

President Buiteweg called the meeting to order at 1:45 a.m. on September 21, 2016 in the Gerald R. and Betty Ford Ballroom of the Amway Grand Hotel in Grand Rapids, Michigan.

Commissioners present:

Danielle Mason Anderson
Dennis M. Barnes, Treasurer
Danielle M. Brown
Robert J. Buchanan
Lori A. Buiteweg, President
Hon. Clinton Canady III
Shauna L. Dunning's
Robert C. Gardella
Jennifer M. Grieco, Secretary
James W. Heath
Fred K. Herrmann
Andrea Irons
Mark W. Jane
Thomas E. McCarthy Jr.

Joseph P. McGill
Hon. Maureen M. McGinnis
Shenique A. Moss
Lawrence P. Nolan, President-Elect
Colleen A. Pero
Daniel D. Quick
Victoria A. Radke
Hon. Michael J. Riordan
Donald G. Rockwell, Vice President
Brian D. Shekell
Richard J. Siriani
Gregory L. Ulrich
Dana M. Warnez
Erane C. Washington

Commissioners absent and excused:

Timothy J. Burns
Edward L. Haroutunian
Krista L. Haroutunian

Jules B. Olsman
Hon. David A. Perkins

State Bar Staff present:

Janet Welch, Executive Director
Marge Bossenbery, Executive Coordinator
Gregory Conyers, Director, Diversity
Candace Crowley, Assistant Executive Director and Director, External Development
Peter Cunningham, Assistant Executive Director and Director, Governmental Relations
Darin Day, Director, Outreach and Constituent Development
Cliff Flood, General Counsel
Danon Goodrum-Garland, Director, Professional Services Division
Kathryn Hennessey, Public Policy Counsel
James Horsch, Director, Finance and Administration Division
Nkrumah Johnson-Wynn, Assistant General Counsel
Robert Mathis, Pro Bono Service Counsel
Samantha Meinke, Communication Manager
Jeanette Socia, Human Resources Manager
Alecia Ruswinckel Assistant Counsel, Professional Standards Division
Anne Vrooman, Director, Research and Development

Guests

Tom Buiteweg
Lynn Chard, Director, Institute for Continuing Legal Education
Jeff Kirkey, Institute for Continuing Education
Thomas C. Rombach, Former President, State Bar of Michigan

Consent Agenda

Ms. Buiteweg asked the Board if there were any items that needed to be removed from the consent agenda. There were none.

The Board received the minutes from the July 22, 2016 Board of Commissioners meeting.
The Board received the minutes from the June 6 and August 16, 2016 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 2016 Financial Reports through July 2016.
The Board received Client Protection Fund Claims.
The Board received the Maler Independent Contractor Contract.
A motion was offered and supported to approve the consent agenda. The motion was approved.

COMMISSIONER COMMITTEES

Finance, Dennis M. Barnes, Chairperson

Mr. Barnes provided the Board with a written FY 2016 financial and investment report.

Mr. Barnes thanked the members of the FY 2016 Finance and Audit Committee and SBM staff for their work during the past year.

Audit, Dennis M. Barnes, Chairperson

Mr. Barnes provided the Board with a written Audit report.

Professional Standards, Jennifer M. Grieco, Chairperson

Nominations for Lakeshore Legal Aid Board of Directors

As a result of new funding from the Legal Services Corporation (LSC), Lakeshore Legal Aid is required to install a new board that meets LSC regulations. Lakeshore Legal Aid requested that the State Bar of Michigan appoint three candidates from Wayne County to sit on the board.

A motion was offered and supported to appoint Thomas W. Linn, Robert G. Mossel, and Khalilah Spencer to the Lakeshore Legal Aid Board of Directors. The motion was approved.
Commissioners Anderson, Grieco, and Siriani abstained.

Ms. Grieco thanked the members of the Professional Standards Committee and SBM staff for their work during the past year.

Programs and Services, Donald G. Rockwell, Chairperson

Mr. Rockwell indicated that there was no report.

Mr. Rockwell thanked the members of the Programs and Services Committee and SBM staff for their work during the past year.

Public Policy, Image and Identity, Lawrence P. Nolan, Chairperson

The Board members received a written Justice Initiatives and Public Policy report.

Mr. Nolan introduced SBM's new Public Policy Counsel, Kathryn (Katie) Hennessey.

Legislation

HB 5727 (Lucido) Courts; juries; increase in juror compensation; provide for. Amends sec. 151e of 1961 PA 236 (MCL 600.151e).

A motion was offered and supported that this legislation is Keller permissible in that they improve the functioning of the courts. The motion was approved.

To comply with AO 2004-1, an e-vote on this legislation will take place via email once the 14-day waiting period after the bill's introduction has ended.

Michigan Indigent Defense Commission

HB 5842 (Heise) Courts; appointed counsel; Michigan indigent criminal defense commission; reestablish within the department of licensing and regulatory affairs.

HB 5843 (Howrylak) Courts; appointed counsel; Michigan indigent defense commission; reestablish in the department of licensing and regulatory affairs.

HB 5844 (Kesto) Courts; appointed counsel; Michigan indigent defense commission; reestablish in the department of licensing and regulatory affairs.

HB 5845 (Guerra) Courts; appointed counsel; Michigan indigent defense commission; reestablish in the department of licensing and regulatory affairs.

HB 5846 (LaGrand) Courts; appointed counsel; reference to autonomy; eliminate and establish a salary and expenses structure.

