

MSBA Administrative Law Section – Section Council Meeting Minutes

William Mitchell Law School – Room 229
Wednesday, September 24, 2008 – 7:30 a.m.

Council Members Attending: Chairman David Aafedt, Eric Lipman, Louis Thayer, Patricia Winget and Kim Basting (MSBA Staff Liaison)

Council Members Absent: Julie Brunner, Todd Guerrero, Jocelyn Olson, Tom Pursell, David Schultz and Eric Swanson.

Treasurer's Report: Judge Lipman presented the year-end report which reflected a balance of \$5,324.75. The largest category of expenses in the prior year was “catering” – and that category was driven in large measure by the charges associated with the Annual Meeting. The year-end figures do not reflect the projected receipt of \$2,100 in additional revenue that will follow in the 2008-2009 Fiscal Year.

New Business:

1. MSBA President Michael Ford addressed the Section Council, making two key points, both of which related to the Administrative Law Section’s place in the state Bar. First, President Ford urged section members to enroll in a new MSBA-led professional networking site: www.1000supporters.org. The purpose of the site is to distribute up-to-date information regarding the MSBA’s efforts to obtain additional funding for the state courts, legal aid societies and the public defender system. Second, President Ford noted that while the Administrative Law Section is well regarded for its high-quality programs, he observed that Section Members “tend to keep to their own knitting.” He urged the Section Members to have a broader focus, which included the larger community, with its programs and activities in the coming year.

2. A short discussion was held with President Ford about earlier proposals to transfer of jurisdiction of implied consent matters as a method of providing caseload relief to the state courts.

3. A discussion of the Section’s Continuing Legal Education programs dominated much of the remainder of the meeting. Among the ideas floated during an impromptu brainstorming session were: (a) The Development and Use of the Gubernatorial Veto of Minnesota Administrative Rules; (b) Collateral Consequences of Criminal Convictions and their Impact Upon Administrative Law Proceedings; (c) U.S. Supreme Court Preview for the case *M.M. v. Special School District No. 1* (if *certiorari* is granted). Other topics to be raised and considered at the October 22 meeting.

4. Chairman Aafedt reported that the MSBA is now working on upgrades to the process by which Sections submit briefs as *amicus curiae* in pending cases.

Action Items for Next Meeting on October 22, 2008:

- (a) Additional discussions, brainstorming and planning for upcoming CLE activities;
- (b) Possible beneficial and communitarian uses of Section surpluses; and,
- (c) Discussion of the Section convening a workgroup to explore a transfer of implied consent jurisdiction from the state courts to OAH.

Meeting adjourned.

Respectfully submitted,

Eric L. Lipman
Secretary-Treasurer