MICHIGAN
BAR JOURNAL
NOVEMBER 2024

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MICHIGAN
BAR JOURNAL

NOVEMBER 2024 | VOL. 103 | NO. 10

OF INTEREST

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BOARD OF COMMISSIONERS MEETING SCHEDULE

NOVEMBER 22, 2024
JANUARY 24, 2025
MARCH 7, 2025
APRIL 25, 2025
JUNE 13, 2025
JULY 25, 2025
SEPTEMBER 2025 (TBD)

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MEMBER SUSPENSION FOR NONPAYMENT OF DUES

This list of active attorneys who are suspended for nonpayment of their State Bar of Michigan 2023-2024 dues is published on the State Bar's website at michbar.org/generalinfo/pdfs/suspension.pdf.

In accordance with Rule 4 of the Supreme Court's Rules Concerning the State Bar of Michigan, these attorneys are suspended from active membership effective Feb. 15, 2024, and are ineligible to practice law in the state.

For the most current status of each attorney, see our member directory at directory.michbar.org.

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MONEY JUDGMENT INTEREST RATE

MCL 600.6013 governs how to calculate the interest on a money judgment in a Michigan state court. Interest is calculated at six-month intervals in January and July of each year from when the complaint was filed as is compounded annually.

For a complaint filed after Dec. 31, 1986, the rate as of July 1, 2024, is 4.359%. This rate includes the statutory 1%.

A different rule applies for a complaint filed after June 30, 2002, that is based on a written instrument with its own specific interest rate. The rate is the lesser of:

13% per year, compounded annually; or

The specified rate, if it is fixed — or if it is variable, the variable rate when the complaint was filed if that rate was legal.

For past rates, see https://www.michigan.gov/taxes/interest-rates-for-money-judgments.

As the application of MCL 600.6013 varies depending on the circumstances, you should review the statute carefully.

DUTY TO REPORT AN ATTORNEY'S CRIMINAL CONVICTION

All Michigan attorneys are reminded of the reporting requirements of **MCR.9120(A)** when a lawyer is convicted of a crime

WHAT TO REPORT:
A lawyer's conviction of any crime, including misdemeanors. A conviction occurs upon the return of a verdict of guilty or upon the acceptance of a plea of guilty or no contest.

WHO MUST REPORT:
Notice must be given by all of the following:
1. The lawyer who was convicted;
2. The defense attorney who represented the lawyer; and
3. The prosecutor or other authority

WHEN TO REPORT:
Notice must be given by the lawyer, defense attorney, and prosecutor within 14 days after the conviction.

WHERE TO REPORT:
Written notice of a lawyer's conviction must be given to **both**:

Grievance Administrator
Attorney Grievance Commission
PNC Center
755 W. Big Beaver Road, Suite 2100
Troy, MI 48084

Attorney Discipline Board
333 W. Fort St., Suite 1700
Detroit, MI 48226

RECENTLY RELEASED

MICHIGAN LAND TITLE STANDARDS

6TH EDITION
8TH SUPPLEMENT (2021)

The Eighth Supplement (2021) to the 6th Edition of the Michigan Land Title Standards prepared and published by the Land Title Standards Committee of the Real Property Law Section is now available for purchase.

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IN MEMORIAM

DAVID G. CAIN, P33265, of Franklin, died July 29, 2024. He was born in 1955, graduated from Wayne State University Law School, and was admitted to the Bar in 1981.

GERALD J. CONNOLLY, P12137, of Northville, died Sept. 26, 2024. He was born in 1931, graduated from Wayne State University Law School, and was admitted to the Bar in 1966.

CHARLES E. DONAHUE, P27267, of Marshall, died Oct. 9, 2024. He was born in 1933, graduated from University of Detroit School of Law, and was admitted to the Bar in 1977.

DEAN L. ELLIS, P13159, of Bloomfield Hills, died Aug. 11, 2024. He was born in 1937, graduated from University of Detroit School of Law, and was admitted to the Bar in 1966.

JOAN DEAN MARROSO, P25454, of Owosso, died Sept. 23, 2024. She was born in 1937, graduated from Wayne State University Law School, and was admitted to the Bar in 1975.

JOHN P. MAYER, P17238, of Valparaiso, Indiana, died Sept. 10, 2024. He was born in 1939 and was admitted to the Bar in 1971.

DAVID S. McCURDY, P24095, of Cadillac, died Aug. 22, 2024. He was born in 1949 and was admitted to the Bar in 1974.

SHAWN KEVIN OHL, P63030, of Rochester Hills, died May 7, 2024. He was born in 1974, graduated from Wayne State University Law School, and was admitted to the Bar in 2001.

NORMAN J. PURCELL, P19137, of Ypsilanti, died Feb. 17, 2024. He was born in 1931, graduated from Wayne State University Law School, and was admitted to the Bar in 1972.

ERWIN A. RUBENSTEIN, P19724, of Birmingham, died May 1, 2024. He was born in 1933 and was admitted to the Bar in 1962.

JOHN C. SAVAGE, P44399, of Sarasota, Florida, died Oct. 9, 2024. He was born in 1927 and was admitted to the Bar in 1991.

JOHN L. SHOEMAKER, P24725, of Houston, Texas, died July 22, 2024. He was born in 1948 and was admitted to the Bar in 1975.

SHAWN MICHAEL YOST, P77636, of Granby, Connecticut, died Sept. 4, 2024. She was born in 1972, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 2013.

In Memoriam information is published as soon as possible after it is received. To notify us of the passing of a loved one or colleague, please email barjournal@michbar.org.

NEWS & MOVES

ARRIVALS AND PROMOTIONS

KAREN COLLINGSWORTH-CRUSSE, KELSEY M. HALL, and **ANDREW J. LORELLI** have joined Plunkett Cooney in Bloomfield Hills.

REGAN K. DAHLE has joined Butzel's Ann Arbor office as a shareholder.

JOHN R. FIFAREK has joined the Lansing office of Fraser Trebilcock.

JEFF HEWLETT has joined the Birmingham office of Varnum.

TYLER KNUREK and **MARGARET LINDAUER** have joined Kemp Klein Law Firm in Troy.

GRANT SEMONIN has joined Bodman in Grand Rapids.

JAMES W. TAYLOR III has joined Fishman Stewart in Troy.

ALEXANDER J. THIBODEAU has joined Warner Norcross + Judd in Grand Rapids as an associate.

DANIEL ZIEGLER has joined the Ann Arbor office of Dickinson Wright as an associate.

AWARDS AND HONORS

ASHLEY G. CHRYSLER, a partner at Warner Norcross + Judd in Grand Rapids, was named by Crain's Grand Rapids Business as one of its 40 Under 40 business leaders for 2024.

JAMES L. LIGGINS JR. with Warner Norcross + Judd in Kalamazoo was recognized on Crain's Grand Rapids Business list of Notable Black Leaders.

ERIC LUNDQUIST JR. was appointed as a referee for the Macomb County Circuit Court Juvenile Division.

PAUL M. MERSINO, Butzel president and CEO, was recognized on DBusiness magazine's Detroit 500 list of business leaders for 2024.

DENNIS RICKERT was appointed as a magistrate for the 72nd District Court in St. Clair County.

MARK WASSINK, managing partner at Warner Norcross + Judd in Grand Rapids, was named to the Grand Rapids 200 list by Crain's Grand Rapids Business.

LEADERSHIP

HEIDI A. LYON, a partner with Warner Norcross + Judd in Grand Rapids, has been elected as a fellow of the American College of Employee Benefits Counsel.

SARAH A. NICHOLSON, a partner with Warner Norcross + Judd in Kalamazoo, has been elected as a fellow of the American College of Trust and Estate Counsel.

PRESENTATIONS, PUBLICATIONS AND EVENTS

The **INGHAM COUNTY BAR ASSOCIATION** hosts its 14th annual Meet the Judges event on Thursday, Jan. 9, at the University Club in Lansing.

The **ITALIAN AMERICAN BAR ASSOCIATION OF MICHIGAN** hosts its Winter Gala on Saturday, Dec. 7, at Elevate at One Campus Martius in Detroit.

KEMP KLEIN LAW FIRM will produce its first podcast, "Pro Bono with **ED NAHHAT**", anchored by the firm shareholder.

HAVE A MILESTONE TO ANNOUNCE?

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MICHIGAN BAR JOURNAL

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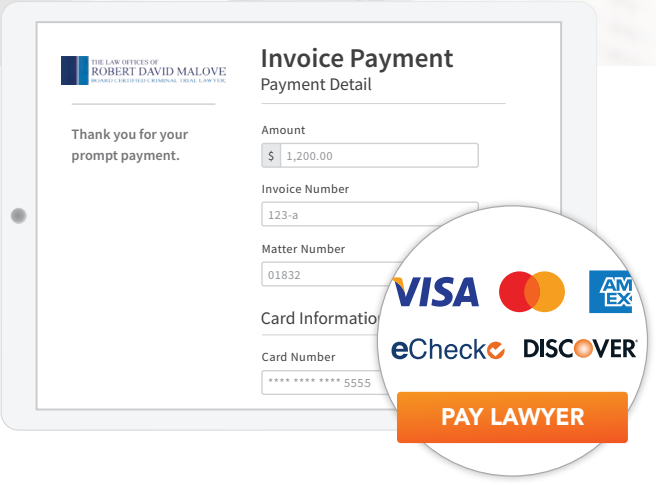

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The seven habits of civil lawyers

BY TRENT COLLIER

In the late '80s and early '90s, Steven Covey's "The 7 Habits of Highly Effective People" was everywhere. It was on every bestseller list and in every bookstore. "7 Habits"-themed stores were popping up in shopping malls. Even President Bill Clinton consulted with Covey on management.

I was a teenager when the "7 Habits" phenomenon arose and, at first, I thought it was cheap, self-help nonsense. But when a copy of the book landed on my dad's bedside table, that was endorsement enough to warrant at least a skim. To my surprise, the book made points that remain with me to this day.

One anecdote stands out. Covey tells the story of a time when his son was really flaking out. (Being an extremely flaky teenager myself, I may have paid extra attention to this anecdote.) So Covey had to talk to his son, right the ship. He realized he could have delivered a blistering lecture and demanded better performance in school and better behavior at home. But he knew what would happen: His son would get defensive and the whole encounter would be useless.

Covey decided to put aside his more immediate goal and focus on his son. He chose to get a better sense of what was going on in his son's life and really listen. Only then — only with this foundation laid — could he have a real talk with his son about where his life was heading. And that's essentially what happened. Covey put in extra time listening and just being present for his son. Then, with this foundation, he was able to have a genuine conversation about his son's choices.

This anecdote reflects the whole thrust of Covey's book. We want things quickly and we act reflexively. But it's far more effective to put in time building relationships, working on understanding, and acting with intention. Then we can be more effective in relationships and at work.

The same ideas apply to civility in the legal profession. It's not something you can just turn on with a flip of a switch. The lawyers who are truly civil — and make civility work for their clients — put in time building relationships and working on understanding others. With that in mind, and in the spirit of the late Mr. Covey, here are the seven habits of highly civil lawyers.

1. A CIVIL LAWYER BUILDS RELATIONSHIPS WITH LAWYERS ON THE OTHER SIDE OF THE *V.*

Back when I was interviewing with firms seeking a summer associate, I met with a somewhat frightening senior partner from a firm in Cleveland. When asked if I had any questions, I decided to go bold. I asked him what, in his view, were the biggest ethical pitfalls of his practice.

He paused for so long I thought he was going to call security. Instead, he finally said, "You know, I sometimes take the *v.* too personally."

I know now what he meant. We all take the *v.* too seriously sometimes, acting as if lawyers on our side always have access to the truth and justice while lawyers on the other side are barbarians groping in the dark. Of course, that's not true. Civil lawyers remember that. Better yet, they join bar organizations where they work and develop relationships with lawyers from the other side of the *v.* Nothing combats incivility as effectively as knowing the names of your opponent's children or hacking through a round of golf together. One of the best ways to develop civility, in other words, is to do what Covey did with his son: invest time.

