

**STATE BAR OF MICHIGAN  
BOARD OF COMMISSIONERS MEETING MINUTES**

President Buchanan called the meeting to order at 9:35 a.m. on Friday, July 23, 2021.

Commissioners present:

Danielle Mason Anderson  
David C. Anderson  
Kristina A. Bilowus  
Robert J. Buchanan, President  
Erika L. Butler  
Hon. Clinton Canady III  
Hon. B. Chris Christenson  
Thomas P. Clement  
Josephine A. DeLorenzo  
Robert A. Easterly  
Lisa J. Hamameh  
James W. Heath, Vice President  
Thomas H. Howlett  
Suzanne C. Larsen

James W. Low  
Gerrow D. “Gerry” Mason  
E. Thomas McCarthy Jr.  
Joseph P. McGill, Treasurer  
Takura N. Nyamfukudza  
Nicholas M. Ohanesian  
Samantha J. Orvis  
Hon. David A. Perkins  
Barry R. Powers  
Daniel D. Quick, Secretary  
Thomas G. Sinas  
Dana M. Warnez, President-Elect  
Hon. Erane C. Washington  
Ryan Zemke

Commissioners absent:

Sarah E. Kuchon  
Chelsea M. Rebeck

Valerie R. Newman  
Mark A. Wisniewski

State Bar staff present:

Janet Welch, Executive Director  
Margaret Bossenbery, Executive Coordinator  
Nancy Brown, Assistant Executive Director  
Gregory Conyers, Program Director, Diversity Development Program  
Peter Cunningham, Assistant Executive Director and Director, Governmental Relations  
Darin Day, Program Director, Outreach  
Michelle Erskine, Research Assistant & Event Specialist  
Katherine Gardner, UPL Counsel  
Tatiana Goodkin, Chief Financial Officer  
Kathryn Hennessey, General Counsel  
Joseph Kelly, Database Administrator  
Robert Mathis, Pro Bono Services & Justice Initiatives Counsel  
Molly Ranns, Director, Lawyers & Judges Assistance Program  
Marjory Raymer, Communications Director  
Carrie Sharlow, Administrative Assistant  
Janna Sheppard, Administrative Assistant  
Jeanette Socia, Human Resources Director  
Kari Thrush, Program Director, Lawyer Services  
Anne Vrooman, Program Director, Research & Development  
Meng Xiong, IT Director

Consent Agenda:

The Board received the minutes from the June 11 Board meeting.  
The Board received the minutes from the June 1, 2021, 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 2021 financial reports through May 2021.  
The Board received the Client Protection Fund claims.  
The Board received the Model Criminal Jury instructions.  
The Board received the Elder Law and Disability Rights Section bylaw amendments.

Mr. Buchanan asked the Board if any items needed to be removed from the consent agenda. There were none.

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

**OFFICER ELECTIONS FOR 2021-2022 BAR YEAR**

- Mr. Buchanan informed the Board that Ms. Hamameh submitted her name for the position of treasurer of the State Bar for the 2021-22 Bar year. Mr. Buchanan asked if there were any nominations from the floor. Hearing none, Mr. Buchanan asked for a motion to close the nominations. A motion was offered, supported, and approved. Mr. Buchanan stated that the nominations were closed, and that Ms. Hamameh was elected as treasurer of the State Bar for the 2021/22 Bar year.
- Mr. Buchanan asked for a motion to elect Ms. Warnez as president of the State Bar for the 2021-22 Bar year. A motion was offered and supported to elect Ms. Warnez as president of the State Bar of Michigan for the 2021-22 Bar year. Mr. Buchanan asked for a motion to close the nominations. A motion was offered, supported, and approved. Mr. Buchanan stated that the nominations were closed. The motion to elect Ms. Warnez as president was approved.
- Mr. Buchanan asked for a motion to elect Mr. Heath as president-elect of the State Bar for the 2021-22 Bar year. A motion was offered and supported to elect Mr. Heath as president-elect of the State Bar of Michigan for the 2021-22 Bar year. Mr. Buchanan asked if there were any nominations from the floor. Hearing none, he stated that the nominations were closed. The motion to elect Mr. Heath as president-elect was approved.
- Mr. Buchanan asked for a motion to elect Mr. Quick as vice president of the State Bar for the 2021-22 Bar year. A motion was offered and supported to elect Mr. Quick as vice president of the State Bar of Michigan for the 2021-22 Bar year. Mr. Buchanan asked if there were any nominations from the floor. Hearing none, he stated that the nominations were closed. The motion to elect Mr. Quick as vice president was approved.
- Mr. Buchanan asked for a motion to elect Mr. McGill as secretary of the State Bar for the 2021-22 Bar year. A motion was offered and supported to elect Mr. McGill as secretary of the State Bar of Michigan for the 2021-22 Bar year. Mr. Buchanan asked if there were any nominations from the floor. Hearing none, he stated that the nominations were closed. The motion to elect Mr. McGill as secretary was approved.

