

The meeting was called to order by President Cranmer at 9:30 a.m. on Friday, November 18, 2005, at the State Bar of Michigan, Lansing, Michigan. Commissioners present were:

Lori A. Buiteweg, Assembly Chairperson	Jeffrey Kirkey
Kimberly M. Cahill, President-Elect	Craig H. Lubben
John J. Conway	Richard D. McLellan
Margaret A. Costello	Hon. William B. Murphy
Bruce A. Courtade	Lambro Niforos
Thomas W. Cranmer, President	Edward H. Pappas, Secretary
Francine Cullari	Kurt E. Schnelz
Richard L. Cunningham	Scott C. Strattard
Brian D. Einhorn	Angelique Strong Marks
Kiffi Y. Ford	Laurin C. Roberts Thomas
Robert C. Gardella	Gregory L. Ulrich
Edward L. Haroutunian	Debra A. Walling
W. Anthony Jenkins	Rodger D. Young
Allyn D. Kantor	
Ronald D. Keefe, Vice President	

Commissioners Elias J. Escobedo, Jr., Julie I. Fershtman, Michael S. Hohausser, and Charles R. Toy were absent and excused.

State Bar Staff Present:

John T. Berry – Executive Director
Kari Brandel – Events Planner
Nancy Brown – Director, Communications
Gregory Conyers – Program Administrator
Candace Crowley – Justice Initiatives Manager
Kathleen Fox – Director, Human Resources
James Horsch – Director, Finance and Administration
Victoria Kremski – Deputy Regulation Counsel
Elizabeth Lyon – Legal Secretary
Susan McMann – Sections and Committees Coordinator
Dawn Miller – Director of Professional Standards
Chad Sluss – Member Services Manager
Anne Smith – Administrative Assistant
Naseem Stecker – Media Specialist
Janet K. Welch – General Counsel

CONSENT AGENDA

A motion was made, seconded, and carried to remove item VI. A. UPL Litigation Request from the Consent Agenda and to approve the remaining items on the Consent Agenda.

President Cranmer noted the practice of hearing from Sections and Committees and recognized Probate & Estate Planning Section Chair Michael J. McClory for a section report. Mr. Cranmer also recognized John Tatum of the Publications and Website Advisory Committee for an update on the web server. Mr. Tatum noted that it may be time to revisit the relationship with our website contractor as the Bar may have outgrown their capabilities.

Minutes

The Board approved the minutes of the September 21, 2005 and September 23, 2005 Board meetings.

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

October 3, 2005

October 17, 2005

October 31, 2005

President's Report – Thomas W. Cranmer, President

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

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

The Board received the Executive Director's written recent activities and litigation status reports.

Finance and Human Resources – Charles R. Toy, Chairperson

The Board received the year to date financial results through August 31, 2005 and the Final Approved 2005-06 Budget.

Professional Standards Committee – Edward H. Pappas, Chairperson

The Board approved the proposed District Character and Fitness Committee appointments for all Commissioner Districts.

Programs and Services Committees – Ronald d. Keefe, Chairperson

No report was given.

Public Policy, Image and Identity – Kimberly M. Cahill, Chairperson

No report was given.

Section Bylaw Proposed Amendments

The Board approved the proposed bylaw amendments for the American Indian Law Section and Animal Law Section.

LEADERSHIP REPORTS

President's Report – Thomas W. Cranmer

UP Tour

President Cranmer reported that he, along with, Lori Buitweg, John Berry, and Kathleen Fox made the trip to the UP to visit different bar associations. Mr. Cranmer noted the visit was well received.

Reaction to Annual Meeting & Awards Ceremony

President Cranmer reported that he received wonderful feedback on the Annual Meeting & Awards Ceremony and read an excerpt from a letter received from Judge William G. Schma, 2005 Champion of Justice Award.

Contacts with Judiciary

President Cranmer reported that meetings and contacts with members of the judiciary are on going and have been well received.