2. A CIVIL LAWYER MANAGES THEIR TIME TO AVOID LAST-MINUTE, STRESS-INDUCING TIME CRUNCHES

Last-minute crises lead to stress and stress leads to incivility. (Okay, I'm paraphrasing Yoda's "fear leads to anger" talk a little.) Civil lawyers leave themselves time to sit on drafts before filing. They have time to reflect. They have time to consult with colleagues and, when necessary, time to cool down. They avoid putting themselves into the pressure cooker of last-minute filings, an emotional stew that makes it easy to act thoughtlessly. They're better able to use the soul-nourishing parts of their lives (time with family, reading, meditation, fishing, whatever) to maintain an equilibrium. It's hard to get ahead of your workload. But staying ahead sets you up for civility.

3. A CIVIL LAWYER KNOWS THE STRENGTHS OF THEIR OPPONENT'S SIDE AND THE WEAKNESSES OF THEIR OWN

A quick path to incivility is believing that you have exclusive access to truth and justice. It's hard for the righteous crusader to also be a civil crusader. Civil lawyers tend to understand the weaknesses in their own cases and the strengths in their opponents' cases. That's not just civil; it's good lawyering. Sure, it can feel good to believe that your opponents personify evil and ignorance. But that doesn't lead to better outcomes for your clients. In reality, it limits your ability to understand your opponent's position — and that limits your ability to counter that position.

4. A CIVIL LAWYER DISTINGUISHES CASE-ALTERING DECISIONS FROM CASE-NEUTRAL DECISIONS

Just about every decision a lawyer makes fits into one of two boxes: decisions that can affect the outcome of a case or decisions that are unlikely to affect the outcome of a case. When an opponent wants to expand the record, that could affect the outcome. Saying "no" is reasonable. But when an opponent wants a couple extra weeks to file a brief? Not so much.

A civil lawyer distinguishes requests in the first category from those in the second. In doing so, a civil lawyer regularly improves relations between the parties without sacrificing their client's position. Quite the contrary: Everybody needs an extension sometimes. Saying yes to an opponent lays the groundwork for similar accommodations later.

5. A CIVIL LAWYER REMEMBERS THAT THEY ARE CHALLENGING IDEAS, NOT INDIVIDUALS — USUALLY

It is hard not to take our practices personally, especially given how hard we all work. But in most cases, we're not really battling each other; we're debating ideas. So we often have a choice to make about how to phrase our arguments: Do we attack ideas or do we attack people? Do we write that the plaintiff tried to mislead the court in citing *Smith v. Jones* or do we write that the plaintiff's argument mistakenly relies on *Smith v. Jones*? It's a simple shift in phrasing, but it transforms a personal argument into one that really focuses on the business before the court. This kind of shift — speaking to the core issues and avoiding personal attacks — upholds a lawyer's fundamental duty of professionalism and can only benefit their clients.

6. A CIVIL LAWYER ASSUMES THAT PEOPLE ARE ACTING IN GOOD FAITH (UNTIL THEY HAVE REAL EVIDENCE OF MISCONDUCT)

Many of us start to get a little cynical after we've practiced for a while. But if we reflect on our careers honestly, we'll likely realize that most people we've encountered have *not* been deceitful or malicious. Of course there are some bad actors. But, by and large, the bar is full of people doing their honest, level best.

Civil lawyers keep that in mind, engaging with other lawyers as if they're honorable people with good intentions. They certainly keep their radar attuned to any misbehavior that might harm their clients' causes, but civil lawyers start with the presumption that people have good intentions. That creates more civil communication and less wasteful litigation.

7. A CIVIL LAWYER KEEPS WINS AND LOSSES IN PERSPECTIVE

Civil lawyers tend to take both wins and losses in stride, not putting too much stock in either. First, that's just reasonable lawyering. A win or loss is rarely the final word. (As an appellate lawyer, that fact is my bread and butter.) Second, this perspective helps lawyers conduct themselves with civility throughout a proceeding. Rarely is litigation a life-or-death matter. You can be a zealous advocate while still resisting our tendency as human beings to blow things out of proportion.

CONCLUSION

The common thread here is one that Steven Covey identified back in the days of VCRs and trips to Blockbuster. Effective action — in this case, civil action — means planting seeds long before we're called to act. If we shrug off the idea of civility when we're untroubled by ethical dilemmas, we won't be very effective in facing those dilemmas once they arise. A civil lawyer builds relationships and manages their perspective before there's a challenge to their ethics and civility.

Civility, in other words, is a habit. And cultivating that habit makes for highly effective lawyers.

Trent Collier is an attorney with Collins Einhorn and Farrell in Southfield where he focuses on civil appeals, professional liability defense, and commercial litigation.

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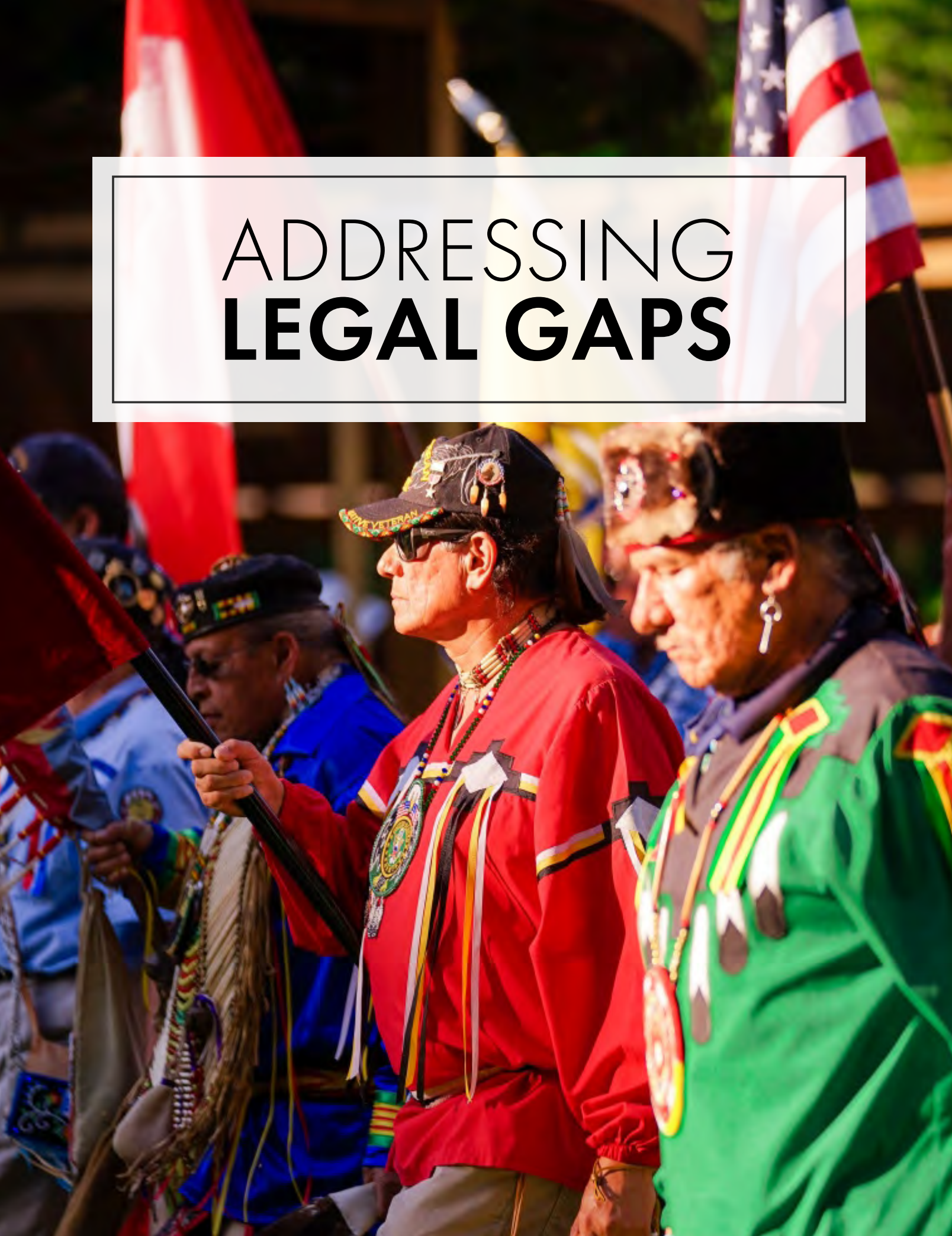

ADDRESSING **LEGAL GAPS**

The case for more attorneys in tribal courts

BY MARK DEDENBACH

"Amazing the things you find when you bother to search for them"

– Sacagawea, Shoshone guide to Lewis and Clark

Years ago, between my junior and senior years in college, I signed up to become an AmeriCorps VISTA volunteer. As luck would have it, my class of VISTAs was the first to have some of its volunteers trained to work as paralegals in a poverty law office. I was assigned to work for the Cook County Legal Assistance Foundation in Chicago. It was a life-altering experience. To this day, the talent, resolve, and dedication of those attorneys remains an inspiration.

After my volunteer year ended, I returned to finish college, then grad school. Throughout that period, I remained moved by my VISTA experience. Then I enrolled in law school.

When I entered private practice, I always made sure that my name was on a court-appointed list so I could represent clients who could not afford a lawyer. It was my way to pay back — and pay homage — to those dedicated attorneys I worked with during my time with VISTA.

Today, Michigan attorneys have a tremendous opportunity to similarly serve their communities without having to give up or move their practices. Tribal courts throughout the state do not have enough licensed attorneys admitted to practice law before them. They need more lawyers!

In addition to having their own cultures, tribal communities are also sovereign nations. Tribes enjoy powers of self-governance. They can form their own governments, make and enforce laws, exercise taxing authority, establish tribal membership, license and regulate their resources and activities, and exclude people from tribal lands. The federal and state governments recognize them as independent entities.

The 12 federally recognized tribes in Michigan have their own laws, governance structures, and control over their resources. They also have tribal courts in Allegan, Baraga, Calhoun, Cass, Chippewa, Delta, Emmet, Gogebic, Isabella, Leelanau, and Manistee counties. Information on how to contact the courts and copies of tribal constitutions, codes, court rules, and opinions are available at the Michigan Indian Legal Services website.[1]

In December 2019, Michigan Indian Legal Services (MILS) began work on developing a comprehensive statewide legal needs assessment. Two of the top areas of legal needs identified were civil and criminal representation in tribal courts. Civil representation was named an important or very important legal issue by 85% of survey respondents in the areas of family law, employment law, consumer issues, landlord-tenant, and other housing-related issues. Similarly, approximately 83% of respondents indicated that criminal representation was lacking. Among the comments from one focus group:

- "I'm not sure how it happened but a lot of the attorneys we used to utilize have retired … here in Manistee and Benzie [counties]. [T]he pool we used to have pretty much no longer exists. In this area, there are very few attorneys left."

- "[T]he civil representation and the criminal representation are definitely huge needs right now. The need for good attorneys is huge."[2]

BEGIN THE JOURNEY

The idea of practicing in a tribal court can seem intimidating for any attorney without experience because it is natural to assume that it is quite different. The good news is that making that transition is far easier than most would believe.

If you are not currently working with Native Americans clients but wish to get more involved with or transition into that area of law, beginning the journey is not difficult. Just as the federal government and every state has its own laws, so too does every tribe have its

IN PERSPECTIVE

MARK DEDENBACH

own laws. Of the 12 federally recognized tribes in our state, most have similar procedures for attorneys to be admitted to practice in tribal courts. Most tribes have potential admittees call the tribal court or send a letter requesting admission, and many have lawyers complete an application form. Some require attorneys to submit a certificate of good standing. Virtually all of them have attorneys take an oath of admission — it is either administered by the court orally or the lawyer signs a copy of the oath before a notary — and only a couple courts have admission fees. There is no bar exam; you just have to have been admitted to your state's bar.

Once admitted to the tribal court, attorneys can represent their retained clients and if they choose, they can be placed on the court-appointed counsel list and earn the prevailing attorney fee. Tribal courts throughout Michigan appoint lawyers to handle juvenile delinquency, child welfare, criminal matters, and other cases. In addition to being an additional source of income, attorneys can increase the likelihood of being assigned to future cases and connect with people and organizations who might be retaining or hiring attorneys in the future.

PRACTICING IN TRIBAL COURTS

Practicing in tribal courts is not that different than practicing in state courts. For the most part, tribal courts primarily follow customary black-letter law and procedural rules. Often, tribal laws dovetail quite nicely into attorneys' customary practices. When it does not, tribal codes and rules are not difficult to navigate. Most tribal codes, court rules, and court opinions can be found online.[3] Tribal court opinions can also be found on both Westlaw and LexisNexis.

