

President Keefe called the meeting to order at 1:00 p.m. on Wednesday September 17, 2008 at the Hyatt Regency Hotel in Dearborn.

Commissioners present:

Lori A. Buiteweg
Beverly Hall Burns
B. D. "Chris" Christenson
John J. Conway
Margaret A. Costello
Bruce A. Courtade
Richard L. Cunningham
Brian D. Einhorn
James N. Erhart
Elias J. Escobedo, Jr.
Robert K. Fergan
Julie I. Fershtman, Treasurer
Kiffi Y. Ford
Robert C. Gardella
W. Anthony Jenkins, Secretary

Elizabeth M. Johnson
Katherine Kakish
Ronald D. Keefe, President
Donald E. McGinnis, Jr.
Hon. William B. Murphy
Lambro Niforos
Edward H. Pappas, President-Elect
Eric J. Pelton
Michael J. Riordan
Thomas C. Rombach
Kurt E. Schnelz
Julie A. Sullivan
Laurin C. Roberts Thomas
Charles R. Toy, Vice-President
Gregory L. Ulrich

Commissioners absent and excused:

Laura A. Chappelle
Francine Cullari

State Bar Staff present:

Janet Welch, Executive Director
Margaret Bossenbery, Executive Coordinator
Nancy Brown, Director, Member Services and Communications
Gregory Conyers, Acting Director, Pro Bono Initiative
Candace Crowley, Director, External Development
Dawn Evans, Director, Professional Standards
Clifford Flood, General Counsel
James Horsch, Director, Finance and Administration
Elizabeth Lyon, Director, Governmental Relations
Naseem Stecker, Manager, Media and Communications Division
Anne Vrooman, Director, Research and Development
Nkrumah Johnson-Wynn, Professional Standards Service Counsel
Danon Goodrum-Garland, Professional Standards Investigative Counsel

Guests:

David R. Brake, 2008-09 Commissioner
David A. Kallman, 2008-09 Commissioner
Victoria A. Radke, 2008-09 Commissioner
Donald G. Rockwell, 2008-09 Commissioner
Richard J. Siriani, 2008-09 Commissioner
Jeffrey Kirkey, Institute of Continuing Legal Education
Lynn P. Chard, Executive Director, Institute of Continuing Legal Education
Hon. Cynthia Diane Stephens, Co-Chair of Justice Initiatives Committee
Michael Thomas, spouse of Laurin' C. Roberts Thomas

Consent Agenda

Minutes

The Board received the minutes from the July 25, 2008 Board meeting.

President's Report, Ronald D. Keefe, 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 and a Litigation report.

Finance, Julie I. Fershtman, Chairperson

The Board received the preliminary financial reports through July 31, 2008

Professional Standards, W. Anthony Jenkins, Chairperson

The Board received the Client Protection Fund Claims.

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

Mr. Keefe introduced the 2008-09 Commissioners that were present.

COMMISSIONER COMMITTEES

Finance, Julie I. Fershtman, Chairperson

Ms. Fershtman provided the Commissioners with a financial update.

Professional Standards, W. Anthony Jenkins, Chairperson

Mr. Jenkins offered a motion to approve John R. Runyan, Jr. and Aaron C. Schlehuber as representatives from the SBM to the Michigan Indian Legal Services Board of Directors. Motion supported and approved.

Mr. Jenkins offered a motion to approve Howard T. Spence as representative from the SBM to the Institute for Continuing Legal Education Executive Committee. Motion supported and approved.

Programs and Services, Charles R. Toy, Chairperson

Mr. Toy provided the Commissioners with a Senior Lawyers Committee Update.

Public Policy, Image and Identity, Edward H. Pappas, Chairperson

Ms. Lyon reported to the Commissioners that the SBM is will once again conduct a Law School for Legislators in 2009. This program will involve the SBM sections and provide a more specialized approach than was used on past programs.

The Commissioners were provided with a Justice Initiatives (JI) report and Commissioners were invited to attend the JI open reception on Friday, September 19.

The Commissioners were provided with a memo concerning the SBM position on federal judicial vacancies. Ms. Welch discussed the content of the memo with the Commissioners and Mr. Pappas made a motion to adopt the statement included in the memo. The motion was supported and approved.

Michigan Court Rules

There were no proposed court rules on the agenda.

Legislation

HB 6096 (Palmer) Crime victims; rights; enhanced restitution for victims of identity theft; provide for. Amends sec. 1a, ch. IX of 1927 PA 175 (MCL 769.1a) & adds sec. 30 to ch. IV.

