

# State Bar of Michigan

## MINUTES OF THE BOARD OF COMMISSIONERS

President Pappas called the meeting to order at 9:00 a.m. on Friday, January 16, 2009 at the Michael Franck Building in Lansing.

### Commissioners present:

Danielle Mason Anderson  
David Brake  
Lori A. Buiteweg  
Beverly Hall Burns  
Laura Chappelle  
B. D. "Chris" Christenson  
Margaret A. Costello  
Bruce A. Courtade, Treasurer  
Richard L. Cunningham  
Brian D. Einhorn  
James N. Erhart  
Elias J. Escobedo, Jr.  
Robert K. Fergan  
Julie I. Fershtman, Secretary  
W. Anthony Jenkins, Vice President

Elizabeth M. Johnson  
Katherine Kakish  
David A. Kallman  
Donald E. McGinnis, Jr.  
Lambro Niforos  
Edward H. Pappas, President  
Eric J. Pelton  
Victoria A. Radke  
Michael J. Riordan  
Donald G. Rockwell  
Thomas C. Rombach  
Richard J. Siriani  
Julie A. Sullivan  
Charles R. Toy, President-Elect  
Gregory L. Ulrich

### Commissioners absent and excused:

Commissioners Murphy and Schnelz were absent and excused.

### State Bar Staff present:

Janet K. Welch, Executive Director  
Marge Bossenbery, Executive Coordinator  
Nancy Brown, Director, Member Services and Communications  
Gregory Conyers, Director, Pro Bono Initiative  
Candace Crowley, Manager, External Development  
Dawn Evans, Director, Professional Standards  
Cliff Flood, General Counsel  
Mary Froom, Director, Human Resources  
James Horsch, Director, Finance and Administration  
Nkrumah Johnson -Wynn, Service Counsel, Professional Standards Division  
Elizabeth Lyon, Director, Governmental Relations  
Will Kramer, Director, Information Technology Services  
Naseem Stecker, Manager, Media and Public Relations  
Kari Thrush, Manager, Membership Services and Events  
Anne Vrooman, Director, Research and Development

### Guests

Jean Young, Plante Moran  
Tina Peters, Plante Moran  
Lynn Chard, Executive Director, ICLE

## Consent Agenda

### Minutes

The Board received the November 14, 2008 Board of Commissioners meeting.

### ***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 FY2008 Audited Financial Report, the FY Financial reports through November 30, 2008 and FY 2009 financial forecast.

***Professional Standards***, Julie I. Fershtman, Chairperson

The Board received the Client Protection Fund Claims.

***Proposed Section Bylaw Amendments***

The Board received proposed bylaw amendments from the Labor and Employment section.

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.

***Audit***, Bruce A. Courtade, Chairperson

The 2009 Audit committee consisted of Commissioners Courtade, Burns, McGinnis, Sullivan, and Ms. Roshunda Price. The Board was provided with a copy of the audit report from Plante Moran and Mr. Courtade reported that the State Bar received a very clean opinion.

Ms. Jean Young and Ms. Tina Peters from Plante Moran provided the Board with a summary of the audit results.

***Professional Standards***, Julie I. Fershtman, Chairperson

Ms. Fershtman reported that there were not any action items.

***Programs and Services***, W. Anthony Jenkins, Chairperson

Membership Services Program Update

Mr. Jenkins offered a motion for the State Bar to enter into a contract with UPS to provide air express and ground delivery services to the State Bar members as an endorsed membership program. The motion was supported and the motion carried. Commissioner Costello abstained from the vote.

Senior Lawyers Section Planning Group

Mr. Jenkins reported that the Programs and Services committee voted to bring the Senior Lawyers Section Planning Group report forward to the entire Board for their consideration. Commissioner Ulrich was asked to provide the Board with a summary of the efforts of the Senior Lawyer Committee Planning Group.

Commissioner Ulrich provided the summary and offered a motion to accept the senior lawyer planning group work plan with ongoing oversight by the planning group. The group would continue with the understanding that if at any stage of the any stage that a decision needs to be made that it would be brought before the entire Board review by the Board. There was support and discussion took place. The discussion primarily focused on three areas:

- 1) The pros and cons of automatic membership, particularly in a section labeled "senior."
- 2) The possible fiscal impact of the proposal.
- 3) The process for reaching a decision: should the report have come directly to the Board from the planning work group? Should the report be considered by the Representative Assembly?

After discussion, Mr. Courtade offered a motion to table the motion.

By a voice vote, the motion to table carried.