There are many other resources available to lawyers. Attorneys can always observe tribal court proceedings. The State Bar of Michigan has an American Indian Law Section with members who would be happy to discuss tribal practice with you and provide guidance.

Serving before a tribal court judge offers an invaluable training ground. It provides an opportunity to better understand the complex jurisdictional issues and intricate interplay between tribal, state, and federal laws. In addition, lawyers can enhance their incomes and legal skills, including legal research, writing, and advocacy, while contributing to the administration of justice for the original peoples of this land.

In addition to gaining professional experience, practicing in tribal courts can also provide firsthand exposure to the unique legal systems, cultural contexts, and community dynamics within Native American tribes. Lawyers gain insight into alternative approaches to justice that emphasizing community involvement, healing, and restoration while becoming familiar with and honoring tribal traditions. Lawyers working in tribal courts develop meaningful relationships with tribal communities, tribal leaders, and fellow legal professionals and gain cultural competency by navigating tribal customs, traditions, and protocols essential for effective legal practice in Indian Country.

Lawyers can take that knowledge to advocate for tribal sovereignty, tribal rights, and the well-being of Native American communities. Participating in tribal courts gives attorneys an opportunity to contribute to the development of tribal jurisprudence and protection of individual Native American and tribal interests.

CONCLUSION

Joining a tribal bar not only enriches legal careers and benefits the Native American communities, but it also fosters a deeper understanding of justice and its role in serving all members of society. It is an endeavor that benefits those who begin the journey. From personal experience, I can state that it is worth the journey. Give it a try.

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Marc T. Dedenbach is a staff attorney with Michigan Indian Legal Services.

ENDNOTES

1. Michigan Indian Legal Services, *Tribal Law Research* <https://www.mils3.org/self-help-and-education/other-topics/tribal-law-research> [https://perma.cc/AWA3-RQUT] (all websites accessed October 31, 2024).
2. Michigan Indian Legal Services, *Statewide Needs Assessment*, issued March 2023 <https://drive.google.com/file/d/1xNyxEieyN3bbGWUmFvLlOiI8lYl_ksLH/view?usp=sharing> [https://perma.cc/5789-NRDD].
3. *Tribal Law Research*.

OF INTEREST

MSBF celebrates 40 years of fellows program

The Michigan State Bar Foundation celebrated the 40th anniversary of its fellows program on Wednesday, Sept. 18, bringing together members of the legal community for a reception at the Michigan Hall of Justice in Lansing.

Following opening remarks from Hon. Victoria Roberts, the fellows chair, MSBF President Craig Lubben provided a brief overview of the foundation's accomplishments during the year, highlighted by increased funding for annual civil legal aid grants. Michigan Supreme Court Chief Justice Elizabeth Clement followed with remarks about the partnership and judiciary's efforts to improve access to justice.

The foundation also presented its Access to Justice Award to Wendy Richards, head of Miller Canfield's pro bono program, and honored former American Bar Association and State Bar of Michigan President Reginald Turner, emeritus of Clark Hill in Detroit, with its Founders Award. MSBF also welcomed 39 new members to its fellows program.

The foundation extends sincere gratitude to the attendees and fellows.

Access to Justice Award recipient Wendy Richards and MSBF President Craig Lubben.

MSBF President Craig Lubben and Founders Award winner Reginald Turner.

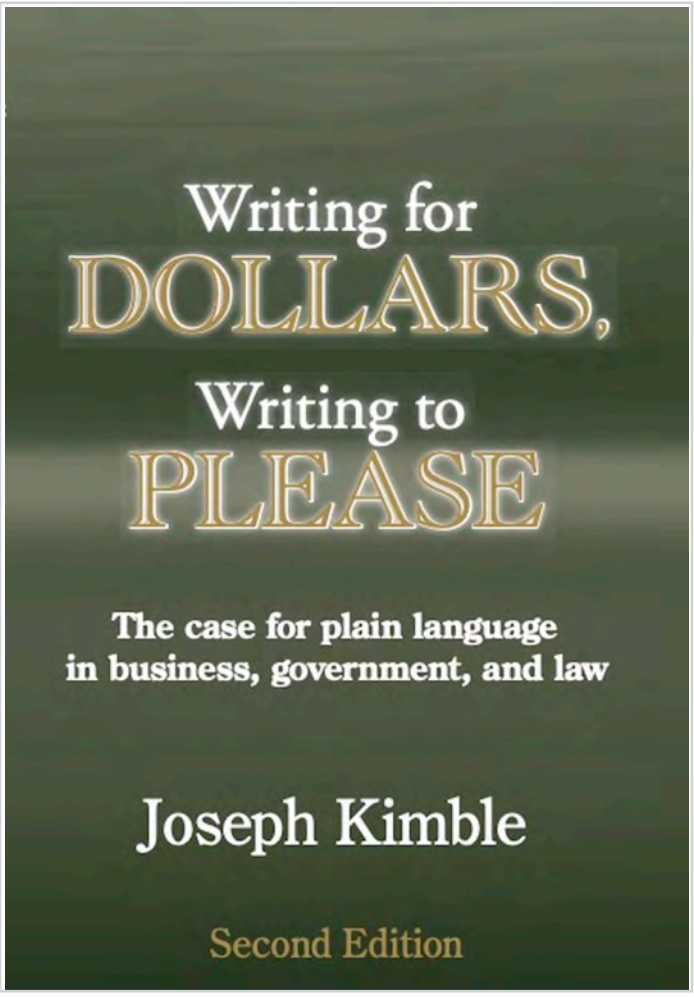
Fellows Chair Hon. Victoria A. Roberts, Founders Award honoree Reginald Turner, and Hon. Dennis Archer (pictured left to right).

Front row (pictured left to right): Lori Buiteweg, Michigan Supreme Court Justice Elizabeth M. Welch, Hon. Victoria Roberts, Michigan Supreme Court Chief Justice Elizabeth Clement. Back row: Scott Brinkmeyer, Julie Fershtman, Charles Toy, Michigan Supreme Court Justice Megan Cavanaugh, Reginald Turner, Michigan Supreme Court Justice Brian Zahra, Thomas Cranmer, Brian Einhorn, Thomas Ryan.

BOOK REVIEW

Writing for Dollars, Writing to Please: The case for plain language in business, government, and law

REVIEWED BY MICHÈLE M. ASPREY



Written by Joseph Kimble
Published by Carolina Academic Press (2nd edition, 2023)
Hardcover | 219 Pages | $24

When the first edition of Joseph Kimble's "Writing for Dollars, Writing to Please: The Case for Plain Language in Business, Government, and Law" was published in 2012, it was an instant classic. The title told you all you needed to know. It contained just about all the available evidence about the efficacy, savings, and benefits of plain language in practice.

Now, just over 10 years later, comes its second edition, bringing all that valuable information up to date. Anyone who had the first edition should rush to acquire the second edition. Anyone who didn't have the first edition and is at all interested in plain language in business, government, and law needs to get the second edition. How lucky they are to be able to read this book for the first time!

I say this because Kimble is a master of plain language. (Full disclosure: he is an eminent colleague and — most importantly — a friend.) He practices what he preaches better than anyone I know. No one writes plainer than Kimble. Further, this is not only a learned and persuasive book, but also a lively and enthusiastic one. It's a joy to read no matter how many times you return to it.

The new edition has the same structure as the first edition. Part 1 is Kimble's personal story. Part 2 is a rundown of the basic elements of plain language. Part 3 answers the critics of plain language (by dispelling the myths). Part 4 lists some historical highlights of the plain language movement. Part 5 details the extraordinary benefits of plain language. With the second edition, Kimble brings all the details up to the moment. As he writes in the preface to the second edition, "Every part of the book, except for Part 1, has been updated or changed to some extent." That's made the book 50 pages longer than it was.

Naturally, Kimble has updated all sources and references, even improving his footnotes with permalinks (sources are permanently

archived as PFDs, so the links will remain live in perpetuity.) The major additions are in parts 4 and 5. Part 4 now includes 10 further "historical highlights." Kimble worked closely with 57 plain language practitioners from around the world to achieve an extraordinary level of detail here. Part 5 is expanded to include 10 more summaries of empirical studies — and many of the studies contain multiple studies within them.

In the first edition, Kimble did not include an index. He explained then: "This is not a book in which you'll be looking up topics and names." He thought the "detailed table of contents, extensive headings", and so on should suffice. But for someone like me who returns to the book again and again looking for something I already know about, an index would have helped. Now, in the second edition, he has addressed my grumble by providing an index of works and authors cited. Problem solved!

This book answers all the questions anyone could have about the efficacy and benefits of plain language. Once again: anyone involved in business, government, or law needs this new edition.

Michèle M. Asprey is an Australian lawyer, plain language consultant, and author of "Plain Language for Lawyers" (Annandale: The Federation Press, 2010). The first edition was published in 1991. The fifth edition was released in July 2024. A former editor-in-chief of The Clarity Journal, Asprey acquired expertise in plain-language writing while practicing commercial law in Australia during the 1970s and 80s.

BEST PRACTICES

Simple rules for being a better lawyer

BY MARK H. COUSENS

Lawyers are creatures of habit and custom. But that can lead to disappointing results. Too often, lawyers decide they must follow a familiar script in pursuing a matter even when a more creative approach would be preferable. And lawyers will frequently make weak arguments that are unnecessary and tend to diminish other assertions that are more persuasive.

These practices are the result of lawyers believing that if others have followed a certain path that they should, too — even when it makes no sense. They can also be the result of lawyers thinking that arguments are counted, not weighed, and the more claims one can make, the greater the chance that one of them might succeed.

There is a better way. The following suggestions will make your arguments stronger and will be welcomed by the decision maker.

THINK OUTSIDE THE BOX

Lawyers tend to imitate others even when another's approach is arcane or irrelevant. Lawyers repeatedly file pleadings which begin with "now comes ...". This phrase has no contemporary relevance and is rooted in the medieval origins of the legal profession where lawyers were scriveners who were paid by the word. Hopefully, we've evolved from that. But lawyers still file material filled with unnecessary legalisms ("inter alia" as opposed to "among other things") and trite phrases in Latin and English that are not connected to the argument.

Lawyers can — and should — view each pleading as unique and avoid the temptation to write in a certain fashion simply because someone else has done so. Lawyers should not be afraid to make a new or novel argument consistent with the facts of the case.

FIGURE OUT HOW TO LOSE

Any lawyer can create a theory to win a case. But the best lawyers don't stop there; they figure out how to lose. They look for the weak parts of their argument or the holes in the facts. They ask what the other side will argue and how will it respond. These lawyers are never surprised by a response because they have planned for it. Finding the weaknesses in one's case and addressing them increases the possibility of success. But ignoring those weaknesses can lead to that embarrassing moment when a factfinder points out some controlling authority that may be fatal to a case.

BAD ARGUMENTS DRIVE OUT GOOD

Lawyers often elect to pile on theories with the hope that a plethora of arguments means that one of them will prevail. That is fallacious thinking. As it is in economics, where "bad money drives out good," so too it is in litigation, where bad arguments drive out good.

A lawyer might develop three arguments for their client's case but only one of them has something of a chance. The other two arguments are not convincing and will not be adopted. But some lawyers make them anyway.

Don't.

Bad arguments are just that — bad. And placing a bad argument next to a credible one diminishes the value of the credible theory. Making specious arguments harms the lawyer's credibility to the factfinder. It makes the lawyer seem small. Throwing everything against the wall to see what might stick ensures that nothing will adhere. All of the contentions will fail. Make the argument that is most persuasive and avoid adding theories that will never gain traction.

SIMPLE IS BETTER THAN COMPLICATED

A convoluted argument is likely to leave everyone confused. Clarity is essential when one is trying to persuade. That means that every case has to be capable of being reduced to its core. Advocates must be able to explain their claim in a few words, not many.

"Best Practices" is a regular column of the Michigan Bar Journal, edited by George Strander for the Michigan Bar Journal Committee. To contribute an article, contact Strander at gstrander@yahoo.com.

