

Environmental Law Section 2002 – 2003 Annual Report

The Environmental Law Section has begun its third decade by looking back at and celebrating where we have come from, while also planning for the future. Over the past year, the Section has moved to position itself to continue to provide professionally useful programs, meetings, and opportunities to its members by analyzing and acting in accordance with a survey of its members, revising its bylaws, updating and improving its web site and initiating a detailed budgeting and financial planning process.

The Section Council's twenty-one members, as well as the Chairs of the Section Committees, meet five times during the course of the year. The Section meetings generally are held in Lansing at the State Bar building, except for the annual meeting, which is held in conjunction with the State Bar's annual meeting, and the last meeting of each year, which is held at the Ralph A. MacMullan (RAM) Center at Higgins Lake, Michigan.

This year, prints of our 20th anniversary painting by noted wildlife artist Russel Cobane, which had been commissioned last year by the Section, were presented to the State of Michigan in recognition of the service of the Department of Environmental Quality ("DEQ"), the Department of Natural Resources, and the MacMullen conference Center at Higgins Lake. Those prints were presented this summer at, in reverse order, the meeting of the Section's council at Higgins Lake, at a meeting of the Natural Resources Commission, and at the office of the Director of the DEQ. An image of the painting and the key, or legend, is on the Section's web site and is planned for use in the Supreme Court building's education center. All of the above are due to the efforts of Charles Toy, former chairperson two years past, John Tatum, last year's chairperson, and Grant Trigger, membership committee chairperson.

The program committee, chaired by John Byl, worked with the subject matter committees to deliver a number of useful and well attended programs for section members throughout the year. The annual program was a joint program with the Real Estate Section on mold and the new Part 201 rules. The fall update program focused on criminal enforcement issues and was chaired by Anna Maiuri. The spring update, chaired by John Tatum and Robert Schroder, was held at the Lansing Center and focused on the new DEQ administration, natural resources issues from the Army Corps of Engineers' perspective, land use planning, the unauthorized practice of law, ADR and a Brownfields update. We also held a roundtable in April with DEQ management in Detroit and a program on the new Part 201 rules in Lansing in March, as well as a joint program with ICLE in March on mold. The Higgins lake program in June will focus on the DEQ's proposal on the unauthorized practice of law. The upcoming annual meeting program will highlight state and federal environmental legislations. The Section also will be participating on an ABA Regional Advisory Council that will bring together representatives of local and State Bar association environmental practice groups, the ABA Section of Environment, Energy and Resources ("SEER") and, state agencies and EPA to discuss emerging environmental issues within Region V states.

Publications supported by efforts of the Section included articles in the Michigan Bar Journal and the Section's own Michigan Environmental Law Journal, edited by Linda Blais and Steve Chester for most of the year, with Peter Holmes taking over for Steve Chester after Steve was named the new Director of DEQ. The Journal continued its high quality publication of the State of the Law, by Jeff Woolstrom, an article on Superfund amendments to encourage Brownfield development by Christopher Dunskey, an article on mercury issued by Thomas Wilczak and colleagues at Pepper Hamilton, and a number of other articles of topical interest. Case notes of interest were periodically published via the Section listserv to our members. Peter Holmes continued to publicize an environmental law essay contest that he developed last year, with cash prizes provided by the Section, as an outreach to the law schools. The winning essay was published in the Journal as well. Finally, Jeffrey Haynes and Eugene Smary have begun the process of completely re-editing the Michigan Environmental Law Deskbook, which was originally published in 1992. The new edition should be published in late 2004 or early 2005 with many members of the Section serving as chapter authors and editors on a volunteer basis.

Several other matters deserve mention: budget, web site and committees. Grant Trigger has initiated the first true budgeting process for the Section in order to better plan for expenses and preserve a reserve. John Tatum has undertaken a major update of the Section's web site to better organize key information on council contacts, Section news and publications, programs (including on-line program registration!) and legislative updates. Finally, the Section committees have been reorganized to better reflect both current practice and membership interest.

I would like to take this opportunity to thank Chair Elect Todd Dickinson and Secretary/Treasurer Grant Trigger for their efforts and contributions this year. A special thanks also is in order to John Tatum for all of his continued hard work for the Section in updating our web site and assisting in planning programs and events: John has set a new standard for Ex Officio members! Finally, John Byl, and the subject matter committee chairpersons, have demonstrated a continuing commitment to the improvement of the professional skills of their colleagues in the Section and the State Bar. It has been a tremendous honor to be chair of the Section this year. I am privileged to have been able to work with and get to know so many talented members of the Section.

Thomas P. Wilczak, Chairperson