

President Rombach called the meeting to order at 9:45 a.m. on Friday, January 16, 2015 at the Michael Franck Building in Lansing.

Commissioners present:

Danielle Mason Anderson  
Dennis M. Barnes  
Danielle M. Brown  
Robert J. Buchanan  
Lori A. Buiteweg, President-Elect  
Timothy J. Burns  
Shauna L. Dunning  
Robert C. Gardella  
Stephen J. Gobbo  
Jennifer M. Grieco, Treasurer  
Edward L. Haroutunian  
James W. Heath  
Fred K. Herrmann  
Andrea Irons

Mark W. Jane  
C. Thomas Ludden  
Thomas E. McCarthy Jr.  
Lawrence P. Nolan, Vice President  
Colleen A. Pero  
Daniel D. Quick  
Victoria A. Radke  
Hon. Michael J. Riordan  
Donald G. Rockwell, Secretary  
Thomas C. Rombach, President  
Hope V. Shovein  
Richard J. Siriani  
Gregory L. Ulrich  
Vanessa Peterson Williams

Commissioners absent and excused: Commissioners E. Christopher Johnson Jr., Hon. Maureen M. McGinnis, and Jules B. Olsman 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  
Cliff Flood, General Counsel  
Danon Goodrum-Garland, Director, Professional Services Division  
Brian Hildreth, Director, Information Services Division  
James Horsch, Director, Finance and Administration Division  
Nkrumah Johnson-Wynn, Assistant General Counsel  
Robert Mathis, Pro Bono Attorney  
Samantha Meinke, Communications Manager  
Alecia Ruswinckel, Assistant Counsel  
Anne Smith, Administrative Assistant  
Kari Thrush, Manager, Member Services and Events  
Anne Vrooman, Director, Research and Development

Guests

Gina Burroughs, Executive Director, Genesee County Bar Association  
Lisa Geherin, Assistant Director, Institute for Continuing Legal Education  
Roger Hitchcock, Audit Partner, Andrews Hooper and Pavlic  
Jamie L. Rabe, Audit Manager, Andrews Hooper and Pavlic  
Jeffrey Himelhoch, President, Genesee County Bar Association

Consent Agenda

Mr. Rombach asked the Board if there were any items that needed to be removed from the consent agenda. There were none.

The Board received the minutes from the November 21, 2014 Board of Commissioners meeting.

The Board received the minutes from the October 14 and December 16, 2014 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 FY 2015 Financial Reports through November 30, 2014.

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

Board Agenda

A motion was offered and supported to approve the November 21, 2014 Board agenda. The motion was approved.

Local Bar Association and Section Presentations

The Board received a report from the Genesee County Bar Association by its President, Jeffrey Himelhoch and Executive Director, Gina Burroughs.

The Board received a report from the State Bar's Criminal Law Section by its Chair, Charles H. Marr and State Bar Commissioner Liaison, Stephen Gobbo.

## COMMISSIONER COMMITTEES

**Audit**, Jennifer M. Grieco, Chairperson

Ms. Grieco reported to the Board that the Audit Committee met with the auditors without staff present and after discussion approved the FY 2014 audit. The audited financial report was then sent to the Michigan Supreme Court and is posted on the State Bar's website. Copies of the report and the auditor's letter have also been provided to the Board. She introduced Mr. Roger Hitchcock, audit partner and Ms. Jamie Rabe, audit manager, from the auditing firm Andrews Hooper Pavlic, PLC, who discussed the FY 2014 audit with the Board. The auditors reported that the SBM received an unmodified ("clean") audit opinion. The auditors also reviewed the management letter and noted one internal control suggestion that has been implemented.

**Finance**, Jennifer M. Grieco, Chairperson

**FY 2014 Financial and Investment Update**

Ms. Grieco provided the Board with a FY 2015 Financial and Investment report.

**Professional Standards**, Donald G. Rockwell, Chairperson  
**Proposed Amendments of CPF Rule 11 – Appeals and Responses**

Mr. Rockwell asked Ms. Goodrum-Garland to discuss the proposed amendments of Client Protection Fund Rule (CPF) 11 with the Board. After discussion, a motion was offered and supported to approve the amendment to CPF Rule 11(E). A motion was offered to table discussion and return the proposed amendment to CPF Rule 11(E) back to the Professional Standards Committee to include discretionary language to permit staff to freely grant extensions in response to a respondent's reasonable request. That motion was approved

After further discussion, a second motion was offered and supported to return the remaining proposed amendments to CPF Rule 11 to the Professional Standards Committee for further review to consider use of "request for review" in place of the more formal legal terminology "request for reconsideration" and to propose a burden of proof to be applied to a "request for review." The motion was approved.

**ICLE Executive Committee Appointment**

Mr. Rockwell reported that the committee recommends the interim appointment of Ms. Katie Lynwood to the ICLE Executive Committee for a term ending September 30, 2015. Motion was offered and supported to approve the recommendation. The motion was approved.

**Programs and Services**, Lawrence P. Nolan, Chairperson

**Recognition of Jewish Bar Association**

Mr. Nolan reported that the Bar had received a request from the Jewish Bar Association of Michigan (JBAM) to be recognized as a special purpose bar association. Mr. Nolan indicated that the JBAM was replacing the B'Nai B'rith Barristers Association. A motion was offered and supported to recognize the MJAB as a special purpose bar association. The motion was approved.

