

President Courtade called the meeting to order at 8:30 a.m. on Friday, June 14, 2013 at the Grand Hotel in the Grand Pavilion Room.

Commissioners present:

Kathleen M. Allen	Charles S. Hegarty
Dennis M. Barnes	C. Thomas Ludden
David R. Brake	Maureen M. McGinnis
Robert J. Buchanan	Lawrence P. Nolan, Treasurer
Lori A. Buiteweg, Secretary	Hon. Michael J. Riordan
Margaret A. Costello	Brandy Y. Robinson
Bruce A. Courtade, President	Donald G. Rockwell
Richard L. Cunningham	Thomas C. Rombach, Vice President
Brian D. Einhorn, President-Elect	Hope V. Shovein Grazini
Hon. James N. Erhart	Richard J. Siriani
D. Randall Gilmer	Julie A. Sullivan
Stephen J. Gobbo	Gregory L. Ulrich
Jennifer M. Grieco	Dana M. Warnez
Edward L. Haroutunian	Vanessa Peterson Williams

Commissioners Absent and Excused

Felicia O. Johnson, Jules B. Olsman and Colleen Pero were absent and excused.

State Bar Staff present:

Janet Welch, Executive Director  
Marge Bossenbery, Executive Coordinator  
Gregory Conyers, Director, Diversity  
Candace Crowley, Director, External Development  
Peter Cunningham, Director, Governmental Relations  
Dawn Evans, Director, Professional Standards  
Cliff Flood, General Counsel  
James Horsch, Director, Finance and Administration  
Lynn Ingram, Program Development and Communications Manager  
Robert Mathis, Pro Bono Service Counsel  
Samatha Meinke, Communications Specialist  
Kari Thrush, Member Services and Events Manager  
Anne Vrooman, Director, Research and Development

Guests

Lynn P. Chard, Executive Director, Institute for Continuing Education  
Ron Keefe, Former President of the State Bar of Michigan  
Marilyn Keefe  
Charles Toy, Former President of the State Bar of Michigan  
Mary Ellen Toy  
Nell Kuhnmuensch, Governmental Consultant Services

Consent Agenda

The Board received the minutes from the April 26, 2013 Board of Commissioners meeting and the April 15, 2013 and the May 14, 2013 Executive Committee meetings.

The Board received a list of the SBM President's recent activities.

The Board received a list of the SBM Executive Director's recent activities.

The Board received the FY 2013 Financial Reports through April 2013.

The Board received the SBM Retirement Plans Report.

The Board received the Access to Board and Committee Meetings Policy.

The Board received the Litigation Status Report.

A motion was offered and supported to approve the consent agenda. The motion was adopted.

Mr. Courtade introduced former SBM President's Ron Keefe and Charles Toy

### **KELLER PRESENTATION**

Ms. Welch provided the Board with a presentation about the Keller decision and its implications for SBM public policy decision-making.

### **COMMISSIONER COMMITTEES**

**Finance**, Lawrence P. Nolan, Chairperson

FY2013 Financial and Investment Update

Mr. Nolan presented the Board with a FY 2013 financial and investment update.

**Professional Standards**, Lori A. Buiteweg, Chairperson

There was no report.

**Programs and Services**, Thomas C. Rombach, Chairperson

Annual Meeting 2017 and 2019 Location

A motion was offered and supported to hold the 2017 Annual Meeting at the Cobo Center in Detroit with overnight accommodations at the Crowne Plaza Convention Center Hotel. The motion was adopted.

A motion was offered and supported to hold the 2019 Annual meeting at the Suburban Showplace in Novi. The motion was adopted. Commissioners Costello, Haroutunian, Robinson and Williams abstained.

Enhanced Directory

Mr. Rombach discussed the proposed benefit to SBM members that would allow members to add their own "Extended Profile" to the listing that appears on our public michbar.org website. This is a voluntary service and members would receive this additional benefit free if they opt out of receiving a paper copy of the bar directory. A motion was offered and supported to adopt this proposal. The motion was adopted.

**Public Policy, Image and Identity**, Brian D. Einhorn, Chairperson

The Board received a written report from Justice Initiatives.