Access to Justice Campaign Kick-Off in Detroit

President Cranmer reported that several corporations were represented at the Access to Justice Campaign kick-off in Detroit. He further thanked Board members for their support and asked that they continue to support ATJ through donations.

Executive Director's Report – John T. Berry

Mr. Berry reported on the UP Tour and emphasized the importance of reaching out to attorneys throughout the state.

Mr. Berry also reported on the Great Rivers Conference. He stated that we are toward the top of curve on most of the issues facing various bars and recommended our continued attendance at this conference. He also noted that the State Bar of Michigan would be hosting the 2006 Great Rivers Conference.

Representative Assembly Chairperson's Report – Lori A. Buiteweg, Chairperson

Ms. Buiteweg reported on the UP trip.

Ms Buiteweg recognized RA Committee Chairs and requested that committee chairs schedule their first meetings by mid-December. She further reported that there is a focus on publicizing the purpose and activities of the RA, internal leadership development, and tracking Supreme Court action on court rule amendments.

COMMISSIONER COMMITTEES

Finance and Human Resources – Charles R. Toy, Chairperson

Commissioner W. Anthony Jenkins provided the committee report.

Insurance & Risk Management Subcommittee Update

Commissioner Jenkins reported that the subcommittee authorized an increase in the building loss coverage in our liability policy based on a replacement cost analysis. The premium increase was included in the budget and has already received Board approval.

Commissioner Jenkins also reported that the subcommittee is in the process of gathering quotes for mold coverage and will report their findings and recommendations at a later date.

Compliance with Financial Safety Margin Policy

Commissioner Jenkins noted that the Financial Safety Margin Policy defines an adequate financial safety margin to be no less than 33% of annual budgeted expenses and stated that the fiscal year ended with a margin of 72%, satisfying the policy target.

Fiscal Year 2004-05 Financial Report

Mr. Berry thanked State Bar staff for their contributions in overcoming understaffing issues and noted the continued need to remain fiscally conservative. Mr. Berry recognized Jim Horsch to give the Fiscal Year 2004-05 Financial Report.

Professional Standards – Edward H. Pappas, Chairperson

Practice Management Resource Center

Commissioner Pappas recognized Victoria Kremski for an update on the Practice Management Resource Center. Ms. Kremski thanked staff for their contributions to the project. Mr. Berry emphasized the inter-connection among different groups and their need for the Practice Management Resource Center, noting that there is an on going effort to connect particularly with law school deans, senior lawyers and young lawyers.

Lawyer Referral Service

Commissioner Pappas reported that the Bar is currently reviewing and assessing the effectiveness of the Lawyer Referral Service and recognized Dawn Evans for an update. Ms. Evans noted that Cooley law students staff the LRS and further noted that a survey of service users is currently underway. Ms. Evans further reported that a cost-benefit analysis will be conducted and we will be reviewing local bar practices. A report should be completed by March.

Programs and Services – Ronald D. Keefe, Chairperson

Annual Meeting Update

Commissioner Keefe reported that the 2006 Annual Meeting would take place in September at the Eagle Crest Resort. He noted that the theme is “Achieving Balance and Success.” He also noted that the annual awards dinner would be moved to Wednesday evening. There was discussion regarding the purpose, cost, benefits and challenges involved with the Annual Meeting. Mr. Berry emphasized the importance of the process in developing the Annual Meeting program and President Cranmer emphasized the importance of committee and section involvement in the Annual Meeting.

Office Supply Vendor

Commissioner Keefe reported that we have received presentations from three office supplies companies. He noted that negotiations with Staples are on going and once completed, a recommendation will be presented to the committee and then to the Board for action.

Bar Leadership Forum

Commissioner Keefe reported that the Bar Leadership Forum is set for June and will be held at the Grand Hotel. He further noted that the Bar should consider other locations in the future as members expressed concerns regarding travel time.

