



State Bar Committee Work 2016

Thursday, September 29, 2016

Welcome and Introductions



Lawrence P. Nolan
President

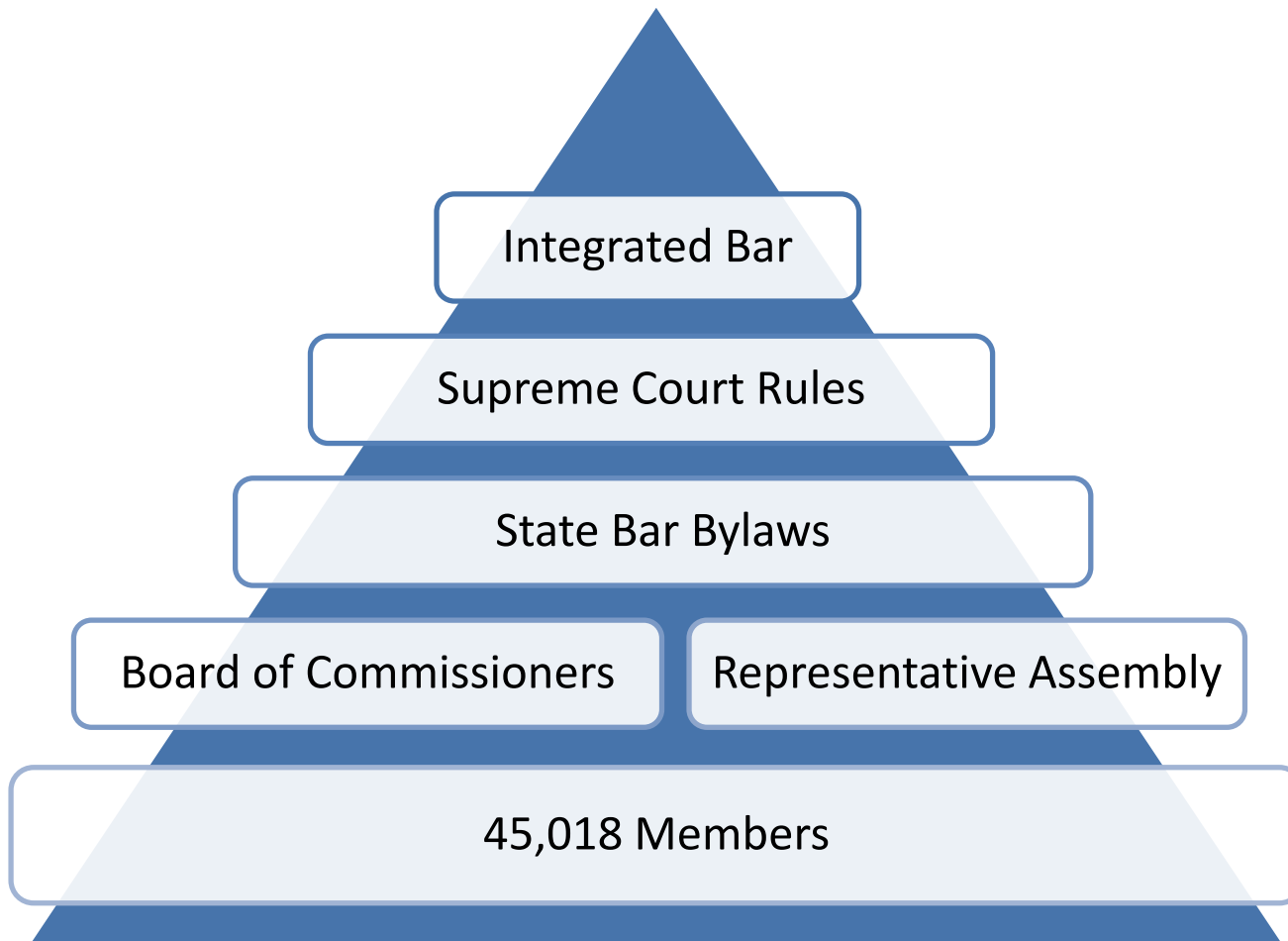


Janet K. Welch
Executive Director



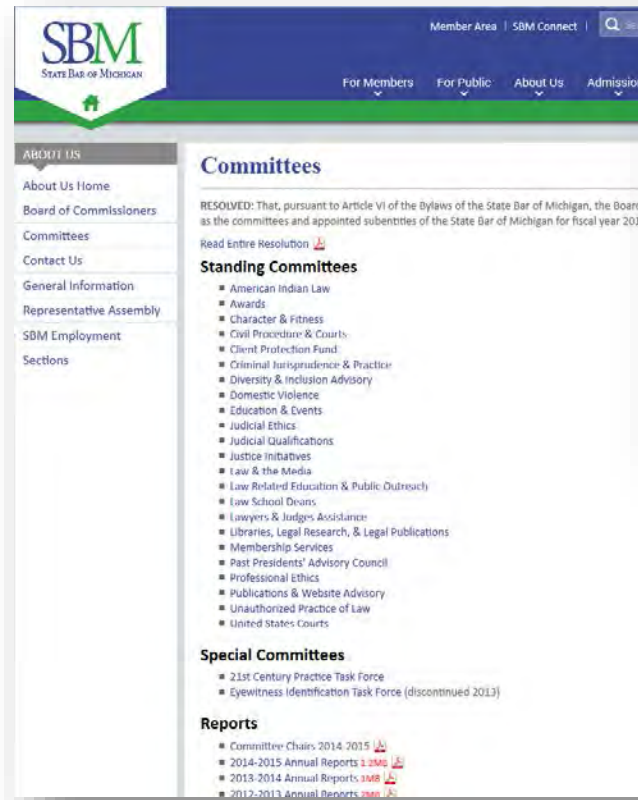
Fred K. Herrmann
Chair Representative Assembly

The State Bar of Michigan



Introduction to Committee Work

- State Bar [Strategic Plan](#)
- Committee Resolution
- Role of standing committees
- [Jurisdictions](#) and [membership](#)



The screenshot shows the State Bar of Michigan website. The header includes the SBM logo and navigation links for 'Member Area', 'SBM Connect', and a search bar. Below the header, there are tabs for 'For Members', 'For Public', 'About Us', and 'Admissions'. The main content area is titled 'Committees' and contains the following information:

RESOLVED: That, pursuant to Article VI of the Bylaws of the State Bar of Michigan, the Board of Commissioners and appointed subentities of the State Bar of Michigan for fiscal year 2014-2015:

Read Entire Resolution [\[PDF\]](#)

Standing Committees

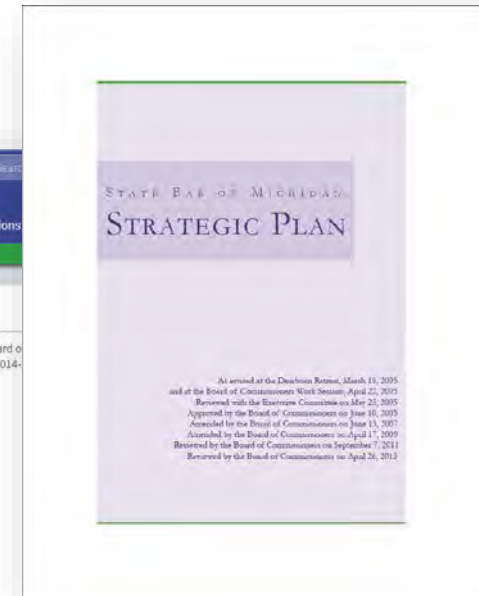
- American Indian Law
- Awards
- Character & Fitness
- Civil Procedure & Courts
- Client Protection Fund
- Criminal Jurisprudence & Practice
- Diversity & Inclusion Advisory
- Domestic Violence
- Education & Events
- Judicial Ethics
- Judicial Qualifications
- Justice Initiatives
- Law & the Media
- Law Related Education & Public Outreach
- Law School Deans
- Lawyers & Judges Assistance
- Libraries, Legal Research, & Legal Publications
- Membership Services
- Past Presidents' Advisory Council
- Professional Ethics
- Publications & Website Advisory
- Unauthorized Practice of Law
- United States Courts

Special Committees

- 21st Century Practice Task Force
- Eyewitness Identification Task Force (discontinued 2013)