Mr. Courtade informed the Board that the indigent criminal defense legislation passed in both the House and the Senate.

Consent Agenda

**SB 0325 Children; abduction; uniform child abduction prevention act; create. Creates new act.**

A motion offered and supported to support this legislation. The motion was adopted  
The consent agenda was approved.

Court Rules Proposals

**ADM File No. 2011-26 - Proposed Amendment of Rule 2.403 of the Michigan Court Rules**

The proposed amendment of MCR 2.403(O)(8) would add a reference to a motion for rehearing or reconsideration (consistent with the Court of Appeals opinion in Meemic Ins Co v DTE Energy Co, 292 Mich App 278 [2011]), as well as a reference to other postjudgment motions to toll the period of time in which a party may file a request for case-evaluation sanctions.

A motion was offered and supported to adopt the positions of the Civi Procedure and Courts Committee. The motion was adopted.

**ADM File No. 2011-31 - Proposed Amendment of Rules 7.105, 7.111 and 7.205 of the Michigan Court Rules**

The proposed changes would permit the filing of a reply brief in support of an application for leave to appeal in the circuit court and the Court of Appeals. The proposed changes were submitted by the Appellate Practice Section of the State Bar of Michigan.

A motion was offered and supported to support this amendment. The motion was adopted.

**ADM File No. 2012-02 - Proposed Amendment of Rule 2.302 of the Michigan Court Rules**

In addition to providing minor technical changes, the proposed amendments of MCR 2.302 would clarify that discovery-only depositions may be taken only by stipulation or court order. The amendment would also require that the stipulation or order explain how the costs of this type of deposition are to be allocated. These proposed amendments were submitted by the State Bar of Michigan Representative Assembly.

A motion was offered and supported to support this amendment. The motion was adopted.

**ADM File No. 2012-04 - Proposed Amendment of Rule 3.218 of the Michigan Court Rules**

These proposed amendments would codify state and federal statutory and regulation revisions that have occurred in the last decade, and would add specificity and detail to the existing language in MCR 3.218, 3.967, 3.974, 3.977 and 5.402 of the Michigan Court Rules

A motion was offered and supported to support this amendment. The motion was adopted.

**ADM File No. 2013-02 - Amendments of Rules 3.002, 3.800, 3.802, 3.807, 3.903, 3.905, 3.920, 3.921, 3.935, 3.961, 3.963, 3.965, 3.967, 3.974, 3.977, and 5.402 of the Michigan Court Rules**

This proposal incorporates provisions of the newly enacted Michigan Indian Family Preservation Act into specific provisions within various rules relating to child protective proceedings and juvenile status offenses.

A motion was offered and supported to support these amendments. The motion was adopted.

**Legislation**

**HB 4083** (Lori) Law enforcement; other; Michigan crime stoppers act; create, and provide for criminal assessments to fund crime stopper activities. Creates new act.

A motion was offered and supported to oppose this legislation. The motion was adopted.

**HB 4570** (Cotter) Courts; juries; eligibility to postpone jury service of students; expand to include full-time higher education students under certain circumstances. Amends sec. 1335 of 1961 PA 236

A motion was offered and supported to support this legislation. The motion was adopted.

**HB 4583** (Johnson) Children; parental rights; immediate termination of parental rights and visitation rights for parent or legal guardian upon sentencing for criminal sexual conduct or other sex crimes; allow. Amends sec. 19b, ch. XIA of 1939 PA 288 (MCL 712A.19b). **HB 4584** (Johnson) Family law; parenting time; immediate termination of a grandparenting time order upon sentencing for certain criminal sexual conduct; allow. Amends sec. 7b of 1970 PA 91 (MCL 722.27b).

A motion was offered and supported to oppose these pieces of legislation. The motion was adopted.

**HB 4704** (Pettalia) Counties; financing; challenging an approved budget; clarify. Amends secs. 16 & 18 of 1968 PA 2 (MCL 141.436 & 141.438).

A motion was offered and supported to oppose this legislation. The motion was adopted.

### LEADERSHIP REPORTS

#### **President's Report**, Bruce A. Courtade, President

Mr. Courtade reported on some of his activities since the last Board meeting.