## LEADERSHIP REPORTS

**President and Executive Director's Report:** Robert J. Buchanan, President and Janet K. Welch, Executive Director

### Committee Reports

#### Executive Director Search Work Group

Ms. Warnez provided the Board with an update of the work of the Executive Director Search work group

#### Operations, Structure, and Governance Special Committee

Mr. Quick provided the Board with an update on the work of the Operations, Structure, and Governance Special Committee.

#### Strategic Planning Committee

Mr. Howlett provided the Board with an update on the work of the Strategic Planning Committee.

#### Dissolution of Sections

Ms. Welch asked Mr. Day to review the memo distributed to the Board regarding the proposed process for the dissolution of sections.

A motion was offered to support the criteria and process for the dissolution of sections described in the memo. The motion was seconded and approved.

#### Presidential Support and Spousal/Guest Reimbursement

Ms. Welch reviewed the memo distributed to the Board about eliminating the current presidential support and spousal/guest reimbursement policy.

A motion was offered to eliminate the current presidential stipend and spousal/guest reimbursement. The motion was seconded and approved.

Ms. Welch stated that presidents can submit an itemized list of costs incurred by their firm that are associated with their role as president with a limit of \$5K.

Ms. Welch reported on these items:

- SOLACE and Attorney Wellness. Ms. Ranns and Mr. Mathis provided the Board with an update on the SOLACE program, which will be launched next week. Ms. Ranns reported that the MI Supreme Court is forming a Task Force on Attorney Wellness, which is anticipated to be up and running in the fall.
- New Commissioner Section workgroup. Ms. Welch stated that plans are underway to appoint a chair of this work group and identify the scope of work.
- Task Force on One-Person Grand Jury. Ms. Welch stated that we are identifying potential members for this group.
- Justice for All Commission. Ms. Welch reported that the SBM is one of the three entities deeply involved in the JFA Commission. Because of the activity of the Commission, Michigan has been invited to participate at a Summit of Western States convened through the Conference of Chief Justices and Council of State Court Administrators in September. Justice Zahra, State Court

Administrator Tom Boyd, and Ms. Welch will attend. The focus of the conference is *Regulatory Reform and New Ways to Deliver Legal Services*, and she looks forward to providing an update at the September meeting. Ms. Welch stated that Mr. Quick has been following this issue for a long time. Mr. Quick suggested that perhaps this topic should be discussed with the Board at the September meeting.

- ABA update. Ms. Welch reported that SBM Past President Reginald Turner is being inaugurated as resident of the ABA at its annual meeting in August, which will take place in a hybrid format. She also reported that after she leaves the employment of the SBM in January she will continue to be on the House of Delegates for two years as the National Association of Bar Executives representative.
- Introduction of SBM staff. Mr. Cunningham introduced IT Director Mr. Meng Xiong and Communications Director Ms. Marjory Raymer.
- September 2021 Inaugural & Awards Luncheon and Board meeting. Ms. Welch reported that a venue has been secured and arrangements are being made for a September Awards and Inaugural Luncheon and the Board meeting, which will be at the Inn at St. Johns in Plymouth.

**Representative Assembly (RA) Report:** Chelsea Rebeck, Chairperson

In Ms. Rebeck's absence, Mr. Ohanesian reported that nominations for RA clerk position have closed, and proposals have been submitted for the September RA meeting.

**Young Lawyers Section (YLS) Report:** Samantha Orvis, Chairperson

Ms. Orvis provided the Board with an update on past and upcoming programs, stated that two representatives of the YLS will attend the ABA annual meeting, and there is a vacancy in District 2.

## COMMISSIONER COMMITTEES

**Finance:** Joseph P. McGill, Chairperson

Mr. McGill reviewed the FY 2020 financial results through April 2021.

**FY 2022 Budget**

Mr. McGill, Ms. Welch, and Ms. Goodkin provided the Board with a PowerPoint presentation describing what is included in the FY 2022 budget. A motion was offered to approve the FY 2022 budget. The motion was seconded and approved.

