

President Einhorn called the meeting to order at 1:45 p.m. on September 17, 2014 in the Gerald R. and Betty Ford Presidential Ballroom in the Awway Grand Plaza Hotel in Grand Rapids, MI.

Commissioners present:

Kathleen M. Allen
Danielle Mason Anderson
Dennis M. Barnes
David R. Brake
Danielle M. Brown
Robert J. Buchanan
Timothy J. Burns
Lori A. Buiteweg, Vice President
Margaret A. Costello
Brian D. Einhorn, President
Stephen J. Gobbo
Jennifer M. Grieco
Edward L. Haroutunian
Andrea Irons
Felicia O. Johnson

C. Thomas Ludden
E. Thomas McCarthy Jr.
Maureen M. McGinnis
Lawrence P. Nolan, Secretary
Jules B. Olsman
Colleen A. Pero
Daniel D. Quick
Victoria A. Radke
Hon. Michael J. Riordan
Donald G. Rockwell, Treasurer
Thomas C. Rombach, President-Elect
Hope V. Shovein
Richard J. Siriani
Gregory L. Ulrich
Vanessa Peterson Williams

Commissioners absent and excused:

Commissioner Richard L. Cunningham was absent and excused.

State Bar Staff present:

Janet Welch, Executive Director
Marge Bossenbery, Executive Coordinator
Gregory Conyers, Director, Diversity
Candace Crowley, Director, External Development
Peter Cunningham, Director, Governmental Relations
Cliff Flood, General Counsel
Danon Goodrum-Garland, Director, Professional Services Division
James Horsch, Director, Finance and Administration Division
Nkrumah Johnson-Wynn, Assistant General Counsel
Robert Mathis, Pro Bono Attorney
Samantha Meinke, Communications Manager
Kari Thrush, Manager, Member Services and Events
Anne Smith, Administrative Assistant
Anne Vrooman, Director, Research and Development

Guests

Shirlee Bobryk
Lynn Chard, Executive Director, ICLE
Shauna L. Dunnings
Robert C. Gardella
Merrill Gordon

Fred K. Herrmann
E. Christopher Johnson, Jr.
Jeff Kirkey, ICLE
Hon. Cynthia Diane Stephens

Consent Agenda

The Board received the minutes from the July 25, 2014 Board of Commissioners meeting and the minutes from the April 1 and August 19, 2014 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 2014 Financial Reports through July 2014.

The Board received the Client Protection Fund Claims.

A motion was offered and supported to approve the consent agenda.

Mr. Haroutunian requested that the minutes from the July 25, 2014 Board of Commissioner be removed from the consent agenda.

The consent agenda was approved without the minutes from the July 25, 2014 Board of Commissioners meeting.

The minutes from the July 25, 2014 board meeting will be amended to reflect that Mr. Haroutunian voted yes on the final version of the SBM Comments on the Report of the Michigan Supreme Court Task Force on the Role of the SBM but asked that it be noted that he preferred to leave Rule 1 of the Supreme Court unchanged and to make the threshold vote on Keller permissibility 75% rather than two-thirds.

A motion was offered and supported to approve the July 25, 2014 board meeting minutes as amended. The motion carried.

COMMISSIONER COMMITTEES

Finance, Donald G. Rockwell, Chairperson

FY 2014 Financial and Investment Update

Mr. Rockwell presented the Board with a FY 2014 Financial and Investment update.

Audit Committee, Donald G. Rockwell, Chairperson

Mr. Rockwell provided the Board with an update on the audit process.

Professional Standards, Lawrence P. Nolan, Chairperson

Mr. Nolan indicated that the committee met and discussed Unauthorized Practice of Law claims.

Programs and Services, Lori A. Buiteweg, Chairperson

Ms. Buiteweg indicated that there was no report, but asked Ms. Thrush to provide the Board with information regarding the Annual Meeting.

Public Policy, Image and Identity, Thomas C. Rombach, Chairperson
The Board members received the Justice Initiatives Report.

Legislation

HB 5785 (Walsh) Criminal procedure; sentencing; permissible costs; revise. Amends sec. 1k, ch. IX of 1927 PA 175 (MCL 769.1k).

The committee voted unanimously with one abstention to recommend the Board of Commissioners take a vote on Wednesday, September 24 to oppose the bill as written with the following comments:

1. Court funding should not be based on defendant fees, costs or fines.
2. However, the immediate effect of People v. Cunningham may destabilize funding of local courts.
3. While courts should be able to recoup costs rationally attendant to the prosecution of a case, this bill allows systemic costs including those incurred by other units of government.
4. The bill should be sunsetted and a workgroup tasked with creating a sustainable solution.

This legislation was recently introduced and the Board cannot take a position on this legislation. The committee asks that an electronic vote be taken on this legislation at a later date.

Legislation addressing *Applying a Justice Reinvestment Approach to Improve Michigan's Sentencing System.*

The committee recommended that action on this issue be deferred until the bill(s) are introduced.

SB 0981 (Jones) Family law; marriage and divorce; contacting a party to a divorce action; prohibit for a certain time period. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 914.

The committee recommends that action on this legislation be deferred.

Mr. Merrill Gordon addressed the Board expressing his opposition to this legislation.

President's Report, Brian D. Einhorn, President
ZeekBeek Update

Mr. Einhorn appointed a work group in July to review this program. Ms. Vrooman and Mr. Flood provided information about ZeekBeek to the group. Mr. Einhorn deferred to Ms. Vrooman to provide the Board with a brief synopsis of ZeekBeek.

Executive Director's Report, Janet K. Welch, Executive Director
ABA/NABE Meetings

Ms. Welch informed the Board that while attending the American Bar Association/National Association of Bar Executives (ABA/NABE) it was apparent that Michigan was not the only state that has been impacted by mandatory/voluntary Bars challenges. Mr. Einhorn informed the Board that during the ABA/NABE meeting Ms. Welch was part of a panel discussion about this topic and her presentation was well received.

Personnel Update

Ms. Welch reported to the Board that Ms. Danon Goodrum-Garland has been hired as the Director of the Professional Standards Division.

Ms. Welch indicated that in the interest of time, she will provide a written report to the Board about the ABA/NABE meetings and about other personnel changes.

Litigation Status Report

There is no written report for this meeting as there have not been any developments since the last report.

Representative Assembly (RA) Report, Kathleen M. Allen, Chairperson
Meeting on September 18, 2014

Ms. Allen provided the Board with an update on the items that will be addressed at the September 18, 2014 meeting.

American Bar Association (ABA) Report

There was no report.

Young Lawyers Section Report (YLS), Hope V. Shovein, Chairperson

Ms. Shovein provided the Board with an update on the activities of the Young Lawyers Section.

Special Presentations

Kathleen M. Allen written and presented by Vanessa Peterson Williams
David R. Brake written and presented by Robert J. Buchanan
Margaret "Peggy" Costello written and presented by Donald G. Rockwell
Richard L. Cunningham written and presented by Hon. Michael J. Riordan
D. Randall Gilmer written and presented by Edward L. Haroutunian
Felicia O. Johnson written and presented by Hope V Shovein
Colleen M. Pero written and presented by Lori A. Buiteweg

Recognition of President Brian D. Einhorn

Mr. Rombach presented Mr. Einhorn with a plaque and scrapbook in appreciation of his year as President.

Comments from Commissioners

Ms. Buiteweg wished everyone a Happy Constitution Day.

Mr. Ulrich invited the Board to the Red Mass taking place at the University of Detroit Mercy Law School on Tuesday, September 23, 2014.

Adjournment

The meeting was adjourned at 3:40 p.m.