

President Fershtman called the meeting to order at 1:30 p.m. on Wednesday, September 19, 2012 at the Amway Grand Plaza Hotel in Grand Rapids.

Commissioners present:

Kathleen M. Allen
Dennis M. Barnes
David R. Brake
Robert J. Buchanan
Lori A. Buiteweg, Treasurer
Margaret A. Costello
Bruce A. Courtade, President-Elect
Richard L. Cunningham
Brian D. Einhorn, Vice President
James N. Erhart
Julie I. Fershtman, President
Stephen J. Gobbo
Jennifer M. Grieco

Edward L. Haroutunian
Donald E. McGinnis, Jr.
Maureen M. McGinnis
Lawrence P. Nolan
Jules B. Olsman
David A. Perkins
Hon. Michael J. Riordan
Donald G. Rockwell
Thomas C. Rombach, Secretary
Angelique Strong Marks
Laurin' C Roberts Thomas
Gregory L. Ulrich
Dana M. Warnez

Commissioners absent and excused:

Commissioners Felicia O. Johnson, Colleen A. Pero, Brandy Y. Robinson, Richard J. Siriani, and Julie A. Sullivan were absent and excused.

State Bar Staff present:

Janet Welch, Executive Director
Marge Bossenbery, Executive Coordinator
Gregory Conyers, Director, Diversity
Candace Crowley, Director, External Development
Peter Cunningham, Director, Governmental Relations
Dawn Evans, Director, Professional Standards
Cliff Flood, General Counsel
James Horsch, Director, Finance and Administration
Robert Mathis, Pro Bono Attorney
Samantha Meinke, Media Specialist
Anne Smith, Administrative Assistant
Kari Thrush, Member Services and Events Manager
Anne Vrooman, Director, Research and Development

Guests

Hon. Al Butzbaugh
Elizabeth Johnson
D. Randall Gilmer
C. Thomas Ludden
Hon. Harold Hood
Celee Marchek, Michigan State Bar Foundation
Margo Nichols
Victoria Radtke
Linda Rexer, Executive Director, Michigan State Bar Foundation
Charles and Pat Rutherford
Hon. Cynthia Diane Stephens
Rick Winder, Michigan State Bar Foundation

A motion was offered and supported to remove Item 5B, Unlawful Practice of Law (UPL) Complaints Proposed for Litigation, from the consent agenda. Motion adopted.

Consent Agenda

The Board received the minutes from the June 27, 2012 Board of Commissioners meeting, the July 17, 2012 Executive Committee meeting and the August 21, 2012 Executive Committee meeting

The Board received a list of the SBM President's recent activities.

The Board received a list of the SBM Executive Director's recent activities.

The Board received the Client Protection Fund Claims.

The Board received the FY 2011 Financial Reports through July 2012 and the Financial Forecast.

Motion offered and supported to approve the consent agenda as amended. Motion adopted.

SPECIAL RECOGNITION

Motion offered and supported to present Ms. Linda Rexer, with a resolution honoring her 25 years of service to the Michigan State Bar Foundation. Motion adopted.

COMMISSIONER COMMITTEES

Finance, Lori A. Buiteweg, Chairperson

FY2012 Financial and Investment Update

Ms. Buiteweg presented the Board with a FY 2012 financial and investment update.

Recommendation on Disability Hardship Dues Waiver

Ms. Buiteweg reported that the Finance Committee recommends that the State Bar not adopt a policy governing hardship dues waivers.

Banking Authorizations

Ms. Buiteweg offered a motion to approve a resolution that authorizes the State Bar to conduct business with the banking institutions that are listed. Motion supported and adopted.

Professional Standards, Thomas C. Rombach, Chairperson

Institute of Continuing Legal Education Executive Committee Appointment

Mr. Rombach offered a motion to approve the re-appointment of Howard T. Spence to the Institute of Continuing Legal Education (ICLE) Executive Committee. Motion supported and adopted.

Michigan Indian Legal Services Board of Trustees Appointment

Mr. Rombach offered a motion to approve the re-appointment of Kandra Robbins and Tanya Sue Wanageshik to the Michigan Indian Legal Services Board of Trustees. Motion supported and adopted.

American Bar Association House of Delegates Appointment Policies

Mr. Rombach reported that the Professional Standards committee discussed the proposal to allow Commissioner Ulrich to replace Commissioner Einhorn as a delegate to the ABA House of Delegates and unanimously decided to reject the proposal as submitted. A motion was offered and supported to reject the proposal. Motion adopted.

