President Rombach called the meeting to order at 9:45 a.m. on Friday, January 16, 2015 at the Michael Franck Building in Lansing.

Commissioners present:
Danielle Mason Anderson
Dennis M. Barnes
Danielle M. Brown
Robert J. Buchanan
Lori A. Buiteweg, President-Elect
Timothy J. Burns
Shauna L. Dunnings
Robert C. Gardella
Stephen J. Gobbo
Jennifer M. Greco, Treasurer
Edward L. Haroutunian
James W. Heath
Fred K. Herrmann
Andrea Irons

Mark W. Jane
C. Thomas Ludden
Thomas E. McCarthy Jr.
Lawrence P. Nolan, Vice President
Colleen A. Pero
Daniel D. Quick
Victoria A. Radke
Hon. Michael J. Riordan
Donald G. Rockwell, Secretary
Thomas C. Rombach, President
Hope V. Shovein
Richard J. Siriani
Gregory L. Ulrich
Vanessa Peterson Williams

Commissioners absent and excused: Commissioners E. Christopher Johnson Jr., Hon. Maureen M. McGinnis, and Jules B. Olsmen were absent and excused.

State Bar Staff present:
Janet Welch, Executive Director
Marge Bossenberg, Executive Coordinator
Gregory Conyers, Director, Diversity
Candace Crowley, Director, External Development
Peter Cunningham, Director, Governmental Relations
Cliff Flood, General Counsel
Danon Goodrum-Garland, Director, Professional Services Division
Brian Hildreth, Director, Information Services Division
James Horsch, Director, Finance and Administration Division
Nkumah Johnson-Wynn, Assistant General Counsel
Robert Mathis, Pro Bono Attorney
Samantha Meinke, Communications Manager
Alecia Ruswinckel, Assistant Counsel
Anne Smith, Administrative Assistant
Kari Thrush, Manager, Member Services and Events
Anne Vrooman, Director, Research and Development

Guests
Gina Burroughs, Executive Director, Genesee County Bar Association
Lisa Geherin, Assistant Director, Institute for Continuing Legal Education
Roger Flitchcock, Audit Partner, Andrews Hooper and Pavlic
Jamie L. Rabe, Audit Manager, Andrews Hooper and Pavlic
Jeffrey Himelhoch, President, Genesee County Bar Association
Consent Agenda
Mr. Rombach 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 November 21, 2014 Board of Commissioners meeting.

The Board received the minutes from the October 14 and December 16, 2014 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 FY 2015 Financial Reports through November 30, 2014.

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

Board Agenda
A motion was offered and supported to approve the November 21, 2014 Board agenda. The motion was approved.

Local Bar Association and Section Presentations
The Board received a report from the Genesee County Bar Association by its President, Jeffrey Himelhoch and Executive Director, Gina Burroughs.

The Board received a report from the State Bar's Criminal Law Section by its Chair, Charles H. Marr and State Bar Commissioner Liaison, Stephen Gobbo.

COMMISSIONER COMMITTEES

Audit, Jennifer M. Gricco, Chairperson
Ms. Gricco reported to the Board that the Audit Committee met with the auditors without staff present and after discussion approved the FY 2014 audit. The audited financial report was then sent to the Michigan Supreme Court and is posted on the State Bar's website. Copies of the report and the auditor's letter have also been provided to the Board. She introduced Mr. Roger Hitchcock, audit partner and Ms. Jamie Rabe, audit manager, from the auditing firm Andrews Hooper Pavlic, PLC, who discussed the FY 2014 audit with the Board. The auditors reported that the SBM received an unmodified ("clean") audit opinion. The auditors also reviewed the management letter and noted one internal control suggestion that has been implemented.

Finance, Jennifer M. Gricco, Chairperson
FY 2014 Financial and Investment Update
Ms. Gricco provided the Board with a FY 2015 Financial and Investment report.
Professional Standards, Donald G. Rockwell, Chairperson

Proposed Amendments of CPF Rule 11 – Appeals and Responses

Mr. Rockwell asked Ms. Goodrum-Garland to discuss the proposed amendments of Client Protection Fund Rule (CPF) 11 with the Board. After discussion, a motion was offered and supported to approve the amendment to CPF Rule 11(E). A motion was offered to table discussion and return the proposed amendment to CPF Rule 11(E) back to the Professional Standards Committee to include discretionary language to permit staff to freely grant extensions in response to a respondent's reasonable request. That motion was approved.

After further discussion, a second motion was offered and supported to return the remaining proposed amendments to CPF Rule 11 to the Professional Standards Committee for further review to consider use of "request for review" in place of the more formal legal terminology "request for reconsideration" and to propose a burden of proof to be applied to a "request for review." The motion was approved.

ICLE Executive Committee Appointment

Mr. Rockwell reported that the committee recommends the interim appointment of Ms. Katie Lynwood to the ICLE Executive Committee for a term ending September 30, 2015. Motion was offered and supported to approve the recommendation. The motion was approved.

