

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

President Quick called the meeting to order at 9:31 a.m. on Friday, July 26, 2024, in the Boardroom of the Michael Franck building in Lansing, Michigan.

Commissioners present:

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

Commissioners absent:

Yolanda M. Bennett	Hon. David A. Perkins
Hon. B. Chris Christenson	Hon. Kristen D. Simmons
Joshua A. Lerner	

Guests

Ashley Lowe, 2024-2025 Board member

State Bar Staff present:

Peter Cunningham, Executive Director
Drew Baker, General Counsel
Delaney N. Blakey, Ethics Counsel
Marge Bossenbery, Executive Coordinator
Sarah Brown, Brand Designer
Alecia Chandler, Professional Responsibility Programs Director
Gregory Conyers, Director of Diversity
Darin Day, Program Director, Outreach
Robin Eagleson, Director of Lawyer Services
Katherine Gardner, Assistant Executive Director
Tatiana Goodkin, Chief Financial Officer
Molly Ranns, Director, Lawyers & Judges Assistance Program
Marjory Raymer, Director of Communications
Kristin Sewell, Program Director, Research & Development
Jeanette Socia, Director of Human Resources
Kari Thrush, Assistant Executive Director
Nathan Triplett, Director, Governmental Relations

Consent Agenda

The Board received the minutes from the June 13, 2024 Board of Commissioners meeting.

The Board received the minutes from the May 22, 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 May 2024

The Board received the Client Protection Fund Claims.

The Board received the Unauthorized Practice of Law Claims.

The Board received the recommendations for the appointments to the ICLE Executive Committee.

The Board received the recommendations for the appointment to the MILS Board of Trustees.

The Board received the Model Criminal Jury Instructions.

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 the motion passed.

Election of Officers

Mr. Quick informed the Board that five candidates submitted their names for consideration for the position of secretary for the 2024-2025 Board of Commissioners: Mr. Anderson, Ms. Larsen, Mr. Low, Mr. Mantese, and Mr. Mason. Mr. Quick asked if there were any nominations from the floor; hearing none, a motion was made to close the nominations. The motion was seconded, and the motion passed.

Mr. Quick asked for a motion that the vote be by secret written ballot and that the voting be announced and recorded as to the winner only, without the vote total and that the vote total will be known only to him, the tellers, and to any candidate who requests it. The motion was made, seconded, and the motion passed.

Mr. Quick appointed Mr. Clay, Ms. Detzler, and Mr. Nyamfukudza to serve as tellers.

Mr. Quick stated that a majority of votes from those present are needed for a candidate to be elected. He said that after the first round of voting if a majority was not reached, the top three candidates will continue to the second round, if a majority vote is not reached, the top two candidates will move on to the next round until a majority is reached for one candidate.

Mr. Quick stated that per board policy, each candidate will have five minutes to give remarks to the board followed by a 15-minute question and answer session. He stated that the candidates would move forward in alphabetical order. Mr. Anderson, Ms. Larsen, Mr. Mantese, and Mr. Mason addressed the board per policy. Mr. Low informed the Board that he was withdrawing his name from consideration. Mr. Quick asked if there were questions for the candidates. There were none. Ballots were distributed.

Mr. Quick announced that Mr. Anderson was elected as secretary of the State Bar of Michigan for the 2024-2025 bar year.

A motion was offered and supported to destroy the ballots of the election. The motion passed.

Mr. Quick offered a motion to nominate Ms. Bryant as vice president of the State Bar of Michigan and Mr. Howlett as treasurer of the State Bar of Michigan for the 2024-2025 bar year. The motion was supported and passed.

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

Mr. Cunningham stated that two of the three Michigan Supreme Court (MSC) Commissions, the Justice for All (JFA) and MSC Diversity Equity and Inclusion (DEI) did not meet since the June BOC meeting so there is nothing to report. He asked Ms. Ranns to provide an update on the third MSC commission, the Commission on Well-Being in the Law (WBIL).

Mr. Cunningham asked Mr. Conyers to report on upcoming diversity events and Ms. Raymer on the rollout of the eJournal.

Staff Introductions

Mr. Cunningham stated that Ms. Eagleson began her position as Director of Lawyer Services as did Ms. Thrush as one of the Assistant Executive Directors. Ms. Chandler introduced the new Ethics Counsel, Ms. Delaney N. Blakey.

