

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

President Quick called the meeting to order at 9:00 a.m. on Friday, June 14, 2024 in the Grand Pavilion Room at the Grand Hotel on Mackinac Island, MI.

Commissioners present:

David C. Anderson	Silvia A. Mansoor
Yolanda M. Bennett	Gerard V. Mantese
Erika L. Bryant, Secretary	Gerrow D. "Gerry" Mason
Aaron V. Burrell	Joseph P. McGill, President-Elect
Hon. B. Chris Christenson	Thomas P. Murray Jr.
Ponce D. Clay	Valerie Newman
Tanya N. Cripps-Serra	Takura N. Nyamfukudza
Robert A. Easterly	Nicholas M. Ohanesian
Nicole A. Evans	Hon. David A. Perkins
Sherrie L. Detzler	Colemon Potts
Hon. Kameshia D. Gant	Daniel D. Quick, President
Lisa J. Hamameh, Vice President	John W. Reiser III
Thomas H. Howlett, Treasurer	Hon. Kristen D. Simmons
Suzanne C. Larsen	Danielle Walton
Joshua Lerner	Hon. Erane C. Washington
James W. Low	

Commissioners absent:

Delphia T. Simpson	Matthew B. VanDyk
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Guests

Thomas Clement

State Bar staff present on Zoom:

Peter Cunningham, Executive Director
Drew Baker, General Counsel
Margaret Bossenbery, Executive Coordinator
Alecia Chandler, Professional Responsibility Programs Director
Gregory Conyers, Director of Diversity
Katherine Gardner, Assistant Executive Director
Tatiana Goodkin, Chief Financial Officer
Molly Ranns, Director, Lawyers & Judges Assistance Program
Kari Thrush, Assistant Executive Director
Nathan Triplett, Director, Governmental Relations

Consent Agenda

The Board received the minutes from the April 19, 2024 Board of Commissioners meeting.

The Board received the minutes from the April 4, 2024 Executive Committee meeting.

The Board received the recent activities of the president.

The Board received the recent activities of the executive director.

The Board received the FY 2023 draft financial reports through April 2024

The Board received the 2023 Report of the State Bar of Michigan Retiree Healthcare Trust.

The Board received the recommendation for the Liberty Bell Award

Mr. Quick asked if any items needed to be removed from the consent agenda. There were none. A motion was offered to approve the consent agenda. The motion was seconded and approved.

President and Executive Director's Report: Dan Quick, President and Peter Cunningham, Executive Director.

Mr. Cunningham gave the Board updates of the Michigan Supreme Court (MSC) Commissions including the Justice for All (JFA) and MSC Diversity Equity and Inclusion (DEI). He asked Ms. Ranns to provide the update of the Commission on Well-Being in the Law (WBIL).

Mr. Cunningham informed the Board that several months ago the LGBTQ+ Law section voiced their concerns about the gender identification options on the Bar application. He reported that he has met with the section leaders about their concern that the Bar's current gender choices are not inclusive. Mr. Cunningham informed the section leaders they should work with the Diversity and Inclusion Advisory Committee (DIAC) on approving a recommendation to change the gender choices to include "male," "female," "non-binary," and another category that would let individuals write in their own gender identification. He stated that SBM staff are working on implementing those recommendations.

Artificial Intelligence Work Group Update

Mr. McGill reported that the AI workgroup continues to meet and will begin working on developing a report including recommendations and a report surrounding many topics affected by AI. He hopes to have the report including recommendations ready to present to the board later this year.

Mr. Quick stated that he testified before the Michigan House Committee in support of the Judicial Protection Act, which is modeled after the Federal Act. It has broad bipartisan support and shows a way in which the bar and the bench worked together on legislation.

Mr. Quick mentioned other substantive programs, including the AI work group and rural justice initiative, that the board began working on earlier this year. These are initiatives that are examples of issues that are complex and significant, and ones that the Board should continue to work on because they impact the legal profession. It is noteworthy that these projects were taken on this year. He congratulated and thanked everyone for their willingness to work and participated in these efforts going forward. .