Reports

- Committee Chairs 2014-2015 [\[PDF\]](#)
- 2014-2015 Annual Reports [\[PDF\]](#)
- 2013-2014 Annual Reports [\[PDF\]](#)
- 2012-2013 Annual Reports [\[PDF\]](#)



Serving the Public

Serving the Profession

Primarily Special Function

- Annual Meeting
- Awards
- BLI Advisory
- C&F
- Client Protection Fund
- Ethics
- Judicial Ethics
- Judicial Qualifications
- Law and Media
- Law Related Ed/Public Outreach
- Law School Deans
- Lawyer Referral Service
- Lawyers and Judges Assistance
- Libraries, Legal Research and Legal Publications
- Membership Services
- Past Presidents Advisory Council
- Professional Ethics
- Publications and Website Advisory (PWAC)
- Unauthorized Practice of Law
- Upper Michigan Legal Institute

Primarily Policy Development

- American Indian Law
- Justice Initiatives
- Civil Procedures and Courts
- Crim'l Jurisprudence and Practice
- Diversity and Inclusion Advisory
- Domestic Violence
- Justice Initiatives
- US Courts

Recent Task Force & New Work Groups

- 21st Century Practice Task Force, 3 committees
- Steering Committee
- Strategic Planning Committee
- Unbundling Work Group
- Special Committee on Civil Discovery Rules Review
- Advisory Workgroup on Proposed Amendments to the Judicial Tenure Commission Rules

Additional Need-To-Know

- Keller, Administrative Order [2004-1](#)
- Policy work of committees

The screenshot displays the SBM State Bar of Michigan website. The header includes the SBM logo, navigation links for 'Member Area', 'SBM Connect', and a search bar. Below the header, there are tabs for 'For Members', 'For Public', 'About Us', 'Admissions', 'News & Events', and 'Publications'. The main content area features a 'Public Policy Resource Center' section with a photograph of a building and a descriptive paragraph. To the right, there is a 'Searchable Positions Database' section with a brief description and a 'Bills of Interest to Lawyers' section with a 'Submit' button. The bottom of the page shows the SBM logo and the text 'STATE BAR OF MICHIGAN'.

The screenshot shows a document titled 'Order' dated February 3, 2004. The document is identified as ADM File No. 2003-11, Administrative Order No. 2004-01, issued by the State Bar of Michigan. The text of the order discusses the proposed changes and an opportunity for comment in writing and at a public hearing. It references Administrative Order 2004-01 and Administrative Order 1993-0. The order is divided into two main sections: I. Ideological Activities Generally, and II. Activities Intended to Influence Legislation. Section I lists five categories of activities: (A) the regulation and discipline of attorneys, (B) the improvement of the functioning of the courts, (C) the availability of legal services to society, (D) the regulation of attorney trust accounts, and (E) the regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession. Section II lists one category: (A) The State Bar of Michigan may use the mandatory dues of all members to review and analyze pending legislation.

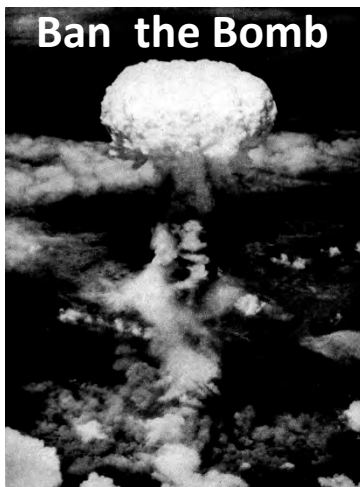


U.S. Supreme Court

**KELLER v. STATE BAR OF
CALIFORNIA**
496 U.S. 1 (1990)

Argued February 27, 1990

- Eddie Keller and 20 other members of the State Bar of California sued the Bar claiming that the Bar expended their mandatory dues to advance political and ideological causes to which they did not subscribe . . .



Like.....



SAVE THE
WHALES



- . . . and that their compelled financial support of these activities violated their First and Fourteenth Amendment rights to freedom of speech and association,

Key Keller holding:

The compelled association and integrated bar are justified by the State's interest in **regulating the legal profession and improving the quality of legal services**. The State Bar may ...constitutionally fund **activities germane to those goals** out of the mandatory dues of all members. It may not, however, in such manner fund activities of an ideological nature which fall outside of those areas of activity.