Mr. Rombach offered a motion to refer the work product from the Senior Lawyers Group to the Representative Assembly for further study. This motion was supported by Ms. Kakish. The motion failed, 24 to 6. 2 Board members were absent and excused.

**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.

Ms. Lyon provided the Board with a list of the membership of the 95<sup>th</sup> Legislature, informed them that the legislators who are members of the State Bar will be photographed next week, and that photo will be the cover of the March 2009 Bar Journal. She also reported that the State Bar is sponsoring a Law School for Legislators during the upcoming months which will cover many topics of interest for legislators regarding the law and informed the Board that sometime in March the State Bar will participate in a congressional hearing on the issue of Public Defense and that she will keep them informed as the details are finalized.

**Court Rules**

ADM File No. 2008-29 Proposed amendment of rules 3.901, 3.903, 3.921, 3.965, 3.975, 3.977 and 3.978 and new rule 3.978 of the Michigan Court Rules. Motion to defer to the Children's Law Section was offered, supported and adopted.

ADM File No. 2005-05 & ADM File No. 2006-20 – Proposed amendment for rules 2.403, 2.404, 2.411 and 3.216 of the Michigan Court Rules

ADM File No. 2008-40 – Proposed Amendments of Juvenile Court Standards and Administrative Guidelines for the Care of Children Administrative Order No. 1985-5

Because some of the State Bar sections and committees were not able to submit their recommendations on these amendments in time for the Board's consideration in January, these amendments may be considered by the Executive Committee in order to meet the Supreme Court deadline.

**Legislation**

There was no legislation on the agenda for the committee to consider.

**LEADERSHIP REPORTS**

**President's Report**, Edward H. Pappas, President

Mr. Pappas reported that the State Bar and the Michigan State Bar Foundation is sponsoring a Law Related Education Summit. This event will engage interested parties in discussions to develop a shared understanding of effective law related education, identify high priority strategies for Michigan, identify and engage partners and their potential roles and resources, and will deliver a report on the recommendations of the summit's participants. A follow up action plan will be prepared for the Board's consideration.

Mr. Pappas indicated that there are sessions scheduled with attorneys and law students to discuss professionalism issues and that the initial sessions are being held with Cooley Law School

Mr. Pappas informed the Board that a meeting with Michigan's Law School Deans is scheduled for January 29 and that the Past Presidents Advisory Committee is meeting on that day as well.

Mr. Pappas informed the Board that a small committee of members, officers, and judges has met to discuss changes to judicial compensation, which has remained stagnant since 2002.

Mr. Pappas reported that the March 6 Board meeting will focus on the State Bar Strategic Plan.

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

ATJ Campaign Update

Ms. Welch provided the commissioners with preliminary figures on 2008 donations to the Access to Justice Fund.

Membership Update

Ms. Welch provided the Board with statistics on the current membership of the State Bar.

Strategic Planning

Ms. Welch invited Board members who have issues that they would particularly like discussed during the March strategic planning session to let her know.

Personnel Changes

Ms. Welch informed the Board that Mr. Gregory Conyers is now the Director of Justice Initiatives. Ms. Evans indicated that there were three new employees in the Professional Standards Division. She introduced Ms. Kristine Reigler and Ms. Wynn-Johnson introduced Ms. Jessica Lightner and Ms. Christine Smith. Mr. Horsch introduced Ms. Tina Bellinger, a new employee in the Finance Division.

Israel Trip Information

Ms. Welch provided the Board with information regarding the Israel. She reminded the Board that the primary reason that the State Bar participated in the trip was to develop business with state of Michigan for members. Mr. Toy commented on his experiences as well.

**Representative Assembly Report**, Katherine Kakish, Chairperson

Ms. Kakish informed the Board that Chief Justice Marilyn J. Kelly would address the Representative Assembly at its April 18 meeting and provided an overview of the agenda of the April meeting.

Ms. Kakish informed the Board that the Hon. John Chmura is the new parliamentarian for the Representative Assembly.

Ms. Kakish reported that the Representative Assembly committees are in place and that she and Ms. Johnson are meeting with Ms. Welch to discuss the goals of RA and areas within the Strategic Plan that particularly impact the RA.

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

The Board was provided with a written report on American Bar Association issues, and Mr. Jenkins commented on the mid-year meeting held in Boston in February.

**Young Lawyers Section Report**, Chris Christenson, Chairperson

Mr. Christenson provided the Board with a report on the Young Lawyers activities.

**Comments or questions from Commissioners**

There were none.

**Comments or questions from the public**

**Adjournment**

The meeting was adjourned at 2:00 p.m.