He stated that he, along with Mr. Burrell, Mr. Conyers, and Mr. Cunningham, will meet with law school deans next month to discuss the pipeline programs from elementary programs on up. This is a substantial and worthwhile effort on our part and for our citizens and the justice system.

Mr. Quick informed the Board that he is visiting with UP members in August. He stated that it has been several years since a SBM President has visited the UP.

2024 SBM Officer Election Update

Mr. Quick informed the Board that these commissioners have submitted their materials to run for Secretary of the 2024-2025 Board of Commissioners: David Anderson, Suzanne Larsen, James Low, Gerard Mantese and Gerry Mason. He said that the election of officers will take place at the July 26 BOC meeting.

2024 SBM Election Update

Ms. Bossenbery shared that the numbers of members voting this year are less than last year's numbers. She encouraged the board to remind members in their firms or their friends to cast their ballot.

Open Discussions: Challenges & Opportunities for the Profession and Justice System Comprehensive Communications Plan

Ms. Raymer presented a summary of the Comprehensive Communications Plan to the Board. She stated that she worked with a consultant, Karen Korr, a respected national expert in Bar communications. The plan is a roadmap for SBM communications moving forward and included objectives, key messages, content strategy, and an implementation plan. The top two recommendations were to redesign the website and to use the Michigan Bar Journal to better support SBM communications. Ms. Raymer also responded to questions.

Strategic Planning Committee Report

Mr. Clement, Chair of the Strategic Planning Committee, provided the Board with a status report on the work of the subcommittees of the Strategic Planning Committee including the Leadership Academy, Program Review, Key Performance Indicators, and LRS.

2024 – 2025 Committee Resolution

Mr. Clement presented the 2024-2025 Committee Resolution to the Board and outlined the changes from last year.

A motion was offered and supported to approve the 2024-2025 Committee resolution. The motion passed.

Representative Assembly (RA) Report: Yolanda M. Bennett, Chairperson

Ms. Bennett stated that at the invitation of Judge Mellissa Pope, members of the BOC and RA leadership will meet with leaders of the Nottawaseppi Huron Band of the Potawatomi on June 21 in Battle Creek. They will also attend, along with other Board and RA members, a visit to the Tribal Court and attend the 2024 Annual Pow Wow and Grand Entry on June 22.

Ms. Bennett said Judge Pope will swear in Mr. Reiser as the new RA Chair in September and tribal members will make a presentation to the RA.

Ms. Bennett reported that the RA is looking for a member to submit their name for the Clerk position. She stated that July 25 is the deadline to submit applications.

Ms. Bryant asked Ms. Bennett about what the procedure is to recommend a member for the RA. Ms. Bennett replied to contact SBM staff member, Carrie Sharlow, or the chair of the RA nominating committee, Philip Strom. There is also information on the website.

Young Lawyers Section (YLS) Report: Tanya N. Cripps-Serra, Chairperson

Ms. Cripps-Serra gave the Board an update on the activities and programs of the Young Lawyers Section.

COMMISSIONER COMMITTEES

Public Policy: Joseph P. McGill, Chairperson

Mr. McGill provided the report for the Public Policy committee.

Court Rules

Proposed Amendment of Rule 7.306 of the Michigan Court Rules (ADM File No. 2024-05)

The proposed amendment of MCR 7.306 would establish a procedure for two new original actions in the Supreme Court related to presidential elections in conformity with MCL 168.46 (as amended by 2023 PA 269) and MCL 168.845a (as adopted by 2023 PA 255).

A motion was offered and seconded to support this amendment. The motion passed.

Proposed Amendment of Rule 8.126 of the Michigan Court Rules (ADM File No. 2022-10) –

The proposed alternative amendments of MCR 8.126 would clarify and streamline the process for pro hac vice admission to practice in Michigan courts.

A motion was offered and seconded to support Alternative B but recommend that “Permission for a foreign attorney to appear and practice is within the discretion of the tribunal” be retained in MCR 8.126(B)(1) and urge the Court to consider the concerns raised by the Alternative Dispute Resolution Section. The motion passed.

