President Toy called the meeting to order at 9:30 a.m. on Friday, July 23, 2010, at the State Bar Building in Lansing.

Commissioners present:
David R. Brake
Lois E. Butlow
Laura Chappelle
B. D. “Chris” Christenson
Margaret A. Costello
Bruce A. Courtade, Secretary
Richard L. Cunningham
Brian D. Einhorn, Treasurer
James N. Furbart
Julie I. Pershman, Vice President
Stephen J. Grobho
W. Anthony Jenkins, President-Elect
Elizabeth M. Johnson
David A. Kallman
Donald F. McGinnis, Jr.
Maureen M. McGinnis
Lambros Niforos
Lawrence P. Nolan
David A. Perkins
Victoria A. Radke
Michael J. Riordan
Donald G. Rockwell
Charles C. Rombach
Kurt F. Schmelz
Richard J. Siriani
Angelique Strong Marks
Julie A. Sullivan
Laurin C. Roberts
Thomas C. Rombach
Charles R. Toy, President
Gregory L. Ulrich

Commissioners absent and excused:
Commissioners Danielle Mason Anderson, Elias J. Escobedo, Jr. and Hon. William B. Murphy were absent and excused.

State Bar Staff present:
Janet Welch, Executive Director
Margaret Bossenberg, Executive Coordinator
Gregory Conyers, Diversity Director
Candace Crowley, External Development Director
Dawn Evans, Director, Professional Standards
Cliff Flood, General Counsel
Gwen Fountain, Lawyer Referral Services Representative
Mary Fossik, Director, Human Resources
James Herbst, Director, Finance and Administration
Nkrumah Johnson Wynn, Service Counsel
William Kramer, Director, Information Services
Elizabeth Lyon, Governmental Relations Director
Anne Smith, Administrative Assistant
Kari Thrush, Manager, Membership Services and Events
Anne Vrooman, Research and Development Director
Daron Goodrum Garland, Investigative Counsel

Guests:
Rob Buettman, 2010-2011 Board of Commissioner

Consent Agenda

Minutes
The Board received the minutes from the June 11, 2010 Board of Commissioners meeting.
The Board received the minutes from the June 1 and 22, 2010 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.

Finance, Brian Einhorn, Chairperson
The Board received the FY 2010 Financial Reports through May 2010, and the FY 2010 Financial Forecast.

The annual reports from the SBM committees and sections were published on the confidential Board of Commissioners web site.

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

Officer Elections
2010 Officer Elections
President Charles R. Toy announced that President-Elect W. Anthony Jenkins would succeed him as President of the State Bar of Michigan for 2010-11.

President Charles R. Toy announced that Vice President Julie I. Fershtman would be President-Elect of the State Bar of Michigan for 2010-11.

A motion was made and supported to elect Mr. Courtade to the Vice President position of the State Bar of Michigan for 2010-11. Motion carried.

A motion was made and supported to elect Mr. Einhorn to the Secretary position of the State Bar of Michigan for 2010-11. Motion carried.

In an election for the position of Treasurer, among candidates Mr. Erhart and Mr. Rombach, Mr. Rombach was elected Treasurer of the State Bar of Michigan for 2010-11.

FY 2011 Budget
Ms. Welch and Mr. Horsch presented the FY 2011 budget to the Board. Motion was offered and supported to adopt the FY 2010 budget as presented. Motion carried.

COMMISSIONER COMMITTEES

Finance, Brian D. Einhorn, Chairperson
Mr. Einhorn reported on the budget review process of the Finance Committee and provided the Board with a financial and investment update and a review of the SBM Insurance Policies.

Professional Standards, Bruce A. Courtade, Chairperson
Mr. Courtade informed the board that Ms. McGinnis, Mr. Siriani, and Ms. Roberts Thomas have been appointed as members of the nominating committee to review the applicants for the SBM appointments to the Institute for Continuing Legal Education Executive Committee and the Michigan Indian Legal Services Board of Trustees. The Board will receive recommendations for those appointments at the September board meeting for action.

Ms. Goodrum Garland provided the board with an update on the Trust Account Overdraft Notification rule that takes effect on September 15, 2010.
Programs and Services, Julie I. Fershtman, Chairperson
Ms. Thrush provided the Board with summaries of the 50-year golden celebration, the Bar Leadership and Upper Michigan Legal Institute events.

The Board was asked to approve the National Employment Lawyers Association – Michigan chapter as a recognized specialty bar. Motion offered and supported to approve this request. Motion carried.