Public Policy, Image and Identity – Kimberly M. Cahill, Chairperson

Commissioner Cahill reported that proposals for the establishment of specialized court dockets, including business law, healthcare, and zoning law dockets, are likely forthcoming this year. Commissioner Cahill further reported that there have been no changes concerning the status of Apsey. Additionally, the committee is continuing to work on record impingement and law school loan repayment. Discussions also began concerning the appropriateness of the committee’s name and logo. Commissioner Cahill also noted the existence of the “Legislation Report on State Bar Positions” and encouraged commissioners with questions to review it.

The Board approved the following actions:

Legislation

HB 4654 (Casperson) – Crimes, other; Criminal procedure, defenses. Crimes; other; duty to retreat before using deadly force in self-defense or defense of another; eliminate under certain circumstances. Amends 1927 PA 175 (MCL 760.1 - 777.69) by adding sec. 21c to ch. VIII.

HB 5142 (Casperson) – Crimes, other; Criminal procedure, defenses. Crimes; other; criminal forcibly entering or intruding into home or vehicle; allow person to use deadly force in self-defense. Amends 1927 PA 175 (MCL 760.1 - 777.69) by adding sec. 21c to ch. VIII.

HB 5143 (Jones) – Crimes, other; Criminal procedure, defenses; Civil procedure, civil actions. Crimes; other; right to self-defense and defense of others; clarify and provide for criminal and civil immunity under certain circumstances. Creates new act.

HB 5153 (Mortimer) – Crimes, definitions; Crimes, home invasion; Criminal procedure, defenses. Crimes; definitions; flight requirement; eliminate. Creates new act.

Actively oppose those provisions in HB 4654, HB 5142, HB 5143, and HB 5153 that would eliminate judicial discretion concerning the payment of fees and costs at the conclusion of trial.

HB 5132 (Baxter) – Libraries, state; Communications, internet. Libraries; state; requirement for certain public documents to be provided to state libraries; eliminate when documents are available on the internet. Amends sec. 9 of 1982 PA 540 (MCL 397.19).

Consistent with the State Bar's position adopted in the 2003-04 legislative session on HB 5390'03, the State Bar adopted a position of "oppose in principle."

SB 815 (Cropsey) – Civil procedure, evictions; Civil procedure, civil actions; Courts, district court; Housing, landlord and tenants; Property, land contracts. Civil procedure; evictions; property managers and other nonlawyers to represent businesses in certain eviction proceedings; allow. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 5707.

The original content of SB 815 is the same as HB 4732. The State Bar of Michigan adopted a position of active opposition, which mirrors the position adopted on HB 4732 in July 2005.

Proposed New Interpretation 302-10

The Pro Bono Initiative and the Committee on Justice Initiatives recommends supporting the decision to broadly interpret language requiring law school clinic programs to include services that are not law related, but have a pro bono component but would like to see the ABA preference of law related activities addressed more strongly. The Initiative is proposing to submit comments for consideration to the ABA.

Authorize the Pro Bono Initiative of the Justice Initiatives Committee to submit letter to the ABA included in the public policy agenda books.

Young Lawyers Section Report – Jeffrey E. Kirkey, Chairperson

Commissioner Kirkey reported that 2005 was a banner year for the Young Lawyers Section, producing several successful programs. Commissioner Kirkey reported that the section held its annual meeting and election and recognized the new section officers. Commissioner Kirkey provided an update on the section's recent and upcoming activities noting that the section raised \$3200.00 for Katrina victims.

ABA Report – W. Anthony Jenkins

President Cranmer noted the Mid-Year meeting was moved from Louisiana to Chicago.

Committee on Justice Initiatives, Hon. Cynthia Stephens & Richard McLellan, Co-Chairs

Commissioner McLellan encouraged Board members to donate to the Access to Justice Campaign.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or questions from Commissioners

President Cranmer asked for comments or questions. Commissioner Ulrich thanked Board members for their support.

Comments or questions from the Public

President Cranmer asked for comments or questions from the public, but there were none.

Old Business

There was none.

New Business

There was none.

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