

*43rd Annual Report
2010*

*Michigan
Law
Revision
Commission*

Term Members:

RICHARD D. MCLELLAN,
Chairperson

ANTHONY DEREZINSKI,
Vice Chairperson

GEORGE E. WARD

WILLIAM C. WHITBECK

Legislative Members:

SENATOR RAYMOND BASHAM

SENATOR BRUCE PATTERSON

REPRESENTATIVE MARK MEADOWS

REPRESENTATIVE TONYA SCHUITMAKER

Ex Officio Member:

JOHN G. STRAND

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Michigan
Law Revision Commission

FORTY-THIRD ANNUAL REPORT
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This report may be downloaded from the Commission's Internet website,
<http://council.legislature.mi.gov/mlrc.html>

MICHIGAN LAW REVISION COMMISSION
FORTY-THIRD ANNUAL REPORT TO THE LEGISLATURE
FOR CALENDAR YEAR 2010

To the Members of the Michigan Legislature:

The Michigan Law Revision Commission hereby presents its forty-third annual report pursuant to section 403 of Act No. 268 of the Public Acts of 1986, MCL § 4.1403.

The Commission, created by section 401 of Act No. 268 of the Public Acts of 1986, MCL § 4.1401, consists of two members of the Senate, with one from the majority and one from the minority party, appointed by the Majority Leader of the Senate; two members of the House of Representatives, with one from the majority and one from the minority party, appointed by the Speaker of the House; the Director of the Legislative Service Bureau or his or her designee, who serves as an ex officio member; and four members appointed by the Legislative Council. The terms of the members appointed by the Legislative Council are staggered. The Legislative Council designates the Chair of the Commission. The Vice Chair is elected by the Commission.

Membership

The legislative members of the Commission during 2010 were Senator Raymond Basham of Taylor; Senator Bruce Patterson of Canton; Representative Mark Meadows of East Lansing; and Representative Tonya Schuitmaker of Lawton. Legislative Council Administrator John G. Strand was the ex officio member of the Commission. The appointed members of the Commission were Richard D. McLellan, Anthony Derezinski, George E. Ward, and William C. Whitbeck. Mr. McLellan served as Chairperson and Mr. Derezinski served as Vice Chairperson. Gary B. Gulliver served as Executive Secretary. Brief biographies of the Commission members and staff are located at the end of this report.

The Commission's Work in 2010

The Commission is charged by statute with the following duties:

1. To examine the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and to recommend needed reform.
2. To receive and consider proposed changes in law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association, and other learned bodies.
3. To receive and consider suggestions from justices, judges, legislators and other public officials, lawyers, and the public generally as to defects and anachronisms in the law.
4. To recommend such changes in the law as it deems necessary in order to modify or eliminate antiquated and inequitable rules of law, and to bring the civil and criminal law of this state into harmony with modern conditions.
5. To encourage the faculty and students of the law schools of this state to participate in the work of the Commission.
6. To cooperate with the law revision commissions of other states and Canadian provinces.
7. To issue an annual report.

The problems to which the Commission directs its studies are largely identified through an examination by the Commission members and the Executive Secretary of the statutes and case law of Michigan, the reports of learned bodies and commissions from other jurisdictions, and legal literature. Other subjects are brought to the attention of the Commission by various organizations and individuals, including members of the Legislature.

The Commission's efforts during the year have been devoted primarily to three areas. First, Commission members provided information to legislative committees related to various proposals previously recommended by the Commission. Second, the Commission examined suggested legislation proposed by various groups involved in law revision activity. These proposals included legislation advanced by the Council of State Governments, the National Conference of Commissioners on Uniform State Laws, and the law revision commissions of various jurisdictions within and outside the United States. Finally, the Commission considered various problems relating to special aspects of current Michigan law suggested by its own review of Michigan decisions and the recommendations of others.

As in previous years, the Commission studied various proposals that did not lead to legislative recommendations. In the case of certain uniform or model acts, the Commission sometimes found that the subjects treated had been considered by the Michigan Legislature in recent legislation and, therefore, did not recommend further action. In other instances, uniform or model acts were not pursued because similar legislation was currently pending before the Legislature upon the initiation of legislators having a special interest in the particular subject.

Proposals for Legislative Consideration in 2011

In addition to its new recommendations, the Commission recommends favorable consideration of the following recommendations of past years upon which no final action was taken in 2010:

- (1) Use of Technology to Conduct Government Meetings, 2003 Annual Report, page 9.
- (2) Governor's Power to Remove Public Officials from Office, 2003 Annual Report, page 21.
- (3) Immunity for Court-Appointed Psychologists, 2000 Annual Report, page 84.
- (4) Pre-Dispute, Contractual Venue Selection Clauses, 1998 Annual Report, page 203.
- (5) Uniform Unincorporated Nonprofit Associations Act, 1997 Annual Report, page 144.
- (6) Prison Mailbox Rule, 1997 Annual Report, page 137.
- (7) Uniform Conflict of Laws-Limitations Act, 1997 Annual Report, page 151.
- (8) E-Mail and the Freedom of Information Act, 1997 Annual Report, page 133.
- (9) Uniform Putative and Unknown Fathers Act, 1994 Annual Report, page 117.
- (10) Motorcycles and the No-Fault Insurance Act, 1993 Annual Report, page 131.
- (11) Tortfeasor Contribution under MCL 600.2925a(5), 1992 Annual Report, page 21.
- (12) International Commercial Arbitration, 1991 Annual Report, page 31.
- (13) Uniform Contribution among Joint Tortfeasors Act, 1991 Annual Report, page 19.
- (14) Uniform Statutory Rule against Perpetuities, 1990 Annual Report, page 41.

(15) Standardization of Condemnation Powers Provisions, 1989 Annual Report, page 15.

(16) Consolidated Receivership Statute, 1988 Annual Report, page 72.

Current Study Agenda

Topics on the current study agenda of the Commission are:

- (1) Codification of economic development laws
- (2) Elimination of references to non-existent courts
- (3) Review of issues regarding licensure of in-house international lawyers
- (4) Review of Michigan laws affecting transparency in governmental operations
- (5) Survey of other states' laws regarding recusal of judges and campaign contributions
- (6) Constitutional issues regarding imposition of civil fines in lieu of criminal fines or imprisonment

The Commission continues to operate with its sole staff member, the part-time Executive Secretary, whose offices are at Michigan State University College of Law, East Lansing, Michigan 48824. The current Executive Secretary of the Commission is Gary Gulliver, who was responsible for the publication of this report. By using faculty members at several Michigan law schools as consultants and law students as researchers, the Commission has been able to operate on a budget substantially lower than that of similar commissions in other jurisdictions. At the end of this report, the Commission provides a list of more than 120 Michigan statutes passed since 1967 upon the recommendation of the Commission.

