

November 2009

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#### Chair's Letter from Tania E. (Dee Dee) Fuller

Over the next year, we are planning to update the Business Law Section's Strategic Plan. We are hoping to compile a reasonable sized group of individuals to work on this project, including some representatives who may not have been active in Section activities in the past. Please consider taking advantage of this extraordinary opportunity to develop a long term plan for our Section. It is a great way to make your voice heard.

One of the first steps in developing the Strategic Plan is to obtain input from Business Law Section members to find out what you would like the Section to do for you. We hope to do this by providing a short survey for all Business Law Section members to complete. Please look for that survey this fall and we look forward to receiving your timely and thoughtful responses.

#### Time to Shake Off the Grey Skies of November

A (Habeas) Chorus Line presents its show "The Days of Swine Neurosis" on Friday, November 6. The energetic and engaging show will be at the Berkley High School, Berkley. If that is not enough, Section leadership has made reservations to gather after the program at 24 Seconds, Berkley. Hope to see you there.

#### Case Highlight: Mommy, Daddy, Where Did All the Field Trips Go?

For many years businesses and schools have utilized release and waivers to minimize the risk associated with operating recreational events for children. These releases simply ask that the parent waive all right to sue if their child is injured. However, recently the Michigan Supreme Court held oral arguments in a case challenging the validity of these releases. In *Woodman v. Kera, LLC*, the plaintiff rented an indoor play arena for her five-year-old son's birthday party and on the day of the party, the boy's father signed a release on his son's behalf. The boy jumped off the top of a bouncy slide, breaking his leg, and his mother sued the owners of the facility. The trial court dismissed the case relying upon the release; however, the Court of Appeals reversed, relying on the common law rule that a parent has no authority to waive or release his or her child's rights. Should the Michigan Supreme Court carve out an exception to this general rule based on the fact that society has been using these waivers for years? Should enforceability be limited to ordinary negligence to protect children from the poor judgment of parents or those who are placed in charge of children?

## Section Events

- November 4—Nonprofit Corporation Committee Meeting (Dykema, Detroit)
- November 4—Debtor/Creditor Rights Committee (Honigman Miller Schwartz and Cohn, Bloomfield Hills)
- December 5—Section Council Meeting (Detroit)
- May 21 and 22—Annual Business Law Institute (Grand Rapids)

## Other Events

- November 6—Michigan Defense Trial Counsel Winter Meeting Emerging Issues in Commercial Litigation (Troy Marriott)