

President Rockwell called the meeting to order at 9:20 a.m. on June 8, 2018 in the Grand Pavilion Room of the Grand Hotel on Mackinac Island.

Commissioners present:

David C. Anderson	Kara R. Hart-Negrich
Dennis M. Barnes, Vice-President	James W. Heath
Aaron V. Burrell	Michael S. Hohaus
Joseph J. Baumann	Joseph P. McGill
Robert J. Buchanan, Secretary	Hon. Maureen M. McGinnis
Hon. Clinton Canady III	Shenique A. Moss
B.D. "Chris" Christenson	Jules B. Olsman
Richard L. Cunningham	Daniel D. Quick
Syeda F. Davidson	Victoria A. Radke
Shauna L. Dunning	Hon. Michael J. Riordan
Andrew F. Fink III	Donald G. Rockwell, President
Robert C. Gardella	Brian D. Shekell
Jennifer M. Grieco, President Elect	Gregory L. Ulrich
Edward L. Haroutunian	Dana M. Warnez, Treasurer
Krista L. Haroutunian	Erane C. Washington

Commissioners absent and excused:

Danielle Mason Anderson	Hon. David A. Perkins
E. Thomas McCarthy Jr.	

State Bar Staff present:

Janet Welch, Executive Director
Marge Bossenbery, Executive Coordinator
Gregory Conyers, Director, Diversity
Peter Cunningham, Assistant Executive Director and Director, Governmental Relations
Darin Day, Director, Outreach and Constituent Development
Cliff Flood, General Counsel
Danon Goodrum-Garland, Director, Professional Services Division
James Horsch, Director, Finance and Administration Division
Robert Mathis, Pro Bono Service Counsel
Alecia Ruswinckel, Assistant Director, Professional Standards Division
Carrie Sharlow, Administrative Assistant
Kari Thrush, Assistant Division Director, Member Services
Tish Vincent, Program Administrator, Lawyers and Judges Assistance Program
Anne Vrooman, Director, Research and Development

Guests

Chief Justice Stephen J. Markman, Michigan Supreme Court
Justice Kurtis T. Wilder, Michigan Supreme Court
Justice Brian K. Zahra, Michigan Supreme Court
David Watson, Executive Director, ICLE
John McAllister, Intern for Justice Wilder
Nicholas Aukerman, Intern for Justice Wilder

Consent Agenda

Mr. Rockwell 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 April 20, 2018 Board of Commissioners meeting.

The Board received the recent activities of the President.

The Board received the recent activities of the Executive Director.

The Board received the FY 2018 Financial Reports through April 2018.

The Board received Model Criminal Jury Instructions.

The Board received a Bid Waiver and Independent Contractor Extension for K2dnn.net.

Ms. Radke identified a typo in the Finance Committee section of the April 20, 2018 meeting minutes. The minutes will be corrected. A motion was offered and supported to approve the consent agenda as amended. The motion was approved.

Mr. Rockwell introduced Chief Justice Markman, who addressed the Board.

Mr. Rockwell introduced Justice Wilder, who addressed the Board

Mr. Rockwell introduced Justice Zahra, who addressed the Board.

COMMISSIONER COMMITTEES REPORTS

Audit, Dana M. Warnez, Chairperson

Ms. Warnez stated that there was no report.

Finance, Dana M. Warnez, Chairperson

Ms. Warnez provided the Board with the FY 2018 financial report.

Professional Standards, Robert J. Buchanan, Chairperson

Mr. Buchanan stated that proposed formal ethics opinion R-25 was published for comment from SBM members and that action on this item will take place at a future meeting.

Communications and Member Services, Dennis M. Barnes, Chairperson

A motion was offered and supported to award the Liberty Bell Award to the Grand Rapids Urban League. The motion was approved.

Public Policy, Jennifer Grieco, Chairperson

Court Rules

ADM File No. 2018-03: Proposed Amendments of Rules 3.201, 3.210, and 3.211 and Proposed Addition of Rule 3.222 and 3.223 of the Michigan Court Rules

The proposed amendments of MCR 3.201, 3.210, and 3.211 and proposed addition of MCR 3.222 and 3.223 would integrate the collaborate law process designed under the Uniform Collaborate Law Act (159 PA 2014; MCL 691.1331-691.1354) into the state's trial court system for practical use and would add a similar process for parties not represented by counsel who seek to submit a consent judgment.