Artificial Intelligence (AI) Work Group Update

Mr. McGill reported that the AI workgroup continues to meet and collect information for their year-end report. They are working with Ms. Eagleson and Ms. Gardner on designing what the report will look like. It is intended to be a resource and reference guide for members and will need to be continuously updated. Mr. McGill intends that workgroup members will be assigned specific sections of the resource guide to keep it updated. He hopes to have the report ready to present to the board by the end of 2024.

Board Vacancy

Mr. Quick informed the Board that Commissioner Matthew Van Dyk, submitted his letter of resignation due to health issues in his family. He is a commissioner from District F and has one year left on his term. According to Rule 5 of the Michigan Supreme Rules Governing the State Bar, "The board shall fill a vacancy among the elected commissioners and the Supreme Court shall fill a vacancy among the appointed commissioners, to serve the remainder of an unexpired term."

The executive committee met on July 18 to discuss the process for filling this vacancy and possible options for appointment. The Executive Committee recommends to the Board the appointment of Mr. James Liggins III to fill the District F Board seat for a one-year term. A motion was offered and seconded to appoint Mr. Liggins as the commissioner for District F. The motion passed.

Native American Engagement Report

Mr. Mason gave the Board an update on the tribal events that took place on June 20-21, 2024 with the Nottawaseppi Huron Band of the Potawatomi tribal leaders, specifically Judge Mellissa Pope.

Miscellaneous

Ms. Bossenbery stated that the Board should receive two-time sensitive emails from her next week. One for registering for the Presidential Inauguration and Awards luncheon and Board meeting and the other asking you to complete a survey indicating your preferences for commissioner committees and section liaisons appointments for the 2024-2025 bar year.

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

In Ms. Bennetts absence, Mr. Reiser gave the RA report. He informed the Board that the RA Clerk nominations were due July 25 and Ms. Alena Clark and Mr. Mark Jane submitted their names; proposals for the September RA meeting are due August 8, and that at the September meeting presentations on Tribal Courts by Judge Melissa Pope, and Legal Deserts will take place.

Mr. Reiser stated there are 26 vacancies on the RA, and that Mr. Clay helped to find candidates for 3rd and 6th Circuit vacancies and Mr. Easterly found a candidate for a 17th Circuit vacancy.

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, including an event on animal law held at the Detroit Zoo, which Mr. Quick attended and a YLS barbeque scheduled for August 27.

COMMISSIONER COMMITTEES

Finance: Thomas H. Howlett, Chairperson

FY2025 Budget

Mr. Howlett introduced the FY2025 budget process and Mr. Cunningham described what was included in the proposed FY 2025 budget. A motion was made to approve the budget. The motion was seconded and approved.

Mr. Howlett offered a motion to encourage bar staff in its ongoing efforts to increase non license fee operating revenue above the level set in the adopted budget and in development of the FY 2026 budget. The motion was seconded. Mr. Mantese offered a friendly amendment to add “and to find ways to save money.” Mr. Howlett declined the proposed amendment. After discussion, the motion was passed.

Audit

No report was given.

Public Policy: Joseph P. McGill, Chairperson

Court Rules

ADM File No. 2022-38: Proposed Amendments of MCR 2.625, 7.115, 7.219 and 7.319

The proposed amendments of MCR 2.625, 7.115, 7.219 and 7.319 would: (1) require courts to stay enforcement of taxed costs while an appeal is pending or until time for filing an appeal has passed, (2) align the timeframe for filing a bill of costs in the Court of Appeals with the timeframe for filing an application for leave to appeal, (3) incorporate into MCR 7.219 the Court of Appeals internal operating procedure 7.219(B) that allows, upon reversal of a Court of Appeals decision, the new prevailing party to file a new bill of costs in the Court of Appeals, and (4) include in the lists of taxable costs those costs awarded in the lower court in accordance with MCL 600.2445(4).

A motion was offered and seconded to support the proposed amendments. The motion passed.

ADM File No. 2022-46: Proposed Amendment of MCR 3.305

The proposed amendment of MCR 3.305 would clarify where to file a mandamus action.

