

The meeting was called to order by President Neckers at 9:30 a.m. on Friday, November 30, 2001, at the State Bar of Michigan, Lansing, Michigan. Commissioners present were:

John M. Barr
Marjory G. Basile
Scott S. Brinkmeyer, Vice President
Kimberly M. Cahill
Thomas W. Cranmer, Treasurer
Kathryn Day
Evanne Dietz
James N. Erhart
Jon Feikens
Julie I. Fershtman, Assembly Chair
Michael S. Hohausner
Ronald D. Keefe

Joshua A. Lerner
Daniel M. Levy
Craig H. Lubben
Hon. William B. Murphy
Bruce W. Neckers, President
Randolph P. Piper
Thomas C. Rombach
Kurt E. Schnelz
Charles R. Toy
Donald Tucker
Reginald M. Turner, President-Elect
Gregory L. Ulrich

Commissioners Nancy J. Diehl, Kim Warren Eddie, Dennis P. Grenkowicz, Edward H. Pappas and Thomas G. Plunkett were absent and excused. Commissioners Hon. Joseph J. Farah, W. Anthony Jenkins and Hon. Cynthia D. Stephens were absent and unexcused.

State Bar Staff Present:

Lisa Allen-Kost, Director, Program Services;
John T. Berry, Executive Director;
Nancy F. Brown, Director, Publications;
Thomas K. Byerley, Regulation Counsel;
Kathleen J. Fox; Director, Employee Services;
James C. Horsch, Director, Administration and Finance;
Roberta M. Lott, Administrative Assistant;
Glenna D. Peters, Executive Coordinator;
David R. Rider, Finance;
Dean P. Tucker, Administration;
Lorraine Weber, Consultant, Open Justice;
Janet Welch, General Counsel
Karen L. Williams, Committees and Sections;

Present for such portions of the meeting as pertained to a specific agenda item were Lynn Chard, Executive Director, ICLE; John Van Bolt, Executive Director, Attorney Discipline Board and David Haynes of Public Affairs Associates.

Mr. Neckers reported that Commissioner Nancy Diehl was having knee surgery, and Commissioner Dennis Grenkowicz is recovering from open heart surgery and hopes to attend the January Board meeting. Additionally, he reported that a letter had been received from former Commissioner Cheryl Gore Follette and encouraged everyone to read it.

Mr. Neckers noted that there would be a discussion under the Public Policy Committee report regarding civil liberties, especially as it related to the executive order of President Bush.

The Board amended the Character and Fitness Committee Members to substitute Randy Musbach as Chairperson of District G. Stefani Carter asked to step down as Chair of the Committee.

CONSENT AGENDA

A motion was made and seconded to approve the Consent Agenda as amended. Motion carried.

Minutes

The Board accepted the minutes of the October 26, 2001 Board meeting.

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

October 15, 2001
October 22, 2001
October 29, 2001
November 5, 2001
November 19, 2001

President's Report – Bruce W. Neckers, President
The Board received the President's written report.

Executive Director's Report – John T. Berry, Executive Director
The Board received the Executive Director's written report and the UPL litigation report.

Character and Fitness Committee

The Board approved the appointment of Character and Fitness Committees in Districts A, B, C, D, E, G (as amended) H and I.

SPECIAL ORDERED ITEM

Consideration of Strategic Planning Committee's Recommendations of Priorities in Implementing Strategic Plan

Board members attended a breakout session of four assigned groups that were under the leadership of a Strategic Planning Committee member. The goal was to review the Strategic Plan Prioritization Matrix and report back to the large group. In the event changes were needed, a motion would be made to approve it as submitted from the Strategic Planning Committee, and at that point amendments would be in order.

President Neckers stressed the importance of the task and noted that this was the Board's opportunity to make sure that the prioritization is acceptable and one that they can live with for the next three years.