The Office of the Legislative Council Administrator handles the fiscal operations of the Commission under procedures established by the Legislative Council.

The Commission continues to welcome suggestions for improvement of its program and proposals.

Respectfully submitted,

Richard D. McLellan, Chairperson
Anthony Derezinski, Vice Chairperson
George E. Ward
William C. Whitbeck
Senator Raymond Basham
Senator Bruce Patterson
Representative Mark Meadows
Representative Tonya Schuitmaker
John G. Strand

A RESOLUTION HONORING STATE SENATOR RAYMOND BASHAM

A resolution to commend and thank the Honorable Raymond Basham for his service to the Michigan Law Revision Commission.

Whereas, It is a pleasure for the members of the Michigan Law Revision Commission to honor former State Senator Raymond Basham for his outstanding service to the commission. His distinguished efforts for the commission began in January 2007 and extended until December 31, 2010; and

Whereas, First elected to the House in a special election in June 1997 and re-elected in 1998 and 2000, Raymond Basham brought with him to Lansing invaluable experiences having been employed by Ford Motor Company for 30 years and having served on the Taylor City Council from 1989 to 1997, and the Taylor Planning Commission from 1993 to 1997. His service in various other positions including his appointment as a Constable, a member of the Taylor Water Commission, and as an Auxiliary Police Officer also gave valuable perspective on the role laws play in all aspects of our society; and

Whereas, He was elected to the State Senate in 2002 and re-elected in 2006, Raymond Basham's Senate committee assignments included Local, Urban and State Affairs; Judiciary; Natural Resources and Environment Affairs; Senior Citizens and Veterans Affairs; and Transportation. His extensive experiences have not only been put to good use through the legislative process, but has also made him a valued contributor to the commission's work; now, therefore, be it

Resolved by the membership of the Michigan Law Revision Commission, That we extend our sincere thanks to Senator Raymond Basham for his exemplary work with this body over the past four years.

A RESOLUTION HONORING GARY B. GULLIVER

A resolution to commend and thank Gary B. Gulliver for his service to the Michigan Law Revision Commission.

Whereas, With gratitude for his commitment to public service, we are proud to salute Gary B. Gulliver and express our gratitude for his commitment to the work of the Michigan Law Revision Commission. Over the past several decades, during an era of significant change in how our state addresses key components of our legal system, Gary Gulliver has rendered exemplary service through his experience and his insights and he has served the Michigan Law Revision Commission with effectiveness and vision; and

Whereas, A graduate of Albion College and Wayne State University Law School, Gary Gulliver began his service with the Michigan Legislature in 1974 when he joined the legal staff of the Legislative Service Bureau. From 1984 until his retirement in 2004, he served as Legal Counsel and Director of Legal Research for the Legislative Service Bureau. He joined the faculty of the Michigan State University College of Law in 2004 and since that time has taught Legal Research, Writing, and Advocacy.

Whereas, Gary Gulliver began his work with the Michigan Law Revision Commission in 1984, having served first as the liaison between the Michigan Law Revision Commission and the Legislative Service Bureau and, in 2005, was appointed as Executive Secretary of the Commission. During his tenure, his knowledge of the legislative process has blended well with his understanding of how the law impacts the lives of people far removed from debate in Lansing and has made him a valued contributor to the commission's work; now therefore, be it

Resolved by the membership of the Michigan Law Revision Commission, That we offer our thanks and best wishes to Gary Gulliver in gratitude for his many years of service to this commission and his long and distinguished dedication to Michigan's legislative branch of government. We are confident that his sense of commitment and justice will long serve our state well.

A RESOLUTION HONORING STATE SENATOR BRUCE PATTERSON

A resolution to commend and thank the Honorable Bruce Patterson for his service to the Michigan Law Revision Commission.

Whereas, It is with great respect for his professional and personal commitment to this state and its legal structure that we honor and thank State Senator Bruce Patterson for his service to the Michigan Law Revision Commission. A member of the Michigan Law Revision Commission since 2007, it is most appropriate to express our gratitude as he completes his service as a lawmaker and a member of the Law Revision Commission; and

Whereas, a graduate of Wayne State University and the Law School at Wayne State University, Bruce Patterson distinguished himself in his law practice for over twenty years where he rose from the position of associate attorney to President of McCabe, Middleton & Patterson, P.C. Next, he worked as an Administrator at Eastern Michigan University from 1991 to 1994 and served two terms as a member of the Wayne County Commission from 1995-1998; and

Whereas, Bruce Patterson was first elected to the House of Representatives in 1998 and elected to a second term in 2000. He is now serving his second and final term in the Michigan Senate. Highlights of his distinguished lawmaking career include being the first freshman in the history of the Michigan Legislature to serve as Associate Speaker Pro Tempore, serving as Chair of the House Redistricting and Elections Committee, and Chair of the Senate Energy Policy and Public Utilities Committee; and

Whereas, the combination of his experience in practicing law, working in local government, and crafting legislation as a lawmaker has given Senator Patterson exceptional insights into the role of the law in our society. He has been a valuable member of the Michigan Law Commission and his perspective as a lawmaker has been particularly helpful in developing meaningful recommendations; now, therefore, be it

Resolved by the membership of the Michigan Law Revision Commission, That we offer our best wishes to Senator Bruce Patterson as we thank him for his contributions to Michigan as a lawmaker and as a member of this body.