Legislation

HB 4427 (Young) Civil rights: public records; Corrections: prisoners. Civil rights: public records; limited access to public records; provide for incarcerated individuals. Amends secs. 1, 2, 3 & 5 of 1976 PA 442 (MCL 15.231 et seq.).

A motion was offered and supported that this legislation is Keller permissible. The motion passed. A motion was offered and supported to support the legislation.

HB 5689 (O’Neal) Courts: juries. Courts: juries; local jury boards; eliminate and create a centralized jury process. Amends secs. 857, 1301a, 1304a, 1307a, 1326, 1332, 1334, 1343, 1344, 1345, 1346, 1371 & 1372 of 1961 PA 236 (MCL 600.857 et seq.); adds secs. 1306 & 1307 & repeals secs. 1301, 1301b, 1302, 1303, 1303a, 1304, 1305, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1327, 1328, 1330, 1331, 1338, 1339, 1341, 1342, 1353,

1375 & 1376 of 1961 PA 236 (MCL 600.1301 et seq.) & repeals 1929 PA 288 (MCL 730.251 - 730.271) & repeals 1951 PA 179 (MCL 730.401 - 730.419).

A motion was offered and supported that this legislation is Keller permissible. The morion passed
A motion was offered and supported to support the legislation.

HB 5690 (Hope) Courts: juries. Courts: juries; reference in the uniform condemnation procedures act; amend to reflect repeal. Amends sec. 12 of 1980 PA 87 (MCL 213.62).

A motion was offered and supported that this legislation is Keller permissible. The morion passed
A motion was offered and supported to support the legislation.

HB 5691 (Tsernoglou) Courts: juries; Crimes: other. Courts: juries; prospective jurors with certain criminal records and protected statuses; amend eligibility for service and peremptory challenges. Amends sec. 1307a of 1961 PA 236 (MCL 600.1307a) & adds secs. 1307b & 1356.

A motion was offered and supported that this legislation is Keller permissible. The morion passed
A motion was offered and supported to support HB 5691, Section 1356 (1)-(5), (7), and (8).

The motion was adopted by roll-call vote. Commissioners voting in support of the position: Andreson, Bennett, Bryant, Burrell, Christenson, Cripps-Serra, Detzler, Easterly, Evans, Gant, Hamameh, Howlett, Larsen, Lerner, Low, Mansoor, Mantese, Mason, McGill, Murray, Newman, Nyamfukudza, Ohanesian, Perkins, Potts, Reiser, Simmons, Walton, Washington. Commissioners voting in opposition of the position: Quick.)

No position was taken on Section 1356 (6).

HB 5692 (Wilson) Appropriations: supplemental; Courts: other. Appropriations: supplemental; funding for jury selection program; provide for. Creates appropriation act.

A motion was offered and supported that this legislation is Keller permissible. The morion passed
A motion was offered and supported to support the legislation.

HB 5693 (Young) Courts: juries. Courts: juries; reference in the probate code; amend to reflect repeal. Amends sec. 17, ch. XIA of 1939 PA 288 (MCL 712A.17).

A motion was offered and supported that this legislation is Keller permissible. The morion passed
A motion was offered and supported to support the legislation.

HB 5724 (Breen) Courts: judges; Civil rights: public records. Courts: judges; personal information and physical safety protections for judges, their families, and household members; enhance. Creates new act.

A motion was offered and supported that this legislation is Keller permissible. The morion passed
A motion was offered and supported to support the legislation.

The motion was adopted by roll-call vote. Commissioners voting in support of the position: Anderson, Bennett, Bryant, Burrell, Clay, Detzler, Evans, Hamameh, Howlett, Larsen, Lerner, Low, Mantese, Mason, McGill, Murray, Newman, Nyamfukudza, Ohanesian, Perkins, Quick, Reiser, Simmons, Walton, Washington. Commissioners abstaining: Christenson, Gant.

SB 723 (Santana) Criminal procedure: mental capacity; Criminal procedure: trial. Criminal procedure: mental capacity; evaluation of competency to waive Miranda rights; require. Amends 1974 PA 258 (MCL 330.1001 - 330.2106) by adding secs. 1080, 1081, 1082 & 1083.

