

*41st Annual Report
2008*

*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 EDWARD GAFFNEY

REPRESENTATIVE MARK MEADOWS

Ex Officio Member:

JOHN G. STRAND

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Michigan
Law Revision Commission

FORTY-FIRST ANNUAL REPORT
2008

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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-FIRST ANNUAL REPORT TO THE LEGISLATURE
FOR CALENDAR YEAR 2008

To the Members of the Michigan Legislature:

The Michigan Law Revision Commission hereby presents its forty-first 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 2008 were Senator Raymond Basham of Taylor; Senator Bruce Patterson of Canton; Representative Edward J. Gaffney of Grosse Pointe Farms; and Representative Mark Meadows of East Lansing. 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 2008

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 past two years 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 2009

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 2008:

- (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 Michigan economic development laws
- (2) Review of Michigan laws addressing transparency in governmental operations
- (3) Review of constitutional issues regarding replacement of statutory sanctions of fines or imprisonment with civil fines
- (4) Review of issues related to admission of in-house counsel of Michigan law firms to the Michigan state bar
- (5) Review of Michigan ethics laws
- (6) Review of emergency preparedness laws

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 Edward Gaffney
Representative Mark Meadows
John G. Strand

STATE REPRESENTATIVE EDWARD GAFFNEY

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

Whereas, It is with great respect for his distinguished and varied service to the people of Michigan that we commend Edward Gaffney and thank him for his work with the Michigan Law Revision Commission. This chapter in his long and wide-ranging career working with the law has been marked by the common sense approach and unpretentiousness that have marked all aspects of his career; and

Whereas, Few members of the Law Revision Commission came to this responsibility with a more diverse set of experiences as an attorney. A graduate of Michigan State University and a former researcher with the Legislative Service Bureau, Ed was part of Cooley Law School's initial class. He began his legal career as a bill drafter before taking his talents to the private sector with the American Automobile Manufacturing Association. In this post, he worked with legislatures in several states; and

Whereas, Ed Gaffney's tenure on the Grosse Pointe Farms City Council and as the mayor gave him invaluable insights into the impact of the law at the local government level. These diverse experiences served him well throughout his 6 years as State Representative for the 1st District and made his a respected voice in the efforts of this commission; now, therefore, be it

Resolved by the membership of the Michigan Law Revision Commission, That we offer this expression of our respect and thanks to the Honorable Edward Gaffney, a member of this commission from 2003 to 2008.

**VIOLATIONS OF THE BYLAWS OF SUMMER RESORT ASSOCIATIONS
AND SIMILAR ENTITIES**

A Report to the Michigan Law Revision Commission

Submitted by Executive Secretary Gary Gulliver

VIOLATIONS OF THE BYLAWS OF SUMMER RESORT ASSOCIATIONS
AND SIMILAR ENTITIES

Pursuant to its statutory responsibility under MCL 4.1403(1)(c), to “[r]eceive and consider suggestions from . . . lawyers . . . as to defects and anachronisms in the law,” the Michigan Law Revision Commission considered a suggestion from attorney David Marvin that the Commission review section 214 of 1929 PA 137, MCL 455.214, and perhaps “alert the Michigan Legislature to the need to update [that] Section.” The section of law, which has not been amended since its enactment in 1929, provides for a penalty of up to 25 dollars or 30 days imprisonment or both for a violation of the bylaws of summer resort owners corporations. Mr. Marvin suggested an increase in the fines because “the \$25 limit in the statute makes it virtually impossible for them to [be] effectively enforce[d].”

In responding to Mr. Marvin’s suggestion, a review of the penalties set forth in 1929 PA 137 and in the laws regulating entities similar to the entities regulated under 1929 PA 137 was undertaken by Executive Secretary Gulliver. The review uncovered three statutory provisions similar to that identified by Mr. Marvin. Sections 10 and 13 of 1889 PA 39, MCL 455.60 and 455.63, both of which were last amended in 1895, respectively establish a maximum penalty of 25 dollars or 30 days imprisonment or both for violations of the bylaws of summer resort and assembly associations and for certain other acts of destruction, injury, or removal of property on the grounds of the associations. Lastly, section 11 of 1887 PA 69, MCL 445.111, which has never been amended since its enactment, sets a maximum penalty of 25 dollars or 30 days imprisonment for certain acts of destruction, injury, or removal of property committed on the grounds of suburban homestead, villa park and summer resort associations.

The powers given to the corporations and associations discussed above (hereinafter referred to as “resort associations”) are often very broad, rivaling the powers given to local units of government. A resort association formed under 1929 PA 137, for instance, is designated a “body corporate and politic,” and “the local governing body,” MCL 455.204, and is authorized to adopt bylaws whose purpose is one or more of the following:

To keep the grounds of the corporation in good sanitary condition; preserve the purity of the water of all streams, springs, bays, and lakes within or bordering the grounds; and compel persons to keep abutting streets, highways, and sidewalks free from dirt and obstruction.

To protect all occupants from contagious disease and to remove from the grounds all persons afflicted with contagious disease.

To prevent and prohibit all forms of vice and immorality and all disorderly assemblies, disorderly conduct, games of chance, gaming, and disorderly houses.

To regulate billiard and pool rooms, bowling alleys, dance halls, and bath houses.

To prohibit and abate all nuisances.

To regulate meat markets, butcher shops, and other places of business as may become offensive to the health and comfort of members and occupants.

To regulate the speed of vehicles over its streets and alleys and make general traffic regulations.

To prevent the roaming at large of any dog or other animal, MCL 455.212.