HB 6097 (Shaffer) Crime victims; rights; enhanced restitution for victims of identity theft; provide for. Amends secs. 4a, 16, 33b, 44, 64a & 76 of 1985 PA 87 (MCL 780.754a et seq.).

HB 6098 (Griffin) Juveniles; criminal procedure; enhanced restitution for victims of identity theft; provide for. Amends secs. 30 & 31, ch. XIII of 1939 PA 288 (MCL 712A.30 & 712A.31).

The board considered all of the above mention bills as a group. A motion was offered, supported and adopted to support these bills with an amendment to remove wording that says “in full” to allow for the court’s discretion.

HB 6321 (Sheltrown) Civil procedure; evictions; property managers; allow to represent landlords in eviction proceedings. Motion was offered, supported and adopted to oppose this bill.

B 6351 (Constan) Torts; liability; openness and obviousness of conditions on property; make an issue of comparative negligence. Action on this bill was deferred to another time.

SB 1298 (Jelinek) Courts; district court; service of process in small claims division of district court; revise. Amends secs. 8405 & 8406 of 1961 PA 236 (MCL 600.8405 & 600.8406). Motion was offered, supported and adopted to oppose this bill.

LEADERSHIP REPORTS

President’s Report, Ronald D. Keefe, President

Mr. Keefe reported that he attended the American Bar Association (ABA) meeting in New York along with Ms. Welch, Mr. Jenkins and Mr. Ulrich. Mr. Keefe informed the board that Mr. Jenkins was sworn in as a member of the American Bar Association Board of Governors.

Mr. Keefe reported that he and Ms. Welch attended the Prosecuting Attorneys Association of Michigan (PAAM) annual conference.

Mr. Keefe reported that he attended the Senior Lawyers Section Annual Meeting.

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

Ms. Welch reported that there had been recurring phone line problems at the State Bar building and that she is hopeful that the issue will be resolved soon.

Ms. Welch provided the Commissioners with an overview of the accomplishments of the SBM during the past year. She indicated that 2007-08 has been a satisfying and busy year for the bar and recognized their leadership in these accomplishments.

Mr. Keefe recognized Ms. Evans for her position as President of the National Council of Bar Counsel. Mr. Keefe also recognized Ms. Crowley for her efforts in promoting the outreach program and Ms. Stecker for her assistance with the media.

Representative Assembly Report, Robert C. Gardella, Chairperson

Mr. Gardella recognized the work of the SBM staff and the other RA officers for their work during the past year.

Mr. Gardella introduced Ms. Victoria Radke as the new clerk of the Representative Assembly.

Mr. Gardella provided the Board with an overview of the September 17, 2008 meeting.

American Bar Association (ABA) Report, Janet K. Welch

Ms. Welch reported that she would post the actions of the House of Delegates on the confidential Board of Commissioners' web page.

Mr. Jenkins reported that the new leadership of the ABA will focus on increasing membership and have enlisted the assistance of state associations in this effort. Mr. Jenkins also noted that Reginald Turner is now the state delegate for Michigan.

Young Lawyers Section Report, Robert K. Fergan, Chairperson

Mr. Fergan provided the Board with a report on the Young Lawyers Section activities.

Recognition of the Retiring Commissioners

John J. Conway resolution prepared and presented by Robert Fergan
Francine Cullari remarks prepared and presented by Lambro Niforos
Kiffi Y. Ford resolution prepared and presented by Charles R. Toy
Robert C. Gardella resolution prepared and presented by Kathy Kakish
Laurin' C. Roberts Thomas resolution prepared and presented by Tom Rombach

Recognition of President Ronald D. Keefe

President-Elect Ed Pappas presented President Ron Keefe with a scrapbook and plaque honoring his year as President of the State Bar of Michigan.

A motion was offered to enter into an Executive Session to discuss the pay adjustments for the General Counsel and Executive Director. Motion supported and carried.

The Board entered into an Executive Session at 2:50 p.m.

Motion was offered to approve the recommendation of the board for the salary adjustment for the General Counsel and Executive Director. Motion supported and approved.

Comments or questions from Commissioners

Ms. Gardella presented Ms. Kakish with a survival kit for her to use during the Upper Peninsula tour.

Ms. Kakish presented Mr. Gardella with a gift honoring his year as Chair of the Representative Assembly.

Comments or questions from the public

Former SBM President Nancy Diehl said hello to all of the Commissioners.

Adjournment

The Board went into open session at 3:45 p.m. and the meeting was adjourned.