

The regular meeting of the Board of Commissioners for was called to order by President Brinkmeyer at 1:45 p.m. on Thursday, September 30, 2004, in the Governor's Room at the Lansing Center in Lansing, Michigan. Commissioners present were:

Scott S. Brinkmeyer, President	Craig H. Lubben
Lori A. Buiteweg	Richard D. McLellan
Kimberly M. Cahill, Secretary	Angelique Strong Marks
Thomas W. Cranmer, Vice President	Hon. William B. Murphy
Kathryn M. Day	Stephen J. Murphy III
Nancy J. Diehl, President-elect	Lambro Niforos
Kim Warren Eddie	Edward H. Pappas
James N. Erhart	Randolph P. Piper
Elias J. Escobedo, Jr.	D. Andrew Portinga
Julie I. Fershtman	Kurt E. Schnelz
Elizabeth A. Jamieson	Hon. Cynthia D. Stephens
W. Anthony Jenkins	Charles R. Toy
Allyn D. Kantor	Gregory L. Ulrich
Ronald D. Keefe, Treasurer	Debra A. Walling
Daniel M. Levy, Assembly Chair	Rodger D. Young

Commissioner Michael S. Hohausser was absent and excused.

State Bar Staff Present:

John T. Berry – Executive Director
Lisa Allen-Kost – Director, Programs & Services
Nancy Brown – Director, Communications
James C. Horsch – Director, Finance and Administration
Victoria Kremski – Deputy Regulation Counsel
Elizabeth K. Lyon – Legal Secretary
Susan McMann – Sections and Committees Coordinator
Catherine O'Connell – Assistant Regulation Counsel
Glenna D. Peters – Executive Coordinator
Chad E. Sluss – Member Services Manager
Anne Smith – Administrative Assistant, Executive Office
Naseem Stecker – Media Specialist
Janet K. Welch – General Counsel

Present for such portions of the meeting as pertained to a specific agenda item were John R. Oostema and E. Thomas McCarthy of Smith, Haughey, Rice & Roegge; Max Hoffman, Annual Meeting Committee Chair; John Van Bolt, ADB Executive Director; Mark Armitage, ADB Assistant Executive Director; Nell Kuhnmuensch and Kurt Berryman, GCSI; Special guests included Linda Mohnney Rhodus and SBM Past President Reginald M. Turner.

CONSENT AGENDA

A motion was made, seconded and carried to approve the items on the Consent Agenda as follows:

Minutes

The Board approved the minutes of the June 11, 2004 (distributed at the July Board meeting but not approved at that time) and the July 23, 2004 Board of Commissioners meetings.

The Board accepted the minutes of the following Executive Committee meetings:
July 12, 2004
July 22, 2004
August 16, 2004

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

Finance and Human Resources Committee – Ronald D. Keefe, Chairperson
The Board received the written year-to-date financial results through July 31, 2004, and the FY 2003-04 year-end financial forecast.

Professional Standards Committee – Kimberly, M. Cahill, Chairperson
The Board approved the following Client Protection Fund claims as recommended:

No.	CPF No.	Amt	Claimant	Respondent
1.	CPF 1739	\$3,000.00	Boyd, Anthony	Noble, Charles H.
2.	CPF 2010	\$2,000.00	Hodgson, Josephine	O'Neill, Dennis P.
3.	CPF 2023	\$4,840.00	Raper, Charles A.	Abeska, Gary E.
4.	CPF 2024	\$2,000.00	Taughinbaugh, Duane Eldon	Scott, Martin A.
5.	CPF 2037	\$2,000.00	Tatangelo, Dino A.	Abeska, Gary E.
6.	CPF 2117	\$2,000.00	Hoppe, June	Orr, Daryl L.
	TOTAL	\$15,840.00		

Bylaw Article VII Amendments – Janet Welch, General Counsel
The Board approved the proposed Bylaw Article VII amendments (see attached) as presented at the Board meeting on July 23, 2004.

Commissioner Liaison Reports on Committee and Section Activities
The following written reports were included in the Board agenda packet from Commissioner Lambro Niforos: Pro Bono Involvement Committee; Health Care Law Section, and Public Corporation Law Section.

Resolution Honoring Retiring Board Member Kathryn M. Day – A resolution was prepared, read, and presented by D. Andrew Portinga. A copy is attached to these minutes as Addendum I. (this item was taken out of order as Commissioner Day had to leave the meeting early).

A motion was made and seconded to move into Executive Session. Motion carried.
Another motion was made, seconded, and carried to allow new commissioners and staff members John Berry, Janet Welch, and Glenna Peters, to remain. John R. Oostema and E. Thomas McCarthy, outside counsel for the Bar, provided an update on the Dean, Dubuc and Lawrence cases. Following the update, all staff was dismissed for the next portion of the Executive Session regarding the review of the Executive Director.

