

From: Richard L. Flax [mailto:richard.flax@zgf-law.com]
Sent: Thursday, March 10, 2011 4:44 PM
To: twebb@milesstockbridge.com
Subject: MSBA Governance

Dear Mr. Webb - Thank you for forwarding to my attention your letter, and enclosures, dated February 4, 2011, regarding the MSBA Business Law Section's proposal to alter the composition of the MSBA Board of Governors. As chair of the section council of the Judicial Administration Section (JASC) of the MSBA, I presented this proposal to the JASC at our meeting held last evening.

While mindful of the origins of your proposal and sympathetic to the purpose, our ultimate vote last night was in favor of the proposal conditioned upon two (2) modifications which I realize may have been raised by others and therefore are not novel, as follows: (1.) strike the terms throughout of "Substantive" or "Substantive Law" and equitably leave the all inclusive term "Section" so we, and other similar Sections, are not shut-out of this desired expansion or shoe-horned under a twisting of the ordinary parlance of "Substantive Section" or "Substantive Law Sections"; and (2.) strike the proposed mathematical allocation of the 6 new positions according to the size of the "Substantive Law Sections" and instead equitably rotate the proposed 6 new Board positions among the Sections regardless of their size.

Just as the Business Law Section has something to bring to the table our unique Section likewise has the same impression, albeit possibly for different reasons. As to the important underlying issues you raised, I believe the perceptions on both sides of the fence should not be given short shrift by the other. If this is not a topic at the upcoming MSBA Planning Committee Retreat later this month it should be.

Best regards,
Richard

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