

President W. Anthony Jenkins called the meeting to order at 9:40 a.m. on Friday, January 21, 2011, at the State Bar of Michigan Building, Lansing, MI

Commissioners present:

Danielle Mason Anderson	Maureen M. McGinnis
Dennis M. Barnes	Lambro Niforos
Bruce A. Courtade, Vice President	Lawrence P. Nolan
David R. Brake	Jules B. Olsman
Lon A. Buteweg	David A. Perkins
Margaret A. Costello	Victoria A. Radke
Richard L. Cunningham	Michael J. Riordan
Brian D. Einhorn, Secretary	Donald G. Rockwell
James N. Erhart	Thomas C. Rombach, Treasurer
Julie L. Fershtman, President Elect	Richard J. Sirtani
Stephen J. Gobbo	Angelique Strong Marks
W. Anthony Jenkins, President	Julie A. Sullivan
Edward L. Haroutunian	Laurin' C. Roberts Thomas
Donald E. McGinnis, Jr.	Dana M. Warnez

Commissioners absent and excused:

Commissioners Robert Buchanan, Elias Escobedo, David Kallman, and Brandy Robinson were absent and excused.

State Bar Staff present:

Janet Welch, Executive Director
Marge Bossenbery, Executive Coordinator
Nancy Brown, Director, Member Services and Communications
Gregory Conyers, Director, Justice Initiatives
Candace Crowley, Director, External Development
Dawn Evans, Director, Professional Standards
Cliff Flood, General Counsel
Mary Froom, Human Resources Director
Danon Goodrum-Garland, Professional Standards Investigative Counsel
James Horsch, Director, Finance and Administration
Nkrumah Johnson-Wynn, Professional Standards Service Counsel
William Kramer, Director, Information Technology Services
Robert Mathis, Pro Bono Service Counsel
Naseem Stecker, Manager, Media and Communications Division
Kari Thrush, Membership Service and Events Manager
Anne Vrooman, Director, Research and Development

Guests

Robert Agacinski, Grievance Administrator, Attorney Grievance Commissioner
Mark A. Armitage, Deputy Director, Attorney Discipline Board
Tina Peters, Plante & Moran, PLLC
Matthew Schneider, Chief of Staff and General Counsel of the Michigan Supreme Court
Jean M. Young, Plante & Moran, PLLC

A motion was offered, supported and adopted to adopt the consent agenda.

Report from the Attorney Grievance Commission and the Attorney Discipline Board

Robert L. Agacinski, Grievance Administrator from the Attorney Grievance Commission, provided the Board with an update of the activities of the Attorney Grievance Commission.

Mark A. Armitage, Deputy Director of the Attorney Discipline Board, provided the Board with an update on the activities of the Attorney Discipline Board.

Commissioner Committee Reports

Finance, Thomas C. Rombach, Chairperson

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

Spouse/Guest Travel Expense Reimbursement

Mr. Rombach reported on a proposed amendment to the spouse/guest travel expenses policy. A motion was offered and supported to cover the expenses of spouse/guest travel, but to inform the officers that they will receive a 1099 at the end of the year for the amount reimbursement. Motion carried. Mr. Jenkins and Ms. Fershtman abstained.

Audit Committee, Thomas C. Rombach, Chairperson

Mr. Rombach provided the Board with an update on the activities of the Audit Committee.

The Board received a report from Jean Young, Partner from Plante & Moran regarding the audit letter that was performed in the SBM. Clean letter

Additional Audit Work – Best Practices

Mr. Rombach reported on the ongoing work of the Finance Committee regarding best practices as they relate to the State Bar.

Audit Services Request for Proposal for FY 2011- FY 2013

Mr. Rombach informed the Board that a Request for Proposal (RFP) will be sent out requesting bids for auditing services for FY 2011 – 2013.

Professional Standards, Brian D. Einhorn, Chairperson

Mr. Einhorn informed the Board that there was not a report from the Professional Standards Committee.

Programs and Services, Bruce A. Courtade, Chairperson

Job Target Career Center

Ms. Brown provided the board with an overview of a new member service that will publish job openings and opportunities for unemployed members. It is anticipated that this service will be available by the end of February.

Member Discount Programs

The following Member discount programs were discussed and action taken.