LEADERSHIP REPORTS

President's Report – Scott S. Brinkmeyer
Mr. Brinkmeyer provided an update on the cultural assessment that was conducted by Right Management Associates in Grand Rapids. He noted that this evolved as result of discussions with Dadie Perlov, the Executive Committee and John Berry in reviewing the goals of the strategic plan at the June Board meeting on Mackinac Island. A summary has been completed and sent to the leadership that reflects a positive overall report while identifying areas that can be improved upon for the future. Mr. Berry reported that it was a great process for looking at management styles, values and goals of the organization, and provides an opportunity

for growth. A staff retreat has been scheduled to discuss the results. He noted that there was clearly a focus on customer service and that the staff cares deeply about serving others.

Representative Assembly Chairperson's Report – Daniel M. Levy

Mr. Levy reported on the major agenda items for tomorrow's Assembly meeting that include:

1) A proposed resolution recommending as bar policy that the Michigan Supreme Court amend the court rule that allows third-year law students to practice in legal aid clinics and public prosecutors offices, giving emeritus status attorneys the same ability as law students in that respect, allowing them to practice under the supervision of legal aid clinic staff or prosecutor. 2) Assembly small group breakout sessions asking them to identify what the Assembly has done well in the past or not and what items they would like to see addressed by the Assembly in the future. 3) Election of Assembly Clerk. Ed Haroutunian has submitted a letter of interest in the position.

Young Lawyers Section Report – D. Andrew Portinga

Mr. Portinga reported on their election results, noting that Jeff Kirkey will be joining the Board as the new Chair-elect. He also reported on recent events including Habitat for Humanity and a financial planning seminar. Upcoming events scheduled are a legal writing seminar, Race for Justice on October 30th, and a panel presented conducted by Angelique Strong Marks on Nov 4th entitled "Can Women Have it All?"

Executive Director's Report – John T. Berry

Mr. Berry thanked staff for the team effort in regard to the Annual Meeting and asked for input after the meeting about what went well and/or what could be done differently next year.

Mr. Berry provided an update on UPL and reported on the increased efforts in that area that have been successful. He reported that meetings scheduled in Oakland County and Macomb County, and the UPL Committee is developing a practical guide to hiring a lawyer.

Mr. Berry reported that orientation is scheduled in conjunction with the November 19th Board meeting. It is important that all attend.

Janet Welch discussed the Indemnification Policy that was included in the board agenda materials. Based on the review of other state bars, it is recommended that standard indemnification provisions be adopted. Ultimately it should become part of the bylaws. A motion was made and seconded to adopt the policy. Motion carried.

SBM Past President Reginald M. Turner congratulated President Brinkmeyer on his year of service in carrying out the implementation of the strategic plan, expressed his support to incoming President Nancy Diehl, and recognized Executive Director John Berry and staff for their great work.

Lisa Allen-Kost introduced Joan Kreutzman, Member Records Clerk, and Patti Schafer, Administrative Assistant in Programs and Services. Mr. Brinkmeyer recognized Jeff Kirkey, new Young Lawyers Section Chair-elect.

COMMISSIONER COMMITTEES

Finance and Human Resources – Ronald D. Keefe, Chairperson

The committee recommended pre-payment of the State Bar debt by \$500,000 at \$100,000 per month beginning with the November payment. This would not result in a prepayment penalty. A motion was made and seconded to approve the payment. Motion carried.

Mr. Keefe reported that \$1.2 million was transferred from the Bank One money market account to a long-term investment account with Schwab to maximize rate of interest, as these funds would not be required within the next year.

Jim Horsch provided a verbal report on financial results for the eleven months ended August 31, 2004 and projected year-end results. He also reported that the dues statements went out in early September.

Justice Initiatives Committee – Kimberly M. Cahill, Thomas W. Cranmer, Co-Chairpersons
There was nothing new to report.

Professional Standards – Kimberly M. Cahill, Chairperson
The Nominating Committee recommended the following appointments:
Institute of Continuing Legal Education – A motion was made, seconded and carried to reappoint Samuel E. McCargo to the ICLE Executive Committee for a four-year term expiring on September 30, 2008.

Michigan Indian Legal Services – A motion was made, seconded and carried to reappoint incumbents Jenny Lee Kronk and John J. Lemire to the Michigan Indian Legal Services Board of Trustees. The appointments are three-year terms commencing on October 1, 2004 and expiring on September 30, 2007.

Ms. Cahill reported that the Michigan Supreme Court Client Protection Fund Committee Report is near completion and should be submitted to the Court within the next week to ten days.