A REPORT ON RECENT COURT DECISIONS
IDENTIFYING STATUTES FOR LEGISLATIVE ACTION AND
RECOMMENDATIONS TO THE LEGISLATURE

As part of its statutory charge to examine recent judicial decisions for the purpose of discovering defects and anachronisms in the law and to recommend needed reforms, the Michigan Law Revision Commission undertook a review of Michigan Supreme Court and Court of Appeals decisions issued through December 31, 2010, urging legislative action. That review identified six decisions for which the Commission recommends legislative action or review and two decisions for which the Commission makes no recommendation. The eight decisions examined by the Commission are:

Howell Educ. Ass'n v. Howell Bd. of Educ., 287 Mich.App. 228 (2010)
People v. Dowdy, 287 Mich.App. 278 (2010)
People v. Kern, 288 Mich. App. 513 (2010)
O'Neal v. St. John Hosp. & Med. Ctr., 487 Mich. 485 (2010)
Robinson v. City of Lansing, 486 Mich. 1 (2010)
O'Brien v. Pub. Sch. Emps. Ret. Bd., 486 Mich. 958 (2010)
McCarthy v. Scofield, 486 Mich. 939 (2009); 486 Mich. 1075 (2010)
People v. Bennett, Nos. 286960, 287768, 2010 WL 4320335 (Mich. Ct. App. Nov. 2, 2010)

I. Electronic Communications under the Freedom of Information Act (FOIA)

A. Background

In *Howell Education Association v. Howell Board of Education*, 287 Mich.App. 228 (2010), the Michigan Court of Appeals reversed and remanded the circuit court's grant of summary disposition to defendants, holding that personal e-mails, including union communications, on a public school system server were not subject to disclosure under FOIA. The Howell Education Association filed this reverse FOIA action seeking a declaratory judgment that these e-mails were not "public records."

The Court concluded that the fact that personal e-mails were captured on the public body's storage system did not render them public records, as documents are public records only if they "have been stored or retained . . . in the performance of an official function." *Id.* at 236. In the present case, the personal e-mails did not relate to an official function of the school and were not subject to FOIA.

However, because electronic communications were not contemplated at the time FOIA was enacted, the Court "call[ed] upon the Legislature to address [the issue]." *Id.* at 231. The Court went on to state that "[a]ccelerating communications technology has greatly increased tension between the value of governmental transparency and that of personal privacy" and the issue before the Court should be dealt with by the Legislature as a matter of social policy. *Id.* at 234, 247.

B. Question Presented

Should the Legislature amend the Freedom of Information Act to clarify its application to private e-mails stored on the server of a public body?

C. Recommendation

The Commission recommends legislative review of this issue as part of a broader update of access to government information laws, but makes no recommendation of specific legislative action.

II. Failure of the Homeless to Register a Residence under the Sex Offenders Registration Act (SORA)

A. Background

In *People v. Dowdy*, 287 Mich.App. 278 (2010), the Michigan Court of Appeals affirmed the circuit court's dismissal of charges pending against a homeless man for failure to comply with the reporting requirement of SORA, which requires registration of a residence. The Court of Appeals initially denied leave to appeal the circuit court's dismissal, but addressed the merits of the case on remand from the Michigan Supreme Court following a Supreme Court order in lieu of granting leave to appeal.

Citing Justice Hathaway's dissent in the Supreme Court order, 484 Mich. 855, 863 (2009), the three-panel Court of Appeals stated “the purpose of SORA is wise, and the Legislature is urged to consider changes so that a homeless person who does not have a domicile or residence may readily comply with its requirements.” *Id.* at 282.

B. Question Presented

Should the Legislature amend the Sex Offenders Registration Act regarding the requirement for sex offenders, including the homeless, to register a residence?

C. Recommendation

The Commission recommends the enactment of legislation, such as Senate Bills Nos. 1206, 1207, 1208, and 1241 of the 2009-2010 Legislature, clarifying the responsibilities of sex offenders who are homeless while continuing to provide mechanisms to monitor the whereabouts of such persons.

D. Subsequent Legislative Action

The Commission notes that before publication of this annual report, legislation was passed that addresses this issue. 2011 PA 17 and 18. Among other provisions, 2011 PA 17 amends the term “residence” to include the homeless and provide a way for the homeless or individuals without a permanent residence to determine where their residence is for purposes of the reporting requirement of SORA.

III. Mandatory Lifetime Electronic Monitoring with Lower Sentences

A. Background

In *People v. Kern*, 288 Mich. App. 513 (2010), the Michigan Court of Appeals affirmed a circuit court decision in a sentencing hearing denying lifetime electronic monitoring for the defendant who entered into a plea agreement for one count of second-degree criminal sexual conduct on an individual less than 13 years of age and was sentenced to five years' probation, with 365 days to be served in jail.

The statutory sections providing for lifetime electronic monitoring do so only in regard to persons sentenced to prison (MCL 750.520c (2)) and persons on parole from prison (MCL 750.520n and 791.285).

Reviewing the intersection of these three statutory provisions, the Court concluded that person sentenced to only jail time or probation or both cannot be subject to lifetime electronic monitoring. However, given that this is an "important matter of public interest," the Court "urge[d] the Legislature to review whether [that] was indeed the intent." *Kern*.

B. Question Presented

Should the Legislature amend state law to clarify whether persons sentenced to jail time or probation or both may be subject to lifetime electronic monitoring?

C. Recommendation

The Commission recommends legislative review of this issue, but makes no recommendation of specific legislative action.

IV. Burden of Proof in Medical Malpractice Actions

A. Background

In *O'Neal v. St. John Hospital & Medical Center*, 487 Mich. 485 (2010), the Michigan Supreme Court reversed and remanded a Court of Appeals decision, finding this action to be one of traditional medical malpractice controlled only by the first sentence of MCL 600.2912a (2). In considering the action to be one for "loss-of-opportunity, the Court of Appeals had applied the requirements of both the first and second sentences of MCL 600.2912a (2), and had reversed and remanded the trial court's denial of defendant's motion for summary disposition.

The Supreme Court overruled *Fulton v. William Beaumont Hospital*, 253 Mich.App. 70 (2002) holding that it "did not correctly set forth the burden of proof necessary to establish proximate causation for traditional medical malpractice cases as set forth in § 2912a (2)." *O'Neal*, at 490-91. The Justices presented widely divergent views as to the meaning of the statutory provision and its correct application. Justice Young, in dissent, "reiterate[d] former Chief Justice Taylor's call for the Legislature 'to reexamine its goal and the policies it wishes to promote and strive to articulate its intent in that regard.'" *Id.* at 567 (quoting *Stone v. Williamson*, 482 Mich. 144, 164-65 (2008)).

(*Stone v. Williamson*, a case discussed in the 2008 Commission Report, also involved the issue of whether an action was one of traditional medical malpractice. In that case, as noted previously, the Justices, in dicta, presented widely divergent views in debating the meaning of “loss-of-opportunity” and the enforceability of MCL 600.2912a (2). The issue remains in active debate in the Michigan courts.

