

The meeting was called to order by President Diehl at 9:40 a.m. on Friday, June 10, 2005, at the Grand Hotel on Mackinac Island in the Grand Pavillion. Commissioners present were:

Lori A. Buiteweg	Richard D. McLellan
Kimberly M. Cahill, Vice President	Angelique Strong Marks,
Bruce A. Courtade	Hon. William B. Murphy
Thomas W. Cranmer, President-Elect	Lambro Niforos
Nancy J. Diehl, President	Edward H. Pappas, Treasurer
Kim Warren Eddie	Randolph P. Piper,
Brian D. Einhorn	D. Andrew Portinga
Elias J. Escobedo, Jr.	Kurt E. Schnelz
Julie I. Fershtman	Hon. Cynthia D. Stephens
Edward L. Haroutunian	Scott C. Strattard
Michael S. Hohaus	Charles R. Toy
Elizabeth A. Jamieson, Assembly Chairperson	Gregory L. Ulrich
W. Anthony Jenkins	Debra A. Walling
Allyn D. Kantor	Rodger D. Young
Ronald D. Keefe, Secretary	
Jeffrey Kirkey	

Commissioner Craig H. Lubben was absent and excused.

State Bar Staff Present:

John T. Berry – Executive Director
Nancy Brown – Director of Communications
Gregory Conyers – Program Administrator
Candace Crowley – Manager, Access to Justice
Kathleen Fox – Director of Programs and Services
James Horsch – Director of Finance and Administration
Victoria Kremski – Deputy Regulation Counsel
Elizabeth Lyon – Public Policy Program Analyst
Susan McMann – Sections and Committees Coordinator
Dawn Miller – Director of Professional Standards
Glenna Peters – Executive Coordinator
Jerome Reide – Director of Justice Initiatives
Chad Sluss – Manager, Member Services
Mike Smith – Graphic Artist
Janet Welch – General Counsel

Present for such portions of the meeting as pertained to specific agenda items were Lynn Chard, ICLE Executive Director; Linda Rexer, Michigan State Bar Foundation Executive Director; Anne Vrooman, Consultant; H. Rollin Allen, Senior Lawyer Section Chair-elect.

President Diehl welcomed Kiffi Ford to the Board of Commissioners who was appointed by the Michigan Supreme Court for the completion of the term vacated by Stephen J. Murphy, III.

CONSENT AGENDA

A motion was made, seconded and carried to approve the Consent Agenda.

Minutes

The Board approved the minutes of the April 22, 2005 Board meeting and received the summary of the Strategic Planning meeting held following the Board meeting.

The Board accepted the minutes of the following Executive Committee meetings:

May 2, 2005

May 9, 2005

President's Report – Nancy J. Diehl, President

The Board received the written President's recent activities report.

Executive Director's Report – John T. Berry, Executive Director

The Board received the written Executive Director's recent activities report and the UPL Litigation Status Report.

Finance and Human Resources – Edward H. Pappas, Chairperson

The Board received the year to date financial results through April 30, 2005 and the year-end forecast.

Justice Initiatives – Richard D. McLellan, Chairperson

The Board received an alimony guidelines survey report and a written report on the activities of the Standing Committee on Justice Initiatives (SCJI) and related entities.

Professional Standards – Ronald D. Keefe, Chairperson

The Board approved the following Client Protection Fund claims:

	Claim No.	<i>Amt. Recommended</i>
1.	CPF 2002	\$12,552.02
2.	CPF 2012	\$25,000.00
3.	CPF 2014	\$ 8,050.00
4.	CPF 2030	\$ 670.00
5.	CPF 2040	\$ 1,000.00
6.	CPF 2047	\$ 1,350.00
7.	CPF 2072	\$ 1,000.00
8.	CPF 2100	\$ 974.27
9.	CPF 2102	\$ 1,500.00
10.	CPF 2112	\$ 1,400.00
11.	CPF 2114	\$16,214.23
12.	CPF 2131	\$ 3,250.00
13.	CPF 2155	\$ 1,000.00
14.	CPF 2157	\$ 1,500.00
15.	CPF 2158	\$ 3,200.00
16.	CPF 2162	\$ 1,300.00
	TOTAL	\$79,960.52

Proposed Section Bylaw Amendments

The Board approved the proposed bylaw change for the Animal Law Section that was included in the board agenda packet.

