

President W. Anthony Jenkins called the meeting to order at 9:40 a.m. on Friday, July 22, 2011, at the State Bar of Michigan Building, Lansing, MI.

Commissioners present:

Danielle Mason Anderson
Dennis M. Barnes
David R. Brake
Robert J. Buchanan
Lori A. Buiteweg
Bruce A. Courtade, Vice President
Margaret A. Costello
Richard L. Cunningham
Brian D. Einhorn, Secretary
James N. Erhart
Julie I. Fershtman, President Elect
Stephen J. Gobbo
Edward L. Haroutunian
W. Anthony Jenkins, President

David A. Kallman
Donald E. McGinnis, Jr.
Maureen M. McGinnis
Lambro Niforos
Lawrence P. Nolan
Jules B. Olsman
David A. Perkins
Victoria A. Radke
Michael J. Riordan
Donald G. Rockwell
Thomas C. Rombach, Treasurer
Angelique Strong Marks
Laurin' C Roberts Thomas
Dana M. Warnez

Commissioners absent and excused:

Commissioners Elias J. Escobedo, Jr., Brandy Y. Robinson, Richard J. Siriani and Julie A. Sullivan were absent and excused.

State Bar Staff present:

Janet Welch, Executive Director
Marge Bossenbery, Executive Coordinator
Gregory Conyers, Diversity Director
Candace Crowley, External Development Director
Dawn Evans, Director, Professional Standards
Cliff Flood, General Counsel
Mary Frook, Director, Human Resources
Danon Goodrum Garland, Investigative Counsel
James Horsch, Director, Finance and Administration
William Kramer, Director, Information Technology
Elizabeth Lyon, Governmental Relations Director
Rob Mathis, Pro Bono Legal Counsel
Kari Thrush, Manager, Membership Services and Events
Anne Vrooman, Research and Development Director
Nkrumah Johnson-Wynn, Service Counsel

Guests:

Gregory Ulrich, 2011-2012 Board of Commissioners

Consent Agenda

Minutes

The Board received the minutes from the June 10, 2011 Board of Commissioners meetings and the minutes from the June 21, 2011 Executive Committee meeting.

President's Report, W. Anthony Jenkins, President

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

Executive Director's Report, Janet K. Welch, Executive Director
The Board received a written report on the Executive Director's recent activities.

Professional Standards, Brian D. Einhorn, Chairperson
The Board received the Client Protection Fund Claims

Finance, Thomas C. Rombach, Chairperson
The Board received the Financial Reports through May 2011

Executive Office, Candace Crowley
The Board received the Annual Committee and Section Reports.

A motion was offered, supported to approve the consent agenda. Motion carried.

Officer Elections

President W. Anthony Jenkins announced that President-Elect Julie I. Fershtman would succeed him as President of the State Bar of Michigan for 2011-12.

President W. Anthony Jenkins announced that Vice President Bruce A. Courtade would be President-Elect of the State Bar of Michigan for 2011-12.

A motion was made and supported to elect Mr. Einhorn to the Vice President position of the State Bar of Michigan for 1011-12. Motion carried.

A motion was made and supported to elect Mr. Rombach to the Secretary position of the State Bar of Michigan for 2011-12. Motion carried.

In an election for the position of Treasurer, among candidates Ms. Buiteweg and Ms. Costello, Ms. Buiteweg was elected Treasurer of the State Bar of Michigan for 2011-12.

Ms. McGinnis, Mr. Perkins and Mr. Erhart served as tellers.

A motion was offered and supported to destroy the ballots after being tabulated. Motion carried.

Commissioner Committee Reports

Finance, Thomas C. Rombach, Chairperson

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

Mr., Rombach provided the Board with an update on the audit schedule.

Mr. Rombach informed the Board that the sewer line improvement project would take place in August.

Proposed Policy Concerning Compensation

Mr. Rombach provided the board with a proposed policy concerning staff compensation. A motion was offered and supported to adopt the policy. Motion carried.

Professional Standards, Brian D. Einhorn, Chairperson
There was no report.

Programs and Services, Bruce A. Courtade, Chairperson
Event Summary

The Board received event summaries from the Bar Leadership Forum and Upper Michigan Legal Institute.