A motion was offered and supported that this legislation is Keller permissible in that they improve the functioning of the courts and the availability of legal services to society. The motion was approved.

To comply with AO 2004-1, an e-vote on this legislation will take place via email once the 14-day waiting period after the bill's introduction has ended. The bills will be voted on as a package.

SB 1045 (Jones) Courts; other; sunset on e-filing fee; extend.

A motion was offered and supported that this legislation is Keller permissible in that they improve the functioning of the courts. The motion was approved.

To comply with AO 2004-1, an e-vote on this legislation will take place via email once the 14-day waiting period after the bill's introduction has ended.

Mr. Nolan thanked the members of the Public Policy and Identity Committee and SBM staff for their work during the past year.

President's Report, Lori A. Buiteweg, President

Strategic Planning Committee Update

Ms. Buiteweg reported that the Strategic Planning Committee will hold its third meeting in November. Ms. Buiteweg indicated that a draft document listing and describing the four goals that were developed by the committee has been distributed to each of the Board members. Ms. Buiteweg indicated that if there are any comments or concerns about the draft, to let her know and asked the Board members to not disseminate the document.

Civil Discovery Review Task Force

Ms. Buiteweg reported that the Representative Assembly (RA) Chair, Mr. Quick, asked her to appoint a workgroup to review the civil discovery rules. That workgroup has been appointed and will begin to review the rules and provide the Board and the RA with any proposed changes sometime in the future.

Judicial Tenure Commission Proposed Rule changes

Ms. Buiteweg indicated that the Michigan Supreme Court release some proposed rule changes that govern the Judicial Tenure Commission. She and Mr. Nolan are appointing a workgroup to review the proposed rule changes and the group will report back to the Board at a future meeting.

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

ABA/NABE Meetings

Ms. Welch reported that the work of the SBM 21st Practice Task Force was prominent in discussions at the ABA and NABE meetings. She indicated the ABA Commission on the Future of Legal Services recognizes the work of the State Bar on their webpage. She will spend more time at the November meeting providing the Board more detail on what that looks like at the November board meeting as it requires a deeper conversation with everybody.

Lawyer Referral Services (LRS) Program

Ms. Welch reported that during the process of providing data and support to the 21st Century Practice Task Force and to the committees that were looking at how to connect lawyers with the consumers who need legal services but are afraid of the costs, don't know they need a lawyer, or don't know how to find a lawyer, SBM began to look more closely at our own legal referral service, where the market is going, and how successful LRS has been in the 20th century compared to the 21st Century.

Ms. Welch reported that the data are clear that, although consumers will continue to use LRS telephone resources for some years, the market is moving online and thus that the SBM needs to convert our LRS work to a 21st Century model and eventually connect to a vision that puts all of the resources that attract people online to legal services in one place.

Ms. Welch indicated that we have been engaged in conversations with the executive directors of the local bar associations who run LRS programs and our message has been that we believe this is the future, and that we would like to work collaboratively to develop and move into a modern online marketplace in concert with local bars. There apparently is a concern that the Bar might move to shut down local bars' LRS. There is no intention to do so.

Ms. Welch indicated that she will prepare a memo to keep the Board updated on developments.

Ms. Buiteweg asked the Board members, especially those whose local bar associations have their own LRS programs, to contact Ms. Welch if they hear any feedback on LRS. She indicated that Board members can help bridge or cultivate a relationship with the local bars and assist the SBM in this endeavor.

Representative Assembly (RA) Report, Daniel D. Quick, Chairperson

Mr. Quick reported that the agenda for tomorrow's RA meeting includes many proposals that were developed as a result of the recommendations of the 21st Century Law Practice Task Force. He indicated that Mr. Herrmann would be sworn in as the RA Chair for 2016-2017, an election for a new RA Clerk would take place, and that the Michael Franck and the Unsung Hero Awards would be presented.

Mr. Quick thanked the members of the Board for their assistance and support during the past three years.

Mr. Quick recognized Lynn Chard, the Executive Director of ICLE and the RA's 2016 Michael Franck Award winner.

Young Lawyers Section Report (YLS), Mark Jane, Chairperson

Mr. Jane provided the Board with an update on the YLS.

Mr. Jane reported that Ms. Moss will be installed as the new Chair of the YLS at its meeting tomorrow and introduced Ms. Davidson who will become the Chair-Elect of the YLS.

Mr. Jane reported that the fall conference of the ABA Young Lawyers Division fall will take place in Detroit at the Westin Book Cadillac Hotel. Mr. Jane recognized Ms. Moss as the Chair of the ABA's Young Lawyers Division and asked her to say a few words about the conference. Ms. Moss indicated that over 300 members of the Young Lawyers Division from around the country will attend. She invited the Commissioners to attend if they were available.

Mr. Jane indicated that the YLS will once again have a trial advocacy competition in November in Ingham County. If anyone is interested in being a judge for the competition, they should let him know.

Special Presentations

Daniel M. Brown written and presented by Colleen A. Pero
Timothy J. Burns written by Jules B. Olsman
Andrea Irons written and presented by Mark W. Jane
Daniel D. Quick written and presented by Fred K. Herrmann

Recognition of President Lori A. Buiteweg

Mr. Nolan presented Ms. Buiteweg with a plaque and scrapbook in recognition and appreciation for her year as President.

Comments from Commissioners

Ms. Buiteweg recognized and thanked her husband, Tom, for his support during the past year.

Adjournment

The meeting was adjourned at 3:00 p.m.