

**State Bar of Michigan  
Representative Assembly  
April 22, 2017**

**SUMMARY OF PROCEEDINGS**

The following is a summary of proceedings of the State Bar Representative Assembly session held Saturday, April 22, 2017, at the Lansing Community College West Campus in Lansing, Michigan.

1. Call to order by Chairperson Fred K. Herrmann.
2. Clerk Richard L. Cunningham declared a quorum (50 members) was present.
3. Upon a motion made and seconded, the proposed calendar was adopted as amended.
4. As provided in Rule 4.8, the Summary of Proceedings of the September 22, 2016 meeting was deemed approved.
5. Stephen J. Markman, Chief Justice of the Michigan Supreme Court, addressed the Assembly, after an introduction by Chairperson Fred K. Herrmann.
6. Fred K. Herrmann, Representative Assembly Chair, offered a brief chair's report.
7. Michael C. Brown, Member of the Nominating and Awards Committee, addressed the Assembly on filling vacancies for the current meeting. Upon a motion made and seconded, Terry J. Klaasen (4<sup>th</sup> Circuit), John Chau (6<sup>th</sup> Circuit) Dawn M. King (6<sup>th</sup> Circuit), Jennifer R. Turchyn (6<sup>th</sup> Circuit), Chelsea M. Rebeck (6<sup>th</sup> Circuit), Randy L. Price (10<sup>th</sup> Circuit), John Blakeslee (13<sup>th</sup> Circuit), Wilson D. Brott (13<sup>th</sup> Circuit), Joshua Z. Kosmerick (17<sup>th</sup> Circuit), Marcus R. Garske (18<sup>th</sup> Circuit), Jessie S. Wood (18<sup>th</sup> Circuit), John W. Reiser, III (22<sup>nd</sup> Circuit), Ravi R. Gurumurthy (28<sup>th</sup> Circuit), Hilary B. Georgia (31<sup>st</sup> Circuit), James L. Jordan (37<sup>th</sup> Circuit), Jessica M. Richileau (38<sup>th</sup> Circuit), Kelley James-Jura (43<sup>rd</sup> Circuit), Ian R. Rothe (47<sup>th</sup> Circuit), Hon. Thomas R. Evans (55<sup>th</sup> Circuit), and Matthew R. Newburg (56<sup>th</sup> Circuit) were appointed to fill immediate vacancies within their respective Circuits.
8. Michael C. Brown, Member of the Nominating & Awards Committee, addressed the Assembly concerning the 2017 Award Nominations. Upon a motion made and seconded, the Assembly unanimously approved the 2017 Award Recipients. The Unsung Hero Award will be presented to F. Martin Tieber. The Michael Franck Award will be presented to Mark Teicher.
9. Janet K. Welch, State Bar Executive Director, addressed the Assembly.
10. A panel on Legal Aid in Michigan presented before the Assembly.
11. Karen H. Safran, Chair of the Civil Procedure & Courts Committee, addressed the Assembly for re-consideration of proposed amendments to Rules 2.116 and 2.119 of

the Michigan Court Rules as published in Administrative File Number 2015-24. Upon a motion made and supported, after discussion, the Assembly supported commenting on the published file number, recommending that the briefing schedule be extended one week as originally proposed by the Assembly.

12. Nicholas M. Ohanesian, Member of the Professional Ethics Committee, addressed the Assembly for consideration of proposed amendments to Rule 7.1 of the Michigan Rules of Professional Conduct to add paragraphs regarding the use of a “retired” or “former” title for lawyers who are retired or former justices, judges, referees, and magistrates. Upon a motion made and supported, after discussion, the proposal passed.
13. Lori A. Buiteweg, past-president of the State Bar of Michigan, addressed the Assembly for consideration of approval of the State Bar of Michigan Strategic Plan for 2017-2020. Upon a motion made and supported, after discussion, the proposal supported the Strategic Plan.
14. Adjournment

President Nolan called the meeting to order at 9:45 a.m. on April 21, 2017 in the Boardroom of the Michael Franck State Bar of Michigan building.