Proposed Commissioner Committee Bylaw Change

The Board approved the proposed amendment to Article III to change the name and jurisdiction of the Finance committee, and jurisdiction of the Programs and Services committee, to shift human resources subject matter to Programs and Services committee.

2005 Awards – Thomas W. Cranmer and Francine Cullari, Co-Chairs

The Board approved the recommendations of the following awards:

Roberts P. Hudson Award – Stephen C. Bransdorfer and Hon. Cynthia D. Stephens

Frank J. Kelley Distinguished Public Servant Award – Congressman John D. Dingell

Champion of Justice Awards – Janet Findlater, Hon. William G. Schma, Hon. Craig Strong, Eugene Wagner, and Jean Ledwith King

Liberty Bell Award – Grand Rapids Bar Assoc. Nominee “We the People” Competition

John W. Cumiskey Pro Bono Award – Nelson Miller

SECTION REPORT

H. Rollin Allen, Chair-elect of the Senior Lawyers Section, provided a verbal update on the section’s activities.

LEADERSHIP REPORTS

President’s Report – Nancy J. Diehl

President Diehl acknowledged Commissioner Rodger Young’s birthday. Ms. Diehl then provided an update on her recent Bar travels and activities, to include Law Day that was held May 4, 2005, and a meeting with law school deans on May 16, 2005. She also mentioned the success of the Golden Celebration in Dearborn and deferred to Commissioner Kim Cahill who provided a more detailed report and circulated a copy of the class photo and certificate that was presented to the honorees.

Evaluation forms for the Executive Director were distributed. Ms. Diehl asked that they be completed and mailed to her home address within two weeks.

Representative Assembly Chairperson’s Report – Elizabeth A. Jamieson

Ms. Diehl applauded Elizabeth Jamieson’s efforts in regard to report on recent Assembly action that was provided to the Court.

Ms. Jamieson reported that the following awards would be presented at the Annual Meeting:

Michael Franck Award - Linda Rexer; *Unsung Hero Award* – Leslie C. Curry.

Executive Director’s Report – John T. Berry

Mr. Berry and Kim Cahill provided a report on ABA Day in Washington DC and thanked Richard McLellan and the Dykema office in DC for their assistance.

Mr. Berry introduced three new Division Directors: Jerome Reide, Justice Initiatives; Dawn Miller, Professional Standards; and Kathleen Fox, Programs and Services. Mr. Berry thanked Nancy Brown, Victoria Kremski and Candace Crowley for their interim service.

Mr. Berry mentioned the new online communications tool that has been implemented to keep commissioners and staff advised of current activities, and encouraged any suggestions for improvement.

Mr. Berry reviewed the 2005 Strategic Plan, along with the FY 2005-06 budget assumptions and process. Following discussion, a motion was made and seconded to approve the Strategic Plan included in the agenda packet. The plan was revised at the Dearborn Retreat on March 18, 2005, April 22nd BOC work session, and reviewed with the Executive Committee on May 23, 2005. Motion carried.

SPECIAL ORDERED ITEM

Past Presidents Julia Darlow (1986-87), George Googasian (1992-93), and Scott Brinkmeyer (2003-04) were welcomed and recognized, along with past commissioners Jim Erhart, Dan Levy and Tom Plunkett. A special gift presentation was made to Scott Brinkmeyer, acknowledging his service as President last year.

OTHER REPORTS

ABA Report – W. Anthony Jenkins, State Delegate

Commissioner Jenkins presented a report on current and upcoming ABA House of Delegate activities, noting that governance is a key issue for discussion at the annual meeting in August. He also noted that there is a membership issue regarding the Detroit Metropolitan Bar Association falling below the threshold for representation.

Young Lawyers Section Report – Angelique Strong Marks, Chairperson

Commissioner Strong Marks provided an update on the section's recent and upcoming activities, to include a successful "We the Jury" program that was held on April 4, 2005.

COMMISSIONER COMMITTEES

Finance and Human Resources – Edward H. Pappas, Chairperson

A motion was made, seconded and carried to approve the bank loan repayment proposal that was distributed at the meeting. The recommendation included the following language:

"The SBM Board of Commissioners authorizes the retirement of the outstanding bank loan with Bank One collateralized by a mortgage on the State Bar of Michigan's building, on or after July 2 when the prepayment penalty drops to 1%, and authorizes the payment of the prepayment penalty to extinguish the debt early. Furthermore, the BOC authorizes the Finance Committee to sell investments as needed and required to pay off the outstanding debt in a manner that is economically feasible to the SBM".