B. Question Presented

Should state law be amended to clarify the meaning of MCL 600.2912a (2)?

C. Recommendation

The Commission makes no recommendation on this issue, but notes that the issues raised by this case and discussed previously are part of a larger issue involving ambiguities or conflicts in the Michigan statutes regarding medical malpractice actions.

V. Presumptions in Favor of Governmental Immunity

A. Background

In *Robinson v. City of Lansing*, 486 Mich. 1 (2010), the Michigan Supreme Court reversed a Court of Appeals decision and reinstated the circuit order granting plaintiff's motion to strike the two-inch rule as an affirmative defense and denying defendant's motion for summary disposition. The “two-inch rule,” originally a common-law rule, was codified in 1999 under MCL 691.1402a after the Michigan Supreme Court abolished it and resisted entreaties to readopt it. *See, e.g., Glancy v. City of Roseville*, 457 Mich. 580 (1998).

The “two-inch rule” creates “a rebuttable inference that the municipal corporation maintained the sidewalk, trailway, crosswalk, or other installation outside of the improved portion of the highway designed for vehicular travel in reasonable repair.” MCL 691.1402a (2). The Supreme Court determined that the rule applies only to county highways, notwithstanding the broad reference to “highway,” because MCL 691.1402a (1) discusses the liability of a municipal corporation only for injuries arising on certain portions of “county highways.”

In separate concurring opinions, both Justice Young and Justice Weaver called for legislative action “if this Court has reasonably, yet mistakenly, limited the scope of the two-inch rule when construing the provisions of MCL 691.1402a.” 486 Mich. at 28 (Young, J. concurring). In agreeing with Justice Young, Justice Weaver “urge[d] the Legislature to clarify its intent with regard to the scope of the 'two-inch rule' of the highway exception to governmental immunity.” *Id.* (Weaver, J. concurring).

B. Question Presented

Should the legislature amend MCL 691.1402a to clarify the application of the two-inch rule in regard to state highways?

C. Recommendation

The Commission recommends legislative review of this very important issue, but makes no recommendation of specific legislative action.

VI. Public Employee Compensation

A. Background

In *O'Brien v. Public School Employees' Retirement Board*, 486 Mich. 958 (2010), the Michigan Supreme Court, agreeing with an earlier decision by the Michigan Court of Appeals, denied leave to appeal a circuit decision, in which the petitioner disputed the amount of his monthly retirement allowance and sought an increase. Petitioner, as a school superintendent, earned \$418,965.00 in 2006. Justice Corrigan concurred solely to “express [her] amazement at the amount petitioner was compensated for serving as a public employee.” *Id.* at 959. “Given the considerable concern over public expenditures in the current economic climate,” Justice Corrigan “urge[d] legislative attention to the statutory scheme that gave rise to this expenditure.” *Id.* at 958.

B. Question Presented

Should the Legislature consider legislative action limiting salaries payable to public employees?

C. Recommendation

The Commission makes no recommendation on this issue.

VII. Public Records of Arrests and Charges for Sexual Offenses

A. Background

In *McCarthy v. Scofield*, 486 Mich. 939 (2010), the Michigan Supreme Court denied leave to appeal a Court of Appeals decision that affirmed the circuit court's denial of, among other requests, a request to have arrest records destroyed where the allegations leading to the arrest and charge of a sexual offense were later admitted to be false. Justice Markman concurred, yet urged the Legislature to review the application of MCL 28.243 in “cases in which the complainant has admitted fabricating the charge” to assess whether such cases should remain public records. *Scofield*, 486 Mich. at 940. (MCL 28.243 (12) (c) exempts arrest records for “[c]riminal sexual conduct in any degree” from the general provisions of the section authorizing the destruction of arrest records when charges are dismissed.)

Subsequently, in *McCarthy v. Scofield*, 486 Mich. 1075 (2010), the Supreme Court denied a motion to disqualify several Justices from the case; however, Justice Markman continued to urge the Legislature to revisit MCL 28.243 and its operation in cases involving allegations admitted to be false.

B. Question Presented

Should the Legislature amend MCL 28.243 to authorize destruction of the record of an arrest on a charge of criminal sexual conduct arising out of allegation admitted to be false?

C. Recommendation

The Commission recommends legislative review of this issue and urges consideration of whether an admittedly false charge should be expunged, but makes no recommendation of specific legislative action.

VIII. Sentencing Discretion

A. Background

In *People v. Bennett*, Nos. 286960, 287768, 2010 WL 4320335 (Mich. Ct. App. 2010), the Michigan Court of Appeals, in a consolidated case arising out of the same shooting death, affirmed the jury trial convictions and sentencing decisions for two defendants, including the defendant convicted of aiding and abetting a first degree murder. Under MCL 767.39, an abettor must be sentenced to the same punishment as the primary offender. Given the determinant nature of the punishment for first degree murder, life in prison without the possibility of parole, Judge Shapiro, in dissent and referencing due process concerns and the principle of proportionality, “suggest[ed] that the Legislature consider allowing the sentencing judge some degree of discretion in sentencing defendants who are found guilty on an aiding and abetting theory where the primary offense carries a determinant sentence.” *Bennett*.

B. Question Presented

Should the Legislature amend MCL 767.39 to allow a judge discretion in sentencing a defendant found guilty of aiding and abetting first degree murder?

C. Recommendation

The Commission recommends legislative review of this issue, but makes no recommendation on this issue.

