

President Toy called the meeting to order at 9:00 a.m. on Friday, June 11, 2010 at the Grand Hotel on Mackinac Island in the Grand Pavilion room.

Commissioners present:

David R. Brake
Lori A. Buiteweg
Laura Chappelle
B. D. "Chris" Christenson
Margaret A. Costello
Bruce A. Courtade, Secretary
Richard L. Cunningham
Brian D. Einhorn, Treasurer
James N. Erhart
Elias J. Escobedo, Jr.,
Julie I. Fershtman, Vice President
Stephen J. Gobbo
W. Anthony Jenkins, President-Elect
Elizabeth M. Johnson
David A. Kallman

Donald E. McGinnis, Jr.
Maureen M. McGinnis
Hon. William B. Murphy
Lambro Niforos
Lawrence P. Nolan
David A. Perkins
Victoria A. Radke
Michael J. Riordan
Donald G. Rockwell
Thomas C. Rombach
Richard J. Siriani
Julie A. Sullivan
Laurin' C. Roberts Thomas
Charles R. Toy, President
Gregory L. Ulrich

Commissioners absent and excused:

Commissioners Danielle Mason Anderson, Kurt E. Schnelz, and Angelique Strong Marks were absent and excused.

State Bar Staff present:

Janet Welch, Executive Director
Margaret Bossenbery, Executive Coordinator
Gregory Conyers, Diversity Director
Candace Crowley, External Development Director
Dawn Evans, Director, Professional Standards
Cliff Flood, General Counsel
James Horsch, Director, Finance and Administration
William Kramer, Director, Information Services
Elizabeth Lyon, Governmental Relations Director
Anne Vrooman, Research and Development Director

Guests:

Carole J. Brown, President, Ontario Bar Association
Lynn Chard, Executive Director, ICLE
Nell Kuhmuench, Director, Governmental Consultant Services, Inc.
Edward H. Pappas, Past President, State Bar of Michigan
Donald Piragoff
Tessa Winter Ulrich

Consent Agenda

Minutes

The Board received the minutes from the March 25, 2010 Board of Commissioners meeting and the March 16, April 6, and May 18, 2010 Executive Committee Meetings.

President's Report, Charles R. Toy, 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.

Finance, Brian Einhorn, Chairperson

The Board received the FY 2010 Financial Reports through February, 2010, the FY 2010 Financial Forecast and the SBM Retirement Plans Annual Report

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

Mr. Toy introduced the President of the Ontario Bar Association, Ms. Carole Brown. Ms. Brown introduced her husband, Mr. Don Piragoff, and extended greetings from the members from Ontario Bar Association.

COMMISSIONER COMMITTEES

Finance, Brian D. Einhorn, Chairperson

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

Audit, Brian D. Einhorn, Chairperson

Mr. Einhorn reported on the FY 2010 Audit

Professional Standards, Bruce A. Courtade, Chairperson

Proposed revisions to the Lawyer Referral and Information Service

A motion was offered and supported to adopt the proposed revisions to the Lawyer Referral and Information Service. The motion was adopted.

Programs and Services, Julie I. Fershtman, Chairperson

There was not a report.

Public Policy, Image and Identity, W. Anthony Jenkins, Chairperson

Mr. Jenkins reported that the Board was provided with a report from the Justice Initiatives Co-Chairs Hon. Cynthia Diane Stephens and Ms. Terri L. Stangl. He also reported that Ms. Kuhnmuensch and Ms. Lyon will provide a legislative update at the Bar Leadership Forum, Friday, 1:45-2:45 p.m.

Court Rules

2010-08 Proposal to Rescind Administrative Order No. 2003-7 and Adopt Administrative Order No. 2010-X (Caseload Management Guidelines)

Motion offered and supported to support rescinding AO Rule 2003-7 and to support the changes in 2010-X, but advise the Court that Sections and Committees will advocate based on their practice areas. Sections and Committees will ask for amendments to the Order as published and to support a change to the proposed guidelines that would eliminate a standard of 100%.

The motion was adopted.

Legislation

Legal Notices

HB 5826 (Byrnes) Removes publication of legal notices under requirements from revised judiciary act. Amend 1961 PA 236 by repealing sections 1461 and 1950 (MCL 600.1461 and 600.1950)

HB 5827 (Byrnes) Revises reference to definition of newspaper in the natural resources and environmental protection act to reflect repeal of statutory definition. Amend 1994 PA 451 by amending section 2133 (MCL 324.2133), as added by 1995 PA 60

HB 5828 (Byrnes) Modifies methods for publication of legal notices.

HB 5845 (Haveman) Provides for posting of legal notices as alternative to publishing. Amend 1947 PA 359 (MCL 42.1 to 42.34) by adding section 1b.

HB 5847 (Tyler) Provides for posting of legal notices as alternative to publishing. Amend 1846 RS 16 (MCL 41.1a to 41.110c) by adding section 1c

HB 5848 (Geiss) Provides for posting of legal notices as alternative to publishing. Amend 1909 PA 279 (MCL 117.1 to 117.38) by adding section 4t.

HB 5853 (Hammel) Counties; other; methods for public notice disclosure; expand. Amends 1851 PA 156 (MCL 46.1 - 46.32) by adding sec 10d.

HB 5916 (Lund) Villages; general law; posting of legal notices as alternative to publishing; provide for.

HB 5917 (Lund) Villages; home rule; posting of legal notices as alternatives to publishing; provide for.

The Legal Notice items were tabled.