At its meeting on September 24, 2008, the Commission agreed that the penalties provided by the sections enumerated above may be outdated and too low to be effective deterrents. The Commission also noted that the review of state law by Executive Secretary Gulliver revealed there are 41 other Michigan statutory provisions setting criminal fines as low as \$25.00, which may need to be updated as well to be effective deterrents. The Commission discussed the possibility of increasing the fines for violations of the bylaws of resort associations and relabeling them as civil fines, noting that the Legislature has, in some instances, determined that the benefits flowing from the authority to levy penal sanctions may be outweighed by the burdens placed on law enforcement agencies and the courts. See, for example, the Michigan vehicle code, 1949 PA 300, MCL 257.1 et seq. In regard to the resort associations, however, the Commission determined that the approach taken by the statutes regulating the associations may itself be outdated and that the law regulating condominiums may be a better model.

This study report, therefore, examines state law to determine the manner in which Michigan statute law provides for the regulation of activity in condominium associations similar to that regulated by the resort associations and, while the Commission makes no recommendation for statutory change, indicates the amendments that would be required to the resort association statutes to provide for similar statutory treatment. (A footnote to this report discusses the 41 statutory provisions described above, but contains no Commission recommendation as to changes to those provisions.)

The Michigan statutes regulating condominiums do not provide for the promulgation of bylaws similar to those resort associations are permitted to adopt under the statutory provisions described above. The statutes only authorize condominium associations to promulgate bylaws addressing administrative matters. See, for example, MCL 559.154 and 559.156. The failure of statutes to authorize condominium associations to regulate the type of activities resort associations are permitted to regulate under MCL 445.212 and similar provisions appears to leave the regulation of those activities to local government. Such a conclusion is in line with MCL 445.241, which is one of only three sections specifically addressing condominiums and the enforceability of criminal laws and which indicates only that “condominium project[s] shall comply with applicable local law, ordinances, and regulations.” The other statutory provisions that reference condominiums and criminal laws are MCL 257.627 and MCL 750.141a. MCL 257.627(2)(c), which is a provision in the Michigan vehicle code, provides that the lawful maximum speed on highways within the boundaries of land regulated under the condominium act is 25 miles per hour, unless a different speed is fixed and posted. MCL 750.141a, which is a section of the Michigan penal code, 1931 PA 328, includes condominiums within the definition of “residence” for purposes of the certain prohibitions related to the consumption or possession of an alcoholic beverage.

Based upon the foregoing, it appears that in order to bring the laws regulating resort associations in line with the statute law regulating activities within condominium associations, the only change that would be required would be the deletion of provisions specifically authorizing the resort associations to promulgate bylaws regulating those activities and associated provisions. In specific, the amendments that would be required would be to the following title and statutory provisions:

1929 PA 137

AN ACT to authorize the formation of corporations by summer resort owners; to authorize the purchase, improvement, sale, and lease of lands; to authorize the exercise of certain police powers over the lands owned by said corporation and within its jurisdiction; to impose certain duties on the department of commerce; and to provide penalties for the violation of by-laws established under police powers.

455.204 Corporate powers and liabilities; property ownership, limitation.

Sec. 4. On compliance with the foregoing provisions of this act, the persons so associating, their successors and assigns, shall become and be a body politic and corporate, under the name assumed in their articles of association and shall have and possess all the general powers and privileges and be subject to all the liabilities of a municipal corporation and become the local governing body. Such corporation may acquire by purchase, devise or gift such real and personal property as it may desire for the purposes mentioned in its articles of association: Provided always, It shall not at any time own to exceed 320 acres of land, but this proviso shall not be construed to limit the area of its jurisdiction to exercise the police powers herein conferred over lands of members.

455.211 Corporate jurisdiction; liability for condition of streets.

Sec. 11. Such corporation, through its properly delegated officers, shall have jurisdiction over the lands owned by the corporation and over the lands owned by the members of said corporation for the exercise of the police powers herein conferred. The corporation shall have jurisdiction over the streets and highways passing through or over such lands: Provided always, That the right of the public to control, repair and use all such highways and streets as are necessary for the public travel through or across said lands, shall not be affected hereby: And provided further, That the public shall not be liable for the condition, safety or repair of such streets, alleys or highways as may be laid out and used on the authority of said corporation.

455.212 By-laws; enactment, authority of board of trustees.

Sec. 12. The board of trustees shall have the authority to enact by-laws, subject to repeal or modification by the members at any regular or special meeting, calculated and designed to carry into effect the following jurisdiction over the lands owned by the corporation and its members, viz.: To keep all such lands in good sanitary condition; to preserve the purity of the water of all streams, springs, bays or lakes within or bordering upon said lands; to protect all occupants from contagious diseases and to remove from said lands any and all persons afflicted with contagious diseases; to prevent and prohibit all forms of vice and immorality; to prevent and prohibit all disorderly assemblies, disorderly conduct, games of chance, gaming and disorderly houses; to regulate billiard and pool rooms, bowling alleys, dance halls and bath houses; to prohibit and abate all nuisances; to regulate meat markets, butcher shops and such other places of business as may become offensive to the health and comfort of the members and occupants of such lands; to regulate the speed of vehicles over its streets and alleys and make general traffic regulations thereon; to prevent the roaming at large of any dog or any other animal; to compel persons occupying any part of said lands to keep the same in good sanitary condition and the abutting streets and highways and sidewalks free from dirt and obstruction and in good repair.

