

## MEMO

To: Nicholas Ohanesian, Chair, Representative Assembly  
From: RA Assembly Review Committee  
Date: July 5, 2022  
Re: Report on Recommendations for RA Improvements

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### **ASSEMBLY REVIEW COMMITTEE REPORT ON PROPOSED RA IMPROVEMENTS**

Following the April 9, 2022, Representative Assembly meeting, Chair Ohanesian tasked the Assembly Review Committee with evaluating ongoing concerns about decreased RA participation and how issues come before the RA for consideration.

The Committee met on May 20, 2022, to discuss these issues. The Committee also considered the issues raised and proposals made in the SBM's September 8, 2021 Operation, Structure and Governance Special Committee Report and Recommendations (the "Report"), as well as RA member communications responding to the Report, and the Committee's own RA experiences. To that end, the Committee focused on several areas of potential improvement.

#### **Communication**

The Report as well as member comments and Committee experience highlighted a lack of communication between RA members and their constituents. Many SBM members are unaware that the RA exists, while others don't understand its purpose. That lack of knowledge and awareness hurts the RA and its mission, as there's less willingness for SBM members to seek open seats, and members have less opportunity to comment on issues that come before the RA.

The Committee noted that the SBM Board of Commissioners regularly sends eblasts to its constituents inviting comment on pending issues. The Committee believes that the RA could employ a similar communication model on circuit-by-circuit basis, in order to foster communication between RA members and their constituents. Accordingly, the Committee recommends the following:

- **The SBM create an email list by circuit of all SBM members and divide each list equally between RA members in that circuit; and**
- **The RA requires each RA member to contact their assigned lists prior to each RA meeting, informing their constituents about the meeting and its agenda, soliciting opinions on the issues coming before the RA, and identifying any RA vacancies.**

#### **Meetings/Committees**

The Report noted that the BOC and RA have "an unclear delineation between them arising from the 'final policy-making body' language," which has been a "source of confusion, ambiguity, and frustration since at least 1978." Moreover, given that the RA only meets twice a year, and the BOC meets more frequently, the result is that the BOC often addresses more pertinent, time-sensitive policy issues, leaving the RA to address less-substantive issues. While the Committee

believes that the current hybrid model of in-person and Zoom participation at RA meetings provides the best opportunity for participation, it also believes that only holding two meetings per year is insufficient to allow the RA to perform its role as the final policy-making body. Accordingly, the Committee recommends the following:

- **The RA moves from holding two meetings per year, to meeting quarterly, with members permitted to participate either in-person or by Zoom.**
- **The RA create a mechanism for the Chair to call special meetings in order to address time-sensitive issues.**

By meeting more frequently and permitting virtual participation, the RA will encourage participation from all SBM members (not just the ones that can make the trip to Detroit, Lansing or Grand Rapids). And by holding quarterly meetings and permitting the Chair to call special meetings, the RA will be in a much-better position to quickly address time-sensitive substantive issues.

The Committee also recommends that:

- **The RA evaluate whether to create issue committees within the RA and to restructure how SBM members and outside groups submit proposals to the RA**

The Committee acknowledges that the current procedure for bringing substantive issues to the RA's attention is confusing, time-intensive and limited. There is no mechanism for SBM members, committees, bar associations or outside groups to directly submit issues to the RA. Instead, they must locate an RA member that will raise the issue on their behalf. Various bar organizations (such as the OCBA) have substantive committees that meet regularly to address issues and make recommendations on issues impacting their practice areas.

The Committee believes that the RA could benefit from additional issue-specific committees. And those committees could serve as the initial point of contact for proposals from SBM members, committees, bar associations and outside groups. The committees would evaluate those proposals and submit them (with or without recommendation) for full RA consideration at a quarterly meeting. Because this would be a major structural change to the RA, the Committee believes more study is needed.

### **Membership**

The Committee notes the time and effort expended by RA members and committees to fill vacant RA seats. The Committee hopes that with better communication between RA members and their constituents, along with the other proposed changes, there will be more interest among SBM members in joining the RA.

However, the Committee also believes that the RA should take steps now to improve and maintain participation. First, the Committee recommends eliminating RA term limits. While initially designed to encourage broader participation and to allow anyone the opportunity to run for an open seat, the current practical impact is that RA members with institutional knowledge are required to leave the RA, often with their seats remaining unfilled. This change would allow

active, participating members to continue their RA roles (without interruption) and should reduce the number of RA member vacancies.

The Committee also recommends that the RA consider whether the current circuits (and members per circuit) is appropriate. The Board of Commissioners has nine districts, contested elections and no vacancies, while the RA has 57 circuits (some completely vacant), with few contested elections. The Committee believes that the RA should study reducing/combining RA circuits and members per circuit.<sup>1</sup>

**Conclusion**

The Committee strongly believes that the RA should continue in its current form but with necessary changes to encourage more participation and to permit the RA to accomplish its purpose as the final policy-making body. The Committee recommends that the RA enact some of these proposals immediately (communications, meetings and term limits) and further study the other issues (committee structure and circuit composition).

The Committee stands ready to submit these proposed changes for full consideration at the next RA meeting.

