

President-Elect Julie I. Fershtman called the meeting to order at 9:35 a.m. on Wednesday, September 7, 2011, at the State Bar of Michigan Building, Lansing, MI.

Commissioners present:

Danielle Mason Anderson
Dennis M. Barnes
David R. Brake
Robert J. Buchanan
Lori A. Buiteweg
Bruce A. Courtade, Vice President
Margaret A. Costello
Richard L. Cunningham
Brian D. Einhorn, Secretary
Elias J. Escobedo, Jr.
James N. Erhart
Julie I. Fershtman, President Elect
Stephen J. Gobbo

Edward L. Haroutunian
David A. Kallman
Maureen M. McGinnis
Lambro Niforos
Lawrence P. Nolan
David A. Perkins
Victoria A. Radke
Michael J. Riordan
Thomas C. Rombach, Treasurer
Richard J. Siriani
Angelique Strong Marks
Laurin' C Roberts Thomas
Dana M. Warnez

Commissioners absent and excused:

Commissioners W. Anthony Jenkins, Donald E. McGinnis, Jr., Jules B. Olsman, Donald G. Rockwell, Brandy Y. Robinson, and Julie A. Sullivan were absent and excused.

State Bar Staff present:

Janet Welch, Executive Director
Gregory Conyers, Diversity Director
Candace Crowley, External Development Director
Dawn Evans, Director, Professional Standards
Cliff Flood, General Counsel
Mary Frook, Director, Human Resources
Danon Goodrum Garland, Investigative Counsel
Nkrumah Johnson-Wynn, Service Counsel
James Horsch, Director, Finance and Administration
William Kramer, Director, Information Technology
Elizabeth Lyon, Governmental Relations Director
Rob Mathis, Pro Bono Legal Counsel
Kari Thrush, Manager, Membership Services and Events
Anne Smith, Administrative Assistant, Executive Office
Anne Vrooman, Research and Development Director

Consent Agenda

Minutes

The Board received the minutes from the July 22, 2011 Board of Commissioners meetings and the minutes from the July 12, 2011 Executive Committee meeting.

President's Report, W. Anthony Jenkins, 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.

Professional Standards, Brian D. Einhorn, Chairperson
The Board received the Client Protection Fund Claims

Finance, Thomas C. Rombach, Chairperson
The Board received the Financial Reports through July 2011

A motion was offered, supported to approve the consent agenda. Motion carried.

SBM Strategic Planning Workgroup Recommendations

The Board received materials on the 2011-2013 Strategic Planning Workgroup Recommendations. After discussion a motion was offered and, supported to approve the recommendations of the Strategic Planning Workgroup. Motion carried.

FY 2011-2012 Budget

The Board received materials on the 2011-2012 Budget. After discussion a motion was offered, supported to approve the budget. Motion carried.

Commissioner Committee Reports

Finance, Thomas C. Rombach, Chairperson

Mr. Rombach provided the Board with an update on the Finance Committee meeting with Ms. Welch and the Senior Management Team on the review of the proposed budget.

Mr. Rombach provided the Board with a financial and investment update.

Mr. Rombach provided the Board with an update on the audit.

Professional Standards, Brian D. Einhorn, Chairperson

Mr. Einhorn offered a motion to approve the appointment of John R. Runyan, Jr. and Thomas J. St. Dennis to the Michigan Indian Legal Services Board of Trustees. Motion supported and adopted.

Mr. Einhorn offered a motion to approve the re-appointment of Michael R. Shpiece to the Institute of Continuing Legal Education (ICLE) Executive Committee. Motion supported and adopted.

Programs and Services, Bruce A. Courtade, Chairperson

Mr. Courtade gave an update on the Annual Meeting registrations.

Public Policy, Image and Identity, Julie I. Fershtman, Chairperson

The Board was provided with a written report from Governmental Consultant Services, Inc. and a written report from the Justice Initiatives co-chairs.

Michigan Court Rules

ADM File # 2010-12 Proposed Amendment of Rule 606 of Michigan Rules of Evidence and Proposed Amendment of Rule 2.512 of the Michigan Court Rules

Motion offered and supported to oppose Proposed Amendment of Rule 2.512. Motion carried. Motion offered and supported to approve Proposed Amendment of Rule 606. Motion carried

ADM File # 2010-14 Proposed Adoption of New Rule 6.202 of the Michigan Court Rules

Motion offered and supported to support Proposed Amendment of Rule 6.202. Motion withdrawn. Motion offered and supported to oppose. Motion offered and supported to table. Motion carried.

ADM File # 2010-19 Proposed Amendment of Subchapter 7.100 of the Michigan Court Rules

Motion offered and supported to support Proposed Amendment of Rule 7.100 and to support position from Victoria Katz submitted to the Michigan Supreme Court. Motion carried.

Rescission of Amendment of Rule 7.3 of the Michigan Rules of Professional Conduct and Proposed Amendment of Rule 7.3 of the Michigan Rules of Professional Conduct.

Motion offered and supported to adopt the draft letter starting opposition to Proposed Amendment of Rule 7.3 with the correction of a grammatical error on page two, inserting the word "from" and evaluate the last sentence on the first page. Motion carried.

Legislation

HB 4703

Motion offered and supported to support HB 4703. Motion carried.

HB 4704

This item was deferred

HB 4743

This item was deferred

SB 0547

Motion offered and supported to oppose SB 0547. Motion carried.

HB 4769

Ms. Lyon reported to the Board on HB 4769.

HB 4672 & HB 4673

Ms. Buiteweg reported to the Board on HB 4672 and HB 4673.

Leadership Reports

President's Report. W. Anthony Jenkins, President (Julie Fershtman acting in Mr. Jenkins' absence.)

Mr. Gobbo, Chair of the special committee on Defining the Practice of Law, presented the committee's report and recommendations. Motion offered and supported to refer recommendations to the Representative Assembly for its consideration.

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

Personnel Matters

At the request of Ms. Welch, Ms. Burkhart introduced Molly Teel to the Board. Ms. Teel is the SBM's Case Monitor in the Lawyers & Judges Assistance Program.

Ms Welch provided details on how the luncheon with the Supreme Court Justice would take place.

Litigation Report

The Board was provided with a litigation status report. No action was required.

Representative Assembly (RA) Report, Victoria Radke, Chairperson

Nomination for the 2011-2012 RA Clerk

Ms. Radke informed the Board that the three nominees for 2011-2012 Clerk were submitted. Nominees are Kathleen Allen, Martin Krohner, and Daniel Quick. The election for the Clerk position will take place at the RA meeting on September 15.

Ms. Radke reported that there are two vacancies in 20th Circuit and 29th Circuit.

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

There was no report.

Young Lawyers Section (YLS) Report, Maureen M. McGinnis, Chairperson

There was no report.

Comments or questions from Commissioners

There were none.

Comments or questions from the public

There were none.

Adjournment

The meeting was adjourned at 12:10 p.m.