Discount Programs

- Paul Goebel Group - Long Term Care Insurance. Motion was offered and supported to offer this membership benefit to SBM members. Motion carried. Mr. Einhorn abstained.
- Ruby Receptionist - Virtual receptionist. Motion offered and supported to offer this membership benefit to SBM members. Motion carried
- Best Buy – Geek Squad - Offering discounts up to 30%. Motion offered and supported to offer this membership benefit to SBM members. Motion carried.
- Lookingforspace.com – Program to assist finding office space. Motion offered and supported to offer this membership benefit to SBM members. Motion carried.

Affinity Bar Associations

Albanian American Bar Association

Motion offered and supported to recognize the Albanian American Bar Association as a Specialty Bar of the SBM. Motion carried.

Lansing Catholic Lawyers Guild

Motion offered and supported to recognize the Lansing Catholic Lawyers Guild as a Specialty Bar of the SBM. Motion carried.

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

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

Michigan Court Rules

ADM File # 2010-07 Proposed Amendment of Rule 1.5 of Michigan Rules of Professional Conduct

Motion offered and supported to oppose this court rule. Motion carried. Ms. Strong Marks abstained.

ADM File # 2010-11 Proposed Amendment of Rule 2.511 of the Michigan Court Rules

Motion offered and supported to support with recommendations from the Civil Procedure and Courts position. Motion carried.

Legislation

HB 4327 & SB 0454

Motion offered and supported to support the bills provided that two-way interactive technology is used instead of video recording. The State Bar believes this subject matter is more properly handled within the jurisdiction of the Michigan Supreme Court.

(Position adopted by roll call vote. Commissioners voting in favor of the position: Anderson, Barnes, Brake, Buchanan, Buiteweg, Costello, Cunningham, Erhart, Fershtman, Gobbo, Haroutunian, Kallman, McGinnis, D., McGinnis, M., Nolan, Olsman, Perkins, Radke, Riordan, Rockwell, Rombach, Thomas, Warnez, Jenkins.

Commissioners voting against the position: Courtade, Niforos, Strong Marks. Commissioners excused: Einhorn, Escobedo, Robinson, Siriani, Sullivan.

HB 4392

Motion was offered and supported to support an amendment to subsection 4 (as introduced) to provide for judicial discretion. (change “shall” to “may”.) Motion carried.

HB 4472

Motion offered and supported to oppose.

(Position adopted by roll call vote. Commissioners voting in favor of the position: Anderson, Barnes, Brake, Buchanan, Buiteweg, Costello, Courtade, Erhart, Fershtman, Gobbo, Haroutunian, Kallman, McGinnis, D., McGinnis, M., Niforos, Nolan, Olsman, Perkins, Radke, Riordan, Rockwell, Rombach, Strong Marks, Thomas, Warnez, Jenkins. Commissioners voting against the position: Cunningham. Commissioners excused: Einhorn, Escobedo, Robinson, Siriani, Sullivan.

HB 4647

Motion was offered to support the concept but request the changes be made in court rule.

(Position adopted by roll call vote. Commissioners voting in favor of the position: Anderson, Barnes, Brake, Buchanan, Buiteweg, Costello, Cunningham, Einhorn, Erhart, Escobedo, Fershtman, Gobbo, Haroutunian, Kallman, McGinnis, D., McGinnis, M., Niforos, Nolan, Olsman, Perkins, Riordan, Robinson, Rockwell, Rombach, Siriani, Strong Marks, Sullivan, Thomas, Warnez, Jenkins. Commissioners abstaining: Courtade, Radke.

HB 4672 & HB 4673

At the request of Ms. Fershtman, Ms. Buiteweg discussed these bills and made the motion to oppose HB 4672 and 4673 as introduced and support the current and ongoing efforts to produce revised drafts of the bills that meet the following goals: 1) incorporation of current statutory laws; 2) clarification of equitable factors relevant to judicial reviews; 3) codification of existing case law pertaining to commonly recurring fact patterns; 4) consideration of existing and pending uniform state laws; 5) maintenance of judicial discretion; 6) improving the predictability of outcomes in cases without individual agreements; and 7) identification of the circumstances, if any, under which a private agreement that conflicts with the statutes would be trumped by the statutes.