The longer an explanation must continue, the less likely a lawyer is to have persuaded the decision-maker. A lawyer should be able to present a brief or complaint in which the claim or theory is summarized in a short paragraph. A theory or claim which requires many paragraphs to explain will end up confusing the decision-maker.

ARGUMENTS SHOULD CONVINCE YOU

Do your arguments persuade you? If the answer is "no," you've got a problem.

Every lawyer should try to place themself in the shoes of the decision-maker and decide whether they would rule for their client if they were the one making the decision. Sure, a lawyer can try to float a theory or an argument and hope that it will work. But the lawyer should first be able to persuade themself that their argument is legitimate.

It's not enough that the argument is rational; it has to be persuasive. Read the brief or complaint and ask whether you, as the reader, are sold. If you are not persuaded, then the decision-maker will not be persuaded.

PLAIN ENGLISH, PLEASE

Briefs and pleadings should never read like an insurance policy. Every argument should be presented in clear language with sentences compact and paragraphs short. An advocate once filed a brief in which a heading — not a paragraph — was 27 words. Brief headings should be one sentence. Advocates should be able to reduce their arguments to their core and present them in a few words. Long sentences and paragraphs that are simply repetition of earlier arguments merely annoy the reader and do not persuade them. Trite phrases or Latin expressions should always be avoided. So should conclusions (" … it is clear that Plaintiff's arguments are correct …").

Words matter. And the fewer words used, the more likely it is that the reader will remember what they read.

SOMETIMES YOU'RE WRONG

While it should not happen, it is not uncommon for lawyers to receive a response to an argument which surprises them and reveals that their theory is simply wrong. No lawyer should hang on to a theory when the opponent has presented an argument which so undercuts the lawyer's contentions that their claim cannot prevail. But some lawyers continue to stay with theories that are wrong, believing they cannot retreat from their position or undercut their previous contentions.

The reality is that lawyers have an obligation to be candid with the tribunal and with their client. It may be a difficult conversation but at some point, the lawyer should be ready to explain that a theory did not work and the client's position will not be adopted.

Setting aside the ethical issues here, the lawyer should first tell themselves the truth: They're going to lose, and that can't be avoided. The lawyer should be prepared to acknowledge that to the decision-maker rather than waiting for someone else to tell the client that he or she is wrong; that is the lawyer's obligation. It is better to withdraw a bad claim and ask for time to reconfigure the action then to ride a theory into oblivion.

CONCLUSION

No set of suggestions or guides is perfect or applicable to every situation. But these seven ideas can make the difference between a successful presentation and a bad one. Lawyers who ignore these principles can still win cases, of course. But applying these ideas can increase the chances that an argument will be considered seriously and viewed favorably.

Mark H. Cousens, is an attorney and arbitrator based in Southfield who has spent his career representing labor organizations and their members.

PLAIN LANGUAGE

Flimsy claims for legalese and false criticisms of plain language: A 30-year collection (Part 1)

BY JOSEPH KIMBLE

Author's note: In this Part 1, I'll take up five flimsy claims and six false criticisms. My responses to the various claims and criticisms are necessarily short because there are so many. More detailed responses are available in the cited sources. Readers will perhaps forgive the many citations to my own books, but I have been answering these claims and criticisms for a long time (including in this column, as far back as May 1990).

EXAGGERATIONS ABOUT TRADITIONAL LEGAL LANGUAGE AND LEGAL DRAFTING

1. "[T]he great protectors of the integrity of the English language . . . may be found in only three spheres: the ministry, the Senate, and the legal profession."[1]

   Really? Legal writing as gloriously uncorrupted and eloquent? Some is, of course. But on the whole: "[Lawbooks are] the largest body of poorly written literature ever created by the human race."[2] At bottom, the integrity of legal writing lies in clarity.

2. Traditional style "has been defined and refined by first-rate minds over the centuries."[3]

   In fact, according to an exhaustive historical study, "[t]he language of the law has a strong tendency to be wordy, unclear, pompous, and dull."[4] The critics of legalese greatly outnumber its defenders.

3. The law has any number of irreplaceable technical terms that have been honed to a fairly settled, precise meaning.

   First, even on a broad view of what qualifies as a "term of art," those terms are a tiny part of most legal documents. Second, many can be replaced by plainer words with no loss of legal nuance, or can at least be explained in consumer documents.[5] Third, for some of the most commonly used terms of art, lawyers overrate how settled their meaning actually is.[6] If a particular term is so settled and precise, then why can you find a multitude of cases trying to interpret or apply it? U.S. lawyers see that fact whenever they use the huge set called *Words and Phrases*.

4. Statutes and regulations often specify that certain language be included in legal documents.

   Sometimes, but far less often than lawyers might think. If someone tells you that the wording is prescribed, ask for the legal citation so that you can look it up.[7]

5. Lawyers are, by training, skilled legal drafters.

   If only. Historically, law schools everywhere have devoted little time or resources to legal drafting. So when most lawyers practice, they tend to copy or imitate the lumbering old forms and "models." Yet a supermajority still consider themselves to be

"Plain Language," edited by Joseph Kimble, has been a regular feature of the *Michigan Bar Journal* for 40 years. To contribute an article, contact Prof. Kimble at Cooley Law School, 300 S. Capitol Ave., Lansing, MI 48933, or at kimblej@cooley.edu. For an index of past columns, visit www.michbar.org/plainlanguage.

good drafters.[8] The Dunning–Kruger effect in action: "lawyers on the whole . . . have no clue that they don't write well."[9]

PLAIN LANGUAGE AS ELITIST, PRESCRIPTIVE, MORALISTIC, AND INFLEXIBLE

6. Advocates are trying to "purify or control language use."[10]

   Say what? The author does not quote one advocate who takes any kind of authoritarian stance on language. (In fact, her article is replete with unsubstantiated claims about what advocates believe and promote.) Our guidelines are not dictates. And our goal is clear language, not pure language, whatever that means.[11]

7. Advocates believe that "legal style is in a state of . . . decay" and "on a downhill path."[12]

   No, we believe that most legal writing has been pretty awful for centuries.[13] The author cites nobody who commends the state of legal style.

8. Advocates don't recognize that "language . . . is in a constant state of change."[14]

   We are not so benighted. Bryan Garner, in his *Modern English Usage* (5th ed. 2022), includes a "language-change index" that tries to measure, in five stages, the changing usage of different words and phrases.

9. Advocates are prescriptivists who believe in a "standard-language ideology" and wish to stigmatize or exclude anyone who uses language "improperly."[15]

   Plain language is inclusive, not exclusive. We seek to make legal and official writing clear and accessible to the greatest possible number of intended readers. To that end, we strongly recommend testing high-volume public documents with typical users. It is legal style that marginalizes people.[16]

10. Advocates believe that plain language is "linguistically superior" and "morally superior" to legalese. Linguistically, because it is more clear or understandable. Morally, because we once contemplated incorporating "honesty" into the definition of plain language and are concerned that legalese "can be used to deceive and manipulate."[17]

    The evidence is overwhelming: plain language, taken as a whole, *is* more clear and comprehensible than legalese.[18] And "honesty" has not been a significant part of the modern push for plain language. I've said explicitly: "very few [lawyers], when pressed, would argue for deliberate obscurity. There's no vast conspiracy to perpetuate legalese." It persists for many other reasons.[19]

11. "[L]anguage guardians [like plain-language advocates, presumably] often portray certain styles and usages as signs of 'stupidity, ignorance, perversity, moral degeneracy, etc.'"[20]

    Again, the author does not cite one advocate who uses terms or a tone like that. She had cited me earlier, but in a clipped way that misrepresented what I said.[21] Clinging to legalese may be stubborn or closed-minded, but it's not immoral.

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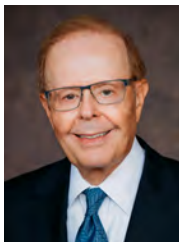

Joseph Kimble taught legal writing for 30 years at Cooley Law School. His fourth and latest book is *Essentials for Drafting Clear Legal Rules* (with Bryan Garner). He is a senior editor of *The Scribes Journal of Legal Writing*, editor of the Redlines column in *Judicature*, and a drafting consultant on all federal court rules. He led the work of redrafting the Federal Rules of Civil Procedure, Federal Rules of Evidence, and Michigan Rules of Evidence. In 2023, he won a Roberts P. Hudson Award from the State Bar of Michigan. This year, he won the Golden Pen Award from the Legal Writing Institute.

ENDNOTES

1. Dilley, *Letter to the Editor*, 83 Mich B J 11 (Nov 2004).
2. Lindsey, *The Legal Writing Malady: Causes and Cures*, 204 NY L J 2 (1990).
3. Stark, as quoted in *Death to Government Mumbo Jumbo*, Bridge, Mar 2, 2017, <https://www.bridgemi.com/michigan-government/death-government-mumbo-jumbo> [perma.cc/JVF2-FFR8] (website accessed October 17, 2024).
4. Mellinkoff, *The Language of the Law* (Boston: Little, Brown, 1963), p 24; for a litany of similar complaints, see Kimble, *Lifting the Fog of Legalese: Essays on Plain Language* (Durham: Carolina Academic Press, 2006), app 1.
5. Kimble, *Writing for Dollars, Writing to Please: The Case for Plain Language in Business, Government, and Law* (Durham: Carolina Academic Press, 2d ed 2023), pp 34–36; *Seeing Through Legalese: More Essays on Plain Language* (Durham: Carolina Academic Press, 2017), pp 17–19.
6. *See, e.g.*, Ammon, Indemnification*: Banish the Word! And Build Your Indemnity Clause from Scratch*, 93 Mich B J 44 (Oct 2014); Time Is of the Essence *(To Banish That Phrase from Your Contracts!)*, 95 Mich B J 40 (Feb 2016); *Waivers of* Consequential Damages*: Banish the Term (It Doesn't Mean What Your Clients Think Anyway)*, 96 Mich B J 40 (Sept 2017).
7. Kimble, *Seeing Through Legalese, supra* n 5 at 14–17.
8. *Id.* at 3–12.
9. Garner, *Why Lawyers Can't Write*, 99 ABA J 24 (2013).
10. Turfler, *Language Ideology and the Plain Language Movement*, 12 Legal Comm & Rhetoric: JALWD 195, 205 (2015).
11. Kimble, *Seeing Through Legalese, supra* n 5 at 207-08.
12. Turfler, *supra* n 10 at 205.
13. Kimble, *supra* n 4 at app 1.
14. Turfler, *supra* n 10 at 206.
15. *Id.* at 208.
16. Kimble, *Seeing Through Legalese, supra* n 5 at 209–12.
17. Turfler, *supra* n 10 at 211–12.
18. *See* Kimble, *Writing for Dollars, Writing to Please, supra* n 5 at 163–205 (summarizing 32 case studies).
19. *Id.* at 28.
20. Turfler, *supra* n 10 at 212.
21. Kimble, *Seeing Through Legalese, supra* n 5 at 212–13.

ETHICAL PERSPECTIVE

Price to play: Ethics and attorneys' fees

BY DELANEY BLAKEY AND ALECIA CHANDLER

While lawyers must ensure their fee agreements comply with the Michigan Rules of Professional Conduct (MRPC), even well-drafted agreements can lead to fee disputes. This article addresses common legal fee issues based on frequently asked questions from the SBM Ethics Helpline.

FEE AGREEMENTS

MRPC 1.5(b) requires lawyers to communicate fee arrangements, preferably in writing, to clients at or shortly after the start of representation. Contingent fee agreements must be in writing and outline how the fee will be determined.[1] While written fee agreements are not required in non-contingency cases, lawyers are encouraged to use them to prevent misunderstandings.

Under MRPC 1.4(b), lawyers must provide clients with the information needed to make an informed decision about the terms of the fee agreement. Since lawyers typically present the agreement, its terms are construed against lawyers in disputes. Ethics Opinions RI-184 and RI-10 state that ambiguous terms should be interpreted in the client's favor.[2]

A few key points to consider:

Client identity

Identifying the client is crucial for lawyers to conduct conflict checks and fulfill their ethical duties, especially in business litigation and when representing fiduciaries, as misunderstandings can lead to ethical breaches.[3]

Scope of representation

Lawyers must make clear which legal services they will and will not provide. "[A]n unclear scope of representation is all too likely to end poorly."[4] Lawyers should ensure that clients understand the parameters of representation.[5] Appeals are included unless specifically excluded.[6] In domestic matters, providing tax advice and drafting qualified domestic relations orders are often excluded from the scope of representation.