Commissioners present:

Danielle Mason Anderson

Dennis M. Barnes, Secretary

Robert J. Buchanan, Treasurer

Hon. Clinton Canady III

Richard L. Cunningham

Syeda F. Davidson

Shauna L. Dunnings

Andrew F. Fink III

Robert C. Gardella

Jennifer M. Grieco, Vice President

Edward L. Haroutunian

Krista Haroutunian

James W. Heath

Fred K. Herrmann

Michael S. Hohaus

Mark W. Jane

Thomas E. McCarthy Jr

Joseph P. McGill

Hon. Maureen M. McGinnis

Shenique A. Moss

Lawrence P. Nolan, President

Jules B. Olsman

Hon. David A. Perkins

Colleen A. Pero

Victoria A. Radke

Donald G. Rockwell, President-Elect

Brian D. Shekell

Richard J. Siriani

Gregory L. Ulrich

Dana M. Warnez

Erane C. Washington

Commissioners absent and excused:

Hon. Michael J. Riordan

State Bar Staff present:

Janet Welch, Executive Director

Marge Bossenbery, Executive Coordinator

Nancy Brown, Director, Communications and Member Services Division

Gregory Conyers, Director, Diversity

Candace Crowley, Assistant Executive Director and Director, External Development

Peter Cunningham, Assistant Executive Director and Director, Governmental Relations

Darin Day, Director, Outreach and Constituent Development

Cliff Flood, General Counsel

Danon Goodrum-Garland, Director, Professional Services Division

Kathryn Hennessey, Public Policy Counsel

James Horsch, Director, Finance and Administration Division

Nkrumah Johnson-Wynn, Assistant General Counsel

Robert Mathis, Pro Bono Service Counsel

Samantha Meinke, Communications Manager

Jeanette Socia, Human Resources Manager

Kari Thrush, Assistant Division Director, Communications and Member Services Division

Anne Vrooman, Director, Research and Development

Guests

David R. Watson, Executive Director, Institute of Continuing Legal Education

### Consent Agenda

Mr. Nolan asked the Board if there were any items that needed to be removed from the consent agenda. There were none.

The Board received the minutes from the January 20, 2017 Board of Commissioners meeting.  
The Board received the minutes from the January 10, February 14, and 21, 2017 Executive Committee meetings.

The Board received the recent activities of the President.

The Board received the recent activities of the Executive Director.

The Board received the FY 2017 Financial Reports through February 2017.

The Board received Client Protection Fund Claims.

The Board was notified that the Annual Reports of the SBM Committee and Work Groups could be found on the SBM Board of Commissioners portal page.

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

## COMMISSIONER COMMITTEES REPORTS

### Finance, Robert J. Buchanan, Chairperson

Mr. Buchanan reviewed the FY 2017 financial reports through February 28, 2017

Mr. Buchanan reported that the Finance Committee formed a sub-committee to review the adequacy of SBM insurance coverage. As a result of this effort, the SBM has replaced the current policy that provides general liability, property and umbrella coverage with a Chubb insurance policy to address deficiencies in the current policy and provide better coverage.

Mr. Buchanan reported that the Finance Committee will meet with SBM senior staff in June to review the FY 2018 proposed budget.

### Audit, Robert J. Buchanan, Chairperson

Mr. Buchanan indicated that there was not a report.

### Professional Standards, Dennis M. Barnes, Chairperson

#### ABA House of Delegates Appointment

A motion was offered and supported to re-appoint Commissioner Gregory L. Ulrich to the ABA House of Delegates. The motion was approved.

### Communications and Member Services, Jennifer M. Grieco, Chairperson

#### Board of Commissioners Committee Restructuring

Ms. Grieco described and explained the Committee Restructuring Workgroup's efforts to restructure the SBM commissioner committees, which is still a work in progress. She explained the need for committee restructuring to be consistent with and support the 21<sup>st</sup> Century Practice Task Force recommendations and updated SBM Strategic Plan. Mr. Grieco stated that it is anticipated that the proposal framework will encourage more SBM members to volunteer their time to work on a specific issues if they do not need to commit to a long time period. Ms. Grieco indicated that she and Mr. Rockwell participated on two conference calls held with representatives of the SBM committees and that they were receptive to the proposed changes.

The committee is asking for approval from the Board for only the framework and will present the SBM Standing and Special Committee Jurisdiction Resolution and Matrix at the July Board meeting for consideration.

A motion was offered and supported to adopt the framework. The motion was approved.

#### **50 Year Honoree Resolution**

A motion was offered and supported to approve the 50-Year Golden Celebration Resolution. The motion was approved.

#### **2017 John Cummiskey Award**

A motion was offered and supported to award the 2017 John W. Cummiskey Award to Robert Treat. The motion was approved.