/s/ Patrick D. Crandell, Chair, RA Assembly Review Committee  
John R. Blakeslee, Member  
Robin E. Dillard-Russaw, Member  
Jason W. Johnson, Member  
Rudolph F. Perhalla, Member

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<sup>1</sup> There was not unanimous consent in the Committee for the concept of combining circuits.

**To:** Nicholas M. Ohanesian, Chair of the State Bar of Michigan Representative Assembly (“RA”)

**From:** RA Nominations and Awards Committee (“Committee”)

**Re:** Recommendations to Enhance on Expand Membership in RA

**Date:** July 1, 2022

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The Committee has been tasked with brainstorming recommendations to expand and enhance member engagement with the RA. The following list highlights various proposals of the Committee members:

- 1. Permit “adjacent” representation.** Currently, RA membership is limited to attorneys with an official State Bar of Michigan (“SBM”) address located in the represented district. In order to expand the potential for participation, representation of a district can be open to any attorney with an official SBM address in the district proper or an adjacent district.
- 2. Strategic promotion with clear messaging about the benefits and responsibilities for serving on the RA.** Several RA members note to being unaware of the RA except through “word of mouth.” Better marketing would likely help fill vacancies, such as a recurring column in the Michigan Bar Journal highlighting the role of the RA and the issues to be addressed at upcoming meetings.
- 3. Improved networking opportunities for RA members.** Other than the periodic business meetings, there have been no opportunities for expanded networking recently. In part this is due to the COVID-19 pandemic and the restrictions around socialization. Moving forward, if there are more opportunities to network and build relationships within the RA, the culture may improve and encourage a more active representative assembly.
- 4. Training opportunities for new RA members.** A new member orientation, retreat, or training series could alleviate some confusion on the role and the responsibilities for the RA.
- 5. Maintain and expand online or telephonic utilization and virtual meetings.** Increasing the modes by which RA members can attend meetings can drastically improve participation, as not every attorney is able to participate in person.
- 6. Clarify scope of RA roles and responsibilities.** Many of the RA actions are recommendations to the Michigan Supreme Court (“MSC”). Should the MSC permit a delegation to the RA of specific identified roles and responsibilities that do not require approval by the MSC, more attorneys may be encouraged to participate knowing their time and effort has stakes.
- 7. Stipends for participation.** Right now, RA members only are paid expenses for working on the RA. Should the SBM provide a stipend for meeting attendance or reduce the SBM annual dues if an RA member, competition for RA vacancies might increase.

**From:** Mike Hanrahan <[mike@cbhattorneys.com](mailto:mike@cbhattorneys.com)>  
**Date:** June 30, 2022 at 11:20:52 EDT  
**To:** Nicholas Ohanesian <[nickohanesian@yahoo.com](mailto:nickohanesian@yahoo.com)>  
**Subject: Re: Outreach and Hearings Committee**

Chairman Ohanesian,

Several months ago, you requested that the Outreach and Hearings Committee of the Representative Assembly issue a report regarding the opinions, processes, and procedures associated with a RA newsletter.

Our committee was able to meet about two weeks ago, on June 17th , to discuss the issue and provide recommendations. This informal email is our report; if, however, there is a more formal report you would like issued, I can revise accordingly.

Conversation between the Outreach and Hearings committee centered around the successful communications that have come from the RA in the past. Particularly, the State Bar dues increase was seen as a success in how the information was disseminated and to whom it was sent (i.e. representatives of circuits to be forwarded out to their local bars/circuits). The fact that RA members were able to filter the information to their geographic regions was seen as a quick and effective way to engage with their local bars/circuits/geographic colleagues. This transmission of information was highly regarded among the committee. The committee also believed that a summary of events immediately following an RA meeting would prove tremendously helpful but only if it was "short and sweet."

The committee also brought up several of the negatives of a potential newsletter and how newsletters are generally received. Particularly, emails of different state or local bar groups, more often than not, end up in the trash rather than dissected. When newsletters are randomly distributed, unexpectedly, little thought is given to them.

The idea of transmitting information from the RA to members and other State Bar groups is universally seen as important but newsletters did not seem to be the overwhelming way to transmit information. With current technology and readily available websites that are cheap and/or easy to use, some brief conversation was had as to how to utilize a more effective method of communication with RA members.

Websites like Reddit have paved the way for segmented conversation, where a topic can be broken down into subtopics and shared among certain members, or all members. The moderator of the online forum can add or delete, grant or un-grant, permissions for those members or non-members to join a conversation or sub-topic. Reddit does not have to be the choice but is only used here for purposes of an example. There are readily available free websites similar to Reddit, a ListServ can be established, or utilization of free Apps (such as "Discord") are downloadable to your phone that allows for segmented conversation.

These types of websites, email chains, or apps can be utilized to allow for summaries of past meetings, can provide a range of customizable access to members (or non-members), and would allow for numerous threads/topics of conversation.

With this being said, the Outreach and Hearings committee is all for the dissemination of RA information but believe that newsletters may be an outdated model to do so. Utilizing free websites or apps with a moderator being an RA member, would accomplish the goals set out in a newsletter but in a more modern and streamlined fashion.

I hope this provides some context to our conversations and provides you with thoughts on how to better serve the RA members in engaging conversation and disseminating information. Please let me know if you have any questions, or again, if you believe my report should be in a more formalized fashion.

Best,

Mike

Michael P. Hanrahan