Programs and Services – Thomas W. Cranmer, Chairperson
Max Hoffman provided an annual meeting report and thanked staff for their hard work. He noted that pre-registrations were up from last year and recognized Lisa Allen-Kost and Caryl Markzon for their efforts. Mr. Berry thanked Max for his leadership.

Mr. Cranmer made a motion to recommend allowing their subcommittee, the Member Services Committee, to pursue a contract with the service provider Chard.net on a preferred provider basis; this would mean that if an agreement is reached, we could indicate that Chard.net services the State Bar and recommend to the Sections that they go first to Chard.net as their listserv provider. While they would not be required, Chard.Net would be recommended as the preferred service. A motion was made and seconded to approve the recommendation. Motion carried.

A new member brochure listing services was distributed and Mr. Cranmer asked that everyone review it and be aware of the services offered by the Bar.

Public Policy, Image and Identity – Nancy J. Diehl, Chairperson
Ms. Diehl asked for comments about the Bar's legislative program, but there were none.

Michigan Court Rules

A motion was made and seconded and carried to approve the following recommendation:

ADM File No. 2000-32 - Proposed Administrative Order Regarding Minimum Standards for Indigent Criminal Appellate Defense Services. The revised standards would replace those adopted in Administrative Order No. 1981-7.

No position taken; authorize Legal Aid Committee to advocate in a letter to the Court that the State Bar supports the position that standards are necessary

Legislation

A motion was made, seconded and carried to approve the following Board actions:

Child Support Legislation

HB 4634 (Murphy) – Children; support; children's trustee for child support; establish in the Department of Treasury. TIE BAR WITH HB 4635 and HB 4636

HB 4635 (Murphy) – Children; support; amount of undisbursed collections; reduce. TIE BAR WITH HB 4634 and HB 4636

HB 4636 (Murphy) – Children; support; child support assurance project; create. TIE BAR WITH HB 4634 and HB 4635

HB 5372 (Garfield) – Children; support; bond requirements for felony nonsupport; increase. TIE BAR WITH HB 5373

HB 5373 (Nofs) – Children; support; bond requirements for felony nonsupport; increase. TIE BAR WITH HB 5372

SB 887 (Hammerstrom) – Children; support; method for reducing child support arrearage to judgments; create.

SB 888 (Van Woerkom) – Children; support; method for reducing child support arrearage to judgments; create.

SB 889 (Stamas) – Children; support; method for reducing child support arrearage to judgments; create.

SB 890 (Patterson) – Children; support; method for reducing child support arrearage to judgments; create.
No position taken on each bill

New Items

HB 5985 (Middaugh) – Courts; juries; procedure for selecting persons for jury service; revise.
Remove

HB 6007 (Stakoe) – Criminal procedure; pleas; motion to withdraw plea of guilty or nolo contendere; require to be made within 1 year after plea is entered and require certain notices to be made.
Oppose in Principle

SB 1295 (Hammerstrom) – Courts; juries; system for requiring jury service and excusing prospective jurors; revise.
Remove

SB 1319 (Van Woerkom) – Children; support; electronic method of payment disbursement to recipients by the state disbursement unit; establish.
Support in Principle

SB 1366 (Cropsey) – Occupations; attorneys; residency requirement for state bar; eliminate.
Active Support

SB 6179 (Taub) – Civil procedure; costs and fees; contingency fees in medical malpractice lawsuits; limit to 1/4 of the settlement plus expenses.
Active Opposition

HR 2971 (Shaw) – To amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes. *Federal Legislation*
Write letter to Michigan Delegation advising them of importance of bill;

Janet Welch introduced the Bar's governmental consultants, Nell Kuhnmuench, and Kurt Berryman. Ms. Kuhnmuench thanked the Board for the opportunity to serve and looks forward to attending future Board meetings.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or questions from Commissioners

Mr. Brinkmeyer asked for comments or questions, but there were none.

Comments or questions from the Public, Old or New business

Mr. Brinkmeyer asked for comments or questions, but there were none.

SPECIAL PRESENTATIONS

Resolution Honoring Retiring Board Members

James Erhart – A resolution was prepared, read, and presented by Kurt E. Schnelz. A copy is attached to these minutes as Addendum II.

Daniel M. Levy – A resolution was prepared, read, and presented by Elizabeth A. Jamieson. A copy is attached to these minutes as Addendum III.

Ms. Diehl recognized immediate past president Scott Brinkmeyer and expressed her appreciation on behalf of the Board and staff. Ms. Diehl presented Mr. Brinkmeyer with a State Bar plaque and photo album.

Mr. Brinkmeyer thanked the Board and staff for a wonderful year.

The meeting was adjourned at 3:20 p.m.