STATE BAR OF MICHIGAN
SECTION ANNUAL REPORT

Bar Year: 2009

Section Name: Administrative Law

Mission Statement: The Administrative Law Section of the State Bar of Michigan provides education, information and analysis about issues of concern through meetings, seminars, this site, public service programs, and publication of a newsletter. Membership in the Section is open to all members of the State Bar of Michigan.

Officers and Council Members:

Officer	Name	Address	Telephone	Email
Chair	Mark J. Burzych 2010	Fahey Schultz Burzych Rhodes PLC 4151 Okemos Road Okemos, MI 48864	(517) 381-3159	mburzych@fsblawyers.com
Chair-Elect	Michael J. Watza 2011	Kitch Drutchas Wagner Valitutti & Sherbrook 1 Woodward Ave., Ste. 2400 Detroit, MI 48226	(313) 965-7983	Mike.watza@kitch.com
Secretary	Richard A. Patterson 2011	State Office of Administrative Hearings & Rules 525 W. Allegan St. P.O. Box 30473 Lansing, MI 48909	(517) 335-4226	pattersr@michigan.gov
Treasurer	William J. Ard 2009	Law Office of Josh Ard PLLC 1340 Trotters Lane Williamston, MI 48895	(517) 655-9782	josh@ardlaw.com

Member	Term	Member	Term
Charles D. Jones	2009		
Robert W. Kehres	2009		
Louis J. Porter	2009		
Kimberly A. Breitmeyer	2010		
Christopher L. LaGrand	2010		
Gary P. Gordon	2010		
Michael S. Ashton	2011		
Kristin Smith	2011		

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

The Section held its annual meeting at the same time as the State Bar of Michigan (SBM) Annual Meeting in September 2008. The Section Council met almost every month during this past year at the State Room at the MSU Kellogg Center. Meeting agendas covered a host of issues, including: legislative and court rule review referrals from the SBM; event planning; newsletter; special presentations. Meetings also provided a forum for the exchange of views and a dialogue between Council members with varying types of legal practice experience. Secretary Richard Patterson is thanked for his short and concise minutes, which eventually will be posted on the website.

General Budget Information: The Section is solvent with reserves in excess of $20,000. The services provided by Treasurer Josh Ard were appreciated with respect to budget monitoring activities.

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

Using SBM meeting planning resources, and through the efforts of Council member volunteers, the Council hosted the following events:

1. On September 18, 2008 at the State Bar of Michigan Annual Meeting in Dearborn, the Administrative Law Section hosted its Annual Program consisting of an expert panel of presenters that discussed the Best Practices in Developing an Administrative Record. The panel consisted of William K. Fahey, founding member of Fahey Schultz Burzych Rhodes PLC, who represented the private practitioner point of view; Gerald Whalen, Chief Assistant Attorney General, Alcohol and Gambling Enforcement Division, who represented the Attorney General perspective; Gregory Holiday, Administrative Law Judge Manager, State Office of Administrative Hearings and Rules, who represented the perspective of Administrative Law Judges; Robert Kehres, Director of Regulatory Affairs, Michigan Public Service Commission, who represented the perspective of an Order Writer Staff; Ken Ross, Commissioner of the Office of Financial and Insurance Regulation, who represented the perspective of the agency head and decision maker in administrative hearings; and Ingham County Circuit Court Judge Joyce Draganchuk, who represented the perspective of the reviewing court on appeal of final agency decisions.

2. On December 12, 2008, Gregory Holiday, Administrative Law Judge Manager from the Detroit Office of the State Office of Administrative Hearings and Rules, presented the results of his survey of Administrative Law Judges to the Administrative Law Section at a Luncheon Lecture at the Kellogg Center in East Lansing. Approximately 65 Administrative Law Section members attended the luncheon lecture to hear about what ALJs want practicing attorneys to know about administrative hearings. During the months of July and August, 2008, ALJ Holiday surveyed 105 ALJs, both state and federal. The purpose of ALJ Holiday's survey was to get the perspective of administrative law judges regarding best practices in developing administrative records, to provide the administrative law judges' perspective on hints and tips for practitioners that appear before administrative agencies.

