

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	Maureen M. McGinnis
Lori A. Buiteweg	Lambro Niforos
Laura Chappelle	Lawrence P. Nolan
B. D. "Chris" Christenson	David A. Perkins
Margaret A. Costello	Victoria A. Radke
Bruce A. Courtade, Secretary	Michael J. Riordan
Richard J. Cunningham	Donald G. Rockwell
Brian D. Einhorn, Treasurer	Thomas C. Rombach
James N. Erhart	Kurt F. Schnelz
Julie I. Pershtman, Vice President	Richard J. Siriani
Stephen J. Gobbo	Angelique Strong Marks
W. Anthony Jenkins, President-Elect	Julie A. Sullivan
Elizabeth M. Johnson	Laurin' C. Roberts Thomas
David A. Kallman	Charles R. Toy, President
Donald E. McGinnis, Jr.	Gregory J. Ulrich

Commissioners absent and excused:

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

State Bar Staff present:

Janet Welch, Executive Director  
Margaret Bossenbery, 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 Froom, Director, Human Resources  
James Horsch, 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  
Danon Goodrum Garland, Investigative Counsel

Guests:

Rob Buchanan, 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. Hershtman 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.

2009-19 Proposed Amendments of Rules 6.425, 6.502, 7.204, and 7.205 of the Michigan Court Rules

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

Motion 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 Crossroad 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. Wynn 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. Finhorn 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 in to 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.