File retention policy

Lawyers are required to have a written file retention policy and convey that policy to clients.[7]

Third-party payor

The client must consent to receipt of legal fees from a third party under MRPC 1.8(f)(1). Additionally, lawyers should consider including in the agreement that payors will not interfere with the lawyer's independent professional judgment or attorney-client relationship, and to whom a refund will be provided if a refund is appropriate.[8]

Multiple representation and conflicts of interest

When representing multiple parties, lawyers must manage conflicts of interest and obtain informed consent for both known and potential conflicts, avoiding general or advance waivers.[9] It is also recommended that lawyers define payment responsibilities and appoint communication contacts.

Trust account obligations

Under MRPC 1.15, when receiving fees for services to be provided in the future, clients should be advised that lawyers are required to maintain client funds in a lawyer trust account until the funds are earned.[10]

Billing practices

Fee agreements should include frequency of billing, expectations regarding timeliness of payments, and policies on late fees or interest on unpaid balances.

"Ethical Perspective" is a regular column providing the drafter's opinion regarding the application of the Michigan Rules of Professional Conduct. It is not legal advice. To contribute an article, please contact SBM Ethics at ethics@michbar.org.

WHAT MAY NOT BE INCLUDED IN WRITTEN FEE AGREEMENTS?

Lawyers may not circumvent their ethical duties. For example, lawyers may not:

- request, at the outset of representation, that clients sign a stipulation for withdrawal for unpaid legal fees;[11]
- prospectively limit legal malpractice liability;[12]
- acquire a proprietary interest in the cause of action or subject matter of litigation except in specific situations;[13] or
- attempt to avoid depositing advanced payments into a lawyer trust account.[14]

WHAT FACTORS ARE CONSIDERED WHEN DETERMINING WHETHER FEES ARE REASONABLE?

Lawyers may not charge fees that are clearly excessive.[15] A fee is considered clearly excessive when a lawyer of ordinary prudence would consider it to be in excess of what is reasonable.[16] MRPC 1.5 lists several factors to consider when determining whether a fee is reasonable.[17] Further, it is considered unethical for lawyers to bill more than one client at a full rate for the same period.[18]

WHAT ARE REASONABLE COSTS AND EXPENSES?

Lawyers may charge clients for the actual costs and expenses of providing the service, but upcharges are not ethical.[19] For example, credit card surcharges can be passed on to clients only for the amount paid to the credit card company.[20] It is inappropriate to charge clients more than the expense actually paid or incurred by the lawyer.[21]

CONTINGENT FEE AGREEMENTS

Under MRPC 1.5(a), contingency fees, like other attorneys' fees, cannot be excessive.[22] Further, contingent fees are not allowed in domestic relations matters or criminal matters.[23] Additional safeguards are in place to protect clients who retain lawyers on a contingent basis. For example, in a personal injury, wrongful death, or no-fault benefit matter, the fee is capped by court rule at one-third of the total recovery.[24]

Contingency fees must be in writing as dictated by both the Michigan Court Rules and the MRPC. Lawyers must provide in the agreement with clients the basis for how fees will be calculated. Ambiguities in fee agreements are construed in favor of the client; if a contingency fee agreement fails to delineate how fees will be calculated, lawyers have the choice of seeking judicial clarification or calculating the fee by the means most favorable to the client.[25]

Lawyers should also consider including the following provisions in fee agreements: disposition of possible court-ordered sanctions; in the event of an installment payment award, if the fee is computed based upon present value of future payments or taken from cash portions of the award;[26] priority for payments;[27] and information regarding payment of the quantum meruit value of services if the lawyer is discharged during representation.[28]

REFERRAL FEES

MRPC 1.5(e) allows lawyers in separate firms to split fees only if the client is advised and does not object and the total fee is reasonable.[29] The MRPCs do not require disclosing the amount of fees to be divided.[30] That is a matter of contract between the lawyers.[31] The client must be advised of the identity of each lawyer involved in the fee division, the client's primary contact for case information, the services each lawyer will provide, and the lawyer ultimately responsible for the matter.[32] Both the lawyer offering the referral and the lawyer receiving the referral are obligated to advise the client of the fee-splitting arrangement and ensure that the client consents.[33] While not required, including this information in the fee agreement helps in potential future disputes.

Legal fees, including referral fees, may not be shared with nonlawyers except as outlined in RI-143, which allows salaried legal assistants to receive a percentage of net profits from their practice area in limited circumstances.

WHAT HAPPENS TO A REFERRAL FEE IF THE REFERRING LAWYER IS DISQUALIFIED FROM THE PRACTICE OF LAW OR DECEASED?[34]

Current ethics opinions provide that referral fees are earned at the time the referral is made.[35] Therefore, if the referral occurred when the lawyer was qualified to practice, the referral fee may be paid. However, if the lawyer was disqualified and unable to practice law when the referral was made, the lawyer cannot "share in legal fees for legal services performed by another lawyer during the period of disqualification."[36] The lawyer "may [only] be compensated on a quantum meruit basis for services rendered and expenses" incurred before the disqualification took effect.

The estate of a deceased lawyer may receive legal fees paid after the lawyer's death. This does not facilitate the practice of law by non-lawyers and presents minimal risk of interfering with the lawyer's independent professional judgment.[37]

CONCLUSION

With the guidance of the Michigan Rules of Professional Conduct, their comments, and ethics opinions, the world of legal fees becomes more easily navigable.

This article provides general ethical guidance regarding legal fees based upon the Michigan Rules of Professional Conduct and ethics opinions. It is advisory in nature and not binding on the disciplinary authorities.

Delaney Blakey is ethics counsel at the State Bar of Michigan.

Alecia Chandler is professional responsibility programs director at the State Bar of Michigan.

ENDNOTES

1. Contingent fees are not allowed in domestic relations or criminal matters, MRPC 1.5(d). Further, under MCR 8.121(E), a lawyer may not offer contingent fees in personal injury, wrongful-death, or no-fault benefit matters without first advising the client that other fee arrangements may be available. *See also* RI-373 for information regarding limitations on contingent fee arrangements and must be in writing under MCR 8.121(F).
2. *See also*, *Island Lake Arbors Condo Ass'n v Meisner & Assoc, PC*, 307 Mich App 593; 837 NW2d 439 (2013).
3. *See* Ethics Opinion RI-350; MPRC 1.13.
4. *Johnson Law, PLC v Simpson*, unpublished opinion of the Court of Appeals, issued January 21, 2021 (Docket No. 351553), 2021 WL 219571.
5. MRPC 1.2; Ethics Opinions RI-73, RI-216, and RI-114; Limited Scope Representation, State Bar of Michigan (SBM) <https://www.michbar.org/limited-scope> (all websites accessed October 10, 2024).
6. Ethics Opinion R-11.
7. *See* Ethics Opinion R-5; *File Retention*, SBM <https://www.michbar.org/opinions/ethics/recordretention/home> (published March 2022).
8. *See* MRPC 1.8(f) and 5.4; and Ethics Opinions RI-293 and RI-132.
9. Ethics Opinions RI-111, RI-98, RI-155, and RI-176. *See also* MRPC 1.7 and its comment and MRPC 2.2.
10. See also *Trust Accounts*, SBM <https://www.michbar.org/opinions/TAON>.
11. Ethics Opinion RI-20.
12. Ethics Opinions R-24 and RI-319.
13. Ethics Opinions RI-354, RI-182, and RI-40.
14. Ethics Opinion RI-189.
15. MRPC 1.5(a).
16. *Id.*
17. *See* MRPC 1.5(a)(1)-(8). The list of factors included in MRPC 1.5(a) is non-exhaustive. *See also*, *Smith v Khouri*, 418 Mich 519; 751 NW2d 472 (2008), and *Pirgu v United Services Auto Ass'n*,499 Mich 282; 884 NW2d 257 (2016).
18. Ethics Opinion RI-150.
19. *See* Ethics Opinions RI-364 and RI-168.
20. Ethics Opinion RI-364.
21. Ethics Opinion RI-241.
22. For Ethics Opinions referencing Contingent Fees, see: *Ethics Opinion Topic Index*, SBM <https://www.michbar.org/opinions/ethics/detail/Index=C#59>.
23. MRPC 1.5(d).
24. MCR 8.121(A).
25. Ethics Opinion RI-162.
26. Id.; MCR 8.121(C)(2).
27. *Bennett v Weitz*, 220 Mich 295; 559 NW2d 354 (1996).
28. See *Morris v Detroit*, 189 Mich App 271; 472 NW2d 43 (1991); *Polen v Melonakos*, 222 Mich App 20; 564 NW2d 467 (1997); *Dykema Gossett, PLLC v Ajluni*, 273 Mich App 1; 730 NW2d 29 (2006), *aff'd in part, vacated in part*, 739 NW2d 629 (2007); and *Warner v AO Smith Corp*, unpublished opinion of the Court of Appeals, issued August 29, 1994 (Docket No. 137069).
29. Ethics Opinion RI-234.
30. *See* Comment to MRPC 1.5.
31. Ethics Opinion RI-234.
32. *Id.*
33. *Id.*
34. *See Disqualified Lawyers—Frequently Asked Questions*, SBM <https://www.michbar.org/opinions/ethics/disqualifiedlawyersFAQs#Q14>.
35. Ethics Opinions RI-270, RI-30, and RI-19
36. *See* MCR 9.119(F).
37. Ethics Opinion RI-216.

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LIBRARIES & LEGAL RESEARCH

Generative artificial intelligence: Basic terminology and concepts

BY KINCAID C. BROWN

Generative artificial intelligence (GenAI) has been a hard topic to avoid in the media for more than a year. But what do all of the terms mean and what are areas of concern with GenAI tools?

This column aims to provide a baseline explanation of terminology and concepts that are frequently in the media.

GenAI, GENERALLY

First off, what makes GenAI tools different? The primary leap forward for ChatGPT, Google's Gemini, and other GenAI tools is the "generative" part of the description — basically, these tools are able to create (i.e., generate) new content in a way that artificial intelligence (AI) tools in the past were not able to.

The base for the recent jumps in AI abilities are AI models that have been trained on vast amounts of information. In this usage, "model" means a computer program trained on a set of data to make decisions based on patterns. These models use multiple algorithms to complete tasks or respond to prompts.

And, yes, AI has been in use for years and has been part of the recent steps forward in the usefulness of platforms across the general internet like Google Search and in legal platforms like LexisNexis and Westlaw. The AI that has been used in these products is known as extractive AI and is focused on locating, identifying, and pulling out (i.e., "extracting") specific data or information from a database. Extractive AI has been used by Google to improve search results and in legal databases like Bloomberg Law, Lexis, and Westlaw in brief analysis tools, predictive search results, headnote creation, and related document lists

MACHINE LEARNING

Machine learning is a field within computer science where computers are fed incredible amounts of data and use algorithms to repeat specific tasks to become increasingly accurate at completing those tasks. This improvement in task completion is the "learning" — imitating the way that humans may learn — as opposed to traditional computer programming, where every possible action needs to be coded by a programmer. Examples of machine learning in everyday interactions include social media feeds, Amazon product result lists, and suggested shows and movies to watch on Netflix.

NATURAL LANGUAGE PROCESSING

Natural language processing is machine learning that allows computers to better communicate with humans via human language. Natural language processing is the basis for digital assistants like Apple's Siri and Amazon's Alexa, and what allows chatbots like ChatGPT to sound knowledgeable and confident so as to imitate human thought. Natural language processing allows chatbots to understand human speech via prompt requests and uses its statistical models to predict and generate appropriate responses.

LARGE LANGUAGE MODELS

A large language model (LLM) is a powerful model trained on billions or trillions (or more) of pieces of data in order to be capable of understanding context and making connections to complete a variety of tasks, including the generation of natural language when asked a question. LLMs are, by definition, gigantic data sources designed to interact across a spectrum of tasks and subjects, e.g. Chat GPT. LLMs are also designed to understand text and generate responses as a human would; it can complete tasks such as summarizing documents and videos, writing drafts of documents, making recommendations based on criteria about things such as vacations or recipes, writing computer code, or translating between written languages.