#### **2017 SBM Awards Committee Recommendations**

A motion was offered and supported to award the Roberts P. Hudson Award to Gerard Mantese; the Frank J. Kelley Distinguished Public Service Award to Hon. Robert Holmes Bell, Hon. Bernard Freidman, and Barbara L. McQuade; the Champion of Justice Award to Michael C. McDaniel and Kelly Ann Ramsey; the Kim Cahill Bar Leadership Award to Patrick J. Wilson; and the John W. Reed Michigan Lawyer Legacy Award to Professor Alan Schenk. The motion was approved.

Ms. Grieco reported that the nomination for the Liberty Bell Award will be presented to the Board at its June 2017 meeting.

#### **Public Policy**, Donald G. Rockwell, Chairperson

The Board members receive a written public policy report

The Board members received a written Justice Initiatives Report.

#### **ABA Day 2017**

Mr. Rockwell indicated that there are two Federal issues for consideration and invited Mr. Cunningham to inform the Board on both of these issues.

Mr. Cunningham described both of the issues to the Board and indicated that these issues are ones that the delegation from the State Bar will advocate for during ABA Days in Washington, D.C.

**Funding of the Legal Services Corporation (LSC):** LSC grantees provide civil legal aid to constituents at 125% of the poverty level and below. Congress should return LSC funding to \$450 million—roughly the FY2010 appropriation (inflation adjusted) before the dip in the economy.

A motion was offered and supported that this issue is Keller permissible. The motion was approved.

A motion was offered and supported to support returning Legal Services Corporation funding to \$450 million. The motion was approved.

**(H.R. 1993) To Amend Title 38, United States Code, to authorize the Secretary of Veterans Affairs to Enter Into Partnerships with Public and Private Entities to Provide Legal Services to Homeless Veterans and Veterans at risk of Homelessness**

A motion was offered and seconded that this item is Keller permissible. The motion was approved. A motion was offered and supported to support H.R.1993. The motion was approved.

A recommendation was made to have Mr. Cunningham draft a letter that the Commissioners could use to contact their Congressional representatives about the importance of these issues and suggested that the SBM use social media outlets to get the word out to members to contact their Representatives. It was noted that using email and especially postal mail are not the most effective way to contact the Representative; calling, especially district offices, is a better alternative.

**Court Rules**

**ADM File No. 2016-35 – Proposed Addition of Rule 6.008 to the Michigan Court Rules**

The proposed addition of Rule 6.008 would establish procedures for a circuit court to follow if a defendant bound over to circuit court on a felony either pleads guilty to, or is convicted of, a misdemeanor in circuit court, and would eliminate the practice of circuit courts remanding cases to district court except where otherwise provided by law. Remand to district court would remain a possibility in certain limited circumstances, including where the evidence is insufficient to support the bindover, *People v Miklovich*, 375 Mich 536, 539; 134 NW2d 720 (1965); *People v Salazar*, 124 Mich App 249, 251-252; 333 NW2d 567 (1983), or where there was a defect in the waiver of the right to a preliminary examination, *People v Reedy*, 151 Mich App 143, 147; 390 NW2d 215 (1986); *People v Skowronek*, 57 Mich App 110, 113; 226 NW2d 74 (1975), or where the prosecutor adds a new charge on which the defendant did not have a preliminary examination, *People v Berchbeny*, 387 Mich 431, 434; 196 NW2d 767 (1972), adopting the opinion in *People v Davis*, 29 Mich App 443, 463; 185 NW2d 609 (1971), *aff'd People v Berchbeny*, 387 Mich 431 (1972). See also MCR 6.110(H). The proposal is intended to promote greater uniformity and address a practice that varies among courts.

The Board voted to take no position on the proposed court rule, but authorized committees and sections to advocate. The motion was approved.

**Legislation**

**Juror Compensation**

**HB 4209** (Lucido) Courts; juries; juror compensation; increase. Amends sec. 1344 of 1961 PA 236 (MCL 600.1344).

**HB 4210** (Lucido) Courts; juries; increase in juror compensation; provide for. Amends sec. 151e of 1961 PA 236 (MCL 600.151e).

A motion was offered and supported that this legislation is Keller permissible. The motion was approved.

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

### **Eligibility Requirements for Attorney Licensing**

**HB 4312** (LeFave) Occupations; attorneys; eligibility requirements for attorney licensed in another state to practice law in Michigan; modify. Amends secs. 937, 940 & 946 of 1961 PA 236 (MCL 600.937 et seq.) & adds sec. 945.