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

ADM File No. 2024-06: Proposed Amendment of MCR 3.306

In accordance with MCL 600.4501(2), the proposed amendment of MCR 3.306(B)(3)(b) would prohibit a court from granting leave to a private individual who is bringing a quo warranto action that relates to the offices of electors of President and Vice President of the United States

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

ADM File No. 2021-05: Proposed Amendment of MCR 6.302

The proposed amendment of MCR 6.302 would require a court that has engaged in a preliminary evaluation of the sentence to inform the defendant that the final sentencing range may differ from the original estimate, and if different, advise the defendant about whether they would be permitted to withdraw their plea, and include in the evaluation a numerically quantifiable sentence term or range.

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

ADM File No. 2022-25: Proposed Amendment of MCR 7.103

The proposed amendment of MCR 7.103 would require that an appeal to circuit court be heard by a judge other than the judge that conducted the trial.

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

ADM File No. 2022-12: Proposed Amendment of MCR 7.118

The proposed amendment of MCR 7.118 would allow the prisoner's attorney access to the parole eligibility report(s) and guidelines, require MDOC to provide the record on appeal within 14 days of being served with a prosecutor's application for leave to appeal the parole board's decision, require in all other appeals that MDOC provide the record on appeal within 14 days of the court granting the application for leave to appeal, and require confidential portions of the record to be filed under seal with access limited to certain people.

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

ADM File No. 2022-56: Proposed Amendment of MRPC 3.7

The proposed amendment of MRPC 3.7 would clarify that in accordance with Const 1963, art 1, § 13, a lawyer can appear in pro per.

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

Legislation

HB 5749 (Carter) Civil rights: public records; certain law enforcement disciplinary personnel records; require to be subject to freedom of information act requests. Amends sec. 13 of 1976 PA 442 (MCL 15.243).

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 The motion failed.

Landlord-Tenants

HB 5758 (Paiz) Housing: landlord and tenants; form containing summary of tenant's rights; require state court administrative office to provide. Amends 1978 PA 454 (MCL 554.631 - 554.641) by adding sec. 4a.

HB 5759 (Hoskins) Housing: landlord and tenants; form containing summary of tenant's rights; require the department to make available to the public. Amends sec. 57i of 1939 PA 280 (MCL 400.57i).

HB 5760 (Hoskins) Housing: landlord and tenants; form containing summary of tenant's rights; require the authority to make available to the public. Amends 1966 PA 346 (MCL 125.1401 - 125.1499c) by adding sec. 22e.

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 passed.

HB 5788 (Hope) Civil procedure: civil actions; lawsuits for exercising rights to free expression; provide protections against. 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.

SB 810 (Shink) Civil procedure: personal protection orders; expiration date; prescribe. Amends sec. 2950 of 1961 PA 236 (MCL 600.2950).

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 passed.

SB 914 (Shink) Criminal procedure: other; certain requirements for the use of informants in criminal proceedings; provide for. Amends 1927 PA 175 (MCL 760.1 - 777.69) by adding secs. 36a, 36b, 36c, 36d, 36e, 36f & 36g to ch. VIII.

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 passed.

SB 916 (Santana) Criminal procedure: mental capacity; outpatient treatment for misdemeanor offenders with mental health issues; provide for. Amends sec. 461 of 1974 PA 258 (MCL 330.1461) & adds sec. 1021 & ch. 10A.

HB 4746 (Steele) Criminal procedure: mental capacity; outpatient treatment for misdemeanor offenders with mental health issues; provide for. Amends sec. 461 of 1974 PA 258 (MCL 330.1461) & adds sec. 1021 & ch. 10A.

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. The motion passed.

SB 936 (Irwin) Courts: reporters or recorders; prohibited conduct of court reporter, court recorder, stenomask reporter, or owner of firm; modify. Amends sec. 1491 of 1961 PA 236 (MCL 600.1491).

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.

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

Communications and Member Services (CAMS): Lisa J. Hamameh, Chairperson
Ms. Hamameh stated that the reports from the 50-Year Golden Celebration and the Great Lakes Legal Conference were in the board packet for the Board's review.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or questions from Commissioners

Mr. Mason stated that a flyer was at each commissioner's place inviting them to an event taking place in Port Huron this weekend called "Cars and Kettles Chairity Car Show," which helps the Salvation Army.

Ms. Bryant offered her condolences to Commissioner Gant on losing her mother.

Comments or questions from the public

None.

Adjournment

The meeting was adjourned at 12:17 p.m.