

President Nolan called the meeting to order at 9:45 a.m. on January 20, 2017 in the Boardroom of the Michael Franck State Bar of Michigan building.

Commissioners present:

Danielle Mason Anderson
Dennis M. Barnes, Secretary
Robert J. Buchanan, Treasurer
Hon. Clinton Canady III
Richard L. Cunningham
Syeda F. Davidson
Andrew F. Fink III
Robert C. Gardella
Jennifer M. Grieco, Vice President
James W. Heath
Fred K. Herrmann
Michael S. Hohausner
Mark W. Jane

Joseph P. McGill
Hon. Maureen M. McGinnis
Shenique A. Moss
Lawrence P. Nolan, President
Jules B. Olsman
Hon. David A. Perkins
Colleen A. Pero
Victoria A. Radke
Donald G. Rockwell, President-Elect
Brian D. Shekell
Richard J. Siriani
Gregory L. Ulrich
Dana M. Warnez
Erane C. Washington

Commissioners absent and excused:

Shauna L. Dunning
Edward L. Haroutunian
Krista Haroutunian

Thomas E. McCarthy Jr.
Hon. Michael J. Riordan

State Bar Staff present:

Janet Welch, Executive Director
Marge Bossenbery, Executive Coordinator
Nancy Brown, Director, Member and Communication Services Division
Candace Crowley, Assistant Executive Director and Director, External Development
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
Kathryn Hennessey, Public Policy Counsel
James Horsch, Director, Finance and Administration Division
Nkrumah Johnson-Wynn, Assistant General Counsel
Robert Mathis, Pro Bono Service Counsel
Samantha Meinke, Communications Manager
Jeanette Socia, Human Resources Manager
Kari Thrush, Assistant Division Director, Member and Communication Services Division
Anne Vrooman, Director, Research and Development

Guests

Jennifer Bentley, Executive Director, Michigan State Bar Foundation
Lori Buiteweg, Immediate Past President, State Bar of Michigan
Jeffery Fineis, Audit Partner, Andrews, Hooper, Pavlik, PLC
Jamie Rabe, Audit Manager, Andrews, Hooper, Pavlik, PLC
Chelsea Rebeck, Finance and Audit Committee Member
Linda K. Rexer, Past Executive Director, Michigan State Bar Foundation
David R. Watson, Executive Director, Institute of Continuing Legal Education

Consent Agenda

Mr. Nolan 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 18, 2016 Board of Commissioners meeting.
The Board received the minutes from the November 7 and December 6, 2016 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 the FY 2016 Audited Financial Reports.

The Board received the FY 2017 Financial Reports through November 2016.

Ms. Welch asked that a January 17 meeting with Chief Justice Stephen Markman be added to her activities.

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

INTRODUCTIONS

Ms. Rexer introduced the new Executive Director of the Michigan State Bar Foundation, Jennifer Bentley, to the Board.

Ms. Welch introduced the new Executive Director of the Institute for Continuing Education, David Watson, to the Board.

COMMISSIONER COMMITTEES REPORTS

Audit, Robert J. Buchanan, Chairperson

Mr. Buchanan reported that the Audit Committee met on December 8, 2016 with the auditors and approved the audit. Mr. Buchanan introduced Jeffrey Fineis, Audit Partner, and Jamie Rabe, Audit Manager, from Andrews, Hooper, Pavlik, PLC, who reviewed the auditor's letter, annual audited financial report, and answered questions from the Board. The auditors provided an "unmodified" (clean) audit opinion, and had no audit recommendations.

Finance, Robert J. Buchanan, Chairperson

Mr. Buchanan introduced the FY 2017 financial reports through November 2016.

Mr. Buchanan provided the Board with an update on the status of dues collection and stated that the SBM currently has over 45,000 attorney members in good standing.

Mr. Buchanan indicated that the Finance Committee established a sub committee to review the adequacy of the insurance coverage of the SBM. Mr. Horsch answered questions regarding the valuation of the building and other property.

Mr. Buchanan reported that the Finance Committee reviewed a bid exception for governmental consulting services, and that we renewed our contract with Governmental Consulting Services.

Professional Standards, Dennis M. Barnes, Chairperson

Mr. Barnes indicated that the committee met this morning, had a very active and productive meeting, and that there were no action items to report.

Programs and Services, Jennifer M. Grieco, Chairperson

Annual Meeting locations

Ms. Grieco reported that the SBM has signed contracts with venues for the SBM annual meeting for the next three years and that it is time to move forward with signing contracts for future years. In keeping with the current practice of rotating the location of the annual meeting from the west side to the east side of the state, it is recommended that the 2020 annual meeting take place in Grand Rapids, the 2021 in Lansing, and the 2022 in Grand Rapids. The committee will evaluate the experience of having the 2017 meeting in Detroit and make a decision regarding bringing the annual meeting back to Detroit in 2023. Board members expressed their support of continuing to bring the annual meeting back to Detroit on a regular rotation, but recognized the cost challenges that location brings.

A motion was offered and supported to sign contracts with meeting venues in Grand Rapids and Lansing for years of 2020-2022. The motion was approved.

Several board members expressed concern with the structure of the annual meeting and suggested that it be reviewed. Ms. Thrush informed the Board that changes were made to the way in which members can select educational sessions at the 2017 annual meeting. Members will not be required to register for all of the educational sessions, but will be able to register for individual learning tracts, not just sessions that pertain to solo and small firm attorneys.