**SB 0195** (Casperson) Occupations; attorneys; eligibility requirements for attorney licensed in another state to practice law in Michigan; modify. Amends secs. 937, 940 & 946 of 1961 PA 936 (MCL 600.937 et seq.) & adds sec. 945.

A motion was offered and supported that this legislation is Keller permissible. The motion was approved.

A motion was offered and supported to support this legislation. A roll call vote was taken. The motion failed.

### **Roll Call Vote**

Yes: Cunningham, Davidson, Dunning, Gardella, Haroutunian Edward, Haroutunian Krista, Heath, McGinnis, Moss, Olsman, Perkins, Pero, Radke, Rockwell, Shekell, Nolan

No: Anderson, Barnes, Buchanan, Canady, Fink, Grieco, Herrmann, Hohaus, Jane, McCarthy, McGill, Siriani, Ulrich, Warnez, Washington

Absent: Riordan

**HB 4463** (VanSingel) Civil procedure; evictions; limited liability companies; allow members and others with personal knowledge to represent in certain situations. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 5707.

A motion was offered and supported that this legislation is Keller permissible. The motion was approved.

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

### **Model Criminal Jury Instructions**

#### **M Crim JI 4.5**

The Committee proposes amending M Crim JI 4.5, the instruction for using prior inconsistent statements to impeach witnesses. The Committee determined that the current instruction was confusing and in need of clarification. The amendment is drawn from a federal court instruction.

A motion was offered and supported to support the proposed criminal jury instruction. The motion was approved.

#### **M Crim JI 15.3**

The Committee proposes amendments to the "operating while intoxicated" instruction, M Crim JI 15.3, for violations of MCL 257.625. The amendments consolidate the instruction, rather than having separate paragraphs for alcohol, controlled substances, or intoxicating substances.

A motion was offered and supported to support the proposed criminal jury instruction. The motion was approved.

#### **M Crim JI 17.25**

The Committee proposes amendments to the "stalking" instruction, M Crim JI 17.25, for violations of MCL 750.411h and 750.411i. One amendment adds the presumption found in MCL 750.411h(4) and 750.411i(5) that the victim felt terrorized, frightened, intimidated, threatened, harassed or molested when the defendant has persisted in a course of unconsented contact.

A motion was offered and supported to support the proposed criminal jury instruction. The motion was approved.

**President's Report**, Lawrence P. Nolan, President

**Board Officer Election Procedure, Matrix, and 2017 Timeline**

Mr. Nolan informed the Board that the deadline to submit a letter of interest and matrix for the position of Treasurer of the State Bar for 2017-2018 is June 6, 2017. Materials should be sent to the President and the Executive Director.

Mr. Nolan informed the Board that Ms. Paulette Brown, Immediate Past President of the ABA, will be the keynote speaker at the Davis Dunning's Bar Association's Otis Smith Scholarship dinner on Friday, April 28 at the Crowne Plaza.

Ms. Dunning's mentioned to the Board that Mr. Nolan will receive the Davis Dunning's Bar Association's Trailblazer Award at its dinner on April 28.

Mr. Nolan reminded the Board to register for the Bar Leadership Forum as soon as possible.

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

**FY 2018 Budget Process, Roles, and Calendar**

Ms. Welch asked Mr. Horsch to describe the FY 2018 budget process to the Board. He reported that the budget process is the same as in recent years. Current plans are for the FY 2018 key budget assumptions to be reviewed with the Board at its June meeting and for the proposed FY 2018 budget to be brought to the Board for action at its July meeting.

**Suspension for Non-Payment of Dues**

Ms. Welch described the steps that are taken each year by State Bar staff to contact members who do not pay their dues on time. Mr. Horsch presented a power point presentation describing the process of member dues notification, fees for late payment, and suspension for non-payment of dues; as well as statistics and demographic data related to the number of members incurring late payments and suspension for non-payment of dues. After discussion, Mr. Nolan appointed a work group to review the dues process and make recommendations that could include making a change to the timing of dues process and changes in penalties for late payment. Commissioner Buchanan will chair the work group and Commissioners Canady, Fink, McGill, and Moss will serve on the work group.