When being trained for language accuracy and fluency, LLMs ingest a tremendous amount of data comprised of written text. In working through the text, the LLM learns grammar, the relationships between words, and logic, semantics, and concepts within the scope of language. The LLM uses this knowledge to probabilistically predict what should come next in terms of words and concepts and generate language responses with which humans can interact.

BIAS AND HALLUCINATION

Bias and hallucination are two problems that concern users of AI systems. Bias in AI systems refers to the systems' reflection and perpetuation of the human society. The bias in results can be a result of bias in the data used to train the AI model; e.g., the training data may overrepresent or underrepresent categories in relation to the larger population that the training data is meant to represent. The bias in results can also be due to biases coded into the algorithm; e.g., factors may be weighed in an unfair manner that produces flawed results. Examples of AI systems that showed biases include recruiting tools[1] and predictive policing.[2]

Hallucination is when an AI program creates false information in response to a query or a task request. Hallucinations have been hotly discussed in the legal field ever since 2023, when an attorney suing Avianca Airlines on behalf of a client relied on a citation provided by ChatGPT to a case that did not exist; the story landed on the front page of the New York Times.[3]

Why do hallucinations happen? Simply put, AI systems don't understand and use language in the same way as humans; they generate answers and text based on learned patterns and act as prediction engines supplying a likely next word in a sentence until that sentence is complete. To the AI, the citation could have existed, but it did not.

Wholesale creation of false information via hallucination is not the only concern when considering AI responses — sometimes AI chatbots are not hallucinating, but just plain wrong. A recent paper[4] by Stanford University and Yale University researchers puts this into perspective. The researchers tested Lexis and Westlaw AI tools and found that while there was hallucination in the tools, there was also varying levels of inaccuracy and incompleteness in the responses in terms of citing sources that did not support the claims provided, providing irrelevant responses, or including incorrect information in a response.

RETRIEVAL-AUGMENTED GENERATION

Retrieval-augmented generation (RAG) is considered by many as a way to reduce hallucinations in AI systems by adding a retrieval step into the generation process. Specifically, in RAG, the AI retrieves relevant documents or information and then uses those documents in tandem with the query to generate a response. The response would then have a lower hallucination rate because it uses the smaller universe of relevant material that the AI uses during the creation of its response; a selection of retrieved documents are also provided as citations with the response.

The paper cited previously discusses the shortcomings of RAG in Lexis and Westlaw.[5] Problems with RAG are similar to what Lexis and Westlaw users have always had to contend with in searching databases from the beginning — the words used return documents or cases that seem relevant but are not contextually on point.

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ENDNOTES

1. See, e.g., Jeffrey Dastin, Reuters, *Insight – Amazon Scraps Secret AI Recruiting Tool that Showed Bias Against Women* <https://www.reuters.com/article/us-amazon-com-jobs-automation-insight-idUSKCN1MK08G/> (posted October 10, 2018) (all websites accessed October 8, 2024).
2. See, e.g., Will Douglas Heaven, MIT Technology Review, *Predictive Policing Is Still Racist – Whatever Data it Uses* <https://www.technologyreview.com/2021/02/05/1017560/predictive-policing-racist-algorithmic-bias-data-crime-predpol/> [perma.cc/E3BZ-C9QN] (posted February 5, 2021).
3. Weiser, *Here's What Happens When Your Lawyer Uses ChatGPT*, New York Times (May 27, 2023), p A1. <https://www.nytimes.com/2023/05/27/nyregion/avianca-airline-lawsuit-chatgpt.html>.
4. Magesh et al, *Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools* (2024). Preprint currently under peer review. <https://dho.stanford.edu/wp-content/uploads/Legal_RAG_Hallucinations.pdf> [perma.cc/U3PT-WGWK].
5. *Id.* at section 3.2.

LAW PRACTICE SOLUTIONS

Strategies for cost-effective client acquisition (Part II)

BY JEFF ELBLE, WINSTON HOFER, AND JORDAN HAYNES

In part one of this article, we explored key strategies for mastering client acquisition, including envisioning the process as a funnel with a broad audience at the top that narrows as leads move through different stages until some convert into clients. But is your client acquisition strategy breaking your marketing funnel?

This article delves into the common pitfalls that could cost you valuable clients and offers four strategies to optimize your funnel.

IDENTIFY GAPS IN AUTOMATION IN EACH PART OF YOUR FUNNEL

Is your client acquisition process as efficient as it could be? Can automation help you capture more leads?

Automation is a game changer for legal practices looking to maximize their client acquisition efforts. Automation is intended to streamline processes and reduce manual labor. Let's start by evaluating the entry point into your marketing funnel to identify steps requiring excessive manual labor; this is where automation can be implemented. From initial contact to follow-up emails and appointment scheduling, automation tools can ensure no lead slips through the cracks.

An extremely common, but underutilized, automation tool for initial contact with potential clients is a customer relationship management (CRM) system. Optimizing or implementing CRM systems allows you to track client interactions automatically. Automating these tasks lets your team to focus on more valuable activities such as personalized client consultations and strategic planning. Moreover, automation can help maintain consistent communication with potential clients, increasing the likelihood of conversion.

IMPROVE PROSPECT AND REFERRAL SOURCE TOUCHPOINTS

Your touchpoints with prospects and referral sources are critical to building relationships and demonstrating your value. Take a moment to analyze your current touchpoints and identify areas for improvement. A simple place to start is ensuring that your follow-up communications are timely, relevant, and personalized. Also, regularly update your referral sources about your services and successes to keep them engaged and motivated to refer clients to you.

If you find that your follow-up communications are lacking, implement a nurture campaign to stay in touch with prospects who are not yet ready to commit but still show potential. In your nurture campaign, providing valuable content — like legal updates, tips, and case studies — will continue to keep your firm top of mind and position you as a trusted authority. By improving these touchpoints, you'll increase the likelihood of converting prospects into clients and encourage referral sources to send more business your way.

CONVERTING LEADS TO CLIENTS

A common gap in many legal practices is converting leads to clients. Transitioning between leads and clients requires a clear understanding of each pool. While leads are people who showed an interest in your service, clients are people who you've closed a deal with.

To avoid losing leads, clear and timely communication is key. For instance, when a prospect shows interest by filling out your contact form, follow up promptly. This is where a CRM system provides you with timely and simplified communication and valuable tracking information into a prospect's interactions with your marketing outreach, allowing for more personalized and effective follow-up communication.

CREATE A FUNNEL AND PIPELINE THAT IS ALWAYS WORKING

Is your sales funnel optimized to work around the clock? If not, let's talk about how you can ensure your pipeline is always full and moving prospects toward becoming clients.

Law Practice Solutions is a regular column from the State Bar of Michigan Practice Management Resource Center (PMRC) featuring articles on practice, technology, and risk management for lawyers and staff. For more resources, visit the PMRC website at michbar.org/pmrc/content or call our Helpline at 800.341.9715 to speak with a practice management advisor.

Creating a robust sales funnel and pipeline is essential for continuous client acquisition. Start by mapping out each stage of your sales funnel from initial awareness to final decision-making. Identify the key actions prospects need to take at each stage and develop strategies to guide prospects through each action, moving them through your funnel.

Technology can supplement your strategy by keeping your funnel and pipeline active around the clock. Marketing automation tools nurture leads, send follow-up emails, and schedule consultations even when your team is not actively working. Also, regularly review and analyze your pipeline data to identify trends, bottlenecks, and opportunities for improvement.

CONCLUSION

By ensuring your sales funnel and pipeline are always working, you will maintain a steady flow of prospects and increase your chances of converting them into clients.

Jeff Elble has been a project advisor at Madroit Marketing in Holland since January. He was previously vice president of sales and marketing for the Paul Goebel Group, where he developed marketing and communication programs targeting the legal industry.

Winston Hofer, who founded Madroit Marketing in 2015, is a purpose-driven entrepreneur and marketer who thinks strategically and focuses on growth for the clients and organizations he works with.

Jordan Haynes has been a partner at Madroit Marketing since June 2023. He has spent more than a decade as a marketing leader in different industries, organizing high-level strategies designed to drive opportunities and improve results.

When considering promotion of legal services, State Bar of Michigan members should review the Michigan Rules of Professional Conduct, relevant ethics opinions, and frequently asked questions. Specific questions may be addressed to the SBM Ethics Helpline at 877.558.4760 or ethics@michbar.org.

PRACTICING WELLNESS

Yes, lawyers are special

BY THOMAS J. GRDEN

"Lawyers are special." It's a phrase with wildly differing meanings depending on who utters it. I have no doubt the lawyers (yes, plural) whom I've heard say it mean it sincerely, while the legal layfolk tend to be a bit more facetious. Opinions and egos aside, there is a grain of truth to the sentiment.

The practice of law remains one of the few professions left in the United States with the power to regulate itself and as anyone who has ever watched a Spiderman movie knows, power of that magnitude carries with it enormous responsibility. It's a power that exists only so long as the citizens grant it, so the responsibility lies in serving the interests of those citizens and maintaining their confidence through professional and ethical behavior. Along with the duty to report unethical behavior of colleagues, no less than the doctors of the American Society of Addiction Medicine (ASAM) have another suggestion to add to that list: the responsibility to conduct honest self-assessment and promote health and wellness throughout the industry.[1]

The idea that health and wellness are directly correlated with competence isn't new — even those most cynical of the wellness movement tried to get a good night's sleep before taking the bar exam — but it is one that is slowly coming to the forefront of national consciousness. Some states have begun making changes to their rules of professional conduct to include an acknowledgement of this connection, with Utah being particularly eloquent:

> Lawyers should be aware that their mental, emotional, and physical well-being may impact their ability to represent clients and, as such, is an important aspect of maintaining competence to practice law and compliance with the standards of professionalism and civility. The addition is not meant to be punitive or impose additional requirements or burdens on lawyers. Rather, it is intended to be educational and to point lawyers to the importance of prioritizing their well-being.[2]

Unfortunately, this intrinsic knowledge is too often ignored, and subsequent impairment of function usually manifests into a moment of poor judgment. That moment may have a variety of consequences, but all of the negative ones involve catching the attention of entities whose radar it's best to stay clear of (the Attorney Grievance Commission and the local news immediately come to mind). Lawyers are held to a higher standard, and even one moment of poor judgment cannot, and should not, be excused. ASAM categorizes the legal profession together with doctors, first responders, pilots, and others with a high degree of public responsibility and calls this group "safety sensitive industries."[3] Due to the size of the populations they affect, the magnitude of effect on the population, and the amount of public trust granted to these industries, they are treated differently by various regulatory bodies.[4] Lawyers are special.

In the interest of honest self-assessment, here are some signs of impairment to be aware of that can potentially affect your ability to practice competently:

- **Psychological red flags.** Invisible to -others but if you're feeling numb, anxious, irritable, or overwhelmed to the point that you notice a change in your quality of work, it may be time to seek outside help. The canary in the coal mine is the inability to maintain focus — paying attention is a task that uses multiple areas of the brain and a reduction in ability not only has practical consequences in the world of work, but can also signify a number of different mental health conditions.
- **Physiological red flags.** They may be visible to those who know you best, but generally, your own honest assessment is necessary. These include nausea, headaches, temperature changes, dizziness, and insomnia, though obviously any significant physiological change should warrant a call to your doctor.
- **Functional red flags.** This is the point you arrive at when other signs were missed or ignored along the way. It may be a lapse

"Practicing Wellness" is a regular column of the Michigan Bar Journal presented by the State Bar of Michigan Lawyers and Judges Assistance Program. If you'd like to contribute a guest column, please email contactljap@michbar.org

> in judgment, unintentional mishap, or "just one bad day," but in a self-regulating, safety-sensitive profession, any form of functional impairment is unethical. Common examples include absenteeism, missed deadlines, uncivil communication, and development of maladaptive coping skills (such as substance abuse).

Any conviction would also qualify — you may believe that the first-time DUI you pled down to impaired is just an isolated transgression and not a meaningful reflection of your ability to practice law, but if you can't even follow the law yourself after swearing an oath, how can the public trust you to be a steward of it on their behalf?

