

The meeting was called to order by President Diehl at 9:30 a.m. on Friday, November 19, 2004, at the State Bar of Michigan, Lansing, Michigan. Commissioners present were:

Lori A. Buiteweg	Richard D. McLellan
Kimberly M. Cahill, Vice President	Stephen J. Murphy, III
Thomas W. Cranmer, President-Elect	Hon. William B. Murphy
Nancy J. Diehl, President	Lambro Niforos
Kim Warren Eddie	Edward H. Pappas, Treasurer
Brian D. Einhorn	Randolph P. Piper
Julie I. Fershtman	Kurt E. Schnelz
Edward L. Haroutunian	Hon. Cynthia D. Stephens
Michael S. Hohausner	Scott C. Strattard
Elizabeth A. Jamieson, Assembly Chairperson	Angelique Strong Marks
W. Anthony Jenkins	Charles R. Toy
Allyn D. Kantor	Gregory L. Ulrich
Ronald D. Keefe, Secretary	Debra A. Walling
Jeffrey E. Kirkey	Rodger D. Young
Craig H. Lubben	

Commissioners Bruce A. Courtade, Elias J. Escobedo, Jr. and D. Andrew Portinga were absent and excused.

State Bar Staff Present:

John T. Berry – Executive Director
Nancy Brown – Director, Communications
Candace Crowley – Justice Initiatives Manager
Kathleen Fox – Director, Human Resources
James Horsch – Director, Finance and Administration
Victoria Kremski – Deputy Regulation Counsel
Elizabeth Lyon – Legal Secretary
Caryl Markzon – Events Planner
Glenna Peters – Executive Coordinator
Chad Sluss – Member Services Manager
Anne Smith – Administrative Assistant
Naseem Stecker – Media Specialist
Janet K. Welch – General Counsel

Present for such portions of the meeting as pertained to a specific agenda item was Reginald M. Turner, SBM Past President.

President Diehl welcomed Ed Haroutunian, who was elected Clerk of the Representative Assembly at their meeting on October 1, 2004. She also recognized recently elected commissioners Scott Strattard, Brian Einhorn and Jeff Kirkey.

CONSENT AGENDA

A motion was made to approve the Consent Agenda. Commissioner Keefe reported that the name of Sherry O'Neal was inadvertently omitted from the proposed appointments to the Character and Fitness Committee for District H, as included in the board agenda packet under item VI. C. A revised list was distributed. Commissioner Ulrich made a motion to amend the Consent Agenda. The motion was seconded and carried to approve the amended Consent Agenda.

Minutes

The Board approved the minutes of the September 30, 2004 Board meetings, to include the last meeting of 2003-2004 and the first meeting of 2004-2005.

The Board accepted the minutes of the following Executive Committee meetings:

- September 13, 2004
- September 30, 2004
- October 11, 2004
- November 8, 2004

Executive Director's Report – John T. Berry, Executive Director

The Board received the written UPL Litigation Status Report.

Finance and Human Resources – Edward H. Pappas, Chairperson

The 2003-04 Financial Results listed under this agenda item were incorporated under Mr. Berry's report and the Finance/HR Commissioner Committee report.

Justice Initiatives – Richard D. McLellan, Chairperson

The Board received a written report on the activities of the Standing Committee on Justice Initiatives (SCJI) and related entities.

Professional Standards Committee – Ronald D. Keefe, Chairperson

The Board approved the following Client Protection Fund Claims:

	Claim No.		Amt. Recommended
1.	CPF 2026		\$ 450.00
2.	CPF 2068		\$25,000.00
3.	CPF 2086		\$ 1,500.00
4.	CPF 2089		\$ 1,500.00
5.	CPF 2091		\$ 1,495.00
6.	CPF 2092		\$ 450.00
7.	CPF 2103		\$ 775.00
8.	CPF 2110		\$ 650.00
9.	CPF 2118		\$ 950.00
10.	CPF 2136		\$ 850.00
		Total	\$33,620.00

The Board approved a litigation request included in the board agenda packet as recommended by the UPL Committee at its meeting on October 13, 2004.