**Audit:** Joseph P. McGill, Chairperson

There was no report provided.

**Professional Standards:** Daniel D. Quick, Chairperson

**Institute for Continuing Legal Education (ICLE) Executive Committee**

A motion was offered to reappoint Hon. Michael Riordan to the ICLE Executive Committee. The motion was seconded and approved.

**Michigan Indian Legal Services (MILS) Board of Trustees**

A motion was offered to appoint Kristen M. Carlson and Tanya S. Wanageshik to the MILS Board of Trustees. The motion was seconded and approved.

Proposed Pro Hac Vice Amendments

No action was taken on this item.

**Communications and Member Services (CAMS):** James W. Heath, Chairperson

Mr. Heath reported on the activities of the Rule of Law Committee and stated that more information will be presented at a future meeting.

**Public Policy:** Dana M. Warnez, Chairperson

Court Rules

**ADM File No. 2021-12: Proposed Amendments of MCR 2.117, 3.708, 3.951, 6.005, 6.104, 6.445, 6.610, 6.625, 6.905, 6.907, 6.937, and 6.938**

The proposed amendments would generally shift the responsibility for appointment of counsel for an indigent defendant in a criminal proceeding to the local funding unit's appointing authority. These proposed amendments were submitted by the Michigan Indigent Defense Commission and are intended to implement recently approved Standard Five of the MIDC Standards.

A motion was offered to support this court rule with the recommendation that when the appointing authority assigns an individual attorney, that attorney should file their appearance indicating that they are now the attorney of record. The motion was seconded and approved.

**ADM File No. 2020-36: Proposed Amendment of MCR 3.945 and Proposed Addition of MCR 3.947**

The proposed amendment of MCR 3.945 and the proposed addition of MCR 3.947 would make procedural changes involving the placement of foster care children in a qualified residential treatment program as required by newly enacted 2021 PA 5.

A motion was offered to support the proposed court rule. The motion was seconded and approved.

**ADM File No. 2019-06: Proposed Amendments of MCR 6.302 and 6.310**

The proposed amendment of MCR 6.302 would eliminate the Court's previously adopted language requiring a trial court to advise defendant whether the law permits or requires the court to sentence defendant consecutively.

This language was added following the Court's opinion in *People v Warren*. However, in considering the practical application of that language, it may be more appropriate to allow a defendant to withdraw a plea under MCR 6.310 if such advisement is not given rather than require an advisement in all cases. Thus, the proposal would add language providing for such an outcome in MCR 6.310 instead of imposing an advisement in all cases under MCR 6.302.

A motion was offered to oppose the proposed court rule. The motion was seconded and approved.

**ADM File No. 2021-14: Proposed Administrative Order No. 2021-X**

This administrative order would make it mandatory for all courts to submit case information to the Judicial Data Warehouse in a uniform manner as required by SCAO.

A motion was offered to support the proposed administrative order. The motion was seconded and approved.

**ADM File No. 2021-15: Addition of MCR 8.128**

The addition of MCR 8.128 establishes the Michigan Judicial Council to strategically plan for Michigan's judiciary.

A motion was offered to support the addition of MCR 8.128. The motion was seconded and approved.

**ADM File No. 2019-34: Proposed Amendments of Rule 2, 3, 4, 5, 6, and 7 and Proposed Addition of Rule 3a and Rule 4a of the Rules for the Board of Law Examiners**

The proposed amendments would implement a Uniform Bar Examination in Michigan.

A motion was offered to support the proposed court rule. The motion was seconded and approved.

Other

**Michigan Trial Courts: Lessons Learned from the Pandemic of 2020-2021 – Findings, Best Practices, and Recommendations**

A motion was offered to authorize and encourage sections and committees to submit their comments directly to the SCAO, and for the State Bar to encourage SCAO to give careful consideration to the comments submitted on the presumptive use of videoconferencing for non-evidentiary matters. The motion was seconded and approved.

**FOR THE GOOD OF THE PUBLIC AND THE PROFESSION**

**Comments or questions from Commissioners**

There were none.

**Comments or questions from the public**

There were none.

A motion was offered to go into a closed session to discuss litigation. The motion was seconded and approved.

The Board went into closed session at 11:18 a.m. Ms. Welch, Mr. Cunningham, and Ms. Hennessey from the SBM staff were also asked to join the closed session.

The Board went into open session at 12:22 p.m.

**Adjournment**

The meeting was adjourned at 12:23 p.m.