

**State Bar of Michigan
Representative Assembly
September 30, 2010**

SUMMARY OF PROCEEDINGS

The following is a summary of proceedings of the State Bar Representative Assembly session held Thursday, September 30, 2010, at the DeVos Place in Grand Rapids, Michigan.

1. Call to order by Chairperson Elizabeth M. Johnson.
2. Clerk Stephen J. Gobbo declared a quorum (50) was present.
3. Michael Blau moved that the proposed calendar be adopted. Upon a motion made and seconded, the calendar was approved.
4. As provided in Rule 4.8,¹ the Summary of Proceedings of the March 27, 2010 meeting was deemed approved since no objections had been received.
5. Elizabeth Johnson asked for a moment of silence to remember Representative Assembly member Paul Raine who had passed away in July.
6. Jeff Nellis, Chair, Nominating and Awards Committee, addressed the Assembly to fill vacancies for the current meeting pursuant to Rule 6.6.² Upon a motion made and seconded the following were appointed to fill immediate vacancies within their respective Circuits: Daniel Cherrin of Royal Oak (6th Circuit) and Terri Stangl of Saginaw (10th Circuit).
7. Thomas W. Linn and Michael W. Hartman of Miller Canfield, presented the *Unsung Hero Award* posthumously to Kevin J. Moody from Miller Canfield. Nancy Moody accepted the award on her husband's behalf and addressed the Assembly.
8. Chief Justice Marilyn J. Kelly, Michigan Supreme Court, presented the *Michael Franck Award* to John F. Van Bolt of the Attorney Discipline Board. Mr. Van Bolt accepted the award and addressed the Assembly.
9. Jeffrey Kirkey, Institute of Continuing Legal Education presented the *Michael Franck Award* to Sheldon J. Stark of the Institute of Continuing Legal Education. Mr. Stark accepted the award and addressed the Assembly.
10. Chairperson Johnson addressed the Assembly, giving a brief update on her year as Chairperson and also thanked the Assembly members and the State Bar staff for all their support over the years.

¹ Rule 4.8 of the Permanent Rules of Procedure of the Representative Assembly.

² Rule 6.6 of the Permanent Rules of Procedure of the Representative Assembly.

11. Charles Toy, President of the State Bar of Michigan, addressed the Assembly, thanking the Assembly for all their pro bono or extra volunteer work that the members may do and he encouraged the members to continue to take the seriously our professional responsibility to provide pro bono services or to give \$300 so another attorney can provide pro bono services. He ended with a challenge to the Assembly members, to review and update State Bar policies and in doing so we all as a profession will be better equipped to serve and protect the public.
12. Janet Welch, Executive Director of the State Bar of Michigan, addressed the Assembly, introducing the State Bar's launch of an Economics of Law Practice Survey and updating members on other State Bar activities.
13. Ron Keefe, Past President, State Bar of Michigan and Gregory Ulrich, Past Chairperson of the Representative Assembly addressed the Assembly, announcing the new Master Lawyers Section that will debut at this year's Annual Meeting. The eligibility criteria for membership in this Section is age 60 or 30 years of practice.
14. Justice Alton T. Davis and Edward Pappas, Past President, State Bar of Michigan addressed the Assembly on the Judicial Crossroads Task Force, whose work is expected to be completed in October.
15. Krista Licata Haroutunian, Chair, Special Issues Committee addressed the Assembly on the formation of a new Standing Committee of Past Chairpersons of the Representative Assembly. The item was brought before the Special Issues Committee and members voted unanimously in favor of the formation of this committee in concept, which would allow for the utilization of institutional memory for this body. The Special Issues Committee asked that the Assembly as a whole to refer this concept to the Rules and Calendar Committee to allow for a more definitive outline, purpose, direction and bylaws changes. Upon the motion made to refer to the Rules and Calendar Committee and seconded, the Assembly unanimously passed the motion.
16. Elizabeth Lyon, Director of Government Relations addressed the Assembly first on the potential sales tax on legal services that was reported at the March 27, 2010. Action on a sales tax on services is not likely in lame duck, but the new year could bring a renewed look at the issue.

Ms. Lyon also addressed the Assembly on the public defense reform, and the possibility that HB 5676 might become a vehicle for establishing a commission.
17. Vanessa Williams, Representative Assembly member and American Bar Association House of Delegates member gave a brief overview of the ABA Mid-Year Meeting and the proposals that were discussed at the ABA Mid-Year Meeting.

18. Elizabeth Johnson announced to the Assembly that the update and consideration of the Revised Uniform Arbitration Act would remain with the Special Issues Committee as the committee is not yet ready to make its report.
19. Nichole DeVries, Poverty Education Director, Access to West Michigan addressed the Assembly to thank the members for their donations toward the West Michigan food drive.
20. Martin Krohner, Representative Assembly member and co-chair of the Criminal Issues Initiatives addressed the Assembly on the consideration for state legislation that would implement the Uniform Collateral Consequences Act. After discussion a motion was made and seconded that the Collateral Consequences of conviction be referred to the Special Issues Committee for more review.
21. Michael Blau, Representative Assembly member, addressed the Assembly on consideration of a proposed resolution regarding Equal Access to Identification Documentation. The resolution is to support Equal Access to Identification Documentation; specifically, that the Secretary of State should promulgate an administrative rule reflecting the definition of legal presence so that eligible noncitizens may obtain state issued photo I.D.s to document their identity. After discussion a motion was made and seconded that the proposed resolution be referred to the Drafting Committee for review.
22. John Mayer, Representative Assembly member, addressed the Assembly on consideration of a proposed resolution to the Michigan Campaign Finance Act requiring disclosure prior to a judicial election of the source of the funding for all expenditures for campaign advertising. After discussion a motion was made and seconded and the proposed resolution passed.
23. Upon a motion made and seconded, Dana M. Warnez was unanimously elected Clerk of the Representative Assembly.
24. Victoria A. Radke was sworn in as 2010-2011 Chairperson of the Assembly by Chief Justice Marilyn J. Kelly, Michigan Supreme Court.
25. Elizabeth Johnson presented certificates to the outgoing Assembly members whose terms of service expired at the end of the September 2010 Annual Meeting.
26. Elizabeth Johnson presented plaques to the 2009-2010 Committee Chairs for their work over the past year.
27. Chairperson Radke presented a plaque to Elizabeth Johnson in appreciation for all her work over the past year as Assembly Chairperson.
28. Adjournment at 3:57 p.m.