

President W. Anthony Jenkins called the meeting to order at 9:40 a.m. on Friday, April 8, 2011, at the State Bar of Michigan Building, Lansing, MI

Commissioners present:

Dennis M. Barnes	Donald E. McGinnis, Jr.
Robert J. Buchanan	Maureen M. McGinnis
Bruce A. Courtade, Vice President	Lambro Niforos
Margaret A. Costello	Lawrence P. Nolan
Richard L. Cunningham	Jules B. Olsman
Brian D. Finhorn, Secretary	David A. Perkins
James N. Ethart	Victoria A. Radke
Elias J. Escobedo, Jr.	Michael J. Riordan
Julie I. Pershitman, President Elect	Brandy Y. Robinson
Stephen J. Gobbo	Thomas C. Rombach, Treasurer
Edward L. Haroutunian	Laurin' C. Roberts Thomas
W. Anthony Jenkins, President	Dana M. Warner
David A. Kallman	

Commissioners absent and excused:

Commissioners Danielle Mason Anderson, David R. Blake, Lori A. Buteweg, Donald G. Rockwell, Richard J. Siriani, Angeltique Strong Marks, and Julie A. Sullivan were absent and excused.

State Bar Staff present:

Janet Welch, Executive Director
Marge Bossenbery, Executive Coordinator
Nancy Brown, Director, Member Services and Communications
Stephanie Chludil, Administrative Assistant, Human Resources Department
Jennifer Clark, Administrative Assistant, Lawyers and Judges Assistance Program
Gregory Conyers, Diversity Director
Candace Crowley, External Development Director
Dawn Evans, Director, Professional Standards
Cliff Flood, General Counsel
Mary Froom, Human Resources Director
James Horsch, Director, Finance and Administration
Mary Sue Lester, Investigator, Character and Fitness Department
Nassem Stecker, Manager, Media and Communications Division
Anne Vrooman, Research and Development Director

A motion was offered, supported and adopted to adopt the consent agenda.

Commissioner Committee Reports

Finance, Thomas C. Rombach, Chairperson

Mr. Rombach provided the Board with a financial and investment update.

Audit Committee, Thomas C. Rombach, Chairperson

Mr. Rombach provided the Board with an update on the activities of the Audit Committee.

Audit Services Request for Proposal for FY 2011- FY 2013

Mr. Rombach informed the Board that the Audit Committee recommends Andrews Hooper & Pavlik PC as the auditors for the SBM in FY 2011, 2012, and 2013. A motion was offered, seconded and the motion was adopted.

Professional Standards, Brian D. Einhorn, Chairperson

Mr. Einhorn informed the Board that the Professional Standards Committee recommends Hon. Susan Mosecev to fill the SBM vacancy on the ABA House of Delegates. Motion offered, seconded and the motion was adopted.

Ms. Welch recommended to the Board that the alternate position not be filled.

Programs and Services, Bruce A. Courtade, Chairperson

Mr. Courtade reported that two surveys have been conducted by the State Bar and encouraged all Board members to complete them.

At the request of Mr. Courtade, Ms. Vrooman provided the Board with an update on the Membership Survey.

Public Policy, Image and Identity, Julie I. Fershtman, Chairperson

The Board was provided with written reports from Governmental Consultant Services, Inc. and a report from the Justice Initiatives Co-Chairs.

Michigan Court Rules

There were none.

Legislation

Ms. Fershtman informed the Board that the agenda for the Public Policy, Image and Identity Committee included a consent agenda that includes legislation that has already been discussed by the Board. (At the end of every legislative session, the bills introduced for that session that have not been passed "die." The same legislation introduced in subsequent legislative sessions acquires new bill numbering. The items on the consent agenda refer to bills introduced in this new legislative session that are the same as bills on which the State Bar has a position from prior sessions.) The committee will be assessing the value of using a consent agenda in this way in the future. Ms. Fershtman indicated that item #7 was removed from the consent agenda and offered a motion to approve the consent agenda as amended. The motion was seconded and adopted.

At the request of Ms. Fershtman, Ms. Lyon provided the Board with an update on a possible sales tax on services. Ms. Lyon reported that it appears that the tax on services issue is not an immediate concern of Governor Snyder or legislative leadership.

Item 8 Support Funding for the Legal Services Corporation (LSC)

Ms. Fershtman offered a motion that the SBM join the ABA's lobbying efforts in support of LSC funding. The motion was seconded and adopted. A letter that will be used during the ABA lobbying days in Washington was circulated so that the Board members could indicate their support by signing the letter.

ABA Day Item: Federal Tax Intercept

Ms. Fershtman offered a motion to support this item. Support was offered and the motion was approved.

HB 4041 – defunct - no action taken

HB 4106 and SB 0244 – Record Expiration

Ms. Fershtman offered a motion to support these bills. Support was offered and the motion was approved.

SB 0159 – no action taken

SB 0269 Civil Procedure; small claims

Ms. Fershtman offered a motion to support a modest increase in the small claims court jurisdictional limit based on inflation and to schedule evaluations for increases every 3 years based on inflation. Support was offered and the motion was approved.

Leadership Reports

President's Report, W. Anthony Jenkins, President

2011 Board Officer Election Procedure, Matrix and Timeline

At the request of Mr. Jenkins, Mr. Courtade provided the Board with an overview of the procedure involved in running for a SBM Board Officer position and reviewed the timeline for submitting a letter of interest and matrix.

