

The meeting was called to order by President Turner at 9:45 a.m. on Friday, July 25, 2003, at the State Bar of Michigan, Lansing, Michigan. Commissioners present were:

John M. Barr  
Marjory G. Basile  
Scott S. Brinkmeyer, President-Elect  
Kimberly M. Cahill, Treasurer  
Thomas W. Cranmer  
Kathryn M. Day  
Nancy J. Diehl, Vice President  
Evanne L. Dietz  
Kim Warren Eddie  
James N. Erhart  
Elias J. Escobedo, Jr.  
Hon. Joseph J. Farah  
Dennis P. Grenkowitz  
Michael S. Hohaus

Elizabeth A. Jamieson  
W. Anthony Jenkins  
Ronald D. Keefe  
Daniel M. Levy, Assembly Vice-Chair  
Craig H. Lubben  
Stephen J. Murphy, III  
Hon. William B. Murphy  
Edward H. Pappas  
D. Andrew Portinga  
Thomas C. Rombach, Assembly Chair  
Hon. Cynthia D. Stephens  
Charles R. Toy  
Reginald M. Turner, President  
Gregory L. Ulrich

Commissioners Lambro Niforos, Randolph P. Piper, Thomas G. Plunkett, and Kurt E. Schnelz were absent and excused.

State Bar Staff Present:

John T. Berry – Executive Director  
Lisa Allen-Kost – Director, Programs & Services  
Nancy Brown – Director, Communications  
Thomas K. Byerley – Director, Professional Standards  
Greg Conyers – Program Coordinator  
Kathleen G. Fox – Director, Human Resources  
Judy Hershkowitz – Administrative Assistant  
James C. Horsch – Director, Administration and Finance  
Roberta M. Lott – Administrative Assistant  
Caryl Markzon – Event Coordinator  
Susan McMann – Sections and Committees Coordinator  
Glenna D. Peters – Executive Coordinator  
Chad Sluss – Member Services Manager  
Lesa Smith – Program Coordinator  
Janet K. Welch – General Counsel

Present for such portions of the meeting as pertained to a specific agenda item was Lynn Chard, Executive Director, ICLE.

**CONSENT AGENDA**

A motion was made and seconded to approve the Consent Agenda. Motion carried.

**Minutes**

The Board approved the minutes of the April 25, 2003 and June 13, 2003 Board meetings.

The Board accepted the minutes of the following Executive Committee meetings:

June 13, 2003

July 7, 2003

**President's Report** – Reginald M. Turner, President

The Board received the President's written report.

**Executive Director's Report** – John T. Berry, Executive Director

The Board received the Executive Director's written report and the UPL status report.

**Finance and Human Resources Committee**

The Board received the following: 1) Financial reports for nine (9) months ending June 30, 2003, 2) Year-end financial forecast, and 3) Amended bidding and request for proposal policy.

**Professional Standards Committee** – Thomas W. Cranmer, Chairperson

The Board approved payment of the following client protection fund claims:

1. CPF 1839    \$ 500.00
2. CPF 1957    1391.00

**Public Corporation Law Section**

The Board approved the proposed bylaw amendment to Article 6, Section 6.1.

**Commissioner Liaison Reports** – Written reports were received by the following Commissioner Liaisons:

- A. Evanne Dietz: International Law Section; Pro Bono Involvement Committee
- B. James N. Erhart: American Indian Law Section
- C. Elias J. Escobedo, Jr.: Jury Instructions, Standard Criminal Committee; Latin American Bar Activities Section
- D. Dennis P. Grenkovicz: Aviation Law Section; Law and Media Committee
- E. Elizabeth A. Jamieson: Law Student Section; Public Outreach Committee
- F. Stephen J. Murphy, III: Animal Law Section; Legal Administrator Section; Social Security Law Section
- G. Lambro Niforos: Labor & Employment Law Section; Public Corporation Law Section
- H. D. Andrew Portinga: Civil Procedure and Courts Committee

**LEADERSHIP REPORTS**

**President's Report** – Reginald M. Turner

**Election of SBM Officers** – Mr. Turner opened the floor for nominations for State Bar Officers. Mr. Turner announced that President-elect Scott S. Brinkmeyer would succeed him as President of the State Bar and that Nancy J. Diehl would be President-Elect for 2003-2004.