3. In January 2009, several members of our Section prepared and conducted a State Administrative Law seminar for the "Law School for Legislators" program hosted by the State Bar. Special thanks and recognition go to Steve Gobbo, Brian Devlin, Gary Gordon, Bob Kehres, Chris LaGrand, Richard Patterson and Mike Watza, who prepared and presented various Administrative Law topics to the new State Legislators and their staff in attendance. On behalf of the Section, Thank You!

4. On February 27, 2009, the Section co-hosted a luncheon program with the Public Corporations Section featuring Chief Judge Patricia Helm of the Michigan Tax Tribunal. Also speaking and in attendance were all the Tax Tribunal Judges and senior staff. The Tax Tribunal provided a "standing room only" crowd with an update of the Tribunal's docket, a summary of the Tribunal's scheduling procedures and a thorough discussion of the effects that declining property values have on the Tax Tribunal's workload and procedures. Over 110 members and guests attended this event at the Kellogg Center in East Lansing, and more would have attended had space been available. Special thanks to Mike Watza for organizing this great event! And thanks to our active Section members for embracing the programs that the Council has scheduled.

5. On May 13, 2009, the Section hosted another luncheon program with the Michigan Public Service Commissioners, Administrative Law Judges and senior staff members. This has consistently been a well-attended event, and this year was no exception. Over 125 members and guests attended this event at the Michigan State University Club, 3435 Forest Road, Lansing, Michigan. The guest speaker was Liesl Clark, Deputy Director of the Michigan Department of Energy, Labor and Economic Growth.

6. At the State Bar Annual Meeting in September 2009, the Administrative Law Section will be pleased to host Michigan Court of Appeals Judge William Whitbeck as our guest speaker. This year's annual meeting is sure to be another great program and the culmination of an exciting year for our Section.

Legislative issues: Nothing contemplated or pending on which the Council will take a position at this time.

Recommendations for next Council: Continue with plans to offer meaningful programs and events for the benefit of the Section membership and others interested in administrative law. The Council should continue the publication of the Section newsletter. The renewal of this member benefit this year was largely due to the efforts of Editor Jack Dempsey and Council member Kim Breitmeyer.

Other Information:

In June 2008, the Council decided to survey the membership to determine what the membership wants the Administrative Law Section Council to focus its efforts on. The membership survey is informative and instructional. The membership has provided this Council with a roadmap for this year and in the coming years.

The membership believes that the most important activities of the Section should be substantive programs or events that focus on specific regulatory issues or industries. 59% of our membership believes that substantive program events are "very important." The membership also values our newsletter, the Administrative Law Journal, and opportunities for networking with other administrative law attorneys, administrative law judges and judges.

With regard to subject matters for programs, more than half of the membership surveyed said that they were "highly likely" or "likely" to attend programs dealing with the subject matters of the Public Service Commission (63%), Office of Financial and Insurance Regulation (57%), DEQ (56%), DNR (51%), Secretary of State (52%), Bureau of Health Services (45%), and Michigan Tax Tribunal (45%). The Council should take this data seriously.

The Council has often questioned where it should host events. On this issue, the membership spoke loudly and clearly. When asked to rank locations from most preferred to least preferred, Lansing was far and away the most preferred location (79% of the membership ranked Lansing as the most preferred location.)

The Council will also continue the publication of the Administrative Law Journal. Special Section gratitude goes out to Jack Dempsey and Kim Breitmeyer for continuing to lead the charge on this publication!

Finally, thank you to all of the members who responded to the survey. These responses are being used by the Council to guide our actions on behalf of the membership. The results were very interesting and invigorating. You may view the survey results on the Section's website: www.michbar.org/adminlaw.

Reports must be submitted before May 31 of each year, to:

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