(Position adopted by roll call vote. Commissioners voting in favor of the position: Anderson, Barnes, Brake, Buchanan, Buiteweg, Courtade, Cunningham, Einhorn, Erhart, Escobedo, Fershtman, Gobbo, Haroutunian, Kallman, McGinnis, D., McGinnis, M., Niforos, Nolan, Olsman, Perkins, Radke, Riordan, Robinson, Rockwell, Rombach, Siriani, Strong Marks, Sullivan, Thomas, Warnez, Jenkins. Commissioners abstaining: Costello.

HB 4725

Motion offered and supported to support this legislation. Motion carried.

SB 0494 & SB 0495

These items were deferred

Leadership Reports

President's Report, W. Anthony Jenkins, President

Strategic Planning

At the request of Mr. Jenkins, Ms. Fershtman provided the Board with an update on the status of the SBM's Strategic Planning committee. The Board received the proposed strategic issues that will act as a guide to the SBM staff during years 2011–2013. The issues focus on many of the initiatives mentioned in the membership survey. The Board will vote on the recommendations at the September 7 Board meeting.

Presidential Diversity and Inclusion Advisory Group

At the request of Mr. Jenkins, Mr. Conyers provided the Board with an update concerning the status of members who have signed the SBM's diversity pledge. Mr. Jenkins asked that the Presidential Diversity and Inclusion Advisory Group becomes a SBM standing committee.

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 Board meeting. The Finance Committee is meeting with Ms. Welch and the Senior Management Team on August 11 to review the proposed budget.

SBM Standing and Special Committees 2011-2012 resolution and Matrix

The Board received a copy of the 2011-2012 SBM Standing and Special Committee resolution and matrix. Two new committees were added and three committees eliminated. Motion offered and supported to adopt resolution and matrix. Motion carried.

Commissioner Committee and Liaison Appointment Process

At the request of Ms. Welch, Ms. Crowley informed the Board that each commissioner will receive an e-mail later today which will include a survey that should be completed and returned, indicating which commissioner committee they would prefer to serve on. Ms. Crowley also informed the commissioners that once they have been appointed to a commissioner committee they will receive a second e-mail that will provide them with the opportunity to indicate which SBM committees and sections they would for which they would like to serve as a liaison. The SBM committee and liaison assignments will be made in advance of the September 14 Board meeting.

Election Update

At the request of Ms. Welch, Ms. Bossenbery provided the Board with an update on the results of the 2011 SBM elections.

Supreme Court Matters

Ms. Welch informed the Board that the Court has rescinded the effective date for the 30-day advertising rule scheduled to take effect September 1, and has republished the proposal for comment.

Ms. Welch updated the Board about the AGC and ADB budgets, which are approved by the Supreme Court. The Court has invited the State Bar to provide comment concerning the disciplinary system budget, which Ms. Welch will provide.

Personnel Matters

At the request of Ms. Welch, Ms. Crowley introduced Mr. Rob Mathis to the Board. Mr. Mathis is the SBM's Pro Bono Service Counsel.

Litigation Report

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

Representative Assembly (RA) Report, Victoria Radke, Chairperson

Nomination for the 2011 - 12 RA Clerk

Ms. Radke informed the Board that the deadline for submission of names for the 2011 - 12 RA clerk position is Friday, July 22, 2011. The election for the Clerk position will take place at the RA meeting on September 15.

Agenda for September 15 RA meeting

Ms. Radke informed the Board that she will have a full agenda for the September 15 RA meeting and mentioned that submission of issues, resolutions, proposals and/or reports for the September meeting must be submitted no later than Thursday, August 4.

American Bar Association (ABA) Report, Reginald Turner, State Delegate

The Board received a written report that includes the resolutions that will come before the delegates that are Keller permissible at the Annual Meeting in August.

Young Lawyers Section (YLS) Report, Maureen M. McGinnis, Chairperson

Ms. McGinnis provided the Board with an update on YLS activities, indicated that there were a number of Michigan YLS members attending the 2011 ABA Annual Meeting, and thanked Mr. Flood for helping the YLS amend their bylaws.

Comments or questions from Commissioners

Mr. Courtade introduced Mr. Steve Sacks, the son of one of his law partners at Rhoades McKee, PC.

Comments or questions from the public

There were none.

Closed Session

The Board went in to a closed session at 1:00 p.m.

The Board returned to open session at 1:10 p.m.

Adjournment

The meeting was adjourned at 1:10 pm