A motion was offered and supported that this legislation is Keller permissible. The morion passed
A motion was offered and supported to support the legislation.

The motion was supported with the following amendments:

- The statute should track the procedure in MCL 768.20a(3);
- There should be some penalty when a defendant declines to participate in the examination consistent with MCL 768.20a(4); and
- The presumption of competency should be removed.

SB 813 (Cherry) Criminal procedure: evidence; Children: protection; Criminal procedure: pretrial procedure; Criminal procedure: preliminary examination. Criminal procedure: evidence; consideration of videorecorded statements in certain proceedings; allow. Amends sec. 2163a of 1961 PA 236 (MCL 600.2163a).

A motion was offered and supported that this legislation is Keller permissible. The morion passed
A motion was offered and supported to oppose the legislation.

The motion was adopted by roll-call vote. Commissioners voting in support of the position: Andreson, Bennett, Bryant, Burrell, Christenson, Clay, Cripps-Serra, Detzler, Easterly, Evans, Gant, Hamameh, Howlett, Larsen, Lerner, Low, Mansoor, Mantese, Mason, McGill, Murray, Newman, Nyamfukudza, Ohanesian, Perkins, Potts, Quick, Reiser, Simmons, Washington. Commissioners voting in opposition of the position: Walton.

SB 871 (Chang) Courts: judges; Civil rights: public records. Courts: judges; personal information and physical safety protections for judges, their families, and household members; enhance. Creates new act.

A motion was offered and supported that this legislation is Keller permissible. The morion passed
A motion was offered and supported to support the legislation.

The motion was adopted by roll-call vote. Commissioners voting in support of the position: Anderson, Bennett, Bryant, Burrell, Clay, Detzler, Evans, Hamameh, Howlett, Larsen, Lerner, Low, Mantese, Mason, McGill, Murray, Newman, Nyamfukudza, Ohanesian, Perkins, Quick, Reiser, Simmons, Walton, Washington. Commissioners abstaining: Christenson, Gant.

Audit: Thomas H. Howlett, Chairperson
No report was given.

Finance: Thomas H. Howlett, Chairperson
Financial Report

Mr. Howlett reported that as of April 30, 2024, the SBM Administrative Fund total net position was \$14.7 million, an increase of \$2 million from the beginning of this fiscal year. The Administrative Fund net position *excluding* assets restricted for the retiree healthcare trust totaled \$11.3 million, an increase of \$1.7 million from the beginning of this fiscal year.

He said that excluding the retiree healthcare trust impact, SBM operating result through April 30, 2024 was favorable to year-to-date budget by \$781k. Operating revenues were higher than budget by \$87k or 1.1%, and interest income was higher than budget by \$177k or 58.5%. Salaries and benefits expenses were favorable to budget by \$76k or 1.6%, and non-labor operating expenses were favorable to budget by \$457k or 19.4%, some due to timing of expenses.

He stated that the Client Protection Fund's net position totaled \$2.9 million, an increase of \$415k from the beginning of the year and that attorneys in good standing totaled 46,731, a net decrease of 93 attorneys for this fiscal year.

Mr. Howlett invited all board members to participate in the Finance Committees meeting on July 27 via zoom. It will be a chance to hear from management staff about their proposed budget. He said that invitation with the zoom link will be sent to each board member.

FY2025 Preliminary Budget Report

Mr. Cunningham reviewed the FY2025 Preliminary Budget Summary with the board. He informed everyone that the budget process began in March with SBM staff reviewing and forecasting the current fiscal year budget and the FY 2025 budget. The preliminary budget presented at this meeting is to give Board members the opportunity to ask questions and raise concerns before the Finance Committee does a comprehensive review of the budget on July 27, which all Commissioners are invited to attend. The Finance Committee will present the recommended budget to the full Board for their consideration at the July Board meeting. Mr. Cunningham responded to questions about the preliminary budget.

Professional Standards: Erika L. Bryant, Chairperson
No report was given.

Communications and Member Services (CAMS): Lisa J. Hamameh, Chairperson
No report was given.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or questions from Commissioners

None

Comments or questions from the public

None.

Adjournment

The meeting was adjourned at 11:45 a.m.