- The U.S. Supreme Court provided guidance which activities are germane to the State's interest in regulating the legal profession and improving the quality of legal services:

“Compulsory dues may not be expended to endorse or advance a gun control or nuclear weapons freeze initiative;





“At the other end of the spectrum petitioners have no valid constitutional objection to their compulsory dues being spent for activities connected with disciplining members of the Bar or proposing ethical codes for the profession.”

“Precisely where the line falls between those State Bar activities in which the officials and members of the Bar are acting essentially as professional advisers to those ultimately charged with the regulation of the legal profession, on the one hand, and those activities having political or ideological coloration which are not reasonably related to the advancement of such goals, on the other, will not always be easy to discern.”

Administrative order 2004-01

- In response to the *Keller* decision, at the urging of the State Bar of Michigan, the Michigan Supreme Court adopted an order regulating the State Bar's ideological activities. The order tracked the Keller decision by restricting the use of State Bar dues to ideological activities reasonably related to...
- The regulation and discipline of attorneys.
- The improvement of the functioning of the courts.
- The availability of legal services to society.
- The regulation of attorney trust accounts.
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

PUBLIC POLICY

Public Policy Home

At the Bar

Member Comments

SBM Positions

Member Tools

Links of Interest

Positions Database

Public Policy Update

Sections & Committees

Report on Public Policy Position

Name of Section or Committee *

Contact Person *

e-Mail or phone *

Complete Only One of the Three Below

Bill Number

Proposed Court Rule or Administrative Order Number

Other

Date Position was Adopted

Process used to take the ideological position

- Position adopted after discussion and vote at a scheduled meeting
- Position adopted after an electronic discussion and vote
- Other, please explain below

If recommending State Bar action on this issue, complete the following

List any arguments against the position



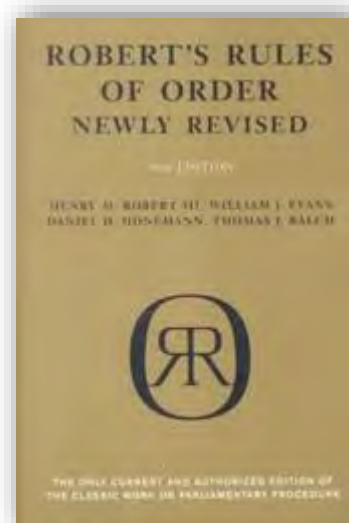
For Legislative Issues Only

This position falls within the following Keller-permissible category

- The regulation and discipline of attorneys
- The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

State Bar Policies Regarding Committees

- Voting/Quorum/Robert's Rules
- Discipline
- Awards



Role of Chair

- Carry out State Bar Strategic Plan
- Follow your jurisdiction
- Partner with staff liaison to set meeting dates and agendas
- See job description



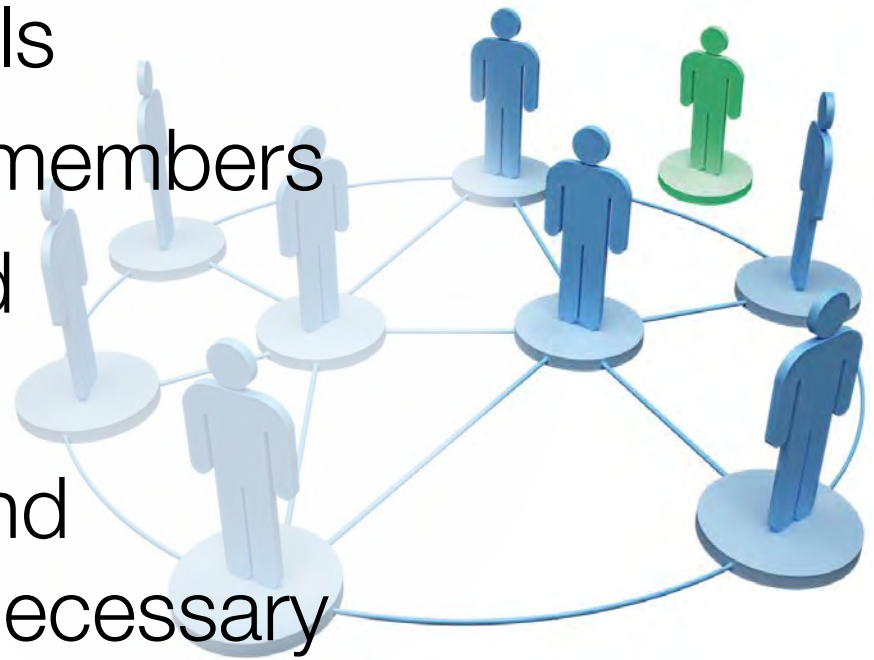
Role of Members

- Communicate with chair and liaison
- Use best effort to attend meetings
- Communicate inability to attend meeting/request excused absence
- See job description