A motion was made and seconded to nominate Thomas W. Cranmer as Vice-President for 2003-2004. Motion carried.

A motion was made and seconded to nominate Kimberly M. Cahill as Secretary for 2003-2004. Motion carried.

A motion was made and seconded to nominate Ronald D. Keefe as Treasurer for 2003-2004. Motion carried.

As a result of the State Bar elections in June, Mr. Turner congratulated the following Commissioners on being re-elected: Kimberly M. Cahill, Charles R. Toy, W. Anthony Jenkins and Michael Hohaus. He also congratulated Allyn D. Kantor (District G) and Julie I. Fershtman (District I) on their election and welcomed them to the Board.

Mr. Turner reported on the oral argument to the Supreme Court and especially commended Commissioner Tom Rombach and Executive Director John Berry for their presentations regarding the dues proposal. An order was issued granting half of the dues increase requested. It is expected that Bar leadership will return next year to request an additional increase that will allow for full implementation of the Strategic Plan.

**Representative Assembly Report** – Thomas C. Rombach

Mr. Rombach reported that the Representative Assembly agenda on September 12<sup>th</sup> would include the following: 1) A proposed bylaw amendment that would address mandatory minimum and allow for voting of one individual only 2) Appellate delay reduction considerations, and 3) Ethics revisions. Additionally, the Michael Franck award nominations and election of a new Clerk will take place.

**Executive Director's Report** – John T. Berry

Staff – Lisa Allen-Kost introduced Lesa Smith, new Access to Justice Development Fund Coordinator.

Mr. Berry reported on his recent meeting with the Environmental Law Section and a trip to the upper peninsula to meet with Ron Keefe and his spouse.

Mr. Berry provided an update on the *Dressel* case and emphasized how it addressed the unauthorized practice of law as defined in the Strategic Plan, and its importance to the profession. He thanked staff members Tom Byerley, Janet Welch and Victoria Kremski for their efforts in preparing the amicus brief.

Janet Welch and Nancy Brown presented a powerpoint presentation regarding the new public policy resource center. Mr. Berry and President Turner thanked Janet and Nancy for the development of this new product that will be a great member benefit. It will be available soon on the website and a press release will be issued.

Mr. Berry presented a powerpoint presentation on the budget that incorporated a strategic plan update. He reported that if no new programs or resources are added, by the year 2006-07 the Bar would be back into serious deficit spending. Mr. Turner announced that in light of the recent dues order, the budget would be presented for review and approval at the September meeting.

Mr. Berry presented a proposal to centralize justice initiatives and information was distributed that included background and history, next step, structural overview, rationale for reorganization and transition issues. Mr. Berry reported that in keeping with the commitment of the strategic plan to strengthen justice initiatives, he proposed that 1) a separate justice initiatives commissioner committee be established; 2) under that commissioner committee would be a standing committee, and 3) under that a sub-committee structure that would be determined in conjunction with the board committee and the standing committee.

President Turner and President-elect Brinkmeyer expressed their support of the proposal and Commissioner Ulrich moved that the recommendation be adopted. The motion was adopted following discussion.

Mr. Berry reported that the committee recommendations included in the Board materials remained consistent with last year's committee structure except for the following: 1) Discontinue the Legal Education and Professional Standards Committee, 2) Dissolve the General Membership Meetings

Committee, 3) Dissolve the 21<sup>st</sup> Century Courts Committee, and 4) Retain the status of the Grievance Committee as a special committee. A motion was made and seconded to approve the committee recommendations as presented.

