

President Cahill called the meeting to order at 9:00 a.m. on Friday, May 4, 2007 at the Grand Mountain Lodge, Boyne Falls, MI.

Commissioners present:

Lori A. Buiteweg
Kimberly M. Cahill, President
John J. Conway
Margaret A. Costello
Bruce A. Courtade
Francine Cullari
Richard L. Cunningham
Brian D. Einhorn
Elias J. Escobedo, Jr.
Robert K. Fergan
Julie I. Fershtman
Kiffi Y. Ford
Robert C. Gardella
Edward L. Haroutunian
W. Anthony Jenkins, Treasurer

Craig H. Lubben
Ronald D. Keefe, President-Elect
Jeffrey E. Kirkey
Donald E. McGinnis, Jr.
Hon. William B. Murphy
Lambro Niforos
Edward H. Pappas, Vice-President
Eric J. Pelton
Michael J. Riordan
Thomas C. Rombach
Kurt E. Schnelz
Laurin' Roberts Thomas
Charles R. Toy, Secretary
Gregory L. Ulrich

Commissioners Beverly Hall Burns, Katherine Kakish, and Scott C. Strattard were absent and excused.

State Bar Staff Present:

Marge Bossenbery, Executive Coordinator
Nancy Brown, Director of Member Services and Communications
Gregory Conyers, Program Administrator, Pro Bono Initiative
Candace Crowley, Development & External Affairs Manager
Dawn Evans, Director of Professional Standards
Cliff Flood, Deputy General Counsel
Mary Frook, Manager, Human Resources
Elizabeth Lyon, Public Policy Analyst
Anne Vrooman, Director, Research, and Development
Janet K. Welch, Executive Director

Guests Present:

Linda Rexer, Executive Director, Michigan State Bar Foundation
Nell Kuhnmuench, Director, Governmental Consultant Services, Inc.
Lauren M. Underwood, President-Elect, Probate and Estates Planning Section

Consent Agenda

Minutes

The Board received the minutes of the March 30, 2007, Board of Commissioners meeting.
The Board received the minutes of the March 27, 2007, April 10, 2007, and April 24, 2007 Executive Committee meetings.

President's Report, Kimberly M. Cahill, President

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

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

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

Finance, W. Anthony Jenkins, Chairperson

The Board received the Financial Reports through March 2007 and the Year-end Financial Forecast.

Reports

The Board received a written report from the Committee on Justice Initiatives.

A motion was offered, supported, and carried, to approve the consent agenda.

A motion was offered, supported, and carried to rearrange the agenda and move the Section/Committee Report and the Executive Session to the beginning of the meeting.

Section/Committee Report

President Cahill welcomed Lauren M. Underwood, Chair Elect of the Probate and Estates Planning Section. Ms Underwood provided the Commissioners with an update on the Probate and Estates Planning section.

The Commissioners went in to an Executive Session at 9:20 a.m.

Open session resumed at 11:00 a.m.

Board Officers Election Process

Mr. Courtade provided an overview of the Board officer election process that was approved at the June 2006 Board meeting. Commissioners received a copy of the 2007 officer election materials that include a timetable and matrix that each person interested in submitting their name for consideration for the position of Treasurer of the SBM, needs to complete. Mr. Courtade reminded the Board that Representative Assembly, Young Lawyers Section, and Supreme Court appointees are not able to run for office.

Strategic Planning Follow-Up

President Cahill announced that due to time constraints the discussion regarding the strategic planning session would be deferred to the June 15 meeting. She asked that the Commissioners take the materials that SBM staff compiled from the strategic planning meeting and review them prior to the June 15 meeting.

President Cahill suggested that the Commissioner committees meet by conference call prior to the June meeting instead of having meetings the morning of the BOC meeting.

COMMISSIONER COMMITTEES

Finance - W. Anthony Jenkins, Chairperson

Financial Update

Mr. Jenkins provided the Board with a financial update. He indicated that the budget process would be pushed back a few months in an effort to include any initiatives that might be suggested during the strategic planning review. Action on the budget will be taken in September.