PRIOR ENACTMENTS PURSUANT TO
MICHIGAN LAW REVISION COMMISSION RECOMMENDATIONS

The following Acts have been adopted to date pursuant to recommendations of the Commission and in some cases amendments thereto by the Legislature:

1967 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Original Jurisdiction of Court of Appeals	1966, p. 43	65
Corporation Use of Assumed Names Interstate and International Judicial Procedures	1966, p. 36	138
Stockholder Action Without Meetings	1966, p. 25	178
Powers of Appointment	1966, p. 41	201
Dead Man's Statute	1966, p. 11	224
	1966, p. 29	263

1968 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Possibilities of Reverter and Right of Entry	1966, p. 22	13
Stockholder Approval of Mortgage of Corporate Assets	1966, p. 39	287
Corporations as Partners	1966, p. 34	288
Guardians Ad Litem	1967, p. 53	292
Emancipation of Minors	1967, p. 50	293
Jury Selection	1967, p. 23	326

1969 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Access to Adjoining Property	1968, p. 19	55
Recognition of Acknowledgments	1968, p. 64	57
Dead Man's Statute Amendment	1966, p. 29	63
Notice of Change in Tax Assessments	1968, p. 30	115
Antenuptial and Marital Agreements	1968, p. 27	139
Anatomical Gifts	1968, p. 39	189
Administrative Procedures Act	1967, p. 11	306
Venue for Civil Actions	1968, p. 17	333

1970 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Land Contract Foreclosures	1967, p. 55	86
Artist-Art Dealer Relationships	1969, p. 41	90
Minor Students' Capacity to Borrow Act	1969, p. 46	107
Warranties in Sales of Art	1969, p. 43	121
Appeals from Probate Court	1968, p. 32	143
Circuit Court Commissioner Powers of Magistrates	1969, p. 57	238

1971 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Revision of Grounds for Divorce	1970, p. 7	75
Civil Verdicts by 5 of 6 Jurors in Retained Municipal Courts	1970, p. 40	158
Amendment of Uniform Anatomical Gift Act	1970, p. 45	186

1972 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Summary Proceeding for Possession of Premises	1970, p. 16	120
Interest on Judgments	1969, p. 59	135
Business Corporations	1970, Supp.	284
Constitutional Amendment re Juries of 12	1969, p. 60	HJR "M"

1973 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Execution and Levy in Proceedings Supplementary to Judgment	1970, p. 51	96
Technical Amendments to Business Corporation Act	1973, p. 8	98

1974 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Venue in Civil Actions Against Non-Resident Corporations	1971, p. 63	52
Choice of Forum	1972, p. 60	88
Extension of Personal Jurisdiction in Domestic Relations Cases	1972, p. 53	90
Technical Amendments to the Michigan General Corporations Act	1973, p. 37	140
Technical Amendments to the Revised Judicature Act	1971, p. 7	297
Technical Amendments to the Business Corporation Act	1974, p. 30	303
Amendment to Dead Man's Statute	1972, p. 70	305
Attachment and Collection Fees	1968, p. 22	306
Contribution Among Joint Tortfeasors	1967, p. 57	318
District Court Venue in Civil Actions	1970, p. 42	319
Due Process in Seizure of a Debtor's Property (Elimination of Pre-Judgment Garnishment)	1972, p. 7	371

1975 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Hit-Run Offenses	1973, p. 54	170
Equalization of Income Rights of Husband and Wife in Entirety Property	1974, p. 12	288
Disposition of Community Property Rights at Death	1973, p. 50	289
Insurance Policy in Lieu of Bond	1969, p. 54	290
Child Custody Jurisdiction	1969, p. 23	297

1976 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Due Process in Seizure of a Debtor's Property (Replevin Actions)	1972, p. 7	79
Qualifications of Fiduciaries	1966, p. 32	262
Revision of Revised Judicature Act Venue Provisions	1975, p. 20	375
Durable Family Power of Attorney	1975, p. 18	376

1978 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Juvenile Obscenity	1975, p. 133	33
Multiple Party Deposits	1966, p. 18	53
Amendment of Telephone and Messenger Service Company Act	1973, p. 48	63
Elimination of References to Abolished Courts:		
a. Township Bylaws	1976, p. 74	103
b. Public Recreation Hall Licenses	1976, p. 74	138
c. Village Ordinances	1976, p. 74	189
d. Home Rule Village Ordinances	1976, p. 74	190
e. Home Rule Cities	1976, p. 74	191
f. Preservation of Property Act	1976, p. 74	237
g. Bureau of Criminal Identification	1976, p. 74	538
h. Fourth Class Cities	1976, p. 74	539
i. Election Law Amendments	1976, p. 74	540
j. Charter Townships	1976, p. 74	553
Plats	1976, p. 58	367
Amendments to Article 9 of the Uniform Commercial Code	1975, Supp.	369

1980 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Condemnation Procedures	1968, p. 8	87
Technical Revision of the Code of Criminal Procedure	1978, p. 37	506

1981 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Elimination of Reference to the Justice of the Peace: Sheriff's Service of Process	1976, p. 74	148
Court of Appeals Jurisdiction	1980, p. 34	206

1982 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Limited Partnerships	1980, p. 40	213
Technical Amendments to the Business Corporation Act	1980, p. 8	407

Interest on Probate Code Judgments	1980, p. 37	412
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1983 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
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Elimination of References to Abolished Courts: Police Courts and County Board of Auditors	1979, p. 9	87
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1984 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
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a. Immunity in Civil Actions	1983, p. 14	27
b. Limits of Immunity in Contested Cases	1983, p. 14	28
c. Amendments to Revised Judicature Act for Legislative Immunity	1983, p. 14	29
Disclosure of Treatment Under the Psychologist/Psychiatrist- Patient Privilege	1978, p. 28	362

1986 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
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Amendments to the Uniform Limited Partnership Act	1983, p. 9	100
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1987 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
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Amendments to Article 8 of the Uniform Commercial Code	1984, p. 97	16
Disclosure in the Sale of Visual Art Objects Produced in Multiples	1981, p. 57	40, 53, 54

1988 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
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Statutory Rule Against Perpetuities	1986, p. 10	417, 418
Transboundary Pollution		
Reciprocal Access to Courts	1984, p. 71	517

1990 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Elimination of Reference to Abolished Courts:		
a. Procedures of Justice Courts and Municipal Courts	1985, p. 12; 1986, p. 125	217
b. Noxious Weeds	1986, p. 128; 1988, p. 154	218
c. Criminal Procedure	1975, p. 24	219
d. Presumption Concerning Married Women	1988, p. 157	220
e. Mackinac Island State Park	1986, p. 138; 1988, p. 154	221
f. Relief and Support of the Poor	1986, p. 139; 1988, p. 154	222
g. Legal Work Day	1988, p. 154	223
h. Damage to Property by Floating Lumber	1988, p. 155	224

1991 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Elimination of Reference to Abolished Courts:		
a. Land Contracts	1988, p. 157	140
b. Insurance	1988, p. 156	141
c. Animals	1988, p. 155	142
d. Trains	1986, pp. 153, 155; 1987, p. 80; 1988, p. 152	143
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1992 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
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1993 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Condemnation Procedures of Home Rule Villages	1989, p. 17	32
Condemnation Procedures Regarding Railroads	1989, p. 25	354
Condemnation Procedures Regarding Railroad Depots	1989, p. 26	354

1995 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Condemnation Procedures Regarding Inland Lake Levels	1989, p. 24	59
Condemnation Procedures of School Districts	1989, p. 24	289

1996 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Felony Murder and Arson	1994, p. 179	20, 21

1998 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Condemnation Procedures of General Law Villages	1989, p. 16	254
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2002 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
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2003 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Anatomical Gifts	1993, p. 53	62, 63

2004 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
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BIOGRAPHIES OF COMMISSION MEMBERS AND STAFF

RICHARD D. McLELLAN

Richard D. McLellan is Chair of the Michigan Law Revision Commission, a position he has filled since 1986 following his appointment as a public member of the Commission in 1985.