A motion was offered and supported to adopt the proposed amendments to Rules 3.201, 3.210, 3.211 and the addition of Rule 3.222 and to adopt the Access to Justice Policy committee position on Rule 3.222. The motion was approved.

Rule 3.223 was tabled for further comment from the Family Law Section

ADM File No. 2017-26: Proposed Amendments of Canon 3 and Canon 7 of the Judicial Code of Conduct

The proposed amendments of Canon 3 and Canon 7 of the Code of Judicial Conduct would incorporate the ABA Model Code of Judicial Conduct 2.10 language and clarify its application to public comments made by judges.

A motion was offered and supported to adopt the proposed amendments with the recommendations from the Judicial Ethics and Professional Ethics Committees. The motion was approved.

Legislation

Juvenile Mental Health Courts

HB 5806 (Calley) Courts; other; juvenile mental health courts; establish. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding ch. 10C.

HB 5807 (Calley) Courts; other; references to juveniles in mental health court in revised judicature act; remove to reflect creation of juvenile mental health court. Amends secs. 1088, 1091, 1093, 1094, 1095 & 1098 of 1961 PA 236 (MCL 600.1088 et seq.).

HB 5808 (Calley) Courts; other; reference to chapter of revised judicature act in the probate code; modify. Amends sec. 6, ch. XIIIA of 1939 PA 288 (MCL 712A.6).

A motion was offered and supported that this legislation is Keller permissible because of its effect on the improvement of the functioning of the courts and the availability of legal services to society. The motion was approved.

A motion was offered and supported to support this legislation. The motion was approved.

HB 5820 (Kesto) Mental health; code; procedure for involuntary mental health treatment and judicial admissions; revise. Amends subheading of ch. 5 & secs. 500, 501, 502, 503, 504, 505, 508, 509, 510, 511, 512, 515, 516, 517, 518, 519, 520, 521, 525, 526, 527, 528, 531, 532, 536, 537, 540 & 541 of 1974 PA 258 (MCL 330.1500 et seq.).

A motion was offered and supported that this legislation is Keller permissible because of its effect on the improvement of the functioning of the courts and the availability of legal services to society. The motion was approved.

A motion was offered and supported to support this legislation. The motion was approved.

Young Lawyers Section

“A Way Forward: Transparency in 2018” by Law School Transparency (Iowa State Bar Association Young Lawyers Division)

The report recommends that the American Bar Association and law schools take steps to improve legal education: (a) young lawyer representation in accreditation; (b) increased data transparency; (c) user-friendly data presentation; (d) disclosures at time of admission; and (e) voluntary disclosures by law school.

This item was tabled to allow time to solicit input from Michigan law schools.

SBM STRATEGIC PLAN – STEERING COMMITTEES

Communications and Member Services Steering Committee, Dennis M. Barnes, Chairperson
Mr. Barnes reported that there was nothing new to report.

Implementation and Innovation Steering Committee, Dana M. Warnez, Chairperson
Ms. Warnez reported that there was nothing new to report.

Professional Standards Steering Committee, Robert J. Buchanan, Chairperson
Mr. Buchanan reported that there was nothing new to report.

Public Policy Steering Committee, Jennifer M. Grieco, Chairperson
Ms. Grieco called the Board's attention to that Public Policy Steering committee recommendations listed in a memo that each Board member received.

Ms. Grieco referred to the first focus area of the steering committee, Timely and Responsive Public Policy Positions. She stated that to improve the responsiveness of the Board to fast-moving legislation, the committee recommends that the Board set monthly placeholder meetings to consider public policy issues via teleconference. If there are no time-sensitive public policy items pending, the teleconference meetings will be canceled.

A motion was offered and supported to adopt this proposal. The motion was approved.

Ms. Grieco referenced the second focus area of the steering committee, Improving Communication of Public Policy Issues to Members. She reported that the committee recommends changes that will more effectively disseminate information to members through the enhanced use of technology and social media.

A motion was offered and supported to implement the proposed changes described in the memo. The motion was approved.