The Board approved the proposed District Character and Fitness Committee appointments for all Commissioner Districts.

Programs and Services Committees –Kimberly M. Cahill, Chairperson

The Board received an informational report from the Paul Goebel Group.

Section Bylaw Proposed Amendments

The Board approved the proposed bylaw amendments for the Business Law Section, Intellectual Property Law Section, Law Student Section and Prisons & Corrections Section.

LEADERSHIP REPORTS

President's Report – Nancy J. Diehl

President Diehl administered the Oath of Office to all Commissioners present. They also signed an individual written Oath after reciting the language as a group. All will be retained in the Bar's Executive Office.

A motion was made, seconded and carried to move into Executive Session to discuss a personnel matter. All staff members were excused with the exception of John Berry, Executive Director, Janet Welch, General Counsel, and Kathleen Fox, Human Resources Director.

Following return from Executive Session, a motion was made and seconded to arrange for an independent review of the Bar's northern Michigan trip practices. Motion carried.

A motion was made and seconded authorizing the Executive Committee to approve the engagement of outside counsel to handle a personnel issue. Motion carried.

SPECIAL ORDER

The meeting was adjourned at 11:50 a.m. for commissioner photos and lunch, and resumed at 1:00 p.m.

LEADERSHIP REPORTS (Continued)

President's Report - Continued

Ms. Diehl reported on her recent travels, noting that the attorneys she met with on the UP Trip appreciated the visit as well as the continuation of the UMLI Conference. Ms. Diehl and Mr. Berry thanked Commissioner Ron Keefe for his efforts in coordinating the northern Michigan travel.

Ms. Diehl further reported that the orientation scheduled for today has been delayed to the BOC meeting on January 21, 2005. The Strategic Planning Retreat that was scheduled for January will now begin on the evening of March 17, 2005, and end at noon on Saturday, March 19th. The location will be in southeast Michigan. Further details will be provided as they are finalized.

Representative Assembly Chairperson's Report – Elizabeth A. Jamieson

Ms. Jamieson reported on the UP trip and also thanked Mr. Keefe for his efforts. She further reported that there is a focus on improving communications with sections, committees and staff and has created a listserv and discussion board for Assembly members that all members can access. The Assembly will meet on Saturday, January 22nd and will be focused on the Rules of Professional Conduct, Michigan Standards for Imposing Lawyer Sanctions, and possible amendments to certain Michigan Court Rules. The Michigan Supreme Court's deadline for comments is February 1, 2005. Ms. Jamieson reminded Executive Committee members that they are members of the Assembly and invited all commissioners to attend.

Young Lawyers Section Report – Angelique Strong Marks, Chairperson

Angelique provided a report on the Section's recent activities including legal writing seminars, Race for Justice on October 30th where \$3,000 was raised for Access to Justice, a seminar entitled "Can Women Have it All?" They also co-sponsored a moot court competition with UD Law School and are sponsoring holiday dinners in December.

Executive Director's Report – John T. Berry

Mr. Berry reported on the success of the third Professional Enhancement Program (ethics school). Evaluations indicate the highest level of the quality of the program and the Michigan Supreme Court is pleased.

Mr. Berry also reported that he and Janet Welch are working on conflict of interest and are gathering information from other states that will be presented as we move forward on governance issues.

Victoria Kremski provided a report on multi-jurisdictional practice, noting that the Supreme Court's commentary period runs through February 1, 2005. She explained that MJP would allow out-of-state attorneys to practice in Michigan under certain limited circumstances without formal application. In order to properly implement MJP in Michigan, other rules need to be amended, including the pro hac vice rule. Proposed revisions to those rules have been sent out for comment to certain sections and committees and good feedback has been received to date. Ms. Kremski reported that the rules are primarily technical and procedural in nature.