455.213 By-laws; effective date, posting.

Sec. 13. All by-laws, so established by the corporation, shall take effect 10 days after passage and each of said by-laws shall be posted conspicuously in 3 public places within the jurisdictional area of said corporation, at least 5 days before the time of taking effect and proof of such posting shall be made by an officer of the corporation and entered on the records of said corporation. Complete and accurate copies of all by-laws shall be kept, at the office of the corporation, for public inspection.

455.214 By-laws; violation, penalty.

Sec. 14. Any person who shall violate any of such by-laws shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding 25 dollars or imprisonment in the county jail not to exceed 30 days or by both such fine and imprisonment in the discretion of the

court, which fine shall be distributed to the same fund as other misdemeanor fines in the township where such lands may be located.

455.215 Marshal; powers, compensation, removal.

Sec. 15. The board of trustees may appoint a marshal, whose duties shall be to enforce the by-laws of said corporation. Said marshal shall have the authority of a deputy sheriff in maintaining peace and order and the enforcement of law on the lands under the jurisdiction of the corporation, and in addition thereto shall be vested with authority to make arrests, in accordance with law, for the violation of the by-laws of said corporation. Compensation of said marshal shall be fixed and paid by said corporation and the said corporation shall alone be responsible for his acts; he may be removed at any time by a majority vote of the trustees, with or without cause; in the discharge of his duties in respect to any matter that is an offense against the general laws of the state, his fees and charges shall be regulated and paid in the same manner as other officers.

455.216 Marshal; authority over person arrested.

Sec. 16. The marshal shall have authority to take any person arrested before the district or municipal court of the judicial district or municipality in which the lands of the corporation are situated, to be there dealt with according to law.

1889 PA 39

455.58 Board of trustees; powers; annual meeting; streets, control.

Sec. 8. The board of trustees shall have the management and control of the business, finances, rights, interests, buildings and all property, real and personal, of the association, and shall represent the association with full power and authority to act for it in all things whatsoever, subject only to the provisions of this act and the by-laws of the association and any special directions that may be given in regard thereto by a vote of any annual meeting. It shall fix the time for holding the annual meeting of the association and all special meetings thereof. Such board shall have jurisdiction over the lands of the association, the streets and highways passing through or over the same and the water within or in front thereof, and all buildings thereon, whether leased or not; to keep all such lands and premises of the association and the water within or in front thereof in good sanitary condition; to preserve the purity of the waters of all streams, springs, bays or lakes within or bordering upon said lands; to license such number of drays as may be thought desirable upon such terms and conditions as the board shall determine; and to prohibit any person from carrying on the business of carrying goods, trunks, baggage or commodities on the lands of the association or the highways, streets or alleys thereon without such license first being had; to provide for protection from loss or damage from fire and to protect the occupants of its grounds from contagious diseases; to remove therefrom any and all persons afflicted with any such disease; to prevent and prohibit on its grounds vice and immorality; to prohibit all disorderly assemblies and conduct, all gaming and disorderly houses, all billiard tables, bowling alleys, fraudulent and gaming devices, the selling or giving away any spirituous or fermented liquors; to prohibit and abate all nuisances and all slaughter houses, meat markets, butcher shops, glue factories, and all such other offensive houses and places as the board of trustees may deem necessary for the health, comfort and convenience of the occupants upon such lands; to prohibit immoderate driving or riding upon said premises or the streets and highways lying along or across the same; to prevent the running at large of any dog or other animal; to compel persons occupying any part of said premises to keep the same in good sanitary condition and the streets, sidewalks and highways in front thereof free from dirt and obstruction and in good repair; to fix the place or places where and the time when persons may bathe in the waters within or in front of its land and regulate the same in the interests of decency and good morals; to prohibit all boating upon any of its said waters on Sunday to and from the lands of the association; and they may also prohibit or consent to

the erection and maintenance of stables and horse barns upon said grounds: Provided always, That the right of the public to control, repair and use all such highways and streets as are now or may hereafter be used and necessary for the public travel through or across said grounds shall not be affected hereby: And further provided, That the public shall not be liable for the condition, safety or repair of such streets, alleys or highways, as may be laid out and used under the authority of said association. The board may also prohibit or consent to the holding of meetings or assemblies for religious or other purposes upon its grounds, and may fix and determine the terms and conditions upon which hotels and boarding houses may be kept thereon.

455.59 Board of trustees; by-laws and orders, amendment, rescission.

Sec. 9. Such board of trustees may from time to time make such orders and by-laws relating to the matters hereinbefore specified and to the business and property of the association as shall seem proper, and may amend the same from time to time, provided always that the same may be amended or rescinded by a majority vote at any annual meeting of the association.

455.60 Violation of by-laws; penalty.

Sec. 10. Any person who shall violate any of such by-laws made as in said last section provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding 25 dollars or imprisonment in the county jail not to exceed 30 days, or by both such fine and imprisonment in the discretion of the court, which fine shall go to the same fund as other fines for misdemeanor in the township where such association lands may be located.

455.61 Marshal; appointment by board of trustees, compensation, duties, removal, powers, responsibility.

Sec. 11. The board of trustees may, for the preservation of peace and good order, appoint a marshal, whose duties and compensation shall be fixed by such board in and by a by-law passed and approved as hereinbefore provided for the adoption and approval of its by-laws; he shall have all the powers conferred upon, and the duties required of, constables elected under the general laws of this state, for the preservation of peace and good order upon the grounds of the association; and said association shall in its corporate capacity be held responsible to the public and parties interested for his official conduct in lieu of other bonds or security therefor; he may be removed at any time by a 2/3 vote of the trustees, with or without cause. In all cases where any fees or expense shall be due to or incurred by him in the discharge of his duties in any matter that would be an offense against the general laws of the state, his fees and charges shall be regulated and paid in the same manner as other constables, but in all matters under the by-laws or regulations of the association, provision shall be made therein for his payment by the association.