McLellan is a practicing attorney and business consultant in Lansing, Michigan. In 2007, Mr. McLellan retired as a lawyer with the law firm of Dykema Gossett PLLC where he served as the Member-in-Charge of the firm's Lansing Office and as the leader of the firm's Government Policy Department.

He is a member of the Board of Directors of ITC Holdings (NYSE: ITC) and is an Independent Trustee of the JNL Series Trust, a \$50 billion variable annuity fund managed by the Jackson National Life Insurance Company. He also serves as Chairman of Africa Continental Holdings, LLC.

By appointment of the Supreme Court, Mr. McLellan served two terms as a Member of the Board of Commissioners of the State Bar of Michigan.

Mr. McLellan started his career as an administrative assistant to Governor William G. Milliken and as Acting Director of the Michigan Office of Drug Abuse.

Following the 1990 Michigan elections, Mr. McLellan was named Transition Director to then Governor-elect John Engler. In that capacity, he assisted in the formation of Governor Engler's Administration and conducted a review of state programs. He was also appointed by the Governor as Chairman of the Corrections Commission, a member of the Michigan Export Development Authority, a member of the Michigan International Trade Authority, a member of the Library of Michigan Board of Trustees, a member of the Michigan Jobs Commission, a member of the McPherson Commission on Charter Schools and Chairperson of the Michigan Film Advisory Commission.

During the administration of President Gerald Ford, he served as an advisor to the Commissioner of the Food and Drug Administration as a member of the National Advisory Food and Drug Committee of the U.S. Department of Health, Education and Welfare.

In 1990, Mr. McLellan was appointed by President George Bush as a Presidential Observer to the elections in the People's Republic of Bulgaria. The elections were the first free elections in the country following 45 years of Communist rule. In 1996, he again acted as an observer for the Bulgarian national elections. And again in February 1999, he acted as an observer for the Nigerian national elections with the International Republican Institute.

Mr. McLellan is a member of the Board of Governors of the Cranbrook Institute of Science, one of Michigan's leading science museums. He helped establish and served for ten years as president of the Library of Michigan Foundation. He helped establish and served as both President and Chairman of the Michigan Japan Foundation, the private foundation providing funding for the Japan Center for Michigan Universities.

Mr. McLellan has served as a member of the Board of Trustees of Michigan State University Detroit College of Law and is a member of the Advisory Board for MSU's James H. and Mary B. Quello Center for Telecommunication Management and Law. He also serves as an adjunct professor in MSU's College of Communications Arts.

Mr. McLellan is a former Chairman of the Board of Directors of the Michigan Chamber of Commerce and is a member of the Board of Directors of the Mackinac Center for Public Policy, the Oxford Foundation, and the Cornerstone Foundation.

Mr. McLellan served as a member of the Board of Directors of the Mercantile & General Life Reassurance Company of America and the Crown America Life Insurance Company. He also served as Chairman of the Michigan Competitive Telecommunications Providers Association and as Chairman of the Information Technology Association of Michigan.

Mr. McLellan has been active in matters concerning persons with disabilities. He is a former President of the Arthritis Foundation, Michigan Chapter, a former member of the National Advocacy Committee of the Arthritis Foundation, and a former member of the National Research Committee, Arthritis Foundation.

He is a graduate of the Michigan State University Honors College and the University of Michigan Law School. He has served as an adjunct professor of international studies at Michigan State University.

ANTHONY DEREZINSKI

Mr. Derezinski is Vice Chairman of the Michigan Law Revision Commission, a position he has filled since May 1986 following his appointment as a public member of the Commission in January of that year.

Mr. Derezinski is a Councilmember of the Ann Arbor City Council to which he was elected in November of 2008. He is also an Instructor at The University of Michigan School of Education where he teaches courses in various aspects of Education Law. He is the former Director of Government Relations for the Michigan Association of School Boards from which he retired in 2008. He also previously served as an adjunct professor of law at the University of Michigan Law School and at the Department of Education Administration of Michigan State University, and previously was a visiting professor of law at the Thomas M. Cooley Law School.

He is a graduate of Muskegon Catholic Central High School, Marquette University, the University of Michigan Law School (Juris Doctor degree), and Harvard Law School (Master of Laws degree). He is married and resides in Ann Arbor, Michigan.

Mr. Derezinski is a Democrat and served as State Senator from 1975 to 1978. He was a member of the Board of Regents of Eastern Michigan University for 14 years, served on the Committee of Visitors of the University of Michigan Law School, and was a member of the Council of the Center for the Education of Women in Ann Arbor. He also serves on the Foundation Board of the Hospice of Ann Arbor.

He served as a Lieutenant in the Judge Advocate General's Corps in the United States Navy from 1968 to 1971 and as a military judge in the Republic of Vietnam. He is a member of the Veterans of Foreign Wars, Derezinski Post 7729, the American Legion Department of Michigan, and the Vietnam Veterans of America.

GEORGE E. WARD

Mr. Ward is a public member of the Michigan Law Revision Commission and has served since his appointment in August 1994.

Mr. Ward was the Chief Assistant Prosecuting Attorney in Wayne County in the administration of the Honorable John D. O’Hair. Earlier in his career, he clerked for Justice Theodore Souris of the Michigan Supreme Court and for 20 years was in private civil practice in the City of Detroit. In 2001, Mr. Ward returned to private practice in Wayne County.

He is a graduate of the University of Detroit, and the University of Michigan Law School. He and his wife Margaret, parents of five adult children, live in Ann Arbor.