Mr. Berry explained that the matrix was developed by the staff, reviewed and modified by the Strategic Planning Committee, and was for review and discussion by the Board in helping with decisions on order of importance and prioritization.

Mr. Berry noted that the language in Item 1.8 of the matrix mistakenly referred to the verb "assure" and should read "strengthen" as approved by the Board.

Following the breakout sessions, the groups returned and presented the results of their review process. At the end of their presentations, the following action was taken by the Board:

A motion was made and seconded to adopt the Strategic Plan Prioritization Statement prepared by staff, based on the language in the original Strategic Plan, as opposed to the language in the matrix. Motion carried.

A motion of amendment was made to move items 6.1 and 6.2 from Normal Importance/Less Urgent to Critical Importance/Less Urgent. Motion carried.

A motion of amendment was made to combine items 1.9 and 3.4.2. Motion carried.

A motion of amendment was made to move 1.5 from Critical Importance/Less Urgent to Critical Importance/More Urgent. Motion carried.

A motion of amendment was made to move 5.1.2, 5.1.3 and 5.1.4 from Critical Importance/More Urgent to Critical Importance/Less Urgent. Motion denied.

NOTE: A copy of the Strategic Plan Prioritization Matrix is attached to these minutes

LEADERSHIP REPORTS

President's Report

Mr. Neckers expressed appreciation for the appropriate financial information that the Board is now receiving. He reported that the recent Access to Justice/Development meeting was positive and noted that if we obtain a fundraising license, the Foundation can provide a grant in the amount of \$70,000-\$90,000. Commissioners Diehl and Brinkmeyer agreed to assume a leadership role in the campaign. Commissioner Dietz thanked Mr. Neckers for attending the Women Lawyer's Breast Cancer Fundraiser. Mr. Neckers commented that it was a good event, and that he also enjoyed the criminal law section meeting he recently attended.

President Elect's Report - Reginald M. Turner

There was no report presented.

Representative Assembly Chairperson's Report - Julie I. Fershtman

Ms. Fershtman reported that the agenda for the January meeting is full.

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

Mr. Berry expressed his thanks for the Strategic Planning Process. He reported that he and Mr. Neckers had a successful meeting with the Attorney Grievance Commission and Attorney Discipline Board regarding the implementation of potential diversion programs in their system. Mr. Berry thanked Dean Tucker and Dave Rider for their loyalty and service to the organization.

COMMITTEES, COMMISSIONS & TASK FORCES

Committee Discussion – Bruce W. Neckers

Mr. Neckers reported that there would be a meeting in February involving all committees to establish appropriate committee structure.

Finance - Thomas W. Cranmer, Chairperson

Mr. Cranmer reported that a weekly financial report is provided to the Executive Committee, along with a more detailed monthly analysis, with the goal being to maintain a balanced budget. There are three CPAs on the finance committee now who are not board members.

The audit for 2000-2001 is being completed in an improved annual report format and will be submitted to the Supreme Court by the December 31, 2001 deadline. Presentation to the Board

will take place at the January meeting. The deficit is estimated at roughly \$635,000, depending on treatment of the post-retirement healthcare issue. Mr. Cranmer reported that the committee is reviewing a number of policies, and thanked the staff for their ongoing assistance.

Public Policy– Reginald M. Turner, Chairperson

A. Legislation - David Haynes reported the following:

- 1) Semi-annual lawyer/legislator dinners would be held in January.
- 2) Quarterly section/public policy updates would re-convene in January. Section chairs are invited to participate in an update session at the State Bar.
- 3) The 21st Century Committee and the Public Policy Committee will meet to discuss court reform, in anticipation of the legislature's review in 2002.
- 4) Legislature will leave in two weeks; Congress will remain until Dec 21st.

Mr. Turner asked for comments from the public about the Bar's legislative program, but none were forthcoming.

