mackinaw Conference, motion seconded, approved by voice vote.
- How can we offer CLE credits for our webinars, specifically to those out-of-state participants who need them? The ELS should look into and discuss at the next meeting. MaryAnne will check with the State Bar to see if they have any insight.

Next Meeting – June 7<sup>th</sup>, 5:30pm; Grand Rapids offices of Warner Norcross & Judd.

Meeting Adjourned at 3:03pm