

The meeting was called to order by President Diehl at 9:40 a.m. on Friday, July 29, 2005, at the State Bar of Michigan, Lansing Michigan. Commissioners present were:

Lori A. Buiteweg	Craig H. Lubben
Kimberly M. Cahill, Vice President	Richard D. McLellan
Thomas W. Cranmer, President-Elect	Angelique Strong Marks,
Nancy J. Diehl, President	Hon. William B. Murphy
Brian D. Einhorn	Lambro Niforos
Elias J. Escobedo, Jr.	Edward H. Pappas, Treasurer
Julie I. Fershtman	D. Andrew Portinga
Kiffi Ford	Kurt E. Schnelz
Edward L. Haroutunian	Hon. Cynthia D. Stephens
Michael S. Hohausser	Scott C. Strattard
Elizabeth A. Jamieson, Assembly Chairperson	Charles R. Toy
W. Anthony Jenkins	Gregory L. Ulrich
Allyn D. Kantor	Debra A. Walling
Ronald D. Keefe, Secretary	
Jeffrey Kirkey	

Commissioners Bruce A. Courtade, Kim Warren Eddie, Randolph P. Piper, Rodger D. Young were absent and excused.

State Bar Staff Present:

John T. Berry – Executive Director
Kari Brandel – Events Coordinator
Nancy Brown – Director of Communications
Gregory Conyers – Program Administrator
Candace Crowley – Manager, Access to Justice
Kathleen Fox – Director of Programs and Services
Nancy Hix-McGee – Senior Staff Accountant
James Horsch – Director of Finance and Administration
Victoria Kremski – Deputy Regulation Counsel
Elizabeth Lyon – Public Policy Program Analyst
Susan McMann – Sections and Committees Coordinator
Dawn Miller – Director of Professional Standards
Glenna Peters – Executive Coordinator
Jerome Reide – Director of Justice Initiatives
Chad Sluss – Manager, Member Services
Mike Smith – Graphic Artist
Janet Welch – General Counsel

Present for such portions of the meeting as pertained to specific agenda items were Martin Krohner and Valerie Newman Co-Chair, Criminal Jurisprudence Committee and Eric Nemeth, Chair, Taxation Section.

CONSENT AGENDA

A motion was made, seconded and carried to approve the Consent Agenda.

Minutes

The Board approved the minutes as amended of the June 10, 2005 Board meeting.

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

- May 23, 2005
- June 6, 2005
- June 20, 2005
- July 11, 2005

President's Report – Nancy J. Diehl, President

The Board received the written President's recent activities report.

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

The Board received the written Executive Director's recent activities report and the UPL Litigation Status Report.

Finance – Edward H. Pappas, Chairperson

The Board received the year to date financial results through May 31, 2005 and the year-end forecast.

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 – Ronald D. Keefe, Chairperson

The Board approved the following Client Protection Fund claims:

	Claim No.	<i>Amt. Recommended</i>
1.	CPF 2011	\$ 1,500.00
2.	CPF 2032	\$ 670.00
3.	CPF 2060	\$15,000.00
4.	CPF 2074	\$ 5,000.00
5.	CPF 2096	\$ 2,700.00
6.	CPF 2134	\$ 1,200.00
7.	CPF 2160	\$ 2,000.00
8.	CPF 2187	\$ 2,500.00
	<u>Total</u>	\$30,570.00

Proposed Commissioner Committee Bylaw Change

The Board approved the proposed amendment to Article III to change the name and jurisdiction of the Finance committee, and jurisdiction of the Programs and Services committee, to shift human resources subject matter to Programs and Services committee.

Annual Committee and Section Reports

Written reports were included in the board packet and received by the following Committees and Sections:

A. Committees

1. Awards
2. Bar Leadership Forum
3. Civil Procedure and Courts
4. Electronic Filing Task Force
5. Ethics
6. Grievance
7. Judicial Qualifications
8. Justice Initiatives
9. Lawyers and Judges Assistance
10. Legal Education and Professional Standards
11. Libraries Legal Research, and Legal Publications
12. Membership Services
13. Publications and Website Advisory
14. Unauthorized Practice of Law

B. Sections

1. Appellate Practice
2. Computer Law
3. Criminal Law
4. Elder Law
5. Family Law
6. General Practice
7. Health Care Law
8. Intellectual Property Law
9. International Law
10. Judicial Conference
11. Labor & Employment Law
12. Latin American Bar Activities
13. Law Practice Management
14. Law Students
15. Legal Assistants
16. Litigation
17. Probate and Estate Planning
18. Public Corporation Law
19. Real Property Law
20. Social Security Lawyers
21. Workers' Compensation Law
22. Young Lawyers

SECTION REPORT

Eric Nemeth, Chair of the Taxation Section, provided a verbal update on the section's activities. Martin Krohner and Valerie Newman, Co-Chairs of the Criminal Jurisprudence & Practice Committee provided a verbal update on the committee's activities.

