

**STATE BAR OF MICHIGAN  
BOARD OF COMMISSIONERS MEETING MINUTES**

President Warnez called the meeting to order at 9:30 a.m. on Friday, November 19, 2021, via videoconference.

Commissioners present:

Danielle Mason Anderson  
David C. Anderson  
Yolanda Bennett  
Kristina A. Bilowus  
Aaron V. Burrell  
Erika L. Bryant  
Hon. B. Chris Christenson  
Thomas P. Clement  
Sherrree Detzler  
Robert A. Easterly  
Hon. Kameshia D. Gant  
Lisa J. Hamameh, Treasurer  
James W. Heath, President-Elect  
Thomas H. Howlett  
Sarah E. Kuchon  
Suzanne C. Larsen  
James W. Low

E. Thomas McCarthy Jr.  
Joseph P. McGill, Secretary  
Valerie R. Newman  
Takura N. Nyamfukudza  
Nicholas M. Ohanesian  
Samantha J. Orvis  
Hon. David A. Perkins  
Colemon Potts  
Daniel D. Quick, Vice President  
Hon. Kristen D. Simmons  
Delphia T. Simpson  
Thomas G. Sinas  
Danielle Walton  
Dana M. Warnez, President  
Hon. Erane C. Washington  
Mark A. Wisniewski

Commissioners absent:

Gerrow D. "Gerry" Mason

State Bar staff present:

Janet Welch, Executive Director  
Margaret Bossenbery, Executive Coordinator  
Nancy Brown, Assistant Executive Director  
Gregory Conyers, Program Director, Diversity Development Program  
Peter Cunningham, Director, Governmental Relations and Assistant Executive Director  
Darin Day, Program Director, Outreach  
Michelle Erskine, Research Assistant & Event Specialist  
Katherine Gardner, UPL Counsel  
Tatiana Goodkin, Chief Financial Officer  
Kathryn Hennessey, General Counsel and Assistant Executive Director  
Robert Mathis, Pro Bono Services & Justice Initiatives Counsel  
Molly Ranns, Director, Lawyers & Judges Assistance Program  
Carrie Sharlow, Administrative Assistant  
Janna Sheppard, Administrative Assistant  
Kari Thrush, Program Director, Lawyer Services  
Nathan Triplett, Public Policy Counsel  
Anne Vrooman, Program Director, Research & Development  
Shaquita Williams, Operations Support Specialist

Consent Agenda:

The Board received the minutes from both September 17, 2021, Board meetings.  
The Board received the minutes from the September 8 and October 5, 2021, 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 2021 draft financial reports through September 30, 2021.

The Board received the Financial Safety Margin Calculations.

The Board received the District Character and Fitness Committee appointments.

The Board received the Client Protection Fund claims.

The Board received the Unauthorized Practice of Law claims.

The Board received Model Criminal Jury Instructions.

Ms. Warnez asked the Board if any items needed to be removed from the consent agenda. There were none.

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

The Board received a presentation from Ms. Amy Byrd, of the State Court Administrative Office, regarding the proposed amendments of MCR Rule 1.109

## LEADERSHIP REPORTS

**President and Executive Director's Report:** Dana M. Warnez, President and Janet K. Welch, Executive Director

Ms. Warnez welcomed the new 2021-2022 commissioners.

Ms. Warnez asked the chairs of the following work groups to provide an update to the Board.

### **Work Group Reports**

Executive Director Search

Ms. Warnez provided the Board with an overview of the work the Executive Director Search work group has accomplished since it was first convened. The work group is ready to conduct second interviews with the final four candidates for the position of executive director. She stated that the work group anticipates finalizing the process before the end of the calendar year.

Governance

Ms. Warnez stated that she and Mr. Ohanesian are cochairing this work group and are developing a wider group of participants to further develop the work of the governance work group chaired by Mr. Quick during the last bar year.

Sections

Ms. Bryant reported that the work group met twice since it was established. She stated that two major questions have emerged: first, whether changes should be made to the sections' role in providing content

for the themed issues of the *Bar Journal*, and the second relates to the sections and the Board's oversight authority and responsibilities.

