

STATE BAR OF MICHIGAN – BUSINESS LAW SECTION
MINUTES OF SPECIAL COUNCIL MEETING

April 7, 2020

Pursuant to notice duly given, and pursuant to Article VI, Section 10 of the Bylaws of the Business Law Section of the State Bar of Michigan, a special meeting of the Council of the Business Law Section was held on April 7, 2020 by telephone conference. Council members present were Jennifer Consiglio, Julia Dale, Bruce Haffey, Shane Hansen, Mark Kellogg, Michael Molitor, John Schuring, J. Scott Timmer, Ian Williamson, and Christopher Yates. In addition, Committee Chairs, Directors, and Liaisons present were Donald DeLong and Kevin Block. Others present were James Carey and Terri Shoop.

Section Chair Jennifer Consiglio called the meeting to order at approximately 3:30 p.m. and determined that a quorum was present.

The sole purpose of the special meeting of the Council was to consider the position of the Business Law Section with respect to the Michigan Coalition for Impartial Justice’s proposed amendment to Judicial Canon 2(F) to prohibit membership in organizations that practice invidious discrimination (the “Proposed Amendment”), and the recommendation by the Michigan District Judges Association to include commentary to add clarification to the Proposed Amendment (the “Proposed Commentary” and, collectively with the Proposed Amendment, the “Proposals”), in each case as presented to the Representative Assembly in connection with its April 25, 2020 meeting. As of September 18, 2019, the Section took a public policy position in favor of the Proposed Amendment as presented to the Representative Assembly in connection with its September 26, 2019 meeting.

Discussion ensued during which various members expressed concern regarding the Proposals including many which were expressed by the Judicial Section and the Religious Liberty Law Section in the determination of their respective public policy positions with respect to the Proposals.

After discussion, a motion was made for the Section to defer to the Judicial Section, which has subject matter expertise in this area greater than that of the Section, to withdraw its public policy position adopted on September 18, 2019 in support of the Proposed Amendment, and to take no public policy position with respect to the Proposals. The motion was seconded and unanimously approved by all members of the Council present 9-0.

There being no further business to come before the Council of the Business Law Section, upon motion duly made, seconded, and unanimously approved, the meeting was adjourned.

Respectfully submitted,

By _____
Mark Kellogg
Secretary