Mr. Ward is an Adjunct Professor at Michigan State College of Law and Wayne State University Law School, and a Lecturer II at University of Michigan – Dearborn (political science and criminal justice). He is Board Chair of Catholic Social Services of Wayne County; past President of the Incorporated Society of Irish American Lawyers; a former President of the Board of Control of Saginaw Valley State University; a former commissioner of the State Bar of Michigan; the former President of the Wayne County Home Rule Charter Commission; the former Executive Secretary of the 1971-72 City of Detroit Charter Revision Commission; and a former member of the Board of Directors of Wayne Center.

WILLIAM C. WHITBECK

Judge William C. Whitbeck is a public member of the Michigan Law Revision Commission and has served since his appointment in January 2000.

Judge Whitbeck was born on January 17, 1941, in Holland, Michigan, and was raised in Kalamazoo, Michigan. His undergraduate education was at Northwestern University, where he received a McCormack Scholarship in Journalism. He received his JD. from the University of Michigan Law School in 1966, and was admitted to the Michigan Bar in 1969.

Judge Whitbeck has held a variety of positions with the state and federal governments, including serving as Administrative Assistant to Governor George Romney from 1966 to 1969, Special Assistant to Secretary George Romney at the U.S. Department of Housing and Urban Development from 1969 to 1970, Area Director of the Detroit Area Office of the U.S. Department of Housing and Urban Development from 1970 to 1973, Director of Policy of the Michigan Public Service Commission from 1973 to 1975 and Counsel to Governor John Engler for Executive Organization/Director of the Office of the State Employer from 1991 to 1993. He served on the Presidential Transition Team of President-Elect Ronald Reagan in 1980, and as Counsel to the Transition Team of Governor-Elect John Engler in 1990.

In private practice, Judge Whitbeck was a partner in the law firm of McLellan, Schlaybaugh & Whitbeck from 1975 to 1982, a partner in the law firm of Dykema, Gossett, Spencer, Goodnow and Trigg from 1982 to 1987, and a partner in the law firm of Honigman Miller Schwartz and Cohn from 1993 to 1997.

Judge Whitbeck is a member of the State Bar of Michigan, the American Bar Association, the Ingham County Bar Association, and the Castle Park Association, and has served as Chair of the Michigan Historical Commission. He is a Fellow of both the Michigan State Bar Foundation and the American Bar Foundation.

Judge Whitbeck and his wife Stephanie reside in downtown Lansing in a 125-year-old historic home that they have completely renovated. They are members of St. Mary Cathedral.

Governor John Engler appointed Judge Whitbeck to the Court of Appeals effective October 22, 1997, to a term ending January 1, 1999. Judge Whitbeck was reelected to six-year terms in 1998, 2004, and 2010. His current term expires January 1, 2017. Chief Judge Richard Bandstra designated Judge Whitbeck as Chief Judge Pro Tem of the Court of Appeals effective January 1, 1999. The Supreme Court appointed Judge Whitbeck Chief Judge of the Michigan Court of Appeals three times and he served in that position from January 1, 2002 to December 31, 2007.

Judge Whitbeck is the author of a work of fiction, *To Account for Murder*, a courtroom drama set in Michigan in 1945-46.

RAYMOND BASHAM

State Senator Raymond Basham is a legislative member of the Michigan Law Revision Commission and has served on the Commission since January 2007. He was elected to the State Senate in 2002 and re-elected in 2006. He currently serves on the following Senate Committees: Local, Urban and State Affairs; Judiciary; Natural Resources and Environment Affairs (Minority Vice-Chair); Senior Citizens and Veterans Affairs; and Transportation (Minority Vice-Chair).

Elected State Representative in a special election in June 1997 and re-elected in 1998 and 2000, Mr. Basham served on the Taylor City Council from 1989 to 1997 and on the Taylor Planning Commission from 1993 to 1997. He has served in various other positions including being appointed Constable in 1985 and elected from 1987-1989, the Taylor Water Commission from 1984-1985, an Auxiliary Police Officer from 1979-1984, and a veteran of the U.S. Air Force having served from 1962-1966.

Mr. Basham was employed by Ford Motor Company for 30 years and was elected to serve in a variety of positions for United Auto Workers (UAW) Local 245. He has taken numerous courses in the humanities at Wayne State University, Western Michigan University, Schoolcraft College, and Wayne County Community College. His memberships include the Michigan Democratic Party, 15th District Democratic Organization, Democratic Club of Taylor, and the Wolverine Masonic Lodge (Past Master). He is also a former member of the U.S. Coast Guard Auxiliary.

Mr. Basham has lived in Taylor for the past 32 years. He and his wife Iva have two children, Brian and Tracy, and four grandchildren.

MARK MEADOWS

State Representative Meadows is a legislative member of the Michigan Law Revision Commission and has served on the Commission since January 2007. He was elected to the state House in 2006 and currently serves as Assistant Leader of the House and serves on the following Committees: (Chair) Judiciary; Great Lakes and Environment; Urban Policy; and Urban Policy.

Representative Meadows earned an undergraduate degree at Western Michigan University and his law degree at Michigan State University, formerly Detroit College of Law.

Representative Meadows was appointed as an assistant attorney general in 1975 and was assigned to represent various state agencies until his retirement in 2002 at which time he became a shareholder in Willingham Cote' P.C. Representative Meadows was elected as Mayor of East Lansing in 1997 and re-elected in 1999, 2001 and 2003; his final term expired in November 2005. Representative Meadows also served as an East Lansing City Council member from 1995-2006.

Representative Meadows and his wife Pam are the parents of four adult children and the grandparents of four.

BRUCE PATTERSON

State Senator Patterson is in his second and final term in the Michigan Senate. His committees are: Energy Policy and Public Utilities, Chairman; Health Policy, Member; Natural Resources and Environmental Affairs, Member; Judiciary, Member; Legislative Council; Uniform State Laws Commissioner.

As Senator for the 7th District, Mr. Patterson represents the City of Northville, Northville Township, City of Plymouth, Plymouth Township, Canton Township, Van Buren Township, City of Belleville, Sumpter Township, Huron Township, Brownstown Township, Cities of Flat Rock, Gibraltar and Rockwood, Woodhaven, Trenton, and Grosse Ile Township.