455.62 Marshal; authority over person arrested.

Sec. 12. The marshal shall have authority to take any person arrested, before the district or municipal court of the judicial district or municipality in which the association lands are situated, to be dealt with according to law.

455.63 Property; injury or destruction, penalty.

Sec. 13. Any person who shall willfully destroy, injure or remove any statuary, fence, fountain, hydrant, building or other structure placed on the grounds of the association, any dock, landing, quay or boat house thereon, or boat upon the waters upon which such lands are located, the property of any association incorporated under this act, or of any individual member thereof, or who shall willfully cut or injure any tree, shrub or plant upon such grounds, or shall deposit in any spring, stream, reservoir or water pipe, or water upon or within such grounds or in front thereof, any filth or impurity,

or who shall in any way injure any water pipe, lock or reservoir for the storage or passage of water along or upon such grounds, or any sewer or drain, shall be deemed guilty of a misdemeanor, and shall be liable, on conviction thereof, to a fine not exceeding 25 dollars, or imprisonment in the county jail not exceeding 30 days, or by both such fine and imprisonment, in the discretion of the court.

1887 PA 69

455.111 Property; injury, penalty; trespass action.

Sec. 11. Any person who shall willfully destroy, injure or remove any statuary, fence, fountain, building or other structure placed on the grounds, or any dock, landing, quay, boat house, or boat upon the waters upon which said grounds are located, the property of any association incorporated under this act, or of any individual member thereof, or who shall willfully cut or injure any trees, shrub or plant within the said grounds, shall be deemed guilty of a misdemeanor, and shall be liable on conviction thereof to a fine not exceeding 25 dollars, or in default of fine to imprisonment in the county jail for a period not exceeding 30 days, action for the enforcement of such penalty to be brought in the name of the people of the state of Michigan upon the complaint of the trustees of the association or an individual member thereof; and such offender shall also be liable in an action of trespass to be brought in the name of such association for all damages caused by such unlawful act or acts.

Footnote: Recognizing the wisdom of a suggestion to the Commission described in the preceding material regarding statutory provisions that establish criminal fines that may not be sufficiently high to deter illegal activities or encourage the enforcement of the provisions, the Michigan Law Revision Commission surveyed Michigan law to determine which Michigan statutory provisions either set a criminal fine of \$25 or less or set a range of criminal fines, whose minimum is less than \$50 and whose maximum is not more than \$100. The survey uncovered 41 such statutory provisions, in addition to the provisions in the resort association acts described in the preceding material.

In most instances, the sheer length of time that has elapsed since the provision was last statutorily addressed is of sufficient length that the Legislature might consider whether an increase in the amount of the fines authorized by the provision would be appropriate. An example of such a provision is MCL 255.8, which was enacted as part of the Revised Statutes of 1846, but has never been amended since that time. In other instances, provisions, such as MCL 324.17107, have been recently enacted, but were enacted as part of a recodification of language that had previously remained unchanged for decades. These provisions may also invite a legislative examination of the need for their possible amendment. Lastly, other statutory sections, such as MCL 286.259, have recently been statutorily addressed, but not as part of a recodification. The dollar amount of the fines set by those provisions are of such low amounts that the Legislature may find it appropriate to review the provisions to determine whether the amounts set are sufficiently high to deter illegal activity and encourage enforcement.

For all the categories of provisions described above, the Commission notes that if the Legislature increases the amount of a fine, the Legislature might consider tying the amount of the criminal fine to an index such as the consumer price index to eliminate the need for continual amendments in the future. (The Commission recognizes that such indexing might be appropriate for higher fines as well, but is addressing only those fines meeting the criteria set forth above.) The section number of the 41 provisions described above, along with the statutorily or editorially supplied short description of the acts or parts of acts in which they are found, the year of the most recent legislative enactment regarding the provisions, and the dollar amount of the fines are set out below:

28.246 Bureau of Criminal Identification and Records 1987 \$25-\$100
 54.222 Section Corners and Quarter Posts 1889 \$25-\$50
 205.105 Use Tax Act 1949 \$25/day
 247.182 Use of Highway by Public Utilities 1925 \$15-\$50
 255.8 Of the Regulation of Ferries 1846 \$25
 286.84 Cherry Pests 1929 \$25-\$100
 286.226 The Insect Pest and Plant Disease Act 1955 \$25-\$100
 286.259 The Insect Pest and Plant Disease Act 2005 \$25-\$100
 287.209 Breeding of Horses 1929 \$25-\$100
 289.40 Dairy and Food Commissioner 1893 \$10-\$100
 289.44 Dairy and Food Commissioner 1893 \$10-\$50
 289.252 Immature or Unwholesome Calves 1913 \$25-\$100
 289.645 Seal of Quality Act 1961 \$25-\$100
 290.133 Standard Climax Baskets, Baskets, or Other Containers 1917 \$25
 290.465 Wholesale Potato Dealers 1964 \$25-\$100
 317.208 Wild Life Sanctuaries 1929 \$25-\$100
 317.225 Pine Lake Wild Life Sanctuary 1925 \$25-\$100
 317.245 Harbor Beach Refuge 1929 \$10-\$100
 324.17107 Battery Disposal 1995 \$25
 324.40903 Homing Pigeons 1995 \$25-\$100
 324.46902 Taking Rainbow Trout in Soo Rapids and St. Mary's River 1994 \$10-\$100
 324.47334 Commercial Fishing 1995 \$25-\$100
 333.2843 Vital Records 2002 \$25-\$100
 380.1599 The Revised School Code 1976 \$5-\$50
 380.1807 The Revised School Code 1976 \$25-\$100
 380.1808 The Revised School Code 1976 \$2-\$50
 380.1812 The Revised School Code 1976 \$5-\$50
 390.892 Traffic Ordinances at School Universities and Colleges 1978 \$25
 390.892a Traffic Ordinances at School Universities and Colleges 1998 \$25
 408.403 Legal Day's Work 1990 \$5-\$50
 421.54 Michigan Employment Security Act 2002 \$25
 427.7 Hotels, Inns, and Public Lodging Houses 1913 \$25-\$50
 427.14 Hotels, Inns, and Public Lodging Houses 1913 \$25-\$50
 444.27 Warehousemen and Warehouse Receipts 1895 \$25
 445.5 Carrying on Business Under Assumed or Fictitious Name 1949 \$25-\$100
 446.218 Pawnbrokers 1917 \$25-\$100
 453.362 Protection of Fair Grounds and Exhibitions 1873 \$25
 460.55 Michigan Public Utilities Commission 1919 \$10-\$100
 551.105 Marriage License 1887 \$25-\$100
 551.204 Issuance of Marriage License Without Publicity 1979 \$25-\$100
 750.497 The Michigan Penal Code 1931 \$10

