President Pappas called the meeting to order at 9:10 a.m. on Friday, June 12, 2009 at the Grand Hotel, Mackinac Island in the Grand Pavilion Room.

Commissioners present:
David Brake
Lori A. Buiteweg
B. D. “Chris” Christenson
Margaret A. Costello
Bruce A. Courtade, Treasurer
Richard L. Cunningham
Brian D. Einhorn
James N. Erhart
Elias J. Escobedo, Jr.
Julie I. Fershtman, Secretary
Elizabeth M. Johnson
Katherine Kakish
David A. Kallman

Donald E. McGinnis, Jr.
Hon. William Murphy
Lambro Niforos
Edward H. Pappas, President
Victoria A. Radke
Michael J. Riordan
Donald G. Rockwell
Thomas C. Rombach
Kurt Schnelz
Richard J. Siriani
Charles R. Toy, President-Elect
Gregory L. Ulrich

Commissioners absent and excused:
Commissioners Mason Anderson, Hall Burns, Chappelle, Fergan, Jenkins, Pelton, and Sullivan were absent and excused.

State Bar Staff present:
Janet K. Welch, Executive Director
Marge Bossenbery, Executive Coordinator
Gregory Conyers, Director, Justice Initiatives
Candace Crowley, Manager, External Development
Dawn Evans, Director, Professional Standards
Cliff Flood, General Counsel
James Horsch, Director, Finance and Administration
Elizabeth Lyon, Director, Governmental Relations
Will Kramer, Director, Information Technology Services
Naseem Stecker, Manager, Media and Public Relations
Anne Vrooman, Director, Research and Development

Guests
John Barr
Lynn Chard, Executive Director, Institute for Continuing Legal Education
Ronald D. Keeffe, Past President, State Bar of Michigan
Nell Kuhnmuench, Governmental Consultants Services, Inc.
Brian D. Pappas
Wallace D. Riley, Past President, State Bar of Michigan
Fred Stackable
Jamie Trimble, President, Ontario Bar Association

Consent Agenda

Minutes
The Board received the minutes from the April 17, 2009 Board of Commissioners meeting.
The Board received the minutes from the April 7 and 28, 2009 Executive Committee meetings.
President's Report, Edward H. Pappas, 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.

Finance, Bruce A. Courtade, Chairperson
The Board received the FY Financial reports through April 2009 and the FY 2009 financial forecast.

Professional Standards, Julie I. Fershtman, Chairperson
The Board received the Client Protection Fund Claims.

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

COMMISSIONER COMMITTEES

Finance, Bruce A. Courtade, Chairperson
Mr. Courtade provided the Board with a financial update and forecast of the State Bar.

Professional Standards, Julie I. Fershtman, Chairperson
Ms. Evans discussed the new Practice Management Resource Center (PMRC) customized training and consulting program with the Board.

Programs and Services, W. Anthony Jenkins, Chairperson
There was no report provided.

Public Policy, Image and Identity, Charles R. Toy, Chairperson
Justice Initiatives Report
The Board received a written report from Justice Initiatives.
The Board received a written report from Governmental Consultants Services, Inc.

Court Rules
There were no court rules to consider.

Legislation
HB 4040 Crime victims; rights; right of victim of identity theft to file police report of that theft; provide for, and require court to order certain restitution.
HB 4041 Crime victims; rights; restitution of certain costs incurred by victims of identity theft; amend William Van Rogeneorter crime victim's rights act to require.
HB 4042 Juveniles; criminal procedure; restitution of certain cost incurred by victims of identity theft; amend probate code of 1939 to require.

Motion offered and supported to take no position on these bills and write a letter providing technical amendments, including the mandatory restitution provision and to apply a reasonableness standard to the amount of restitution. Motion carried.
Motion offered and supported to authorize Ms. Lyon and Ms. Vrooman to participate further with workgroups as evidence of the committee’s support in concept of the increase of jury pools. Motion carried

Motion was offered and supported to support the bill with the following amendment on page 1, end of Line 8: “unless private counsel has been retained” and an amendment on page 2, at the end of Line 17 “after consultation with an attorney.” Motion carried.

The committee recommended that no position be taken and encourage the sections to advocate their positions.

Motion offered and supported to support this bill with the clarification that this does not expunge offenses from the driving record or any records maintained by the State Driving Licensing Board. Motion carried.