Legal Milestone

Ms. Grieco reported that it is the recommendation of the Law Related Education and Public Outreach Committee that the 41st Legal Milestone commemorate that Michigan was the first English speaking territory in the world to outlaw capital punishment.

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

Board of Commissioners Committee Jurisdiction changes

Ms. Grieco described and explained proposed jurisdiction changes to the Commissioner Committee structure.

A motion was offered and supported to change the names of the Programs and Services committee to the Communications and Member Services committee, the Public Policy, Image, and Identity committee to the Public Policy committee and to change the jurisdictions of the Executive, Communications and Member Services, Professional Standards, and Public Policy commissioner committees. The motion was approved.

Public Policy, Image, and Identity, Donald G. Rockwell, Chairperson

The Board members receive a written public policy report

The Board members received a written Justice Initiatives Report.

Court Rules

ADM File No. 2016-04 - Proposed amendment of MCR 8.126,

The proposed amendment of MCR 8.126, submitted by the Michigan Tribal State Federal Judicial Forum, would waive fees and other requirements for out-of-state attorneys who seek temporary admission in Michigan. The exemption from certain requirements would apply only in cases in which the attorney desires to represent an Indian tribe intervening in a child custody proceeding.

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

ADM File No. 2015-11 – Proposed Amendment of MRE 404

The proposed amendment would require the prosecution to provide reasonable notice of other acts evidence in writing or orally in open court.

A motion was offered and supported to support the proposed amendment to MRE 404. The motion was approved.

Model Criminal Jury Instructions

MCrim JI 36.7 and 36.8

The committee proposed new cautionary instructions for violations of the Human Trafficking Act, MCL 750.462a.

A motion was offered and supported to support the proposed criminal jury instructions. The motion was approved.

President's Report, Lawrence P. Nolan, President

SBM Strategic Plan

Mr. Nolan asked Ms. Buiteweg, Chair of the Strategic Planning Committee, to present the Board with the State Bar of Michigan's proposed Strategic Plan. Ms. Buiteweg reported on the efforts that were undertaken in developing the proposed strategic plan. She emphasized that the plan is a leadership-driven product and that staff was very conscientious in making sure that the strategic direction of the state bar is determined by its member leaders.

Ms. Buiteweg thanked the members of the strategic planning committee, Mr. Nolan, Mr. Rockwell, Ms. Grieco, Mr. Barnes, Mr. Buchanan, Mr. Heath, Mr. Quick, Mr. Herrmann, and Ms. Brown, for their hard work.

Mr. Nolan recognized the tremendous amount of work that went into developing the strategic plan and asked the Board if there were any questions or comments. Mr. Rockwell stated that he appreciated the work of his colleagues, the SBM staff, and that of Ms. Jennifer Lewin from the ABA, who assisted the committee in their work.

A motion was offered and supported to adopt the proposed strategic plan. The motion was approved.

MSU College of Law Networking Event

Mr. Nolan thanked the Commissioners and SBM staff who attended the MSU College of Law networking event last evening.

Executive Director's Report, Janet K. Welch, Executive Director SBM Building Closure Update

Ms. Welch reported that during the SBM holiday building closure there were minimal phone calls and that she responded to them all. (20 total calls, 6 were on days in which we would have been expected to be open, others came in over the weekends, and a few when we would have otherwise been closed.)

Meeting with the Chief Justice

Ms. Welch reported that she met with Chief Justice Stephen Markman earlier this week. She indicated that the conversation was very cordial and that she anticipates further dialogue in the near future.

Lawyer Referral Services (LRS) Modernization

Ms. Welch reported to the Board about the ongoing effort at the staff level to take what is a 20th century model of lawyer referral that includes only a couple hundred of our members and reaches a small segment of the people who are looking for legal services and replace it with a 21st century model that it reaches more people and serves more of our members.

A pilot to test various elements of a new lawyer referral model will launch in March. President Nolan has appointed a steering committee whose members include, Mr. Rockwell, Ms. Grieco, Mr. Buchanan, Mr. Heath, Ms. Washington, and Ms. Warnez, as well as Mr. Dan Linna, Mr. John Reed, and Ms. Angela Tripp. The pilot will gather better data on who comes to the bar for legal services, how they find us, what they are looking for, and what the supply or demand is for specific practice areas or geographic locations.

Representative Assembly (RA) Report, Fred Herrmann, Chairperson

Mr. Herrmann reported that the RA officers met to plan the agenda for the April 22, 2017 meeting. He asked the Commissioners to let him know if they were aware of any word on proposals from any SBM sections or affinity bars.

American Bar Association (ABA) Report

The Board received the preliminary House of Delegates meeting agenda from Mr. Ulrich. He mentioned that he had received notice of ABA paid fellowship grants to be used for the ABA Center for Innovation and asked the SBM to assist in promoting the application process.

Young Lawyers Section Report (YLS), Shenique A. Moss, Chairperson

Ms. Moss reported that the YLS are meeting tomorrow and that their annual summit is taking place at Crystal Mountain Resort on April 28–29, 2017.

Ms. Moss indicated that the YLS Executive Council plans to once again organize a “challenge event” with the Board after its April meeting. She indicated that more details will follow.

Ms. Moss reported that the YLS Executive Council is planning an event which will take place in the Upper Peninsula.

Comments from Commissioners

Mr. Nolan offered birthday congratulations to Mr. Cunningham and Ms. Radke.

Mr. Siriani commented on the bar passage rates of students after appeal of the law schools.

Adjournment

The meeting was adjourned at 11:59 p.m.