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 in 2007 and 2008 urging legislative action. That review identified four decisions for which the Commission recommends legislative action or review and two decisions for which the Commission makes no recommendation. The six decisions examined by the Commission are:

Cairns v. City of East Lansing, 275 Mich App 102 (Ct App 2007)
Apsey v. Memorial Hosp., 477 Mich 120 (2007)
Tyson Foods, Inc. v. Dep't of Treasury, 276 Mich App 678 (Ct App 2007)
Estate of Hubka v. Defever, No. 274857, 2008 WL 400684 (Mich Ct App Feb. 14, 2008)
Stone v. Williamson, 482 Mich 144 (2008)
Woodman v. Kera, 280 Mich App 125 (Ct App 2008)

I. Civil Actions Under Natural Resources and Environmental Protection Act (NREPA)

A. Background

In *Cairns v. City of East Lansing*, 275 Mich App 102 (Ct App 2007), the owners of property affected by the operation of a municipal landfill adjacent to their property sued the city for injunctive and declaratory relief under NREPA, in addition to other relief. The trial court held that it did not have subject-matter jurisdiction over the action and granted summary jurisdiction to the city under MCL 324.20135(3)(b), a section of NREPA that prohibits civil actions by property owners and others, unless “[t]he state has not commenced and is not diligently prosecuting an action to obtain injunctive relief . . . or to require compliance with this part [of NREPA].” *Id.* at 106. The trial court considered the voluntary compliance effort being undertaken by the city under the supervision of the Department of Environmental Quality to be such an action. *Id.*

The Court of Appeals reversed and remanded the case, finding the term “action,” as used in MCL 324.20135(3)(b), to refer to “legal, rather than administrative, proceedings” and since no legal proceedings had been brought by the state against the city, that the trial court had not been divested of jurisdiction by the compliance effort. *Id.* at 115-17. The Court, however, noted that such result may not have been the Legislature’s intention, as the result “encourage[s] violators to insist the state commence a formal judicial action to operate as a bar to third-party civil action, thereby discouraging voluntary compliance efforts.” *Id.* at 119. The Court, therefore, stated that it would “encourage the Legislature to fully examine the language of MCL 324.20135(3)(b) and the policy considerations of the statute as it is currently written.” *Id.*

B. Question Presented

Should MCL 324.20135(3)(b) be amended to provide that a civil action may not be brought against the owner or operator of a landfill if the owner or operator has undertaken voluntary compliance efforts under the supervision of the Department of Environmental Quality?

C. Recommendation

The Commission recommends that the Legislature amend MCL 324.20135(3)(b), agreeing with the court, that voluntary compliance is a cost-effective and less time-consuming alternative to formal legal action.

II. Certification of Notary for Out-of-State Medical Malpractice Affidavits of Merit

A. Background

In *Apsey v. Memorial Hosp.*, 477 Mich 120 (2007), the medical malpractice plaintiffs submitted an affidavit of merit signed by an out-of-state notary public, which affidavit contained a notarial seal but no further certification. *Id.* at 124. The plaintiffs later provided further certification after the statutory period of limitations had run. *Id.* at 124-25. The trial court granted summary judgment to the defendants, based upon a section of the Revised Judicature Act (RJA), MCL 600.2102(4), enacted in 1961, which provides that out-of-state affidavits are insufficiently notarized unless they are certified by the clerk of a court of record in the county in which the affidavit was taken. *Id.* at 125. Further, the trial court held that, without the affidavit, the complaint was incomplete and the cause of action was never properly commenced. *Id.*

The Court of Appeals initially affirmed the trial court's dismissal of the action, noting that, while the affidavit met the requirements of the Uniform Recognition of Acknowledgements Act (URAA) set forth in MCL 565.262, as amended in 1997, the affidavit failed to comply with MCL 600.2104(4), a section in the RJA, which the Court noted "deals with material presented to the courts." *Id.* This initial opinion, relied, in part, on the language of MCL 565.268, which provides: "Nothing in this act [URAA] diminishes or invalidates the recognition accorded to notarial acts *by other laws* of this state," *id.* (emphasis added.), which language the court indicated "did not diminish the more formal and specific requirements of [the RJA], *id.* at 126. The Court of Appeals later reconsidered and vacated its opinion, but then reaffirmed its earlier decision, giving it only prospective application. *Id.*