If the doctors had their way, impaired individuals working in safety-sensitive professions would be removed from duty until "public risk concerns are addressed and appropriately managed and occupational cues and triggers have been delineated with appropriate workplace management plans instituted."[5] A high standard indeed, though the current legal profession, by contrast, doesn't even hold itself as accountable as the National Football League, where a DUI nets an automatic suspension and players are routinely suspended for conduct even if they're cleared of all legal wrongdoing.[6] And while the success of local sports teams tends to have an outsized effect on mental health for some individuals, rest assured the athletes won't be required to swear an oath to uphold the constitution anytime soon.

To best emphasize the concept of "held to a higher standard," consider the following questions: How many lapses in judgment could your airline pilot make before you became uncomfortable? How many bad days are acceptable for a police officer over the course of a career? These aren't hypothetical questions — when the answer gets as high as one, the consequences to the public are dire.

Roberts P. Hudson, the first president of the State Bar of Michigan, opined:

> No organization of lawyers can long survive which has not for its primary object the protection of the public ... [y]our organization is designed not only for the benefit and betterment of its members, but primarily for the public at large who require the services of the profession.[7]

Hudson's words are admittedly far more poignant than "Lawyers are special," but the sentiment remains the same. If you recognize that you or one of your colleagues is starting to show signs of impairment, contact the SBM Lawyers and Judges Assistance Program to find out what resources are available to you.

Thomas J. Grden is a clinical case manager with the State Bar of Michigan Lawyers and Judges Assistance Program.

ENDNOTES

1. *The ASAM Criteria: Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions* (4th ed), (American Society of Addiction Medicine, 2024), pp 515-532.
2. Utah Rules of Professional Conduct 1.01, comment [9] (posted May 17, 2023) <https://legacy.utcourts.gov/utc/rules-approved/2023/05/17/rules-of-professional-conduct-effective-may-17-2023/> [perma.cc/DA29-ZLJB] (all websites accessed October 10, 2024).
3. *The ASAM Criteria*, supra n 1 at pp 515-532.
4. *Id.*
5. *Id.*
6. *New drug policy would require a suspension for first-offense DUI,* Pro Football Talk <https://www.nbcsports.com/nfl/profootballtalk/rumor-mill/news/new-drug-policy-would-require-a-suspension-for-first-offense-dui> [perma.cc/S556-2BZZ] (published May 25, 2014).
7. Hudson, *Message from the President,* 15 Mich St B J 8 (1936).

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FROM THE COMMITTEE ON MODEL CRIMINAL JURY INSTRUCTIONS

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by March 1, 2025. Comments may be sent in writing to Christopher M. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCrimJI@courts.mi.gov.

PROPOSED

The committee proposes a new jury instruction, M Crim JI 14.1a (Perjury Committed During Investigative Subpoena Proceeding), for the crime of making a false statement under oath at an investigative subpoena proceeding as set forth in MCL 767A.9. This instruction is entirely new.

[NEW] M Crim JI 14.1a
Perjury Committed During Investigative Subpoena Proceeding

(1) The defendant is charged with the crime of perjury during investigative subpoena proceedings. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant took an oath. An oath is a solemn promise to tell the truth.*

(3) Second, that the defendant took that oath during an investigative subpoena proceeding.

(4) Third, that while under that oath the defendant made a false statement. The statement that is alleged to have been made in this case is that [give details of alleged false statement].

(5) Fourth, that the defendant knew that the statement was false when [he/she] made it.

[(6) Fifth, that the investigation involved the crime of (state capital crime being investigated).][1]

Use Note

* If appropriate, substitute "affirmation" for "oath."

1. Use only where the allegations and evidence involve the aggravating factor of investigating a capital offense.

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by March 1, 2025. Comments may be sent in writing to Christopher M. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCrimJI@courts.mi.gov.

PROPOSED

The committee proposes a new jury instruction, M Crim JI 15.18a (Moving Violation in a Work Zone or w Zone Causing Death or Injury), for the offense of committing a moving traffic violation in a work zone or school bus zone that results in death or injury as defined in MCL 257.601b. This instruction is entirely new.

[NEW] M Crim JI 15.18a
Moving Violation in a Work Zone or School Bus Zone Causing Death or Injury

(1) [The defendant is charged with the crime/You may consider the lesser charge[1]] of committing a moving traffic violation in a [work/school bus] zone that caused [the death of/an injury to] a person. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant operated a motor vehicle.[2] To operate means to drive or have actual physical control of the vehicle.

(3) Second, that while operating the motor vehicle, the defendant committed a moving violation by [describe the moving violation that carries a 3 or more point penalty under MCL 257.320a].

(4) Third, that when [he/she] committed the violation, the defendant was in a [work/school bus] zone:

[*Select from the following:*]

(a) A work zone is a portion of a street or highway that is between a "work zone begins" sign and an "end road work" sign.

(b) If construction, maintenance, or utility work activities were being conducted by a work crew and more than one moving vehicle, a work zone is a portion of a street or highway between a "begin work convoy" sign and an "end work convoy" sign.

(c) If construction, maintenance, surveying, or utility work activities were conducted by a work crew and one moving or stationary vehicle exhibiting a rotating beacon or strobe light, a work zone is a portion of a street or highway between the following points:

i. 150 feet behind the rear of the vehicle or the point from which the beacon or strobe light is first visible on the street or highway behind the vehicle, whichever is the point closest to the vehicle, and

ii. 150 feet in front of the front of the vehicle or the point from which the beacon or strobe light is first visible on the street or highway in front of the vehicle, whichever is the point closest to the vehicle.

(d) A "school bus zone" is the area within 20 feet of a school bus that has stopped and is displaying two alternately flashing red lights at the same level.[3]

(5) Fourth, that by committing the moving violation, the defendant caused [the death of (name deceased)/(name injured person) to suffer an injury[4]]. To cause [the death of (name deceased)/such injury to (name injured person)], the defendant's moving violation must have been a factual cause of the [death/injury], that is, but for committing the moving violation, the [death/injury] would not have occurred. In addition, the [death/injury] must have been a direct and natural result of committing the moving violation.

(6) Fifth, that the [death/injury] was not caused by the negligence of (name deceased/name injured person) in the work zone or school bus zone.

Negligence is the failure to use ordinary care like a reasonably careful person would do under the circumstances. It is up to you to decide what a reasonably careful person would or would not do.[5]][6]

Use Note

1. Use when instructing on this crime as a lesser offense.
2. The term *motor vehicle* is defined in MCL 257.33.
3. A *school bus zone* is defined in MCL 257.601b(5)(c) and does not include the opposite side of a divided highway per MCL 257.682(2).
4. The word *injury* is not statutorily defined.
5. This definition of *negligence* is drawn generally from M Civ JI 10.02 (Negligence of Adult – Definition).
6. Read this paragraph only where the defense has introduced evidence of negligence by the deceased or injured person. This appears to be an affirmative defense under MCL 257.601b(4).

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PROPOSED

The committee proposes amending two jury instructions, M Crim JI 20.31 (Gross Indecency) and M Crim 20.33 (Indecent Exposure), to add an alternative element that would apply when the defendant is charged with being a sexually delinquent person under MCL 750.10a. The committee also proposes deleting M Crim JI 20.32 (Sodomy) as being incompatible with the holding in Lawrence v. Texas, 539 US 558 (2003). Deletions are in ~~strikethrough~~ and new language is <u>underlined</u>.

[AMENDED] M Crim JI 20.31

Gross Indecency

(1) The defendant is charged with the crime of committing an act of gross indecency. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant engaged in a sexual act that involved one or more of the following:[1]

[*Choose (a), (b), (c), (d), (e), or (f):*]

(a) entry into another person's [vagina/anus] by the defendant's [penis/finger/tongue/(name object)]. Any entry, no matter how slight, is enough. It does not matter whether the sexual act was completed or whether semen was ejaculated.

or

(b) entry into another person's mouth by the defendant's penis. Any entry, no matter how slight, is enough. It does not matter whether the sexual act was completed or whether semen was ejaculated.

or

(c) touching of another person's [genital openings/genital organs] with the defendant's mouth or tongue.

or

(d) entry by [any part of one person's body/some object] into the genital or anal opening of another person's body. Any entry, no matter how slight, is enough. It is alleged in this case that a sexual act was committed by [state alleged act]. It does not matter whether the sexual act was completed or whether semen was ejaculated.

or

(e) masturbation of oneself or another.

or

(f) masturbation in the presence of a minor, whether in a public place or private place.

[Add (3) unless only (2)(f) is being given.]

(3) Second, that the sexual act was committed in a public place. A place is public when a member of the public, who is in a place the public is generally invited or allowed to be, could have been exposed to or viewed the act.[2]

[Use the following paragraph only if the defendant is also charged with being a sexually delinquent person under MCL 750.10a.]

[(4) Third, that the defendant was a sexually delinquent person. A person is sexually delinquent when his or her behavior is characterized by repetitive or compulsive acts that show (a disregard of consequences or the recognized rights of others/the use of force on another person in attempting sexual relations of any nature/the commission of sexual aggressions against children under the age of 16[3]).]

Use Note

1. This list of acts is not intended to be exhaustive. See *People v. Drake*, 246 Mich App 637; 633 NW2d 469 (2001).
2. If necessary, the court may add that if the sexual act is committed in a public place, the consent of the participants or the acquiescence of any observer is not a defense.
3. Read any that apply according to the charges and evidence.

M Crim JI 20.32
Sodomy

DELETED as being incompatible with the holding in *Lawrence v. Texas,* 539 US 558 (2003).

[AMENDED] M Crim JI 20.33
Indecent Exposure

(1) The defendant is charged with the crime of indecent exposure. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant exposed [his/her] [state part of body].

(3) Second, that the defendant knew that [he/she] was exposing [his/her] [state part of body].

[Use the following paragraph only if a violation of MCL 750.335a(2)(b) is charged.]

(4) Third, that the defendant was fondling [his/her] [genitals/pubic area/buttocks/breasts*].

(5) [Third/Fourth], that the defendant did this in a place under circumstances in which another person might reasonably have been expected to observe it and which created a substantial risk that someone might be offended or in a place where such exposure is likely to be an offense against your community's generally accepted standards of decency and morality. In determining this, you must think about the nature of the act and all of the circumstances surrounding the act. [State any other relevant factors, e.g., the age and experience of the persons who observed the act, the purpose of the act, etc.]

[Use the following paragraph only if the defendant is also charged with being a sexually delinquent person under MCL 750.10a.]

[(6) Third/Fourth/Fifth), that the defendant was a sexually delinquent person. A person is sexually delinquent when his or her behavior is characterized by repetitive or compulsive acts that show (a disregard of consequences or the recognized rights of others/the use of force on another person in attempting sexual relations of any nature/the commission of sexual aggressions against children under the age of 16).[1]]

Use Note

* Female defendants only.

1. Read any that apply according to the charges and evidence.

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PROPOSED

The committee proposes a new jury instruction, M Crim JI 41.4 (Making, Possessing, or Providing an Eavesdropping Device), for the crime of manufacturing, possessing, or transferring an eavesdropping device as set forth in MCL 750.539f. This instruction is entirely new.

[NEW] M Crim JI 41.4
Making, Possessing, or Providing an Eavesdropping Device

(1) The defendant is charged with the crime of making, possessing, or providing an eavesdropping device. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [made a device[1]/possessed a device/provided a device to (identify recipient)] that could overhear, record, amplify, or transmit the private discussion of other persons.

(3) Second, that the defendant [intended to use the device/intended to allow the device to be used] to overhear, record, amplify, or transmit the private discussion of others without all persons' permission.[2]

[Persons can include individuals, partnerships, corporations, or associations.][3]

[Use the following if the defendant is alleged to have provided the eavesdropping device to someone else:]

(4) Third, that when the defendant provided the device, [he/she] knew that it was intended to be used to overhear, record, amplify, or transmit the private discussion of others without all persons' permission.

Use Note

1. MCL 750.539f provides "any device, contrivance, machine or apparatus designed or commonly used for eavesdropping." The court may use any synonymous term.
2. This is the definition of *eavesdropping* found at MCL 750.539a(2).
3. MCL 750.539a(4) defines *person* as "any individual, partnership, corporation or association." Use this definition where a complainant could be a partnership, corporation, or association.

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PROPOSED

The committee proposes amending M Crim JI 7.11 (Legal Insanity) to add a missing alternative method of satisfying the "substantial capacity" prong of the insanity defense under MCL 768.21a(1). Deletions are in ~~strike-through~~, and new language is <u>underlined</u>.

