

President Toy called the meeting to order at 9:45 a.m. on Thursday, November 19, 2009 at the State Bar of Michigan

Commissioners present:

Danielle Mason Anderson
Lori A. Buiteweg
B. D. "Chris" Christenson
Margaret A. Costello
Bruce A. Courtade, Secretary
Richard L. Cunningham
Brian D. Einhorn, Treasurer
James N. Erhart
Robert K. Fergan
Stephen J. Gobbo
W. Anthony Jenkins, President -Elect
Elizabeth M. Johnson
David A. Kallman
Donald E. McGinnis, Jr.

Maureen M. McGinnis
Hon. William B. Murphy
Lambro Niforos
Lawrence P. Nolan
David A. Perkins
Victoria A. Radke
Donald G. Rockwell
Thomas C. Rombach
Richard J. Siriani
Angelique Strong Marks
Julie A. Sullivan
Laurin' C. Roberts Thomas
Charles R. Toy, President
Gregory L. Ulrich

Commissioners absent and excused:

Commissioners David R. Brake, Elias J. Escobedo, Jr., Vice President Julie I. Fershtman, Michael J. Riordan, and Kurt E. Schnelz were absent and excused.

State Bar Staff present:

Janet Welch, Executive Director
Margaret Bossenberg, Executive Coordinator
Nancy Brown, Director, Member Services and Communications
Gregory Conyers, Diversity Director
Candace Crowley, External Development Director
Michelle Erskine, Research Assistant
Dawn Evans, Director, Professional Standards
Cliff Flood, General Counsel
Mary Frook, Human Resources Director
Danon Goodrum-Garland, Professional Standards Investigative Counsel
Brian Hildreth, Database Administrator
James Horsch, Director, Finance and Administration
Elizabeth Lyon, Governmental Relations Director
Samantha Meinke, Media Specialist
Naseem Stecker, Media and Communications Division Manager
Kari Thrush, Member Services and Events Manager
Anne Vrooman, Research and Development Director
Nkrumah Johnson-Wynn, Professional Standards Service Counsel

Guest(s):

Linda Rexer, Executive Director, Michigan State Bar Foundation

Consent Agenda

Minutes

The Board received the minutes from both of the September 16, 2009 Board of Commissioners meetings and the minutes from the September 8, September 23, September 29, and October 13, 2009 Executive Committee meetings.

President's Report, Charles R. Toy, 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.

Acting Director's Report, Dawn M. Evans

The Board received a written report on the Acting Executive Director's recent activities.

Finance, Bruce A. Courtade, Chairperson

The Board received the Financial Reports through September 30, 2009 and the Financial Safety Margin Calculation.

Professional Standards, Julie I. Fershtman, Chairperson

The Board received the Client Protection Fund Claims.

Section Bylaw Amendments, Candace Crowley, External Development Director

The Board received section bylaw amendments from the Alternative Dispute Resolution, Environmental Law, Insurance & Indemnity Law, Negligence Law, and the Real Property Law Sections.

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

COMMISSIONER COMMITTEES

Finance, Brian D. Einhorn

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

Audit Committee, Brian D. Einhorn

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

Professional Standards, Bruce A. Courtade, Chairperson

Character and Fitness Committee Recommendations

Mr. Courtade offered a motion to approve the District Character and Fitness Committee Appointments for Districts A – G and District I as distributed. Motion supported and carried. Commissioner Radke abstained.

Mr. Courtade offered a motion to approve the District Character and Fitness Committee Appointments for District H as amended. Motion supported and carried.

Programs and Services, Julie I. Fershtman, Chairperson

In Ms. Fershtman's absence, Ms. Sullivan offered a motion to adopt a proposal from the Program and Services committee to add Federal Express as a new membership service. The motion was supported and carried.

Ms. Thrush reviewed the SBM Annual meeting event summary with the Board.

Public Policy, Image and Identity, W. Anthony Jenkins, Chairperson

The Commissioners were provided with a report from Governmental Consultant Services, Inc.

The Commissioners were informed that it is anticipated that on December 14, 2009 a federal and state hearing will be held in Detroit at Wayne State University Laws School regarding Public Defense legislation.

The Commissioners were provided with an update on the legislation surrounding Sales tax on Legal Services.

Michigan Court Rules

There were no action items.

Legislation

Mr. Jenkins reported on the following legislation:

HB 5176 – 5179

Motion was offered, supported and carried to support these bills.

HB 5318

Motion was offered, supported and carried to support this bill

SB 0719

Motion offered, supported and carried to support this bill

LEADERSHIP REPORTS

President's Report, Charles R. Toy, President

Mr. Toy acknowledged Ms. Welch's presence at the meeting.

Mr. Toy provided the commissioners with a brief update on the activities of the Judicial Crossroads Task Force.

Mr. Toy indicated that he will present a State of the State Bar address at the luncheon meeting with the Michigan Supreme Court later today.

Mr. Toy recognized and thanked everyone who assisted with the Upper Peninsula tour.

Mr. Toy informed the Board that he will appoint a committee to work on reapportionment and if any board member would like to be appointed to that committee to contact him.

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

Judicial Crossroads Task Force

Ms. Welch provided the Board with additional information regarding the Judicial Crossroads Task Force and informed the board that the four of the five committees had been appointed and were beginning to meet. She indicated that the board would be kept informed of the progress of the Task Force but not be directly involved in the decision making process because they would be the body that reviewed and accepted the final report in 2010

Acting Director's Report, Dawn M. Evans, Acting Executive Director

Supreme Court Update

Ms. Evans provided the Board with a Supreme Court Update. She indicated that at the most recent administrative hearing the court discussed the Katrina Rule and passed on deciding on the TAON rule.

Ms. Evans informed the Board that the Court decided to adopted Alternate C in the Judicial Recusal Issue package. She said that Alternate C was most like what the SBM recommended.

Staff Update

Ms. Evans deferred to Ms. Stecker to introduce Ms. Samatha Meinke, Media Specialist to the Board.
Ms. Evans deferred to Ms. Vrooman to introduce Ms. Michelle Erskine, Research Assistant to the Board.

Representative Assembly Report, Elizabeth M. Johnson, Chairperson

Ms. Johnson provided the Board with a report on the activities of the Representative Assembly. She expressed her appreciation to everyone who was involved in planning the UP tour.

Ms. Johnson indicated that nominations for the Michael Franck award are being sought and that they are due prior to the march RA meeting.

Ms. Johnson indicated to the Board that the RA will be involved in the reapportionment process and that there is a chance that there may be changes to the seats.

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

In Mr. Turner's absence, Mr. Jenkins and Ms. Welch provided the Board with information regarding the mid-winter conference in February and informed the Board that the ABA Executive Director had resigned and a search for a new Director is underway.

Young Lawyers Section Report, Danielle Mason Anderson, Chairperson

Ms. Anderson provided the Board with a written and verbal report on the Young Lawyers Section activities.

Comments or questions from Commissioners

There were none.

Comments or questions from the public

There were none.

The Board went into an Executive Session at 11:20 a.m. The Board went into regular session at 11:30 a.m.

Adjournment

The meeting was adjourned at 11:40 a.m. and the Board left to attend a meeting with the members of the Michigan Supreme Court at the Hall of Justice.