**Young Lawyers Section Report** – Kathryn M. Day

Ms. Day provided a report on upcoming section activities, to include their 7<sup>th</sup> annual financial planning seminar on July 29<sup>th</sup> in Ann Arbor, a co-sponsorship Habitat for Humanity project with the Ingham County Young Lawyers, a mentor program with senior lawyers, and annual meeting involvement in the Race for Justice and participation with the 50-year honorees. Ms. Day announced that Commissioner Evanne Dietz would be the YLD speaker during at ABA during their annual meeting in San Francisco.

**COMMISSIONER COMMITTEES**

**Finance and Human Resources** – Kimberly M. Cahill, Chairperson

Ms. Cahill reported that they would be working diligently on the budget and noted that a surplus of approximately \$450,000 is anticipated. Ms. Cahill also reported that some necessary building maintenance projects would be completed and that a favorable bid had been received for next year's health insurance that includes an increase of 11% rather than the projected 20%. Ms. Cahill and President Turner thanked Kathleen Fox for her efforts in securing this bid.

**Professional Standards** – Thomas W. Cranmer, Chairperson

Mr. Cranmer reported on the mandatory regulation disclosures (copies were distributed) that the Court has requested to be published on the next dues statement and moved that it be adopted. Following discussion, the motion was denied.

Mr. Tuner reported that individual justices of the Court have suggested that the Bar might include a voluntary check-off box for the Hall of Justice Learning Center. No action was taken.

**Programs and Services** – Nancy J. Diehl, Chairperson

Ms. Diehl reported that Candace Crowley would provide a full report on Access to Justice at the September board meeting. She encouraged all commissioners to contribute to the fund this year to achieve 100% participation and recognized Kim Cahill, new regional chair in Macomb County, and Tom Cranmer and Tom Plunkett in Oakland County.

Ms. Diehl moved for the adoption of the Privacy and Member Record policies amended as follows:

**Privacy Policy**

**1. What Information Do We Collect?**

*Explanation of Record Types*

A. The Standard Member Address of Record

The standard or required member Address of Record includes a correct legal name; Business Address and such additional information as may be required. *See Rule 2, Supreme Court Rules Concerning the State Bar of Michigan.* Members may use a P.O. box only if a physical address is also provided. ~~which is listed under the Home Address.~~

**Member Record Policy**

7. SBM lists are available for mailings ~~only by for Bar, judicial candidates, attorney general candidates and prosecuting attorney candidates.~~

Motion carried.

Caryl Markzon distributed information on the annual meeting and provided a verbal update.

Commissioner Erhart reported on the evaluations received regarding the Bar Leadership Forum and noted that next year the Forum will be combined with UMLI. He especially recognized Lisa Allen-Kost's department for their efforts in making it successful.

Chad Sluss provided a powerpoint presentation regarding a new web-based member services orientation.

**Public Policy, Image and Identity** – Scott S. Brinkmeyer, Chairperson

Mr. Brinkmeyer asked for comments from the public about the Bar's legislative program, but there were none.

**Michigan Court Rules**

A motion was made and seconded to approve the following Board actions:

**Proposed Amendment of Canon 7 of the Michigan Code of Judicial Conduct** – A Judge or a Candidate for Judicial Office Should Refrain from Political Activity Inappropriate to Judicial Office  
Support

**Proposed Amendment of Rules 5.408 of the MCR** – Review and Modification of Guardianships of Legally Incapacitated Individuals  
Support

**Legislation**

**SB 433 – SB 450** – Fee Bills to Support Judicial Appropriations Bill; previously discussed and passed in the legislature  
Support in Principle

**S 1091-** A Bill to Provide Funding for Student Loan Repayment for Public Attorneys  
Support

**FOR THE GOOD OF THE PUBLIC AND THE PROFESSION**

**Comments or questions from Commissioners**

Mr. Turner asked for comments or questions from Commissioners but there were none.

**Comments or questions from the public**

Mr. Turner asked for comments or questions from the public but there were none.

**Old Business**

There was none.

**New Business**

There was none.

The meeting was adjourned at 1:10 p.m.