The Board received an update on Insurance and Risk Management by Commissioner Toy.

A motion was made and seconded to approve the expense reimbursement policy recommendations as included in the board packet. Following discussion, it was agreed that the spouse reimbursement recommendation would be voted on separately from the remaining policy recommendations. A motion was made, seconded and carried to approve all the policy recommendations with the exception of spouse reimbursement. A second motion was made, seconded and carried to approve the spouse reimbursement policy recommendation.

Commissioners Voting in Favor:

Buiteweg, Cahill, Cranmer, Eddie, Escobedo, Ford, Haroutunian, Hohausser, Jamieson, Jenkins, Kantor, Keefe, McLellan, Murphy, Niforos, Pappas, Piper, Schnelz, Stephens, Strattard, Toy, Ulrich, Young

Commissioners Voting in Opposition:

Courtade, Einhorn, Fershtman, Kirkey, Portinga, Strong Marks, Walling

Abstain: Diehl

Absent: Lubben

Justice Initiatives – Richard D. McLellan, Chairperson

A motion was made, seconded and carried to approve the recommendations in the SCJI Planning Work Group Report. Commissioner Stephens recognized and thanked Anne Vrooman for her assistance.

Commissioner McLellan referenced the domestic violence training information that was included in the agenda packet and noted that any questions should be directed to Greg Conyers.

Professional Standards – Ronald D. Keefe, Chairperson

There was no additional board action other than the payment of Client Protection Fund Claims that was included in the Consent Agenda.

Programs and Services – Kimberly M. Cahill, Chairperson

Commissioner Cahill reviewed the privacy policy that was distributed. A motion was made, seconded and carried to approve it as recommended.

Commissioner Cahill provided a brief update on the Annual Meeting.

Public Policy, Image and Identity – Thomas W. Cranmer, Chairperson

Nell Kuhnmuensch, GCSI Consultant, provided an update on the possibility of a tax on legal services.

Michigan Court Rules

A motion was made, seconded and carried to approve the following Board actions:

ADM File No. 2004-55 - Proposed Amendment of Rule 3.211 - Judgments and Orders. (See *Michigan Bar Journal* May 2005, p 76).

The State Bar of Michigan respectfully requests that the Court defer action on the proposal pending coordination with the Michigan Child Support Enforcement System and its 2006 coordinated review process, with the Child Support Program Partnership, and with other interested entities.

ADM File No. 2004-53 - Proposed Amendment of Rule 9.124- Procedure for Reinstatement (See *Michigan Bar Journal* May 2005, p 77-78).

Support a court rule modification requiring disclosure of relevant financial data including conciliation agreements with taxing authorities and complaints for nonfiling of income tax returns or tax evasion, and disclosure of information regarding treatment for a mental or emotional condition where such condition was a basis for disqualification of the lawyer from the practice of law and disclosure of participation as a party in litigation.

Legislation

HB 4006 (Caswell) – Crimes, uttering and publishing; Criminal procedure, other. Crimes; uttering and publishing; bad check pretrial diversion program; create.

Support in Principle

HB 4160 (Pastor) – Civil procedure, civil actions; Courts, district court. Civil procedure; civil actions; limitation on recovery amount allowed in small claims suits; revise.

Oppose in Principle

HB 4163 (Pastor) – Crimes, fleeing and eluding; Crimes, penalties. Crimes; fleeing and eluding; fleeing or eluding a police officer; establish a mandatory minimum 2-year sentence.

Oppose in Principle

HB 4166 (Pastor) – Crimes, disorderly conduct; Recreation, athletics and sports. Crimes; disorderly conduct; penalties for participants at a youth athletic event to interfere with the game; provide for.
Oppose in Principle

SB 60 (Cherry) – Family law, child custody; Disabilities. Family law; child custody; custody action by third person; add incapacitated parent as basis for action.
No Position
Authorize the Standing Committee on Justice Initiatives to advocate its position.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or questions from Commissioners

Ms. Diehl asked for comments or questions, but there were none.

Comments or questions from the Public

A schedule of Board dates for the 2005-06 calendar year was distributed. They are as follows:

November 18, 2005
January 20, 2006
March 3, 2006 (if needed)
April 7, 2006
June 9-10, 2006 (Mackinac)
July 28, 2006
Annual Meeting (dates & location to be determined)

Old/New Business

There was none.

The meeting was adjourned at 12:30 p.m.