LEADERSHIP REPORTS

President's Report – Nancy J. Diehl

Election of SBM Officers – Ms. Diehl opened the floor for nominations for State Bar Officers. Ms. Diehl announced that President-elect Thomas W. Cranmer would succeed her as President of the State Bar and that Kimberly M. Cahill would be President-Elect for 2005-06.

A motion was made and seconded to nominate Ronald D. Keefe as Vice President for 2005-06. Motion carried.

A motion was made and seconded to nominate Edward H. Pappas as Secretary for 2005-06. Motion carried.

A motion was made and seconded to nominate Charles R. Toy as Treasurer for 2005-06. Motion carried.

As a result of the State Bar elections in June, Ms. Diehl congratulated the following Commissioners on being re-elected: Edward H. Pappas, Elias J. Escobedo, Jr. and Lambro Niforos

Annual Meeting

Ms. Diehl reported the next Board of Commissioners meeting would be held in conjunction with the Annual Meeting on Wednesday, September 21, 2005 at the State Bar of Michigan beginning at noon with lunch during Committee meetings. Thursday, September 22, 2005 the Annual Meeting begins at the Kellogg Center in East Lansing. Board members are encouraged to attend Section meetings and the Representative Assembly meeting. The President's Dinner will be held at the Marriott Hotel Thursday evening. Please submit your reservation to Anne Smith.

Executive Director's Report – John T. Berry

Mr. Berry reviewed the Committee Resolutions included in the agenda packet. Mr. Berry recommended that the American Indian Law Committee have 19 committee members and to amend the Legal Education and Professional Standards Committee from 1 member to 15 members, a motion was made and seconded for both these recommendations. Motion carried.

The following new staff members were introduced: Kari Brandel, Events Coordinator and Nancy Hix-McGee, Senior Staff Accountant.

Mr. Berry reviewed the drafts of the 2005 Strategic Plan Implementation Plans and requested input. These Implementation Plans will be updated and distributed at the September meeting.

Mr. Berry also review the Preliminary FY 2005-06 budget including and overview and assumptions for the upcoming year and the process for competitions and approval. Commissioners received copies and were requested to give input.

Representative Assembly Chairperson's Report – Elizabeth A. Jamieson

Ms. Jamieson's reported on their first cabinet meeting, which consist of the officer of the Board of Commissioners and the officers of the Representative Assembly to talk about existing and future policy issues effecting lawyers through out the state and if it is a Representative Assembly issue or a Board issue.

Ms. Jamieson reported that the agenda for the September 22, 2005 meeting was going to include a report on Multijurisdictional Practice, Practice Management Resource Center, Confidentiality Rule, informational report on tax on legal service, and E-filing proposal. Ms. Jamieson encouraged the Board to attend the Thursday luncheon as the *Michael Franck Award* will be presented to Linda Rexer.

COMMISSIONER COMMITTEES

Finance – Edward H. Pappas, Chairperson

Mr. Pappas reported that the State Bar of Michigan has paid off the mortgage in full. Twice a year the Finance Committee meets with our Investment agency to discuss the performance on our long term investments and in the second quarter we have done well again.

Mr. Toy reported on the activities of the Insurance & Risk Management Subcommittee. The subcommittee meet twice on the issue of the directors and officers liability insurance, as AIG had indicated they were not going to renew this year. AIG did come back with a bid that was lower than a competitor. The committee discussed and agreed to sign with AIG, which will be about \$1,000 more than last year. The upcoming meeting in August will be to review all possible risks that the State Bar of Michigan could face and to look at data from other bar associations on their insurance.

Justice Initiatives – Richard D. McLellan, Chairperson

Mr. McLellan reported that the Justice Initiatives has not meet and that the Report on the Standing Committee of the Justice Initiatives is in the agenda materials.

Professional Standards – Ronald D. Keefe, Chairperson

Mr. Keefe gave an update on the Practice Resource Management. The committee discussed in length whether this position should be under Programs & Services instead of Professional Standards. The Law Office Management Section has offered to assist with the Resource Center.

A motion was made and seconded to amend the Client Protection Fund Standing Committee Rule 5 to allow for the appointment of non-lawyers to the Committee.

Lambro Niforos reported the sub-committee met for nominations to the ICLE Executive Committee and the Michigan Indian Legal Services Board of Trustee. The committee recommended the reappointment of John Martin for the ICLE Executive Board and for the Michigan Indian Legal Services Board of Trustee there were two applications for reappointment, Damon Fisher and John Romulus. A motion was made, seconded and carried to approve it as recommended.

Programs and Services – Kimberly M. Cahill, Chairperson

Commissioner Cahill reported on the Annual Meeting. The Annual Meeting Committee made a recommendation to the Programs & Services Commissioner Committee to begin rotating the location of the Annual Meeting. The recommendation of the Annual Meeting Committee is to start a geographic rotation in 2006 and rotate the location through southwestern Michigan, western Michigan and northern Michigan and that we begin to evaluate the success of the Annual Meeting based on location, attendance and programs. A motion was made, seconded and carried to approve it as recommended.