Ms. Bryant said that the work group reviewed the Bar's policies about sections and how the *Bar Journal* currently functions. The work group has a meeting scheduled in early December with an ad hoc committee of the Bar Journal Committee. After that meeting, she expects the work group will engage with the Communications and Member Services and Strategic Planning Committees and have a recommendation for the Executive Committee and then the Board.

### **Michigan Supreme Court — Proposed Fee Increase**

The Supreme Court discussed the fee increase proposal submitted by the Representative Assembly last year at an administrative conference, after which meeting, SBM received a number of questions from the Court regarding the proposal. Ms. Welch reported that the response to those questions is being drafted and will be submitted by the end of the month.

### **Introduction of New SBM Staff**

Ms. Welch asked Mr. Cunningham to introduce the new members of his staff. Mr. Cunningham introduced Mr. Nathan Triplett, public policy counsel, and Ms. Shaquita Williams, operations support specialist, to the Board.

### **Representative Assembly (RA) Report:** Nicholas M. Ohanesian, Chairperson

In Mr. Ohanesian's absence, Ms. Bennett, clerk of the RA, reported that the RA committees have been populated and that chairs have been identified.

### **Young Lawyers Section (YLS) Report:** Kristina Bilowus, Chairperson

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

## **COMMISSIONER COMMITTEES**

### **Finance:** Lisa J. Hamameh, Chairperson

Ms. Hamameh reviewed the FY 2020 financial results through September 30, 2021. She asked Ms. Goodkin and Mr. Cunningham to provide the Board with a PowerPoint presentation about the financial results and trends of FY 2021. They responded to questions after the presentation.

### **Audit:** Lisa J. Hamameh, Chairperson

Ms. Hamameh reported the audit is in process and that the committee is meeting on December 8 to review the auditor's report. The auditors will be present at the January Board meeting to report their findings to the Board members. The Audit Committee is reviewing the SBM Audit and Rotation Policy regarding the need to request a waiver to use the same auditors each year and will bring the proposed changes to the Board for their consideration at a future meeting.

### **Professional Standards:** Joseph P. McGill, Chairperson

Mr. McGill stated that the committee met on Tuesday and was briefed on the responsibilities of the committee. The pro hac vice rules, which is listed on today's agenda, were tabled by the committee to afford the new members more time to read and review the materials.

**Communications and Member Services (CAMS):** Daniel D. Quick, Chairperson

Mr. Quick reported that the committee met and reviewed a long list of action items they hope to address this year, including the Rule of Law Initiative, a new social media policy, new member benefits, ongoing efforts of sections, and the June BLF and UMLI. The committee received an update on LJAP and SOLACE programs.

**Public Policy:** James W. Heath, Chairperson

**Court Rules**

**ADM File No. 2021-34: Proposed Amendment of MCR 5.125**

The proposed amendment of MCR 5.125 would add the Community Mental Health program as an interested person to be served a copy of the Court's order when assisted outpatient treatment is ordered.

A motion was offered to support the proposed amendment to MCR 5.125. The motion was seconded and approved.

**ADM File No. 2018-26: Proposed Amendment of MCR 6.502**

The proposed amendment of MCR 6.502 would make the rule consistent with the Court's ruling in *People v Washington*, \_\_\_Mich\_\_\_(2021) by allowing a defendant to file a second or subsequent motion for relief from judgment based on a claim of a jurisdictional defect in the trial court when the judgment was entered. Although the Court's analysis in *Washington* related specifically to subject matter jurisdiction, reference to "jurisdictional defect" is consistent with MCR 6.508(D).

A motion was offered to support the proposed amendment of MCR 6.502. The motion was seconded and approved.

**ADM File No. 2021-33: Proposed Amendment of Administrative Order No. 1997-10**

The proposed amendment of Administrative Order No. 1997-10 would clarify which information about jobs within the judiciary would be available to the public and the manner in which it will be made available.

A motion was offered to support the proposed amendment of Administrative Order No. 1997-10. The motion was seconded and approved.

**Legislation**

**HB 5309** (LaFave) Occupations: attorneys; eligibility requirements for attorney licensed in another state to practice law in Michigan; modify.

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

**A motion was offered and seconded to support the legislation. A roll call vote was taken, and the motion failed, 21 to 8 (23 votes required)**

Commissioners voting in support – Burrell, Bryant, Christenson, Detzler, Easterly, Gant, Heath, Kuchon, Larsen, McCarthy, Newman, Nyamfukudza, Orvis, Perkins, Potts, Simpson, Sinas, Walton, Warnez, Washington, Wisniewski.