- Clio - Practice Management Tool - Motion offered and supported to adopt this member benefit. Motion adopted
- Identity Theft - Motion offered and supported to discontinue this service. Motion adopted
- Payroll Processing Service by ADP - Motion offered and supported to offer ADP Payroll Processing services to SBM members. Motion adopted.

Ms. Brown informed the Board that there will be a table showcasing SBM promotional items in the hallway outside rooms 1 & 2 during lunch.

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

The Board was provided with a written report from Governmental Consultant Services, Inc.

The Board was provided with a written report from the Justice Initiatives co-chairs.

Michigan Court Rules

2004-08 Proposed Amendment of Rule 8.126 of the Michigan Court Rules

Motion offered and supported to adopt the recommendation of the Professional Standards Committee, with the deletion of the last sentence in 8.126 (A) referencing MRPC 5.5(C) (3). Motion adopted. Ms. Costello abstained.

2005-11 Proposed Amendments of Canon 4 and Canon 5 of the Michigan Code of Judicial Conduct

Motion offered and supported to oppose this amendment. The Board indicated that a letter to the Supreme Court should be drafted by Ms. Welch conveying the concerns and comments discussed by the Board. Ms. Welch will send the letter to Board members who let her know they are interested in reviewing it. Motion adopted.

2007-17 Proposed Amendment of Rule 8.121 of the Michigan Court Rules

Public Policy Committee deferred this amendment to the Executive Committee

2007-18 Proposed Amendment of Rule 2.117 of the Michigan Court Rules

Motion offered and supported to oppose this amendment. Motion adopted

2008 32 Proposed Amendment of Rule 2.203 of the Michigan Court Rules

Motion offered to defer action on this item to the Executive Committee

Legislation

There was no legislation to discuss.

Leadership Reports

President's Report, W. Anthony Jenkins, President

Mr. Jenkins reported on his Bar-related activities since the November Board Meeting.

Mr. Jenkins asked the Board to offer a moment of silence in memory of former President Kim Cahill

Presidential Diversity and Inclusion Advisory Group

Mr. Conyers provided an update concerning the status of members who have signed the diversity pledge and the progress of the Diversity and Inclusion Advisory Council.

Unauthorized Practice of Law (UPL) Task Force

Ms. Garland Goodrum provided the board with an update on the progress of the UPL Task Force.

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

Supreme Court/New Governor's Report

Ms. Welch provided the board with an update on the relationship with Supreme Court and the Governor's office.

Litigation Report

There is no report for this meeting as there is currently no pending litigation

Economics of Law Survey

Ms. Vrooman sent an advanced copy of the Economic of Law Survey to each of the Board members in the week. She informed the board that the information included in the report will be published today.

Representative Assembly Report, Victoria Radke, Chairperson

Ms. Radke reported that the Representative Assembly (RA) officers are working on the agenda for the April 2011 meeting, and that the deadline for submission of agenda items is February 25.

Ms. Radke indicated that nominations for the Michael Franck and the Unsung Hero Award are being sought and that the deadline for submission is March 1.

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

The Commissioner received a written report about the preliminary agenda items for the February 14 House of Delegates meeting.

Young Lawyers Section Report, Maureen M. McGinnis, Chairperson

Ms. McGinnis provided the Board with a report on the Young Lawyers Section activities.

Ms. McGinnis informed the board that the YLS will once again challenge the Board to a bowling event as a fundraiser for Access to Justice. This event will take place on April 8, after the Board of Commissioners meeting.

Ms. McGinnis informed the Board that the YLS was having their annual summit in Grand Rapids on May 20 and 21.

Comments or questions from Commissioners

Mr. Jenkins reminded the Commissioners that the Board is required to review the Strategic Plan this year. Different ideas have been reported on how the process should be undertaken and Mr. Jenkins asked Ms. Fershtman to take the lead.

Ms. Strong Marks expressed her view about a remark reported to have been made during a closed session of the Michigan Supreme Court and the action she would like to see the Board take. After discussion, a motion was made and supported to authorize Mr. Jenkins to appoint an ad hoc committee to review the scope of the Board's authority to make public statements and to develop a protocol that would guide the SBM in determining whether and in what manner to issue public statements. Motion carried.

Ms. Radke informed the Board that she was concerned about members sharing what is on listservs.

Mr. Nolan commended Mr. Jenkins on his presentation at the investiture of Hon. Clinton Canady.

Comments or questions from the public

There were none.

Adjournment

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