Senate Bill 759 (Campaign Finance). Mr. Turner reported that the committee voted to actively oppose the bill as introduced. Mr. Haynes explained that it is out of the Senate but active opposition is needed for the House. There is no final legislation.

A motion was made and seconded to approve the active opposition. Motion carried.

B. Court Rules

- 1) Proposed Amendment of Rule 2.107 –File 01-17 (Service and Filing of Pleadings and Other Papers).
- 2) Proposed Amendments of Rules 6.302 and 6.425 – File 01-24 (6.302-Pleas of Guilty and Nolo Contendere, 6.425-Sentencing; Appointment of Appellate Counsel)
- 3) Proposed Amendments of Rules 2.309, 2.310 and 2.312 – File 99-65 (2.309-Interrogatories to Parties, 2.312-Request for Production of Documents and Other Things; Entry on Land for Inspection and Other Purposes, 2.312-Request for Admission)

All held pending analysis.

Mr. Turner reported that the proposed Court Rules had been forwarded to the appropriate committees or sections for further review.

Mr. Turner also reported that a sub-committee has been created that will review responsiveness to legislation and court rules, and asked for broader representation on the public policy committee. A different committee structure is being considered that will allow others to participate. Recommendations will be made to the Board in January.

Civil Liberties Discussion

Mr. Neckers reported that discussions have been taking place about civil liberties in light of the administrative order issued by President Bush. Due to correspondence received from Attorney Sheldon Larkey regarding this issue, the Executive Committee requested a report as to whether it was Keller permissible. Mr. Haynes noted that the report was not related to the substantive issues, but only related to Keller implications. It was determined that the first part (interim rule) was Keller permissible and the Board or the Representative Assembly may choose to review, though it is not required. The second portion, related to the presidential order on military tribunals, was determined to be Keller-permissible. Mr. Haynes noted that other bars are also analyzing, as well as ABA, and Mr. Berry has requested information from other states.

A motion was made and seconded approving both issues as Keller-permissible. Motion carried.

A motion was made and seconded to refer the issue to the Representative Assembly for discussion in January. Motion carried.

A motion of amendment was made to provide direction by the Board to the Representative Assembly. Motion failed.

Strategic Planning – Nancy Diehl, Chairperson
No report was provided.

Member Services –Scott Brinkmeyer, Chairperson
Mr. Brinkmeyer reported that they met with the Michigan Medical Society regarding the potential reduction of insurance premiums. He also reported that non-dues revenues could be increased through our communications department by 1) expanding print-on-demand services to more sections, which is also more cost-effective for them, and 2) providing quarterly customized client newsletters.

Access to Justice For All Task Force –Reginald M. Turner, Chairperson
Mr. Turner reported that the Task Force is being reviewed as it relates to the Strategic Plan and efforts are continuing that will strengthen the role and use resources effectively. A proposal is being developed that will be presented to the Board on how the Bar intends to move forward. Mr. Turner recognized the efforts of those involved in the development campaign and reported a private donation of \$50,000 to the ATJ campaign, as well as a pledge to raise \$500,000 by the Michigan Trial Lawyers Association. He encouraged others to consider year-end gifts.

Young Lawyers Section – Evanne Dietz, Chairperson
Ms. Dietz reported that their section is revamping their newsletter and thanked the communications department for their assistance. They are working on projects and activities in conjunction with other young lawyer groups and specialty bars, including peer mediation training.

Other
Mr. Haynes asked everyone to visit the SBM website and complete a survey about their experience with the courts since the implementation of the family division.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or questions from Commissioners
Mr. Neckers asked for comments or questions from the commissioners, but there were none.

Comments or questions from the public
Mr. Neckers asked for comments or questions from the public, but there were none.

Old Business
There was none.

New Business
There was none.

A motion was made and seconded to say thank you and bid farewell to Dean Tucker and Dave Rider. Motion carried.

A moment of silence was observed in honor of Justice Mary Coleman.

The meeting was adjourned at 12:15 p.m.