Commissioner Cahill requested a motion for the State Bar staff to have general authority to begin working on the investigation of locations and contracts for the upcoming Annual Meetings. Seconded and carried to approve it as recommended.

Commissioner Cahill reported on the State Bar of Michigan bar cards. A recommendation has been made to discontinue issuing bar cards to our Affiliate Members as there is concern in these cards being used by non-members. A motion was made, seconded and carried to approve it as recommended.

Commissioner Cahill will report back to the Board on questions raised regarding bar cards.

Jeffrey Kirkey reported on Michigan Law Online, the jointly sponsored service between ICLE and the State Bar of Michigan. Michigan Law Online won an award of Outstanding Achievement from Association of Continuing Legal Education Administrator which is an international association of CLE provider. They were very impressed with the technology that was used to create and also the partnering between ICLE and the State Bar. Mr. Kirkey gave an update on Michigan Law Online.

Public Policy, Image and Identity – Thomas W. Cranmer, Chairperson

Michigan Court Rules

A motion was made, seconded and carried to approve the following Board actions:

ADM File No 2003-04 - Proposed Amendment of Rule 6.412 of the Michigan Court Rules Selection of the Jury. (See *Michigan Bar Journal* June 2005, p 64).

Oppose the proposed amendment because case law adequately addresses the issue.

ADM File No. 2003-04 - Proposed Amendment of Rule 7.205 of the Michigan Court Rules Application for Leave to Appeal. (See *Michigan Bar Journal* June 2005, p 64-65).

Oppose

ADM File No. 2004-32 - Proposed Amendment of Rules 9.223 and 9.224 of the Michigan Court Rules Certification to Supreme Court; Review by Supreme Court. (See *Michigan Bar Journal* May 2005, p 78).

Support

ADM File No. 2004-56 - Proposed Amendment of Rule 3.925 of the Michigan Court Rules Open Proceedings; Judgments and Orders; Records Confidentiality; Destruction of Court Files; Setting Aside Adjudications. (See *Michigan Bar Journal* June 2005, p 64).

Oppose the proposed amendment. The State Bar adopted the position of the Standing Committee on Justice Initiatives that provides an explanation as to which records should be destroyed and advocates for a juvenile record destruction policy consistent with that of adult records.

ADM File No. 2004-60 - Proposed Amendment of Rule 9.205 of the Michigan Court Rules Standards of Judicial Conduct. (See *Michigan Bar Journal* June 2005, p 65-66).

Oppose the proposed amendment as overreaching and overbroad.

ADM File No. 2005-16 - Proposed Amendment of Rule 4.101 of the Michigan Court Rules – Civil Infraction Actions. (See *Michigan Bar Journal* July 2005, p 68).

Oppose

Legislation

HB 4732 (Sak) – Civil procedure, evictions; Civil procedure, civil actions; Courts, district court; Housing, landlord and tenants; Property, land contracts. Civil procedure; evictions; property managers and other nonlawyers to represent businesses in certain eviction proceedings; allow.

Active Opposition

HB 4133 (Mortimer) – Civil procedure, service of process. Civil procedure; service of process; prohibition of process service on Sunday and election day; repeal.

Support in Principle

HB 4472 (Baxter) – Civil procedure, costs and fees; Civil procedure, appeals; State, other; State agencies (existing), generally. Civil procedure; costs and fees; attorney fees in unsuccessful appeal; require state agency to pay.

Oppose in Principle

OTHER REPORTS

Young Lawyers Section Report – Angelique Strong Marks, Chairperson

Commissioner Strong Marks provided an update on the section's recent and upcoming activities, to include two programs coming up on August 23, 2005 on Stress Management Seminar. The Young Lawyers Section is also putting on a program with a non-profit organization called Save Kids of Incrassated Parents on August 27, 2005.

ABA Report – W. Anthony Jenkins, State Delegate

Commissioner Jenkins reported on the upcoming ABA Annual Meeting, which will be held in Chicago August 4-9, 2005. Governance is a key issue for discussion at the Annual Meeting and Commissioner Jenkins indicated he would report more on this issue at the September Board meeting. Cooley Law is in litigation with the ABA over some accreditations issues regarding their satellite campus they recently opened. Commissioner Jenkins will report back to the Board on developments with Cooley Law School.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or questions from Commissioners

Ms. Diehl asked for comments or questions. Commissioner Strong Marks had comments on the Grand Hotel and their employment process. Commissioner Strong Marks wanted the Commissioners to that she personally is offended by the stereo types that the Grand Hotel is trying to keep up. President Diehl indicated that the Grand Hotel has sent a lengthily response to this issue and asked that copies of this letter be sent to the whole Board of Commissioners. President Diehl asked the Board of Commissioners to review all the letters that have been sent regarding this issue and at the next Board of Commissioners meeting this could then be discussed.

Old/New Business

There was none.

Executive Session

The Board of Commissioners went into Executive Session

The meeting was adjourned at 1:30 p.m.

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