**Strategic Planning – LRS Modernization**

Ms. Welch informed the Board that the SBM is moving from the design phase of the strategic plan to the building and operating phase. The Board has already talked about strategic planning in the context of committee restructuring; another big step involves building the online legal resource center. The public resource center will include a lawyer referral service (LRS) component that will connect the public with the legal resources they need. To that end, the LRS steering committee is meeting after the Board meeting to review what the pilot project has done so far, what we are learning from it, and to get feedback. She will provide a report to the Board at its June meeting.

**Representative Assembly (RA) Report**, Fred Herrmann, Chairperson

Mr. Herrmann reported that at its April 22 meeting, the Assembly will hear an educational and motivational presentation on legal aid funding shortfalls and what the Assembly membership can do to help with the access to justice. He informed the Board that Chief Justice Stephen Markman will address the Assembly; Past President, Lori Buiteweg, will present the SBM's strategic plan for action; proposals to change court rules and the rules of professional conduct will be considered; and the Assembly award recipients will be selected.

**American Bar Association (ABA) Report**

No report.

**Young Lawyers Section Report (YLS)**, Shenique A. Moss, Chairperson

Ms. Moss reported that the YLS Summit is taking place at Crystal Mountain Resort in Thompsonville on April 28 – 28, 2017. She informed the Board that at that meeting the YLS will present Katherine Marcuz with the Regeana Myrick Outstanding YLS Award.

Ms. Moss reminded the Board that the “Fowling Challenge” event between the Board of Commissioners and the Young Lawyers Section Executive Council will take place after today’s Board meeting, beginning at 3:00 p.m.

Ms. Moss informed the Board that they are planning a first time U.P. event in Marquette on June 23 and that the engagement committee is working to develop an agenda and the educational programs.

**Comments from Commissioners**

Mr. Haroutunian called the Board’s attention to Holocaust remembrance week, and encouraged the Board to attend showings of “The Promise,” the backdrop for which is the Armenian genocide.

Mr. Nolan reminded the Board that May 1 is Law Day and encouraged Commissioners to go out in their local communities and talk about the rule of law.

Ms. Grieco reported that the Negligence Law Section Summer Reception is taking place on Thursday, August 24 at Blackstone’s Pub and Grill in Flint. At that meeting the 2017 Outstanding Achievement Award will be given to Mr. Rockwell and the Trial Judge of the Year Award will be given to Hon. Joseph Farah.

**Adjournment**

The meeting was adjourned at 12:25 p.m.

President Nolan called the meeting to order at 9:20 a.m. on June 9, 2017 in the Grand Pavilion room in the Grand Hotel on Mackinac Island.

Commissioners present:

Dennis M. Barnes, Secretary  
Robert J. Buchanan, Treasurer  
Hon. Clinton Canady III  
Richard L. Cunningham  
Syeda F. Davidson  
Shauna L. Dunning  
Andrew F. Fink III  
Robert C. Gardella  
Jennifer M. Grieco, Vice President  
Edward L. Haroutunian  
Krista Haroutunian  
James W. Heath  
Fred K. Herrmann  
Michael S. Hohaus

Mark W. Jane  
Thomas E. McCarthy Jr.  
Joseph P. McGill  
Hon. Maureen M. McGinnis  
Shenique A. Moss  
Lawrence P. Nolan, President  
Jules B. Olsman  
Colleen A. Pero  
Victoria A. Radke  
Donald G. Rockwell, President-Elect  
Brian D. Shekell  
Gregory L. Ulrich  
Dana M. Warnez  
Erane C. Washington

Commissioners absent and excused:

Danielle Mason Anderson  
Hon. David A. Perkins

Hon. Michael J. Riordan  
Richard J. Siriani

State Bar Staff present:

Janet Welch, Executive Director  
Marge Bossenbery, Executive Coordinator  
Gregory Conyers, Director, Diversity  
Candace Crowley, Assistant Executive Director and Director, External Development  
Peter Cunningham, Assistant Executive Director and Director, Governmental Relations  
Darin Day, Director, Outreach and Constituent Development  
Cliff Flood, General Counsel  
Danon Goodrum-Garland, Director, Professional Services Division  
James Horsch, Director, Finance and Administration Division  
Robert Mathis, Pro Bono Service Counsel  
Kari Thrush, Assistant Division Director, Communications and Member Services Division  
Tish Vincent, Program Administrator, Lawyers and Judges Assistance Program  
Anne Vrooman, Director, Research and Development

Guests

Laurel Blasi  
Chief Justice Stephen J. Markman  
Bridget Rohs  
Erich Rohs  
Nolan Rohs  
David Watson, Executive Director, ICLE  
Justice Kurtis T. Wilder

Mr. Nolan introduced Chief Justice Stephen J. Markman who addressed the Board.