Mr. Ulrich expressed concern that only "Nay" votes are called for when acting on motions before the Board, with no call for "Aye" votes. Mr. Rockwell invited discussion and hearing no support for Mr. Ulrich's suggestion, offered to speak to Mr. Ulrich at a later time.

LEADERSHIP REPORTS

President's Report, Donald G. Rockwell, President

Mr. Rockwell stated that he is enjoying his presidency and speaking with members who are present at the meetings he attends.

Executive Director's Report, Janet K. Welch, Executive Director
FY 2019 Preliminary Budget – Key Budget Assumptions

Ms. Welch introduced the preliminary budget to the Board and asked Mr. Horsch to describe the key budget assumptions built into the FY 2019 preliminary budget. Mr. Horsch reviewed the assumptions with the Board. The Finance Committee will review the proposed budget on July 11.

SBM Election Update

Ms. Welch asked Ms. Bossenbery to provide the Board with an update on the 2018 elections. Ms. Bossenbery reported that the number of members who have voted is slightly higher than last year, the election ends on June 15, and the results will be certified by the Board of Tellers on June 26 and sent to the Clerk of the Supreme Court.

Committee Restructuring Work Product.

Ms. Welch reminded the Board that last year the officers reviewed the SBM Strategic Plan to see if it was as effective as it could be. As a result of that undertaking, the SBM committee structure was revised and four steering committees were created. Staff is currently digesting the lessons learned and are in the process of making recommendations about what might be changed. These proposed changes will be incorporated into the SBM Standing and Special Committees 2018-2019 Resolution and Matrix, which will come before the Board in July.

Ms. Welch echoed the remarks given by Justices of the Supreme Court today regarding the current relationship between the Court and the State Bar. As an example she mentioned the pending request from the State Bar to the Supreme Court for an increase in the Character and Fitness fee. Ms. Welch emphasized the term working relationship because both the Court and the State Bar have been responding to the request for more information and she recognized the effort put forth on both ends and the value of the Justices attendance at today's meeting to see how the Board conducts its business.

Representative Assembly (RA) Report, Joseph P. McGill, Chairperson

Mr. McGill reported that the April meeting went well. Judge Victoria Roberts was nominated for the Michael Franck Award and Ms. Michelle Fuller for the Unsung Hero Award. The Assembly voted to support the Payee Notification proposal, the Indigent Fee Waiver proposal, and the Civil Discovery Rules proposal.

Plans are underway for the September meeting, which will center on RA procedure and governance issues and the manner in which the RA does business. Questions are being developed for a survey that would be sent to RA members.

Mr. McGill informed the Board that the deadline for nominations for the RA clerk is July 25 and the deadline for proposals for the September meeting is August 16.

Other Reports

American Bar Association (ABA) Report

Mr. Ulrich reported that the ABA House of Delegates will look at number of motions to restructure the Legal Education Council which sets accreditation for the law schools and that the ABA is beginning an initiative to restructuring and streamline their committees.

Ms. Welch stated that because the SBM is a mandatory bar, it is limited in its collaboration efforts with external entities and that the ABA is one of those. She said that the ABA is a large and complicated entity; there are parts of it that take public policy positions that the SBM cannot be associated with, but noted that the ABA does have great value to the SBM in the terms of the data it collects and the services it to bar associations on non-ideological issues. One of the new services is the Center for Innovation, with which the SBM is exploring collaboration.

Young Lawyers Section (YLS) Report, Syeda F. Davidson, Chairperson

Ms. Davidson provided the Board with an update on recent activities of the YLS. She stated that the 11th Annual YLS Summit is taking place at Boyne Highlands on June 15 and 16 and that Justice Bridget McCormack is the keynote speaker.

Ms. Davidson reported that the SBM Board of Commissioners were the victors in the 2018 bowling contest with the Young Lawyers Section Executive Committee.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or Questions from Commissioners

Mr. Rockwell reminded the Board that the Bar Leadership Forum begins at 1:00 p.m. with opening remarks from the Chief Justice and that all members are encouraged to attend.

Comments or Questions from the Public

There were none.

Adjournment

The meeting was adjourned at 10:45 a.m.