Public Policy, Image and Identity, W. Anthony Jenkins, Chairperson
Reports
Mr. Jenkins reported that the Board was provided with a report from Governmental Consultant Services, Inc.

Mr. Jenkins reported that the Board was provided with a report from the Justice Initiatives Co-Chairs Hon. Cynthia Diane Stephens and Ms. Terri L. Stangl.

Pledge of Support for Diversity and Inclusion
Mr. Jenkins provided the Board with a copy of the SBM's pledge of support of diversity and inclusion. Motion offered and supported to adopt the pledge of support for diversity. Motion passed unanimously.

Ms. Conyers provided the Board with an update on the diversity activities of the State Bar.

Court Rules
2005-32 Proposed Amendments of Rules 2.101, 2.102, 2.113, 2.603, 3.101, and 8.119 of the Michigan Court Rules
A motion was offered and supported to oppose the proposed amendments to the court rules. Motion carried.

A motion was offered and supported to oppose the proposed amendments to the court rules. Motion carried.

Proposed Rule to Define the Practice of Law
A motion was offered and supported to convene a special ad hoc committee to examine the proposed rule and other mechanisms available to protect the public's legal rights under existing law. Motion carried.

Ms. Costello abstained from voting.

Legislation
No action was taken.

LEADERSHIP REPORTS

President's Report, Charles R. Toy, President
Mr. Toy indicated that he did not have anything to report at this time as his discussions were included in other agenda items.

Executive Director's Report, Janet K. Welch, Executive Director
SBM Standing and Special Committees 2010-2011 Resolution and Matrix
Ms. Welch presented the 2010-11 SBM Standing and Special Committee resolution and matrix. Motion offered and supported to adopt the resolution and matrix as amended. Motion carried.
Master Lawyers Section Bylaws
The Board was provided with the bylaws for the Master Lawyers Section. The proposed bylaws will be posted on the website and will be presented to the Board in September for action.

Retirement Plan Amendments
Mr. Flood discussed the proposed amendments to the Retirement Plan. Motion offered and supported to adopt the plan as amended. Motion carried.

Judicial Crossroads Task Force
Ms. Welch provided the Board with an overview of the work of each of the four committees of the Judicial Crossroads Task Force. These committees will report on their recommendations at the next Judicial Crossroads Task Force meeting on August 19.

Commissioner Committee & Liaison Appointment Process
Ms. Crowley informed the Board that they will receive an e-mail next week containing a link to a quick survey regarding 2010-11 committee and liaison appointments.

2010 Election Update
Ms. Welch provided an update on the 2010 State Bar of Michigan elections. The electronic election process will be evaluated to identify ways in which the 2011 election process can be improved. Ms. Welch invited board members to participate in the evaluation.

Supreme Court Update
There was no new information to report.

Personnel Matters
Ms. Wynm Johnson introduced the newest member of the State Bar staff, Ms. Gwen Fountain. Ms. Fountain will work in the Lawyer Referral Services.

Litigation Status Report
Mr. Flood provided the Board with a written Litigation Status report. No action was necessary.

Representative Assembly Report, Elizabeth M. Johnson, Chairperson
Ms. Johnson provided the Board with an update on the issues that will be addressed at the September 30th Representative Assembly meeting.

Ms. Johnson reported that the deadline for receiving applications for the 2010-11 Clerk position is at 5:00 p.m. today.

American Bar Association (ABA) Report, Reginald Turner, State Delegate
Mr. Turner sent an email to Board members asking for any comments on the agenda for the 2010 ABA Annual Meeting taking place in August.

Young Lawyers Section Report, Danielle Mason Anderson, Chairperson
The Board was provided with a written report from the YLS Chair, Ms. Anderson. Ms. McGinnis informed the Board that the YLS is meeting before the Annual Meeting and will have more to report in September.

Comments or questions from Commissioners
Mr. Panhorst noted that the Supreme Court had dismissed the case challenging Michigan's public defense system, Duncan v State of Michigan, reversing an earlier decision on the case. Discussion ensued.

Ms. Strong Marks explained her absence at the Bar Leadership Forum that was held at the Grand Hotel.
Comments or questions from the public:
There were none.

Executive Session
The board went into executive session to discuss the Executive Director's annual performance evaluation.

The board came out of executive session at 12:15 p.m.

Adjournment
The meeting was adjourned at 12:16 p.m.