Mr. Berry provided a brief financial update and indicated that the projected surplus was due primarily to investments and being conservative on staffing, including not filling positions that have been approved. Mr. Horsch then followed with a more detailed financial powerpoint presentation and discussed continued debt reduction and dues increase projections.

COMMISSIONER COMMITTEES

Finance and Human Resources – Edward H. Pappas, Chairperson

Following the FY 2003-04 financial overview provided by Mr. Horsch, Mr. Pappas noted that while it has been a good year financially, it is important to remember that we have only partially implemented the strategic plan.

Mr. Pappas reported that there were no issues of major concern with the auditors and a clean opinion has been received. The 2004 Annual Financial Report and a copy of the management letter were distributed.

Mr. Pappas also reported that the committee is working on a financial reserves policy that will be presented for approval at an upcoming board meeting.

Finally, a short-term investment policy was approved that would maximize the yield of short-term investments. The policy was also approved by Executive Committee and was included in the board agenda packet.

Professional Standards – Ronald D. Keefe, Chairperson

Janet Welch reported that a positive outcome had been reached in the jury trial of the Dean v. Byerley case and we have submitted a motion for actual attorney fees. Mr. Berry noted that outside counsel performed in an excellent manner.

Programs and Services – Kimberly M. Cahill, Chairperson

A final report on the annual meeting was distributed. Ms. Cahill reported that they are beginning the planning for next year's meeting and the annual meeting committee would be meeting initially on November 30th.

Justice Initiatives Committee – Richard D. McLellan, Chairperson

A written report was included under the Consent Agenda and Mr. McLellan noted that there was nothing further to report at this time.

Mr. Cranmer commented that he attended an ATJ reception that was recently held at the Detroit Athletic Club recently and Candace Crowley and staff did a wonderful job. President Diehl also noted that it was well attended and thanked commissioners and staff for their efforts.

Public Policy, Image and Identity – Thomas W. Cranmer, Chairperson
The Board approved the following actions:

Michigan Court Rules

ADM File No. 2003-65 - Proposed Amendment of Rules 6.425 7.210 and 8.119 of the Michigan Court Rules – The proposed amendments were recommended by the Court of Appeals Record Production Work Group.

Support

ADM File No. 2004-40 - Proposed Amendment of Rule 3.215 of the Michigan Court Rules – This proposed amendment would implement 2004 PA 210, which redefines “de novo hearings” and allows trial courts to give interim effect to a referee’s recommended order pending a hearing de novo.

Deferred

(pending comments from Family Law Section)

Legislation

HB 6285 (Bieda) Courts; juries; juror qualification questionnaires; omit requirement of sending to certain individuals disqualified or excused from jury service.

Support in Principle

Child Support Liens Legislation

SB 1447 (Hammerstrom) Children; support; requirement for title IV-D agencies to provide for certain liens; provide for.

SB 1448 (Patterson) Children; support; requirement for the title IV-D agency to notify the child support lien network; provide for.

SB 1449 (Stamas) Insurance; insurers; disclosure of certain information to assist in the collection of child support arrearages; permit. *Bill not referred to Committee or Sections for comment pending Keller analysis.*

SB 1450 (Van Woerkom) Probate; wills and estates; personal representative; require notice of heirs and devisees be given to friend of the court. TIE BAR WITH SB 1447.

SB 1451 (Hammerstrom) Worker's compensation; other; information sharing with title IV-D agency; require. *Bill was also referred to the Worker's Compensation Section on 11/08/04.*

No Position Taken due to Keller Restraints

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or questions from Commissioners

Ms. Diehl asked for comments or questions, but there were none.

Comments or questions from the Public

Ms. Diehl asked for comments or questions from the public, but there were none.

Old Business

There was none.

New Business

There was none.

The meeting was adjourned at 1:40 p.m.