The Michigan Supreme Court reversed and remanded the case, based on language of MCL 565.268, upon which the Court of Appeals failed to focus. *Id.* at 129. That language indicates that the URAA "*provides an additional method of proving notarial acts.*" *Id.* (emphasis added by the Court.) Therefore, the Court held that certification under the URAA "remains an additional method of attestation of out-of-state affidavits." *Id.* at 130. Justice Kelly, in her concurrence, further noted that the "Michigan Law Revision Commission's report and recommendations" regarding the URAA were "[o]f particular importance" on this matter, as the report, in making its recommendations to the Legislature, specifically stated that enactment of "[t]he act does not require the amendment or repeal of any existing legislation in Michigan but the old Uniform [Recognition of Acknowledgements] Act." *Id.* at 135 (Kelly, J., concurring) (quoting Michigan Law Revision Commission, Third Annual Report, 1968). Justice Kelly also noted that a prefatory note in the report of the National Conference of Commissioners on Uniform State Laws, which organization the Michigan Law Revision Commission indicated had drafted the legislation, stated that the URAA's enactment would require no amendment to existing law, because it was "'in addition to' other recognition statutes." *Id.* at 136-37. Justice Young concurred in the result and stated, "I believe that the Legislature should dispel much of the confusion generated by the URAA and the RJA for the benefit of future litigants. I hope it will do so." *Id.* at 141 (Young, J., concurring). Further, Justice Markman remarked, in dissent, "I would also call on the Legislature to promptly clarify its intentions concerning the need for the certification of foreign affidavits used in Michigan judicial proceedings." *Id.* at 142 (Markman, J., dissenting).

B. Question Presented

Should state law be amended to provide that medical malpractice out-of-state affidavits of merit may be properly certified under only the Revised Judicature Act (RJA) and not either the RJA or the Uniform Recognition of Acknowledgments Act?

C. Recommendation

The Commission recommends that the Legislature amend MCL 600.2102, as follows:

Sec. 2102. In cases where by law the affidavit of any person residing in another state of the United States, or in any foreign country, is required, or may be received in judicial proceedings in this state, to entitle the same to be read, it must be authenticated IN THE MANNER PROVIDED IN THE UNIFORM RECOGNITION OF ACKNOWLEDGEMENTS ACT, 1969 PA 57, MCL 565.261 TO 565.270, OR as follows:

(1) It must be certified by the consul general, deputy consul general, or some consul or deputy consul of the United States resident in such foreign country, to have been taken and subscribed before him, specifying the time and place where taken and have the consular seal attached; or

(2) It must be certified by some judge of a court having a seal to have been taken and subscribed before him, specifying the time and place where taken;

(3) The genuineness of the signature of such judge, the existence of the court and the fact that such judge is a member thereof, must be certified by the clerk of the court under the seal thereof;

(4) If such affidavit be taken in any other of the United States or in any territory thereof, it may be taken before a commissioner duly appointed and commissioned by the governor of this state to take affidavits therein, or before any notary public or justice of the peace authorized by the laws of such state to administer oaths therein. The signature of such notary public or justice of the peace, and the fact that at the time of the taking of such affidavit the person before whom the same was taken was such notary public or justice of the peace, shall be certified by the clerk of any court of record in the county

III. Medical Malpractice Affidavits of Merit and Statements Regarding Causation

A. Background

The trial court in *Estate of Hubka v. Defever*, No. 274857, 2008 WL 400684, at *1 (Mich Ct App Feb. 14, 2008), relied on the Court of Appeals decision in *Apsey* above and held that the out-of-state medical malpractice affidavit of merit of cardiologist Brown was defective against cardiologist Reddy because it was certified under the Uniform Recognition of Acknowledge Act (URAA) and not the Revised Judicature Act (RJA), dismissing the action against Reddy. Further, because the plaintiff intended to satisfy the statutory proximate cause pleading requirements in regard to non-cardiologists Defever, Khan-Lepak, Holladay, and Aretakis with Brown's defective affidavit and not with those of non-cardiologists Levin and Weihl, it being "undisputed that the only affidavit that addresse[d] the issue of proximate cause [, as required by MCL 600.2912d(1)(d) was] Dr. Brown's affidavit," *id.*, the trial court dismissed the claims against the non-cardiologists as well, *id.*

The Michigan Court of Appeals reversed the trial court decision in regard to cardiologist Reddy, based upon the Supreme Court holding in *Apsey*. *Id.* at *2. It did not reverse the trial court decision in regard to non-cardiologists Defever, Khan-Lepak, Holladay, and Aretakis because it was "undisputed" that the affidavits of merits of non-cardiologists Levin and Weihl did not address the proximate cause issue, *id.*, and further, because the averments in the affidavit of cardiologist Brown concerning the breach of the standard of care "specifically and expressly" related to *cardiologists*, not non-cardiologists, thereby not meeting the requirement of MCL 600.2169 and 600.2912d(1)(d), which require the affiant's practice to be the same specialty and board certification as the defendants, *id.* (emphasis added.) In a related matter, the

Court, in a footnote, noted its concern with the same statutory provisions, namely that the statutory provisions permit an affiant who practices the same specialty or has the same board certification to address the issue of causation, even if such an affiant, while capable of addressing “the standard of care, breach of the standard of care, and the actions that should have been taken or omitted,” may, nonetheless, “truly not [be] qualified to address causation.” *Id.*, at *2, n.1. The Court “implore[d] the Legislature to revisit the issue.” *Id.*

B. Question Presented

Should MCL 600.2169 and 600.2912d(1) be amended regarding the qualifications of affiants addressing the issue of causation in an affidavit of merit?