#### 2013 Board Officer Election Update

Mr. Courtade reported that there are five candidates who submitted materials to run for the office of Treasurer of the State Bar. Those candidates are: Commissioners Barnes, Grieco, Siriani, Rockwell, and Ulrich. The Board discussed options for voting in the event that no candidate receives a majority on the first ballot. An email will be sent to the Commissioners to vote on options, so that the procedure for voting is known in advance of the July meeting.

#### Malpractice Insurance Tail Coverage

Mr. Courtade informed the Board that the staff is collecting materials regarding malpractice insurance tail coverage and that an email soliciting members to work on the workgroup on this item will take place soon.

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

##### FY 2014 Preliminary Budget and Key Budget Assumptions

Mr. Horsh presented the FY 2014 Preliminary Budget and Key Budget assumptions with the Board.

#### 2013 Awards Committee Recommendations

The Board received the nomination of Kurt E. Schnelz for the Roberts P. Hudson Award, Donna T. Morris for the Frank J. Kelley Distinguished Public Service Award, Eugene Driker, Valerie R. Newman, Michele L. Halloran, Ann L. Routt, and A Kay Stanfield Spinks for the Champion of Justice Award, Elizabeth A. Kitchen-Troop for the Kim Cahill Bar Leadership Award, James J. White for the John W. Reed Michigan Lawyer Legacy Award and Marge Palmerlee for the Liberty Bell Award. A motion was offered and supported to approve the recommendations of the SBM Award Committee. The motion was adopted.

#### 2013 John W. Cummiskey Award Nominee

The Board received the nomination of Robert Mossel for the John W. Cummiskey Award. A motion was offered and supported to approve the recommendation of the Pro Bono Initiative. The motion was adopted.

#### 2013 SBM Election Update

Ms. Bossenbery reported that of the approximately 40,000 active members eligible to cast a ballot, 6,900 have voted. One more reminder will be sent to all eligible members who have not yet voted.

State Officers Compensation Committee (SOCC)

Ms. Welch reported to the Board that the State Officers Compensation Committee (SOCC) met and that the SBM, consistent with past practice of support for reasonable increases in judicial compensation, provided a letter supporting the recommendation of the State Court Administrative Office (SCAO) for back-to-back increases of 3%. The SBM has been on record in support of judicial compensation increases, and it has been 13 years since the last increase. The outcome of the meeting is that the SOCC recommended a one-time 3% increase to the salary of the members of the judicial branch and that the proposal is now before the Legislature.

2013 February Bar Exam

Ms. Welch provided the Board with information regarding the 2013 February Bar Exam. Ms. Welch informed the Board that the conversation between the Board of Law Examiners (BLE) and the Law School Deans continues and an executive director has been hired for the BLE. The BLE has not had an executive director before.

Indigent Criminal Defense Update

Ms. Welch told the Board that it is anticipated that the legislation will be signed by the governor and that this is an enormous step forward and that the next step will be fighting for funding.

**Representative Assembly (RA) Report**, Dana M. Warnez, Chairperson

2013 RA Awards

Ms. Warnez reported that the Representative Assembly's 2013 Awards Committee approved the 2013 Unsung Hero Award be presented to James Brenner and Elizabeth Stafford and that the 2013 Michael Franck Award be presented posthumously to Marty Krohner.

Nominations for 2013-2014 RA Clerk

Ms. Warnez reported that the deadline for RA members to submit their interest in the position of Clerk of the RA is July 26.

Ms. Warnez reported she has been working with Mr. Courtade, Mr. Conyers, Ms. Vrooman, and members of the Diversity and Inclusion Committee to develop a small survey to be sent to RA members for their input on their paths to leadership.

**American Bar Association (ABA) Report**

The Board will receive a report at the July meeting.

**Young Lawyers Section Report (YLS)**, Felicia O. Johnson, Chairperson

In Ms. Johnson's absence, Ms. Shovein provided the Board with an update on the activities of the Young Lawyers Section.

**Comments from Commissioners**

Mr. Hegarty reminded the Board about the gathering he and his wife are hosting at their home on the Island on Saturday, June 15.

Mr. Ulrich recognized the day as Flag Day.

**Adjournment**

The meeting was adjourned at 12:00 p.m.