The committee recommended that no position be taken and encourage the sections to advocate their positions.

The committee recommended that no position be taken and encourage the sections to advocate their positions.

A motion was offered and supported to oppose the bill. Motion carried.
LEADERSHIP REPORTS

President's Report, Edward H. Pappas, President
Board Officer Election Update
Mr. Pappas announced that Commissioners Brian Einhorn and Tom Rombach had submitted letters of interest and completed matrices for the position of treasurer of the Board of Commissioners. The election will take place at the July 24 board meeting.

LRE Report
Mr. Pappas reported that a plan has been developed for the Law Related Education (LRE). Mr. Pappas indicated that LRE is a top priority of the SBM and that future developments in this area will be discussed at the July Board meeting.

Senior Lawyers Report
Ms. Welch indicated that there was an ambiguity in proposed change #4 and offered an amendment that the Executive Committee endorsed. The change would allow members that are 50 years of age and had 20 years of experience could join the section for a cost of $20.

Mr. Ulrich offered a motion to adopt the proposed recommendations from the Senior Lawyers Section Planning Group including the amendment that was endorsed by the Executive Committee. The motion was supported and discussion began.

Mr. Erhart indicated that this item had been tabled at a previous meeting and the motion needed to “un-table” the motion before action could be taken. He offered a motion to un-table the topic, support offered and the motion carried.

Greg reinstated his motion, support was offered and discussion continued.

A vote was taken on the motion and the motion passed.

Professionalism Program
Mr. Pappas reported that twenty judges and lawyers participated in the May 8 professionalism program that was conducted at the new student orientation at the Auburn Hills campus of Cooley Law School.

Executive Director's Report, Janet K. Welch, Executive Director
FY2010 Preliminary Budget
Ms. Welch reviewed the Preliminary FY 2010 budget with the Board.

2009 SBM Award Committee recommendations
Motion offered and supported to approve the 2009 SBM Award Committee recommendations. Motion carried.

SBM Proposed Sponsorship Policy
Motion offered and supported to adopt the SBM proposed sponsorship policy. Motion carried.

Supreme Court Matters
Ms. Welch reported on the proposed creation of a SBM Task Force to address long-range challenges to the judicial branch presented by the fundamental economic and demographic changes Michigan is undergoing.
Ms. Welch reported that the US Supreme Court decided the Caperton decision, addressing due process issues raised by judicial campaign contributions and disqualification standards.

2009 Election Update
Ms. Welch reported that to date close to 7,000 members have voted in the 2009 SBM elections.

Personnel Matters
There were no personnel matters to report.

Litigation Status Report
There was no issue that required an executive session.

Representative Assembly Report, Katherine Kakish, Chairperson
Ms. Kakish reported that immediately following the July 24 Board meeting that a ceremony will take place recognizing the photos of the past RA chairs.

American Bar Association (ABA) Report, Reginald Turner, State Delegate
No report was provided.

Young Lawyers Section Report, Chris Christenson, Chairperson
Mr. Christenson provided the Board with a report on the Young Lawyers Section activities.

Comments or questions from Commissioners
Mr. Courtade complimented the SBM staff for their coordination of lobbying efforts for legal aid funding and indigent criminal defense issues during ABA Day in Washington, D.C.

Mr. Einhorn complimented Elizabeth Lyon on her success in raising the stature of the State Bar’s lobbying within the legislature.

Mr. Ulrich mentioned that he had recent conversations with chief judges about laws that are amended in a piecemeal fashion and asked whether this issue is addressed by the Law Revision Commission and whether the State Bar has any involvement with the Commission. Ms. Welch responded that the SBM has recently strengthened expanded its involvement with the Commission, and that Cliff Flood is now attending the Commission’s meetings.

Judge Murphy indicated that he heard from several lawyers who attended the 50-year honoree luncheon and mentioned to him that is was a good event to have and that they enjoyed themselves.

Comments or questions from the public
Ms. Chard reported that the probate and estate section led the effort to get revisions to trust fund legislation passed. She also reported that ICLE will hold a one hour webcast concerning the new legislation that passed dealing with foreclosure and that so far 300 individuals had signed up for it.

Adjournment
The meeting was adjourned at 11:10 p.m.