Mr. Jenkins reported that the sub-committee formed to review the long-term investment policies of the State Bar of Michigan (SBM) would provide the board with a recommendation at the next meeting.

Mr. Jenkins informed the Board that the SBM has received a notice of non-renewal from AIG.

Professional Standards – Charles R. Toy, Chairperson
Practice Management Resource Center (PMRC)

The Board was provided with a Practice Management Resource Center (PMRC) update. Statistics were provided in the Board Book.

Mr. Toy referenced a memo regarding the nomination process for external entities that was sent to the Commissioners describing changes to the current nomination process. He indicated that the period for the submission of names to the Appellate Defenders Commission had been extended.

Programs and Services – Edward H. Pappas, Chairperson
No report was provided

Public Policy, Image, and Identity – Ronald D. Keefe, Chairperson

ADM File No. 2005-37 - Proposed Amendment of Rules 5.101, 5.105, 5.113, 5.125, 5.206, 5.302, 5.306, 5.307, 5.309, and 5.403 of the Michigan Court Rules and Proposed Adoption of Rules 5.410 and 5.411 of the Michigan Court Rules

These amendments are published in response to a proposal submitted by the Michigan Probate Judges Association and the State Bar of Michigan's Probate and Estate Planning Section. This was a joint effort to increase the oversight of guardianship and conservatorship proceedings, as well as to improve other procedures in probate court.

Motion offered, supported, and carried to authorize the Justice Initiatives Committee to advocate its position.

Ms. Kuhnmuensch, Director of Governmental Consultants, provided the Commissioners with an update on the proposed 2% on services.

LEADERSHIP REPORTS

President's Report - Kimberly M. Cahill, President

President Cahill reported that she, along with Executive Director Janet Welch, Immediate Past-President Thomas Cranmer, Mr. Courtade and Mr. Conyers traveled to Washington DC to participate in the ABA Law Day, to discuss full funding for legal services with Michigan legislators.

President Cahill indicated that Commissioner Courtade received the Presidents Award from Grand Rapids Bar Association and that Commissioner Rombach was recognized for his pro bono work for Macomb County senior citizens.

President Cahill reported that she, Mr. Toy, and Mr. Andrew Doctoroff, participated on a Talk Radio program on Law Day that was broadcasted from the Hudson Room, answering questions from the public. Candace Crowley, Victoria Kremski, and Dawn Evans from the SBM and Linda Rexer, Executive Director of the State Bar Foundation, also participated.

Each Commissioner should have received a copy of the Supreme Court decision in Apsey, adopting the position advocated by the State Bar.

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

Ms. Welch reported that President Cahill was presented with the Women Lawyers Association of Michigan's Jean L. King Leadership Award during their Annual meeting.

United States District Court - Eastern District Civility Committee

Ms. Welch reported that President Cahill appointed Michael Riordan to the United States District Court - Eastern District Civility Committee.

Amicus Brief in Grace v Leitman

The Michigan Supreme Court has invited the SBM to submit an amicus brief in this matter.

Dawn Evans and Commissioner Einhorn presented their views on what the substance of an amicus brief should be.

Motion offered, supported and carried to have Mr. Einkorn's firm provide the amicus brief, taking in to account the discussion. Both the firm and the SBM general counsel should sign the brief. The Executive Committee will review the brief before it is submitted.

Representative Assembly (RA) Report – Edward L. Haroutunian, Chairperson
RA April 21, 2007 meeting

Mr. Haroutunian provided the Board with an overview of the April 21 (RA) meeting.

OTHER REPORTS

American Bar Association Report (ABA) – W. Anthony Jenkins, State Delegate

Mr. Jenkins reported that the ABA Rules and Calendar committee is meeting during the weekend of May 18 to review the proposals and develop the agenda that will come before the House of Delegates in August.

Justice Initiatives Report - Hon. Cynthia Diane Stephens, Chairperson

A written report was provided in the consent agenda.

Young Lawyers Section Report - J. J. Conway, Chairperson

Mr. Conway provided the Board with a report on the activities of the Young Lawyers Section.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or questions from Commissioners

There was none.

Comments or questions from the public

There was none.

Adjournment

The meeting was adjourned at 12:25 p.m.