Role of Staff Liaison

- Notice meetings, prepare agenda and materials
- Communicate with members
- Request RSVPs and assure quorum
- Partner with chair and complete tasks as necessary
- See job description



Role of Subcommittees and Work Groups

- Work on projects between meetings
- Partner with staff liaison
- Communicate all activities to chair and committee
- Seek advance approval for projects and budget items



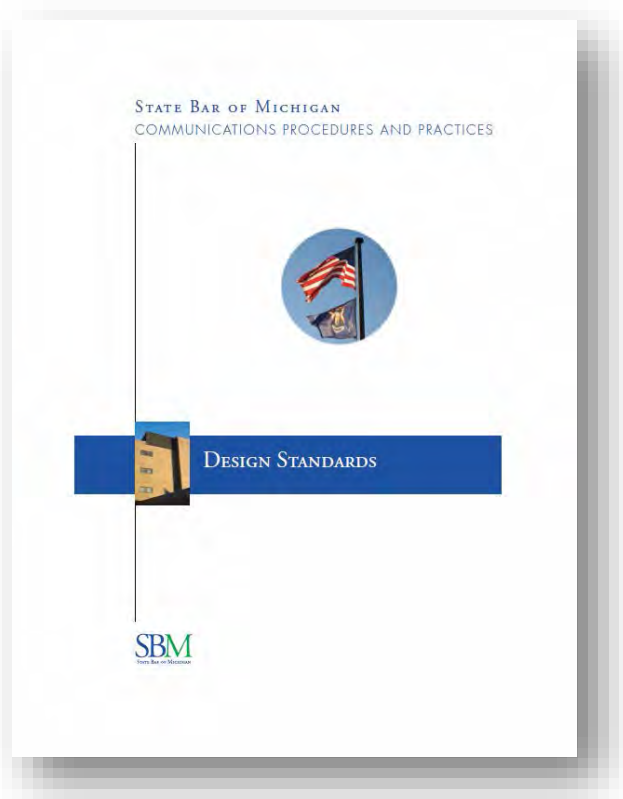
A Word about Communications

- The president speaks on behalf of the State Bar
- Very limited exceptions



A Word about Communications

Logo and design standards



ALTERNATIVE DISPUTE
RESOLUTION SECTION



Budget

- Discuss budget needs for next year and communicate through budget process
- Committee member expenses not reimbursed by State Bar



Importance of Leadership Development, Diversity, Inclusion

- Engaging new leaders
- Respecting diversity and inclusion



Resources

State Bar staff

[State Bar website](#)

[SBM Connect](#)

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The screenshot shows the SBM Connect website. At the top right are links for 'Sections', 'Committees', 'Site Contact', 'Contact Us', 'michbar.org', and a 'Sign In' button. The main header features the 'SBM Connect STATE BAR OF MICHIGAN' logo. Below the header is a navigation bar with links for 'SBM Connect Home', 'Groups', 'Events', 'Browse', 'PMRC Blog', 'Participate', and 'My Profile', along with a search bar. The main content area is divided into two columns: 'Committees with SBM Connect Pages' and 'Helpful Tutorials'. The 'Committees' section includes a note about committee websites and a list of links for '21st Century Practice Task Force - Combined Members', 'Awards', 'Board of Law Examiners', and 'Character and Ethics'. The 'Helpful Tutorials' section includes links for 'Getting Started with SBM Connect', 'Finding your committees', 'How to Find Your Committees', 'How to Use the Library', 'How to Use the Discussion Area', and 'Administrator Functions'.

Question and Answer

- What's on your mind?
- What do you need to be a great State Bar committee member?



What's Happening this year?

