

**STATE BAR OF MICHIGAN
2008-2009 COMMITTEE ANNUAL REPORT**

Article VI §6, Bylaws of the State Bar of Michigan

No later than May 1 of each year, the chair of each committee and sub-entity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or sub-entity.

Committee Name: Standing Committee on the Unauthorized Practice of Law

Jurisdiction: Pursuant to SBR 16, the State of Michigan is authorized and empowered to investigate matters pertaining to the unauthorized practice of law. The Standing Committee on the Unauthorized Practice of Law (UPL Committee) investigates and provides guidance on matters involving the alleged unauthorized practice of the law. The UPL Committee makes recommendations to the Board of Commissioners to file and prosecute actions seeking to enjoin those engaged in the unauthorized practice. The UPL Committee proposes and supports measures to educate the public and the legal profession about unauthorized practice of law issues. The UPL Committee may have more than 15 members.

Chair(s) and Committee Members:

Officer	Name	Address	Telephone	Email
Chair	Christopher G. Hastings	Thomas M. Cooley Law School 111 Commerce Avenue SW Grand Rapids, MI 49205-4105	(616) 301-6800 ext. 6906	cghastings@sbcglobal.net
Staff Liaison	Danon D. Goodrum-Garland	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933-2012	(517) 346-6333	dgarland@mail.michbar.org
Commissioner Liaison	Richard L. Cunningham	Michigan Department of Attorney General 3030 W Grand Blvd. Ste 10-354 Detroit, MI 48202	(313) 456-0204	CunninghamR3@michigan.gov

Members
Barbara BakerOmerod
Michael E. Boersma
Michael A. Braem
Elizabeth Luckenbach Brown
Christopher M. Brown
Alfredo Casab
Stephen J. Gobbo
Ellen Sugrue Hyman
David J. Klippert
Victoria Kremski

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Kevin Macaddino
Melissa F. Miller Manela
Matthew L. Meyer
Michael D. Murray
Thomas P. Murray, Jr.
Meghan Kennedy Riordan
Ramon F. Rolf, Jr.

Committee Meeting Schedule:

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
Regularly scheduled Standing Committee meeting.	October 16, 2008	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
Reviewed matters regarding the alleged unauthorized practice of law; reviewed and proposed updates to informational pamphlets regarding immigration, probate and estates, real property, and the unauthorized practice of law; considered opportunities for public outreach utilizing educational seminars regarding Wills and Trusts matters; considered possible alliances with other professional groups to educate the public and build rapport in addressing common concerns and narrowing differences in defined practice areas; and considered pending legislation as an opportunity to potentially reduce activities of those engaged in the authorized practice of law for a joint project with the SBM Governmental Relations Department.		
Regularly scheduled Standing Committee meeting.	January 29, 2009	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
Reviewed matters regarding the alleged unauthorized practice of law; considered further updates to the informational pamphlets regarding immigration, probate and estates, real property, and the unauthorized practice of law; discussed alliance with AARP and other entities for public outreach seminars; discussed implications and advantages of legal resource centers for pro se litigants; explored opportunity for joint project with SBM Governmental Relations Department; considered policy and practices regarding multidisciplinary practice and implications pertaining to arbitration proceedings; considered collaboration with the American Immigration Lawyers Association to further public outreach; and discussed developing a working definition of the “practice of law” that may be offered as a reasonable alternative to the <i>Dressel</i> opinion.		

Resources provided by the State Bar of Michigan in support of committee work:

The State Bar provides staff support via the administrative assistant of a legal secretary and legal services and department management by staff counsel. The State Bar also provides meeting facilities, meals, telephone conferencing, materials, and documentation production services. In addition, the State Bar staff provides informational pamphlets to SBM members, the general public,

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and to other institutions serving the public to educate the public and legal profession about the unauthorized practice of law.

Committee Activities: The UPL Committee continued its work in prevention and remediation of the unauthorized practice of law. Recent prevention activities have concentrated on updating and revising brochures to educate the general public and licensed professionals in specific areas explaining the value added by the participation of qualified attorneys and the risk of harm caused by unqualified providers. The informational brochures are targeted at areas -- immigration, probate and estate planning, and real estate -- identified as evidencing recurring harm to the general public as a result of persons engaged in the unauthorized practice of law.

The UPL Committee has considered the implications of multi-jurisdictional practice and limited economic resources that sometimes create opportunistic circumstances for persons engaging in the unauthorized practice of law. The proposed adoption of the ABA Model Rule 5.5 regarding multijurisdictional practice remains pending before the Michigan Supreme Court. The UPL Committee continues to monitor development of legal assistance centers for pro se litigants and has engaged in active dialogue with professionals assisting in this area to guard against the unauthorized practice of law and to offer meaningful support to assist the general public in finding low cost legal resources and services.

Litigation has included defense of a collateral attack by Edgardo Perez De Leon of a permanent injunction issued against him in April 2004 by Judge Drain of the Wayne County Circuit Court and joining in the enforcement proceedings against Defendant Perez De Leon initiated by a third-party insurer subjected to the unauthorized practice of law activities of Perez De Leon.

The UPL Committee has continued its investigation of pending legislation, statutes, and court rules that would facilitate the goal of protecting the public from the unauthorized practice of law. This process remains ongoing as no specific target has been identified. In keeping with this mindset, the UPL Committee has renewed its effort to develop a meaningful and workable definition of the "practice of law."

Future Goals and Activities: Continue to expand educational activities, develop and use creative and proactive measures in addressing the unauthorized practice of law, and continue to identify and take advantage of opportunities to work with the SBM Governmental Relations Department to advance legislative measures and other legal remedies to reduce the potential for the unauthorized practice of law and reduce the impact of the associated harm to the general public.

The UPL Committee is scheduled to meet on May 21, 2009, and in August/September 2009 to review matters pertaining to the unauthorized practice of law and educational measures and to conduct other business as needed.

Other Information: Not applicable.