Mr. Nolan introduced Justice Kurtis T. Wilder, who addressed the Board.

#### Consent Agenda

Mr. Nolan asked the Board if there were any items that needed to be removed from the consent agenda. There were none.

The Board received the minutes from the April 21, 2017 Board of Commissioners meeting.  
The Board received the minutes from the April 11 and May 17, 2017 Executive Committee meetings.  
The Board received the recent activities of the President.  
The Board received the recent activities of the Executive Director.  
The Board received the FY 2017 Financial Reports through April 2017.

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

### **COMMISSIONER COMMITTEES REPORTS**

#### **Finance**, Robert J. Buchanan, Chairperson

##### FY 2017 Financial Update

Mr. Buchanan reviewed the FY 2017 financial reports through April 30, 2017 with the board members.

##### FY 2017 Budget Amendment

Mr. Buchanan informed the Board that the proposed budget amendments are triggered by the SBM budget control and amendment policy. The board needs to take action on proposed amendments on a projected overage in the salaries line and a new expenditure to the capital budget. The amendments do not change the overall bottom line in the budget because other budgeted expenses are being reduced.

A motion was offered and supported to approve the budget amendments. The motion was approved.

Mr. Buchanan reported that the insurance subcommittee of the Finance Committee met numerous times during the year, worked with our insurance consultant, Dan Hale, looked at what other bar associations are doing, consulted with the staff, and decided to make a change in the property general liability insurance package, business package, and umbrella, changing from Foremost to Chubb effective April 1, 2017.

Mr. Buchanan reported that the Finance Committee will meet with SBM senior staff on June 29 to review the FY 2018 proposed budget.

#### **Professional Standards**, Dennis M. Barnes, Chairperson

Mr. Barnes indicated the client protection fund claims are up and that the Professional Standards Committee members are managing the fund effectively and that it is in good shape.

**Communications and Member Services**, Jennifer M. Grieco, Chairperson

**SBM Committee Restructuring Update**

Ms. Grieco reported that the workgroup on committee restructuring had two conference calls since the last board meeting. The new application form has generally receiving very positive feedback. There are 520 completed applications at this time, with over 200 members who have never volunteered before expressing interest.

Ms. Grieco informed the Board that at its July meeting they will receive the SBM Standing and Special Committee 2017 – 2018 Resolution and Matrix for their consideration and action. The Board will see all of the proposed changes to the standing and special committees and how they are realigned or eliminated in that matrix and resolution.

**2017 SBM Liberty Bell Award Recommendation**

A motion was offered and supported to award the Liberty Bell Award to Annemarie Conway. The motion was approved.

**Public Policy**, Donald G. Rockwell, Chairperson

The Board members received a written public policy report.

**Legislation**

Mr. Rockwell asked Mr. Peter Cunningham to provide the Board with an update on legislation and court rules on which the State Bar has taken positions.

Mr. Cunningham reported that the HB 4209 and HB 4210, Increased Juror Compensation, have both passed both chambers and have been sent to the Governor for his signature; funding for Michigan Legal Help website, which was included in the Judiciary Budget, has the support of the conference committees in both the House and Senate and is expected to be approved; a substitute bill for HB 4463 on summary eviction proceedings which the SBM opposed in its original form was reported out of the House Committee on Law & Justice and is waiting for a vote from the whole House.

**Michigan Indigent Defense Commission (MIDC)**

Mr. Cunningham informed the Board that the first four minimum standards proposed by the MIDC were approved by the Department of Licensing and Regulatory Affairs and that this approval begins the six-month window for local systems to submit compliance plans, due November 20, 2017. The MIDC has released the next set of standards for comment and the Board will likely discuss these at its July meeting.

Mr. Cunningham reported that the meetings with members of the Michigan Congressional delegation or their staff in Washington, D.C. to support Legal Services Corporation funding went very well.

Ms. Radke asked Mr. Cunningham about the status of legislation regarding joint parenting time. He reported that a hearing has been held and that the Family Law section testified against the legislation.

**HB 4612 (VerHeulen) Criminal procedure; sentencing guidelines; certain permissible costs; extend sunset. Amends sec. 1k, ch. IX or 1927 PA 175 (MCL 769.1k)**

A motion was offered and supported that this legislation is Keller permissible because of its effect on the operations of the court. The motion was approved.