Mr. Nolan indicated that nominations for State Bar awards were being accepted and encouraged the Board to submit nominations.

**Public Policy, Image and Identity**, Lori A. Buiteweg, Chairperson

The Board members received the Justice Initiatives Report.

**Court Proposals**

**ADM File No. 2013-35 – Proposed Amendment of Rule 7.211 of the Michigan Court Rules**

The proposed amendment of MCR 7.211(C) (1) (c) would clarify that an appellant, in a case tried without a jury, is not required to file a motion for remand or a motion for a new trial to challenge the great weight of the evidence to preserve the issue for appeal.

A motion was offered and supported to support the proposed amendment. The motion was approved

**ADM File No. 2013-36 – Proposed Amendments of Subchapter 7.300 of the Michigan Court Rules**

These proposed amendments would update the rules regarding practice in the Michigan Supreme Court, and would renumber and reorganize the rules to be consistent with those in the Court of Appeals for the ease of the appellate practitioner and greater judicial efficiency.

A motion was offered and supported to support the proposed amendment and to send to the Court the comments from the Civil Procedure and Courts Committee, Criminal Jurisprudence and Practice Committee and the Appellate Section. The motion was approved

**ADM File No. 2014-12 – Proposed Amendment of Rule 3.211 of the Michigan Court Rules**

The proposed amendment of MCR 3.211 would provide language to allow the parties to stipulate (in their judgment of divorce, separate maintenance, or annulment) to post judgment binding arbitration of identified personal property under MCL 600.5070 *et seq.*

A motion was offered and supported to support the proposed amendment. The motion was approved.

**ADM File No. 2014-37 – Proposed Amendment of Rules 3.963, 3.966 and 3.974 of the Michigan Court Rules**

The proposed amendments of MCR 3.963, 3.966 and 3.974 would provide clarity regarding procedures to be followed when an emergency removal of a child has occurred but a dispositional hearing has not been held.

A motion was offered and supported to support the proposed amendment. The motion was approved

**Model Jury Instructions, 13.20, 13.20a**

The Committee proposes an instruction for use where a violation of MCL 750.479c, concealing facts or misleading of police, is charged. MCrimJI 13.20 sets forth the elements of the charge; MCrimJI 13.20a is an instruction for statutory defenses to the charge. These are entirely new instructions.

A motion was offered and supported to support the change to the model jury instructions. The motion was approved.

**Legislation**

There was no legislation.

**President's Report**, Thomas C. Rombach, President

**Introduction of Board of Commissioners**

Mr. Rombach indicated that the introduction of Board members would take place during lunch.

**State Bar of Michigan Strategic Planning Committee**

Mr. Rombach reported that the Ms. Buiteweg will lead the Strategic Planning Steering committee and that other members include Commissioners Barnes, Buchanan, Grieco, Herrmann, Nolan, Quick and Rockwell.

**Resolution for 21<sup>st</sup> Century Practice Task Force**

Mr. Rombach provided the Board with a resolution to amend the 2014-2015 SBM Standing and Special Committees Resolution to allow for three of the committees, the 21<sup>st</sup> Century Practice, Law School to Practice and Disciplinary System Advisory committees, and appoint a task force, who along with sub-committees, to determine the needs of the members and the public in the future of the practice of law. A motion was offered and supported to approve the resolution. The motion was approved.

Mr. Rombach informed the Board that the March 13, 2015 meeting is canceled.

Ms. Bossenbery reported that each Board member received a 2014-2105 SBM Commissioner and Staff directory and that if additional copies are needed to let her know.

**Executive Director's Report**, Janet K. Welch, Executive Director  
**Michigan Supreme Court Update**

Ms. Welch reported to the Board that there have been no formal communications from the Court regarding the comments that were submitted by the Board to the Supreme Court on the Report to the Court from the Supreme Court Task Force on the Role of the State Bar of Michigan.

**Personnel Update**

Ms. Welch asked Ms. Goodrum-Garland to introduce new employees from the Professional Standards Division. Ms. Goodrum-Garland introduced Assistant Counsels, Ms. Ruswinckel and Laurin' Roberts Thomas.

**Building Closure**

Ms. Welch informed the Board that the closure of State Bar non-emergency operations from December 24 through January 2 went smoothly.

**Litigation Status Report**

There is no written report for this meeting as there have not been any developments since the last report.

**Representative Assembly (RA) Report**, Vanessa Peterson Williams, Chairperson  
**Meeting on April 25, 2015**

Ms. Williams reported that progress is being made in developing the agenda for the April 25, 2015 Representative Assembly (RA) meeting and that proposals are still being accepted.

Ms. Williams reported that she and the other officers of the RA met to set in place some future plans for the RA and that the RA's Keller procedures and electronic voting are two key issues facing the RA.

**American Bar Association (ABA) Report**

There was no report.

**Young Lawyers Section Report (YLS)**, Andrea Irons, Chairperson

Ms. Irons provided the Board with an update on the activities of the Young Lawyers Section. She said that discussions are taking place on a laser tag challenge activity for the Board members and Young Lawyers Executive Council to participate in after the April 24 Board meeting.

**Comments from Commissioners**

Ms. Pero informed the Board that they should review their credit card statements for possible unauthorized activity related to the hotel at which the Board orientation took place.

**Adjournment**

The meeting was adjourned at 12:45 p.m.