Programs and Services, Lawrence P. Nolan, Chairperson

Recognition of Jewish Bar Association

Mr. Nolan reported that the Bar had received a request from the Jewish Bar Association of Michigan (JBAM) to be recognized as a special purpose bar association. Mr. Nolan indicated that the JBAM was replacing the B'Nai B'rith Barristers Association. A motion was offered and supported to recognize the MJAB as a special purpose bar association. The motion was approved.

Mr. Nolan indicated that nominations for State Bar awards were being accepted and encouraged the Board to submit nominations.

Public Policy, Image and Identity, Lori A. Buiteweg, Chairperson

The Board members received the Justice Initiatives Report.

Court Proposals

ADM File No. 2013-35 – Proposed Amendment of Rule 7.211 of the Michigan Court Rules

The proposed amendment of MCR 7.211(C) (1) (c) would clarify that an appellant, in a case tried without a jury, is not required to file a motion for remand or a motion for a new trial to challenge the great weight of the evidence to preserve the issue for appeal. A motion was offered and supported to support the proposed amendment. The motion was approved.

ADM File No. 2013-36 – Proposed Amendments of Subchapter 7.300 of the Michigan Court Rules

These proposed amendments would update the rules regarding practice in the Michigan Supreme Court, and would renumber and reorganize the rules to be consistent with those in the Court of Appeals for the ease of the appellate practitioner and greater judicial efficiency. A motion was offered and supported to support the proposed amendment and to send to the Court the comments from the Civil Procedure and Courts Committee, Criminal Jurisprudence and Practice Committee and the Appellate Section. The motion was approved.
ADM File No. 2014-12 – Proposed Amendment of Rule 3.211 of the Michigan Court Rules
The proposed amendment of MCR 3.211 would provide language to allow the parties to stipulate (in their judgment of divorce, separate maintenance, or annulment) to post judgment binding arbitration of identified personal property under MCL 600.5070 et seq.
A motion was offered and supported to support the proposed amendment. The motion was approved.

The proposed amendments of MCR 3.963, 3.966 and 3.974 would provide clarity regarding procedures to be followed when an emergency removal of a child has occurred but a dispositional hearing has not been held.
A motion was offered and supported to support the proposed amendment. The motion was approved.

Model Jury Instructions, 13.20, 13.20a
The Committee proposes an instruction for use where a violation of MCL 750.479c, concealing facts or misleading of police, is charged. MCrinJ 13.20 sets forth the elements of the charge; MCrinJ 13.20a is an instruction for statutory defenses to the charge. These are entirely new instructions.
A motion was offered and supported to support the change to the model jury instructions. The motion was approved.

Legislation
There was no legislation.

President's Report, Thomas C. Rombach, President
Introduction of Board of Commissioners
Mr. Rombach indicated that the introduction of Board members would take place during lunch.

State Bar of Michigan Strategic Planning Committee
Mr. Rombach reported that the Ms. Buiteman will lead the Strategic Planning Steering committee and that other members include Commissioners Barnes, Buchanan, Grieco, Herrmann, Nolan, Quick and Rockwell.

Resolution for 21st Century Practice Task Force
Mr. Rombach provided the Board with a resolution to amend the 2014-2015 SBM Standing and Special Committees Resolution to allow for three of the committees, the 21st Century Practice, Law School to Practice and Disciplinary System Advisory committees, and appoint a task force, who along with sub-committees, to determine the needs of the members and the public in the future of the practice of law. A motion was offered and supported to approve the resolution. The motion was approved.

Mr. Rombach informed the Board that the March 13, 2015 meeting is canceled.

Ms. Bossenbery reported that each Board member received a 2014-2105 SBM Commissioner and Staff directory and that if additional copies are needed to let her know.
Executive Director's Report, Janet K. Welch, Executive Director

Michigan Supreme Court Update
Ms. Welch reported to the Board that there have been no formal communications from the Court regarding the comments that were submitted by the Board to the Supreme Court on the Report to the Court from the Supreme Court Task Force on the Role of the State Bar of Michigan.

Personnel Update

Building Closure
Ms. Welch informed the Board that the closure of State Bar non-emergency operations from December 24 through January 2 went smoothly.

Litigation Status Report
There is no written report for this meeting as there have not been any developments since the last report.

Representative Assembly (RA) Report, Vanessa Peterson Williams, Chairperson
Meeting on April 25, 2015
Ms. Williams reported that progress is being made in developing the agenda for the April 25, 2015 Representative Assembly (RA) meeting and that proposals are still being accepted.

Ms. Williams reported that she and the other officers of the RA met to set in place some future plans for the RA and that the RA’s Keller procedures and electronic voting are two key issues facing the RA.

American Bar Association (ABA) Report
There was no report.

Young Lawyers Section Report (YLS), Andrea Irons, Chairperson
Ms. Irons provided the Board with an update on the activities of the Young Lawyers Section. She said that discussions are taking place on a laser tag challenge activity for the Board members and Young Lawyers Executive Council to participate in after the April 24 Board meeting.

Comments from Commissioners
Ms. Pero informed the Board that they should review their credit card statements for possible unauthorized activity related to the hotel at which the Board orientation took place.

Adjournment
The meeting was adjourned at 12:45 p.m.