Mr. Patterson served in the Michigan House of Representatives from 1999 to 2002. During his first term in office, Mr. Patterson was the first freshman in the history of the Michigan Legislature to serve as Associate Speaker Pro Tempore. In his second term, he was elected the Majority Floor Leader by his House colleagues. While in the Michigan House of Representatives, Mr. Patterson chaired the Redistricting and Elections Committee, as well as the House Oversight and Operations Committee, and was a member of the Tax Policy Committee, the House Fiscal Agency Governing Board, Television and Oversight Committee, the Veterans Affairs Committees, and the Legislative Council.

Mr. Patterson served two terms as a member of the Wayne County Commission from 1995-1998. Prior to holding elective office, he was an administrator at Eastern Michigan University Administration from 1991-1994.

Before joining Eastern Michigan University, Mr. Patterson was in the private sector. For over twenty years, he had a law practice. It included various areas of practice such as estate and financial planning, contract and commercial code law, domestic law, corporate and banking law, and general litigation. Mr. Patterson rose from the position of associate attorney to vice-president and, ultimately, president of McCabe, Middleton & Patterson, P.C., with offices in Detroit, Southfield and Plymouth, Michigan.

As a native of Wayne County, Mr. Patterson was inducted into his community's Hall of Fame in 1992 in recognition of his community service. Mr. Patterson's community service and associations, past and present, have included the Huron Valley Visiting Nurses Fund Board, the American Arbitration Association, Minute Man Foundation founder (created to support Operation Desert Storm troops), Irish-American Lawyers, President of the Canton Economic Club (1991 and 1992), Board of Directors of the Educational Excellence Foundation for the Plymouth-Canton Public Schools (1989-1997), Board of Directors of the Community Foundation, Vice-President and General Counsel (inception-1996), Michigan Department of Transportation special committee for Mettetal Airport study (previous co-chair), Community Advisory Board of Directors of First of America Bank (now National City Bank), Wayne Out-County Mediation Service, various Chambers of Commerce including Northville, Plymouth, Canton, Belleville and Southern Wayne County Chamber of Commerce, Western Wayne County Salvation Army

capital campaign honorary chair, Senior Citizens Kitchen Band sponsor, and Schoolcraft College Foundation Board of Trustees - elected in 1994.

Mr. Patterson holds a Bachelor of Arts degree from Wayne State University (1969) and a Juris Doctorate from the Law School at Wayne State University (1972). He has been a member of the State Bar of Michigan since 1972, as well as a member of the American Bar Association, Detroit Bar Association, and Suburban Bar Association. He was enrolled as a Fellow in the State Bar Foundation of Michigan in recognition of his commitment to the profession and the people it serves.

As a devoted father and family man, Mr. Patterson is most proud of his wife Phyllis and their three children—son Justin and wife Jessie, granddaughter Tannis; daughter Denise, husband Tony; and daughter Lauren, husband Jeff.

TONYA SCHUITMAKER

State Representative Tonya Schuitmaker is a legislative member of the Michigan Law Revision Commission and has served on the Commission since January 2009. She was elected to the Michigan House in November 2004 to represent the 80th district, which includes all of Van Buren County, Otsego and the townships of Otsego and Watson in Allegan County.

Ms. Schuitmaker is a 1986 graduate of Mattawan Consolidated Schools. She holds a B.A. in business from Michigan State University and graduated Cum Laude from the Detroit College of Law in 1993. Before being elected to the Michigan House, Ms. Schuitmaker was a partner in the law firm of Schuitmaker, Cooper and Schuitmaker. She began practicing law in 1993 and concentrated in family, estate, business and governmental law.

Ms. Schuitmaker has served as president of the Van Buren County Republican Women and as Vice Chair for the 6th Congressional Republican District and the Van Buren County Republicans. She has also served on several occasions as a precinct delegate to the Republican state party convention.

Ms. Schuitmaker has been actively involved in her community. She has served on the State of Michigan Board of Medicine and Intercare Community Health Network and on the Van Buren Community Mental Health Board. In addition to her involvement in health-care causes, Ms. Schuitmaker serves as a member of the Van Buren County Community Corrections Advisory Board. Furthermore, she is involved in several organizations devoted to the arts and nature conservancy including the Kalamazoo Institute of the Arts, the Southwest Michigan Land Conservancy, and the Kalamazoo Nature Center. She is also a member of the Paw Paw Rotary, the Paw Paw Optimist Club, Daughters of the American Revolution, the Kalamazoo Bar Association and the Farm Bureau in addition to other local, state and national groups. Ms. Schuitmaker and her husband Steve live in Lawton with their two children, Jordan and Savina.

JOHN G. STRAND

Since January 2001, Mr. Strand, as the Legislative Council Administrator, has served as the ex-officio member of the Michigan Law Revision Commission. The following agencies fall under his supervision: Legislative Service Bureau, Legislative Council Facilities Agency, Legislative Corrections Ombudsman, Joint Committee on Administrative Rules (staff), Michigan Law Revision Commission, State Drug Treatment Court Advisory Committee, the Michigan Commission on Uniform State Laws, the Legislative Commission on Government Efficiency, and the Legislative Commission on Statutory Mandates.

Prior to being appointed to the Legislative Council, Mr. Strand served as Chairman of the Michigan Public Service Commission since October 1993 and had been a Tribunal Judge for the Michigan Tax Tribunal from January 1993 to October 1993. He had previously served six terms as a state legislator beginning in 1981, serving in a leadership position and as Vice-Chairman of the Insurance and the House Oversight Committees and as a member of the Taxation and Judiciary Committees.

Mr. Strand is a member of the State Bar of Michigan. He holds a B.A. from the University of Pittsburgh in Economics and Political Science (1973) and a J.D. from Case Western Reserve University (1976). Mr. Strand and his wife Cathy live in East Lansing, Michigan, and have two sons, Michael and Matthew.

GARY B. GULLIVER

Mr. Gulliver served as Legal Counsel and Director of Legal Research for the Legislative Service Bureau from 1974 to 2004. Mr. Gulliver served as the liaison between the Michigan Law Revision Commission and the Legislative Service Bureau from 1984 to 2004. In 2005, he was appointed Executive Secretary of the Commission.

He joined the faculty of the Michigan State University College of Law in 2004 and since that time has taught Legal Research, Writing, and Advocacy.

Mr. Gulliver is a graduate of Albion College (with honors) and Wayne State University Law School. He is married and has four children.