Legislation

HB 5371 Courts; other; certain court fees; exempt prosecuting attorneys from paying. Amends secs. 321 & 2529 of 1961 PA 236 (MCL 600.321 & 600.2529).

Motion offered and supported to rescind the SBM of support adopted 2010 and take no position on this bill. Motion carried.

HB 5661 (McDowell) Crime victims; other; assessments against certain criminal defendants and juvenile offenders; increase. Amends sec. 5 of 1989 PA 196 (MCL 780.905).

Motion offered and supported to take no position on this bill. Motion carried.

HB 5995 (Sheltrown) Criminal procedure; expunction; destruction of fingerprint records and arrest card for juveniles who successfully complete probation; allow. Amends sec. 3 of 1925 PA 289

A motion was offered and supported to support this bill with amendments requested by Criminal Issues Initiative and the Criminal Jurisprudence and Practice Committee. Motion carried.

HB 5800 (Kennedy) Civil procedure; other; court rules addressing actions under sections 25 to 32 of article IX of the state constitution; recommend revisions. Amends sec. 308a of 1961 PA 236 (MCL 600.308a) & adds secs. 308b, 308c, 308d, 308e, 308f & 308g.

A motion was offered and supported to oppose this bill. Motion carried.

HB 6006 (Constan) Courts; district court; twentieth and twenty-first districts; combine. Amends sec. 8121 of 1961 PA 236 (MCL 600.8121).

A motion was offered and supported to take no position on this bill. Motion carried.

LEADERSHIP REPORTS

President's Report, Charles R. Toy, President

Board Officer Election Update

Mr. Toy informed the Board that the election of officers would take place at the July Board meeting. Letters of interest were received from Commissioners Erhart and Rombach.

Master Lawyers Section Bylaws

Mr. Toy reported that the bylaws from the Master Lawyers Section will come before the Board in July.

Executive Director Evaluation

Mr. Toy reminded the Board members to complete the Executive Director's evaluation form and to submit this document to him by June 15, 2010. Ms. Bossenbery will send out a reminder to the Board members next week.

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

Election update

Ms. Welch provided an update on the 2010 State Bar of Michigan elections. The electronic election process will be evaluated after the election is complete. Ms. Welch invited Board members to participate in the evaluation process and to identify ways in which next year's election process can be improved.

Supreme Court Update

Ms. Welch provided the Board with an update on the activities of the Michigan Supreme Court. She reported that a vote has not been taken on the Bar's proposed changes to MRPC 6.1, the pro bono rule.

FY2011 Draft Preliminary Budget – Key Budget Assumptions

Mr. Horsch provided the Board with information regarding the first draft of the FY2011 budget and provided them with the key budget assumptions. He reported that the Finance Committee will meet prior to the July Board meeting to review and discuss the budget and that the final FY2011 budget will be before the Board in July for its approval.

Judicial Crossroads Task Force

Ms. Welch provided the Board with an overview of the work of each of the four committees of the task Force. These committees will report on their recommendations at the next Judicial Crossroads Task Force meeting on June 24.

ABA request: Red Flags Rule Appeal

A motion was offered and supported to allow the State Bar to sign on to an amicus brief with the ABA. The motion was adopted.

Diversity Update

Mr. Conyers provided the Board with information concerning the State Bar's Diversity Project. He reported that three Diversity Colloquia are taking place, one each at Wayne State University in Detroit, Thomas M. Cooley Law School in Grand Rapids, and Michigan State University College of Law in Lansing.

2010 Awards Committee Recommendations

Roberts P. Hudson Award

The committee recommends James C. Cotant for this award.

Frank J. Kelley Public Service Award

The committee recommends Hon. Donald A. Scher and Edward M. Zelenak for this award.

Champion of Justice Award

The committee recommends Charles W. Borgsdorf, John J. Conway and Gerard Mantese, John Nussbaumer, James M. Olson, and Hon. Wendy L. Potts for this award.

Kimberly M. Cahill Bar Leadership Award

The committee recommends the Ingham County Bar Association for this award.

The Liberty Bell Award

The committee recommends Ms. Audrey Gray for this award.

A motion was offered and supported to approve the recommendations for the above awards. Motion adopted.

2010 John Cummskey Award Nominee

The committee recommends Eric I. Frankie as the recipient of this award.

A motion was offered and supported to approve the recommendation for the above award. Motion adopted.

Litigation Report

There is no report for this meeting because there is currently no pending litigation.

Representative Assembly Report, Elizabeth M. Johnson, Chairperson

Ms. Johnson informed the Board that the RA is considering appointing a Past RA Chair committee. She also reported that the AITJ fundraiser in March was so successful that the RA is planning to continue the practice at the September meeting.

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

The Board received a written ABA report. Ms. Welch reported that the ABA annual meeting is taking place in San Francisco in August.

Young Lawyers Section Report, Danielle Mason Anderson, Chairperson

In Ms. Mason Anderson's absence, Mr. Christenson provided the Board with an update of the YLS activities and reported that Dave Campbell was awarded the Outstanding Young Lawyer award.

Comments or questions from Commissioners

Commissioner Courtade suggested that each Board member should take the time to watch the most recent Supreme Court public hearings on the State Bar website.

Commissioner Perkins reported that he attended the May 3rd town hall meeting that was sponsored by the American Bar Association. The topic was about Youthville of Detroit.

Comments or questions from the public

There were none.

Adjournment

The meeting was adjourned at 12:05 p.m.