C. Recommendation

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

IV. Medical Malpractice Actions and Loss of Opportunity

A. Background

In *Stone v. Williamson*, 482 Mich 144 (2008), the Michigan Supreme Court affirmed a decision of the Court of Appeals in favor of a medical malpractice plaintiff. The rationale for the Court’s decision, however, was not the same as that of the decision of the Court of Appeals. The Court of Appeals had based its decision on MCL 600.2912a(2), the so-called “loss of opportunity” provision, which reads as follows:

(2) In an action alleging medical malpractice, the plaintiff has the burden of proving that he or she suffered an injury that more probably than not was proximately caused by the negligence of the defendant or defendants. In an action alleging medical malpractice, the plaintiff cannot recover for loss of an opportunity to survive or an opportunity to achieve a better result unless the opportunity was greater than 50%. *Id.* at 147, 151.

In affirming the trial court decision, the Court of Appeals agreed with the trial court that the plaintiff had demonstrated that, due to the defendants’ actions, he had gone from a 95 percent chance of attaining a good result to a 10 percent chance of attaining a good result, thereby meeting the requirements of MCL 600.2912a(2). *Id.* at 149.

The Supreme Court’s decision affirming the Court of Appeals decision, however, was not based upon the statutory provision. A majority of the Justices instead found that the evidence presented at trial supported the jury’s verdict that the plaintiff had proven that he had suffered an injury that was more probably than not proximately caused by the negligence of the defendant, *id.* at 147, evidence “support[ing] a traditional medical-malpractice claim,” *id.* at 165 (Cavanagh, J., concurring). While their decision did not turn on MCL 600.2912a(2), the Justices, in dicta, displayed widely divergent views as to the enforceability and meaning of the statutory provision. In his lead opinion, Chief Justice Taylor opined that the last sentence of MCL 600.2912a(2), discussing the concept of the loss of opportunity, “is unenforceable because it provides no guidance as to its meaning or how courts are to apply it” and “is incomprehensible as written.” *Id.* at 147, 162. After discussing the conflicting views of the members of the Court, he indicated that, “[g]iven this montage of issues and positions created by the language of this statute, it would be helpful 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 164-65. Justice Cavanagh’s concurrence did not call for

legislative review of the statutory provision, but Justice Markman’s concurrence did, “urg[ing] the Legislature to revisit MCL 600.2912a(2) at its earliest opportunity.” *Id.* at 217, n. 26.

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 in this case are only part of a larger issue involving ambiguities in the Michigan statutes regarding medical malpractice actions.

V. Validity of a Second Single Business Tax Assessment for the Same Time Period

A. Background

As noted in *Tyson Foods, Inc. v. Dep’t of Treasury*, 276 Mich App 678, 680 (Ct App 2007), Defendant Tyson Foods did not submit Single Business Tax Act (SBTA) returns to the State of Michigan for the tax years 1989 through 1996. The Department of Treasury (Treasury) issued an intent to assess single business taxes, which document indicated the amount of taxes due and instructed Tyson Foods to file returns for the years in question. *Id.* Tyson Foods did not file returns. *Id.* Without conducting an audit, Treasury then issued a first final assessment for the years in question, which again instructed Tyson Foods to file the missing returns. *Id.* Tyson Foods paid the first final assessment, but did not file the tax returns. *Id.* at 680-81. After conducting an audit, Treasury issued a second intent to assess and a second final assessment for the same period of time covered by the first final assessment. *Id.* at 681. Tyson Foods again filed no returns for the time period, but paid the assessment under protest. *Id.* at 682. In response to an action brought by Tyson Foods, the Court of Claims determined that the first assessment was final and conclusive and ordered Treasury to refund the second tax payment. *Id.*

The Court of Appeals reversed the trial court’s decision, reviewing the SBTA, as well as the Revenue Act, the act under which the administration of the Single Business Tax is governed. The Court noted that the Revenue Act provides that “[a] person who has failed to file a return is liable for all taxes due for the entire period for which the person would be subject to the taxes.” *Id.* at 685 (quoting MCL 205.27a(2)). The Court reasoned that if a second assessment could not be made, when the taxpayer had failed to file tax returns and Treasury obtained information disclosing the fact that a taxpayer’s true liability was greater than previously determined, the taxpayer “would be rewarded for its failure to file tax returns,” a result the Court did not think was intended by the Legislature. *Id.* at 685 and 691. The Court then stated that if its determination of the Legislature’s intent in this situation was incorrect, it “urge[d] the Legislature to specifically clarify this issue in the revenue act or the SBTA.” *Id.* at 691.

B. Question Presented

Should state law be amended to preclude more than one final Single Business Tax assessment for the same period of time, notwithstanding the failure of a taxpayer to file a requested SBTA return?

C. Recommendation

Because the Single Business Tax Act has been repealed, the Commission recommends no amendment.