Commissioners voting in opposition – Anderson, David; Bilowus; Clement; Hamameh; Howlett; Low; McGill; Quick.

Commissioners absent – Anderson, Danielle; Bennett; Mason; Ohanesian; Simmons.

Ms. Bilowus offered a motion for reconsideration because the Board may not have adequately considered the issue with the members who are absent. The motion was seconded and approved.

Mr. Sinas re-stated his original motion to support HB 5309. **A roll call vote was taken, and the motion failed, 22 to 7 (23 votes required)**

Commissioners voting in support – Bilowus, Bryant, Burrell, Christenson, Detzler, Easterly, Gant, Heath, Kuchon, Larsen, McCarthy, Nyamfukudza, Orvis, Perkins, Potts, Simmons, Simpson, Sinas, Walton, Warnez, Washington, Wisniewski.

Commissioners voting in opposition – Anderson, David; Clement; Hamameh; Howlett, Low; McGill; Quick.

Commissioners absent – Anderson, Danielle; Bennett; Mason; Ohanesian, Newman

**Ms. Bryant gave notice of her intent to move to rescind the vote on this legislation at the next Board meeting.**

### **Bail Bonds Legislation**

**HB 5436** (Fink) Criminal procedure: bail; procedure for pretrial release determinations, criteria a court must consider for pretrial release determination, and reporting of data on pretrial release decisions; provide for. Amends sec. 6 & 6a, ch. V of 1927 PA 175 (MCL 765.6 & 765.6a) & adds sec. 6g, ch. V.

**HB 5437** (Yancey) Criminal procedure: bail; criteria a court must consider before imposing certain conditions of release and due process hearing related to pretrial detention; provide for. Amends sec. 6b, ch. V of 1927 PA 175 (MCL 765.6b) & adds sec. 6f, ch. V.

**HB 5438** (VanWoerkom) Criminal procedure: other; certain definitions in the code of criminal procedure and time period required for disposition of criminal charges; provide for. Amends sec. 1, ch. I & sec. 1, ch. VIII of 1927 PA 175 (MCL 761.1 & 768.1).

**HB 5439** (Young) Criminal procedure: bail; interim bail bonds for misdemeanors; modify. Amends sec. 1 of 1961 PA 44 (MCL 780.581).

**HB 5440** (LaGrand) Criminal procedure: bail; requirements for the use of a pretrial risk assessment tool by a court making bail decision; create. Amends 1927 PA 175 (MCL 760.1 - 7677.69) by adding sec. 6f, ch. V.

**HB 5441** (Johnson) Criminal procedure: bail; act that provides bail for traffic offenses or misdemeanors; repeal. Repeals 1966 PA 257 (MCL 780.61 - 780.73).

**HB 5442** (Meerman) Traffic control: driver license; reference to surrendering license as condition of pretrial release and certain other references; amend to reflect changes in code of criminal procedure. Amends secs. 311 & 727 of 1949 PA 300 (MCL 257.311 & 257.727) & repeals sec. 311a of 1949 PA 300 (MCL 257.311a).

**HB 5443** (Brann) Criminal procedure: bail; setting of bond related to spousal or child support arrearage; modify. Amends sec. 165 of 1931 PA 328 (MCL 750.165).

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

A motion was offered to support the bail/bond legislation that aligns with the recommendations of the Michigan Joint Task Force on Jail and Pretrial Incarceration—namely, HB 5436-HB 5439 and HB 5441-

HB 5443—and to oppose HB 5440, as it was not based upon any Task Force recommendation and to authorize the sections and committees to advocate their positions. The motion was seconded.

A motion was offered to conduct the vote on the initial motion via electronic roll call vote and a request was made to send additional materials on the Task Force recommendations to the commissioners.

A voice vote was taken, and the motion was approved. (25 Board members on the call at that time.)

## **FOR THE GOOD OF THE PUBLIC AND THE PROFESSION**

### **Comments or questions from Commissioners**

There were none.

### **Comments or questions from the public**

There were none.

### **Adjournment**

The meeting was adjourned at 12:30 p.m.