UPL Complaints Proposed for Litigation

The Board went in to a closed session at 2:35 p.m. to discuss the UPL Complaints Proposed for Litigation. The Board returned to open session at 2:46 p.m.

A motion was offered and supported to approve the first item discussed regarding UPL litigation. Motion was adopted. Commissioner Courtade abstained.

Motion offered to approve the second item discussed in closed session regarding UPL litigation. Motion was supported and adopted.

Programs and Services, Brian D. Einhorn, Chairperson

Request for Recognition – Lakeshore Bar Association

Mr. Einhorn offered a motion that the State Bar recognize the Lakeshore Bar Association as a local bar association. The motion was supported and adopted.

Public Policy, Image and Identity, Bruce A Courtade, Chairperson

The Board received written reports from Justice Initiatives

Court Rules

There were no court rules

Legislation – Old Business

SB 0743 (Jones) Children; abduction; uniform child abduction prevention act; create. Creates new act. Motion offered and supported to support proposed legislation. Motion adopted.

HB 5413 (Jackson) Criminal procedure; evidence requirements for retention of evidence; establish. Amends 1927 PA 175 (MCL 760.1 – 777.69) by adding sec. 23 to ch. XVI. No action was taken on this legislation because it is not Keller permissible.

HB 5600 (Haverman) Juveniles; criminal procedure; set-aside convictions for juvenile adjudications; clarify eligibility. Amends sec 19e, ch. XIIA of 1939 PA 288 (MCL 712A. 18e). The Board tabled this item, looking for clarification on which degrees of CSC should be expunged and why.

Legislation – New Business

HB 5804 (McMillin) Criminal procedure; defenses; statewide standards and accountability measures of trial level indigent criminal defense services; implement. Creates new act. Motion offered and supported to support proposed legislation. Motion adopted.

LEADERSHIP REPORTS

President's Report, Julie I. Fershtman, President

Diversity and Inclusion Advisory Committee

Ms. Fershtman provided the Board with an update on the work of the Diversity and Inclusion Advisory Committee Caregiver Work Group Report.

Practice Management Resource Center Advisory Committee Report and Recommendations

Ms. Fershtman reported that the Practice Management Resources Advisory Committee Report and Recommendations will be available for presentation to the Board at the November meeting.

Executive Director's Contract

Ms. Fershtman indicated to the Board that Janet Welch has signed a three year contract as Executive Director of the State Bar of Michigan.

Executive Director's Report, Janet K. Welch, Executive Director
Solutions on Self Help Task Force Update

Ms. Welch provided the Board with an update on the Solutions on Self Help Task Force.

Supreme Court Update

Ms. Welch reported to the Board that she attended the Michigan Supreme Court Judicial conference in Dearborn in August. She told the Board that several of the workshops were related to the Judicial Crossroad Task Force recommendations.

Personnel Matters

Ms. Welch reported to the Board that Ms. Stecker retired in August. Ms. Welch also reported on two new staff hires – Lynn Ingram in Communications and Michael Harris in the Information Technology Services Division.

Diversity and Inclusion Advisory Committee

Ms. Welch reported that the Hon. Victoria Roberts and John Nussbaumer resigned as co-chairs in mid-August of the Diversity and Inclusion Advisory Committee to focus more intensively on law school diversity.

Representative Assembly (R.A.) Report, Stephen J. Gobbo, Chairperson

Mr. Gobbo informed the Board that there were four candidates for the position of Clerk of the RA for 2012-2013. Petitions were received from Dan Quick, Alissa Schwartz, Vanessa Williams and Fred Hermann. One of those candidates, Alissa Schwartz withdrew from the contest. The election takes place at the September 20 meeting of the RA.

ABA Report

The Board received a written ABA Report.

Young Lawyers Section Report (YLS), Brandy Y. Robinson, Chairperson

There was no report.

SPECIAL PRESENTATIONS

Recognition of Retiring Commissioners

Angelique Strong Marks written and prepared by Margaret A. Costello
Donald E. McGinnis written and presented by Maureen M. McGinnis and James N. Erhart
David A. Perkins written and presented by Hon. Michael J. Riordan
Laurin' C. Roberts Thomas written and prepared by Thomas C. Rombach

Recognition of President Julie I. Fershtman

President Elect Courtade presented President Fershtman with a scrapbook and plaque honoring her year as President of the State Bar of Michigan.

Comments from Commissioners

There were none.

Adjournment

The meeting was adjourned at 3:30 p.m.