VI. Validity of Parental Waivers of Minor Child’s Potential Injury Claims

A. Background

In *Woodman v. Kera*, 289 Mich App 125 (Ct App 2008), the Court of Appeals reversed and remanded a trial court’s grant of summary disposition to Defendant Kera, operator of a rented play facility (an

inflatable slide), on a negligence claim, which grant was based upon the existence of a pre-injury waiver signed by a parent of the injured minor child. The Court of Appeals did so, after extensively reviewing the case law in Michigan and in other jurisdictions, holding that, “in the absence of a clear and specific legislative directive, we can neither judicially assume nor construct exceptions to the common law extending or granting the authority to parents to bind their children to exculpatory agreements.” *Id.* at 149. In his lead opinion, Judge Talbot stated, “I would strongly encourage the Legislature to evaluate this issue, including any distinctions to be acknowledged regarding treatment of pre-injury waivers involving for-profit versus nonprofit organizations or programs.” *Id.* at n.6. In his concurrence, Judge Bandstra noted, “I reluctantly concur with the decision that we cannot enforce the waiver signed by the child’s father. However, I think that result is wrong and write separately hoping that either the Michigan Legislature or our Supreme Court will further address the issue,” *id.* at 157, and “I encourage the Michigan Legislature or Supreme Court to further consider the issue,” *id.* at 161 (Bandstra, J., concurring). In a similar vein, Judge Schuette indicated the importance of both “the manner and speed with which the Michigan Legislature responds to this public policy issue,” *id.* at 163, stating “I hope that the Michigan Legislature acts thoroughly and promptly,” *id.* at 164 (Schuette, J., concurring).

B. Question Presented

Should state law be amended to create an exception to the common-law rule for pre-injury parental waivers and should a distinction be drawn between waivers for profit and non-profit groups?

C. Recommendation

The Commission recommends immediate legislative review of 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>
Elimination of References to Abolished Courts:		
Police Courts and County Board of Auditors	1979, p. 9	87
Federal Lien Registration	1979, p. 26	102

1984 Legislative Session

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

1987 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
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>
Repeal of M.C.L. § 764.9	1982, p. 9	113
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
e. Appeals	1985, p. 12	144
f. Crimes	1988, p. 153	145
g. Library Corporations	1988, p. 155	146
h. Oaths	1988, p. 156	147
i. Agricultural Products	1986, p. 134; 1988, p. 151	148
j. Deeds	1988, p. 156	149
k. Corporations	1989, p. 4; 1990, p. 4	150
l. Summer Resort Corporations	1986, p. 154; 1988, p. 155	151
m. Association Land	1986, p. 154; 1988, p. 155	152
n. Burial Grounds	1988, p. 156	153
o. Posters, Signs, and Placecards	1988, p. 157	154

p. Railroad Construction	1988, p. 157; 1988, p. 156	155
q. Work Farms	1988, p. 157	156
r. Recording Duties	1988, p. 154	157
s. Liens	1986, pp. 141, 151, 158; 1988, p. 152	159

1992 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Determination of Death Act	1987, p. 13	90

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
Repeal of Article 6 of the Uniform Commercial Code	1994, p. 111; 1997, p. 131	489
Uniform Fraudulent Transfer Act	1988, p. 13	434
Uniform Trade Secrets Act	1993, p. 7	448
Revisions to Lemon Law (recommendation to include leased vehicles)	1995, p. 7	486

2002 Legislative Session

<u>Subject</u>	<u>Commission Report</u>	<u>Act No.</u>
Guilty but Mentally Ill-Burden of Proof	2000, p. 85	245

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>
Governor's Power to Remove Public Officials from Office (recommendation on school board and intermediate school board members)	2003, p. 21	234

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.

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.

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 is a Trustee of JNL Trust established by the Jackson National 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 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 Sts. Peter and Paul High School, Saginaw; the University of Detroit; and the University of Michigan Law School. His wife Margaret and he are the parents of five adult children.

Mr. Ward is an Adjunct Professor at Michigan State College of Law, Wayne State University Law School, University of Detroit Mercy Law School, and University of Michigan - Dearborn; a member of the Board of Directors of Wayne County Catholic Social Services; 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 LL.B. 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 and 2004 and his current term expires January 1, 2011. 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, 2001 to January 1, 2007.

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 30 years. He and his wife Iva have two children, Brian and Tracy, and four grandchildren.

EDWARD GAFFNEY

State Representative Gaffney is a legislative member of the Michigan Law Revision Commission and has served on the Commission since February 2003. He has been an attorney practicing in Michigan for 31 years.

Representative Gaffney attended Michigan State University and graduated with a master's degree in history. After graduating from MSU, he took a position with the Michigan Legislative Service Bureau, working in the research division. He entered the first class at Cooley Law School. After graduating, he joined the LSB legal division and worked drafting legislation.

Representative Gaffney left Lansing to be a legislative analyst with the American Automobile Manufacturing Association. He was promoted to a position as a regional manager and dealt with state legislatures in Michigan, Ohio, Indiana, Illinois and Kentucky. Representative Gaffney eventually went to work for the Michigan Trucking Association where he managed a safety grant to help experienced truck drivers learn how to be safer drivers.

In 1991, Representative Gaffney ran for Grosse Pointe Farms City Council. He won the election and eight years later was elected mayor. He was elected to the state House in 2002 and re-elected in 2004 and 2006.

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 serves on the following Committees: (Chair) Retiree Health Care Reform; (VC) Labor; Great Lakes and Environment; Intergovernmental, Urban and Regional Affairs; Judiciary; New Economy and Quality of Life; Regulatory Reform.

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, at various times, the Department of Social Services, Mental Health, Natural Resources, and State Police; was in former Attorney General Frank Kelly's Environmental Protection Division; represented the Public Service Commission; and was general counsel to the Commission on Law Enforcement Standards. 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 three.

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.

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, his wife Cathy and sons Michael and Matthew live in East Lansing, Michigan.

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 since May 1984. In January 2005, he was appointed Executive Secretary of the Commission.

He joined the faculty of the Michigan State University College of Law in 2004 and has taught classes in 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.