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

**HB 4613 (VerHeulen) Courts; other; trial court funding commission; create, and prescribe powers and duties. Creates new act.**

A motion was offered and supported that this legislation is Keller permissible because of its effect on the operations of the court. The motion was approved.

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

**President's Report**, Lawrence P. Nolan, President

**Introductions**

Mr. Nolan introduced David Watson, Executive Director of ICLE.

**Board Officer Election Procedure, Matrix, and 2017 Timeline**

Mr. Nolan informed the Board that one candidate has filed for the position of Treasurer of the State Bar Board of Commissioners for the 2017-18 year and that is Ms. Warnez. The officer elections will take at the July board meeting.

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

**FY 2018 Preliminary Budget – Key Budget Assumptions**

Ms. Welch informed the Board about the process that was used in developing the preliminary budget and key budget assumptions. She informed the Board that the typical cycle for an increase in dues for bar associations is seven years, after which expenses exceeding revenues is normal and expected. SBM is now in the 13<sup>th</sup> year since the last dues increase. The Bar has been able to increase its activities in support of the State Bar's strategic plan during that time despite the fact that the dues that SBM members pay is below the national average and that some of our revenue sources have declined.

Ms. Welch urged the Board to consider what where the Bar should be headed beyond a single year, and think about what our opportunities and risks are further out in thinking about the budget. The foundation for that consideration is the 21<sup>st</sup> Century Practice Task Force initiative, the strategic planning process, and the new strategic plan. The preliminary budget is a first pass at thinking about what the optimal use of our revenue dollars is to accomplish what the strategic plan tells us we should be doing.

Ms. Welch asked Mr. Horsch to describe the key budget assumptions that are built into the preliminary budget.

Mr. Horsch reviewed the budget assumptions. The preliminary budget projection is for expenses to exceed revenues by about \$1.2 million. Senior management team will meet with the Finance Committee on June 29 to review the budget in detail.

#### SBM Election Update

Ms. Welch informed the Board that the SBM used a new election services provider this year and that the cost of this provider is less than the former one. Ms. Welch asked Ms. Bossenbery to provide the board with an update on the 2017 SBM Election. Ms. Bossenbery stated that voter participation has increased a little compared to last year at this time and that the deadline for members to vote in the elections is midnight on Thursday, June 15.

#### Litigation Update

Ms. Welch asked Mr. Flood to report on the litigation status report. Mr. Flood reminded the Board that they had received a memo from him regarding pending litigation and asked if there were questions. There were none.

#### Representative Assembly (RA) Report, Fred Herrmann, Chairperson

Mr. Herrmann reported that the Assembly had a very successful meeting in April. The Chief Justice addressed the members, the recipients of the RA awards were approved, the members listened to a panel discussion on civil legal aid funding in Michigan, addressed court rule and ethic rule amendments, and approved the SBM strategic plan.

Mr. Herrmann informed the Board that the September 28 RA meeting marks the 45<sup>th</sup> anniversary of the RA and at that meeting they will be conferring the RA Awards and treating some of the issues that are on track with the 21<sup>st</sup> Century Practice Task Force.

Mr. Herrmann reported that July 25 is the deadline for nominations for the position of RA Clerk, and that August 17 is the deadline for submission of proposals for the September meeting agenda.

#### American Bar Association (ABA) Report

Mr. Ulrich reported that he will submit an item for the Board's consideration of support at the July Board meeting regarding a Resolution from the American Bar Association's Legal Assistance for Military Personnel Committee that addresses due process and representation for modifying other than honorable military discharges where PTSD, sexual assault, or underlying medical conditions are involved. The resolution will be brought before the ABA House of Delegates at the ABA Annual Meeting in August.

#### Young Lawyers Section (YLS) Report, Shenique A. Moss, Chairperson

Ms. Moss provided the Board with an update on the activities of the Young Lawyers Section.

Ms. Moss offered congratulations to the Board of Commissioners on their victory over the Young Lawyers Section Executive Council in the bowling event but she is confident that if the original "fowling event" had taken place that the outcome would have been different.

#### Comments from Commissioners

Ms. Welch reminded the Board that the BLF begins at 1:00 p.m. with opening remarks from the Chief Justice.

#### Adjournment

The meeting was adjourned at 11:15 a.m.