Presidential Diversity and Inclusion Advisory Group

At the request of Mr. Jenkins, Mr. Conyers provided the Board with an update on the activities of the Diversity and Inclusion Advisory Group. Mr. Conyers reported to the Board that a survey is being developed to assess the efforts of law firms regarding diversity.

SBM Advisory Group of Public Statements

Mr. Jenkins provided the Board with an update on the SBM Advisory Group on Public Statements.

Executive Director's Report, Janet K. Welch, Executive Director

FY2012 Budget Process, Roles and Calendar

At the request of Ms. Welch, Mr. Horsch provided the Board with an update on the FY 2012 budget process. Mr. Horsch reported that the final approval of the budget will take place at the September 7, 2011 Board meeting.

Strategic Planning

At the request of Ms. Welch, Ms. Vrooman provided the Board with an update on the status of the SBM's strategic planning process. Ms. Vrooman informed the Board that a committee had been formed and that the committee will meet in May to begin the process.

Judicial Crossroads Task Force Update

Ms. Welch provided the Board with an update on what has transpired since the Judicial Crossroads Task Force Report was unveiled at a press conference. Ms. Welch reported that the Court, Governor and legislators have expressed interest in and appreciation for the State Bar's efforts, and that since the report itself has provided a good platform for the SBM to discuss issues with the legislators and the Governor, and enhanced our credibility and effectiveness.

Supreme Court Report

Ms. Welch indicated that she has had positive discussions with the new Chief Justice and his staff. Ms. Welch commended Mr. Rombach and Mr. Linhorn on their appearances before the Supreme Court at the administrative hearing.

Ms. Welch reported that the Justices of the Supreme Court have extended an invitation to the Board to meet with them on September 7. The Board will meet in the morning and then have lunch with the Justices. The Board meeting scheduled for September 14 as part of the Annual Meeting will still take place.

Justice Initiatives Summit – April 11

At the request of Ms. Welch, Ms. Crowley provided the Board with an update on the JI Summit which will focus on “Engaging the Next Generation of JI Leaders.”

Michigan Judicial Selection Task Force Update

Ms. Welch informed the Board that former Chief Justice Marilyn Kelly and Hon. James Ryan have convened this Task Force and that President Jenkins, former SBM Presidents Wally Riley and Charles Toy and she are members. They are cognizant of the fact that they do not speak for the Bar as members of the committee, beyond advising the Task Force of the State Bar's history of involvement with this issue. The Board will be updated as the work of the Task Force continues.

SBM Election Bylaw Clarification

Ms. Welch asked the Board for its interpretation of an ambiguity in the SBM bylaw concerning whether a person who had previously been on the Board for three consecutive three year terms and who stepped down for at least a year is eligible to run again for a seat on the Board.

The bylaw rule can be changed and clarified in the future, but Ms. Welch asked for immediate direction from the Board to apply to this year's elections, which will be underway before the Board has an opportunity to formally amend the bylaw.

Motion was offered to interpret the bylaw for this election cycle to allow a person who had previously been on the Board for three consecutive three year terms and who stepped down for at least a year is eligible to run again for a seat on the Board, and to bring back the issue back before the Board to discuss and amend the bylaw for future elections. Motion supported and adopted.

Election Review Committee

At the request of Ms. Welch, Ms. Bossenberg informed the Board that a committee appointed by President Jenkins to look at ways to make the election process more user-friendly will meet immediately after the Board meeting to hear about the proposed procedure for the 2011 SBM elections.

Solutions on Self-Help Task Force – Legal Assistance Center

This item was deferred to June meeting.

Personnel Update

Ms. Frock introduced Stephanie Chludil, Administrative Assistant in the Human Resources department.
Ms. Evans introduced Jennifer Clark, Administrative Assistant in the Lawyers and Judges Assistance Program.
Ms. Evans introduced Mary Sue Lester, Investigator in the Character and Fitness department.

Litigation Report

There is no report for this meeting as there is currently no pending litigation.

Representative Assembly Report, Victoria Radke, Chairperson

Ms. Radke provided the Board with an update on the agenda for the April 9 Representative Assembly (RA) meeting and distributed the results of the 2011 RA Survey sent to the RA members at the request of the rules and calendar committee. If the Past Chairs Committee proposal passes at the meeting, Ms. Radke intends to ask that group to review the comments received in the survey.

Ms. Radke reported that the Assembly will vote on the nominees for the Michael Franck and Unsung Hero awards.

Ms. Radke reported that all vacancies on the Assembly are filled.

American Bar Association (ABA) Report, Reginald Turner, State Delegate
Mr. Turner provided the Board with a written report.

Mr. Jenkins informed the Board that the ABA Annual Meeting will take place in Toronto in August.

Mr. Jenkins discussed the letters that were being circulated for the Board members signature for support for Legal Services that is the focus of ABA Days in Washington.

Young Lawyers Section Report, Maureen M. McGinnis, Chairperson
Ms. McGinnis provided the Board with a report on the Young Lawyers Section activities and reminded the Board member that the bowling challenge between the Board and the Young Lawyers Section would begin around 3:00 p.m. today.

Comments or questions from Commissioners

Mr. Nolan informed the Board that Mr. Jenkins was a speaker at the Elder Law of Michigan Awards Program on Friday, April 1.

Comments or questions from the public

There were none

Adjournment

The meeting was adjourned at 12:00 noon.