[AMENDED] M Crim JI 7.11
Legal Insanity; Mental Illness; Intellectual Disability; Burden of Proof

(1) The defendant says that [he/she] is not guilty by reason of insanity. A person is legally insane if, as a result of mental illness or intellectual disability, [he/she] was <u>incapable of appreciating the nature and quality of [his/her] conduct, or</u> was incapable of understanding the wrongfulness of [his/her] conduct, or was unable to conform [his/her] conduct to the requirements of the law. The burden is on the defendant to show that [he/she] was legally insane.

(2) Before considering the insanity defense, you must be convinced beyond a reasonable doubt that the defendant committed the [crime/crimes] charged by the prosecutor. If you are not, your verdict should simply be not guilty of [that/those] offense[s]. If you are convinced that the defendant committed an offense, you should consider the defendant's claim that [he/she] was legally insane.

(3) In order to establish that [he/she] was legally insane, the defendant must prove two elements by a preponderance of the evidence. A preponderance of the evidence means that [he/

she] must prove that it is more likely than not that each of the elements is true.

(4) First, the defendant must prove that [he/she] was mentally ill and/or intellectually disabled.[1]

(a) "Mental illness" means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or the ability to cope with the ordinary demands of life.

(b) "Intellectual disability" means significantly subaverage intellectual functioning that appeared before the defendant was 18 years old and impaired two or more of [his/her] adaptive skills.[2]

(5) Second, the defendant must prove that, as a result of [his/her] mental illness and/or intellectual disability, [he/she] either lacked substantial capacity to appreciate the nature and quality of [his/her] act, or lacked substantial capacity to appreciate the wrongfulness of [his/her] act, or lacked substantial capacity to conform [his/her] conduct to the requirements of the law.

(6) You should consider these elements separately. If you find that the defendant has proved both of these elements by a preponderance of the evidence, then you must find [him/her] not guilty by reason of insanity. If the defendant has failed to prove either or both elements, [he/she] was not legally insane.

Use Note

An individual who was under the influence of voluntarily consumed or injected alcohol or controlled substances at the time of his or her alleged offense is not considered to have been legally insane solely because of being under the influence of alcohol or controlled substances. MCL 768.21a(2).

1. This paragraph may be modified if the defendant is claiming only one aspect of this element.

2. The court may provide the jury with a definition of adaptive skills where appropriate. The phrase is defined in MCL 330.1100a(3) and means skills in ~~1~~ one or more of the following areas:
   (a) Communication.
   (b) Self-care.
   (c) Home living.
   (d) Social skills.
   (e) Community use.
   (f) Self-direction.
   (g) Health and safety.
   (h) Functional academics.
   (i) Leisure.
   (j) Work.

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PROPOSED

The committee proposes amending two jury instructions, M Crim JI 7.3 (Lesser Offenses of Murder) and M Crim 16.11 (Involuntary Manslaughter-Firearm Intentionally Aimed), to reflect the repeal of the negligent homicide statute, former MCL 750.324, and statutory involuntary manslaughter's status as a cognate lesser included offense of murder, see MCL 750.329; People v. Smith, 478 Mich 64 (2007). Deletions are in ~~strike-through~~, and new language is underlined.

[AMENDED] M Crim JI 7.3

Lesser Offenses: Involuntary Manslaughter; ~~Intentional Aiming of Firearm; Careless Discharge of a Firearm; Negligent Homicide~~

~~(1)~~ However, even if the defendant is not guilty of murder, [he/she] may be guilty of a less serious offense. [If [he/she] willingly did something that was grossly negligent toward human life or if [he/she] intended to cause injury ~~/ If the gun went off as (he/she) purposely pointed or aimed it at someone]~~, [he/she] may be guilty of involuntary manslaughter.

~~(2) Even if the defendant is not guilty of murder or involuntary manslaughter, you may decide that the defendant did something careless, reckless, or ordinarily negligent that caused the death. In that case, [he/she] may be guilty of [careless, reckless or negligent use of a firearm / negligent homicide].~~

~~(3) To sum up, when you consider the charge of murder, you should also consider whether the defendant is guilty of _____ _____ or _____ _____.~~ In a few moments,

I will describe this these crimes in detail, and I will tell you what terms like "gross negligence" mean.

~~**Use Note**~~

~~Use (1) or (1) and (2) as applicable.~~

[AMENDED] M Crim JI 16.11

Involuntary Manslaughter-Firearm Intentionally Aimed

(1) [The defendant is charged with the crime of ~~_____ / You may also consider the lesser charge of~~] involuntary manslaughter. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant caused the death of [name deceased], ~~that is, [name deceased] died as a result of [state alleged act causing death].~~

(3) Second, that death resulted from the discharge of a firearm.[1] ~~[A firearm is an instrument from which (shot / a bullet) is propelled by the explosion of gunpowder.]~~

(4) Third, at the time the firearm discharged ~~went off~~, the defendant was intentionally aiming or pointing it at [*name deceased*].

~~(5) Fourth, at that time, the defendant intended to point the firearm at [name deceased].~~[†]

[(~~6~~ 5) ~~Fifth~~ Fourth, that the defendant caused the death without lawful excuse or justification.][2]

Use Note

1. ~~This is a specific intent crime.~~ *Firearm* is defined in MCL 750.222(e) as "any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive."

2. Paragraph (~~6~~ 5) should be given only if there is a claim by the defense that the killing was excused or justified.

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FROM THE MICHIGAN SUPREME COURT

ADM File No. 2022-10
Amendment of Rule 8.126 of the Michigan Court Rules

To read this file, visit perma.cc/8VB6-GQML

ADM File No. 2022-24
Proposed Amendments of Rules 6.907, 6.909, and 6.933 of the Michigan Court Rules

To read this file, visit perma.cc/48HS-56CB

ADM File No. 2023-26
Extension of the Comment Period for the Proposed Amendments of Canons 4 and 6 of the Michigan Code of Judicial Conduct

On order of the Court, this is to advise that the Court is extending the comment period for the proposed amendments of Canons 4 and 6 of the Michigan Code of Judicial Conduct published for comment on July 10, 2024. The comment period was set to expire on Nov. 1, 2024, and that date is now extended to Feb. 1, 2025.

ADM File No. 2024-01
Appointment of Chief Judge of the 48th Circuit Court (Allegan County)

On order of the Court, Hon. Matthew Antkoviak is appointed as chief judge of the 48th Circuit Court for a term beginning on Nov. 1, 2024, and ending on Dec. 31, 2025.

ADM File No. 2024-05
Amendment of Rule 7.306 of Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 7.306 of the Michigan Court Rules is adopted, effective immediately.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 7.306 Original Proceedings

(A)-(B) [Unchanged.]

(C) The following actions must be initiated only in the Supreme Court as an original proceeding and in accordance with this rule:

(1) An action for judicial review under MCL 168.46.

(2) An action for judicial review under MCL 168.845a.

(D~~C~~) What to File. Service provided under this subrule must be verified by the clerk. To initiate an original proceeding, a plaintiff must file with the clerk all of the following:

(1) 1 signed copy of a complaint prepared in conformity with MCR 2.111(A) and (B). ~~and entitled, for e~~Example, titles include:

"[Plaintiff] v [Court of Appeals, Governor [NAME], Board of State Canvassers, Board of Law Examiners, Attorney Discipline Board, Attorney Grievance Commission, or Independent Citizens Redistricting Commission]."

The clerk shall retitle a complaint that is named differently.

(2) 1 signed copy of a brief conforming as nearly as possible to MCR 7.212(B) and (C).;

(3) P~~p~~roof that the complaint and brief were served on the defendant, and,

(a) for a complaint filed against the Attorney Discipline Board or Attorney Grievance Commission, on the respondent in the underlying discipline matter;

(b) for purposes of a complaint filed under Const 1963, art 4, § 6(19), service of a copy of the complaint and brief shall be made on any of the following persons:

(i~~1~~) the chairperson of the Independent Citizens Redistricting Commission,;

(ii~~2~~) the secretary of the Independent Citizens Redistricting Commission, or

(iii~~3~~) upon an individual designated by the Independent Citizens Redistricting Commission or Secretary of State as a person to receive service. Service shall be verified by the Clerk of the Court; and

(c) for purposes of a complaint filed under MCL 168.46, service of a copy of the complaint and brief shall be made on the defendant(s) and all of the following persons if not named as a defendant:

(i) the presidential and vice presidential candidates who were certified or determined by the board of

state canvassers to be the winners of the presidential election,

(ii) the chairperson of the board of state canvassers,

(iii) the attorney general, and

(iv) the secretary of state.

A complaint filed under MCL 168.46 must be filed with the Court within 24 hours after the governor's certification of the completed recount but no later than 8:00 a.m. on the day before the electors of President and Vice President are required to convene pursuant to MCL 168.47.

(d) for purposes of a complaint filed under MCL 168.845a, service of a copy of the complaint and brief shall be made on the defendant(s) and all of the following persons if not named as a defendant:

(i) the presidential and vice presidential candidates who were certified or determined by the board of state canvassers to be the winners of the presidential election,

(ii) the governor,

(iii) the attorney general, and

(iv) the secretary of state.

A complaint filed under MCL 168.845a must be filed with the Court within 48 hours after the certification or determination of the results of a presidential election and must name the board of state canvassers as a defendant.

(4) The fees provided by MCR 7.319(C)(1) and MCL 600.1986(1)(a).

Copies of relevant documents, record evidence, or supporting affidavits may be attached as exhibits to the complaint.

(ED) Answer.

(1) [Unchanged.]

(2) A defendant in an action challenging a certification or ascertainment after recount under MCL 168.46 must file the following with the clerk within 24 hours of the complaint being filed or by 12 p.m. on the day before the electors of President and Vice President are required to convene pursuant to MCL 168.47, whichever is earlier, unless the Court directs otherwise:

(a) 1 signed copy of an answer in conformity with MCR 2.111(C);

(b) 1 signed copy of a supporting brief in conformity with MCR 7.212(B) and (D); and

(c) Proof that a copy of the answer and supporting brief was served on the plaintiff.

(3) A defendant in an action filed under MCL 168.845a must file the following with the clerk within 48 hours after service of the complaint and supporting brief, unless the Court directs otherwise:

(a) 1 signed copy of an answer in conformity with MCR 2.111(C);

(b) 1 signed copy of a supporting brief in conformity with MCR 7.212(B) and (D); and

(c) Proof that a copy of the answer and supporting brief was served on the plaintiff and any intervenors.

(2) [Renumbered as (4) but otherwise unchanged.]

(E) [Relettered as (F) but otherwise unchanged.]

(GF) Reply Brief. 1 signed copy of a reply brief may be filed as provided in MCR 7.305(E). In an action filed under Const 1963, art 4, § 6(19), a reply brief may be filed within 3 days after service of the answer and supporting brief, unless the Court directs otherwise. In an action filed under MCL 168.845a, a reply brief may be filed within 1 day after service of the answer and supporting brief, unless the Court directs otherwise. A plaintiff may not file a reply brief in an action for judicial review under MCL 168.46.

(H) Notice of Intervention and Brief. In an action filed under MCL 168.845a(1), the governor, attorney general, secretary of state, and the winner of the presidential election may intervene by filing a notice of intervention and brief in support of or opposition to the complaint within 48 hours after service of the complaint and supporting brief.

(G)-(I) [Relettered as (I)-(K) but otherwise unchanged.]

(LJ) Decision. The Court may set the case for argument as a calendar case, grant or deny the relief requested, or provide other relief that it deems appropriate, including an order to show cause why the relief sought in the complaint should not be granted. To have conclusive effect in an action for judicial review under MCL 168.46, the Court's final order must be issued no later than 4 p.m. the day before the electors for President

FROM THE MICHIGAN SUPREME COURT (CONTINUED)

and Vice President of the United States convene under MCL 168.47. To have conclusive effect in an action for judicial review under MCL 168.845a, the Court's final order must be issued no later than the day before the electors for President and Vice President of the United States convene under MCL 168.47.

Staff Comment (ADM File No. 2024-05): The amendment of MCR 7.306 establishes a procedure for two new original actions in the Supreme Court related to presidential elections in conformity with MCL 168.46 (as amended by 2023 PA 269) and MCL 168.845a (as adopted by 2023 PA 255).

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

ADM File No. 2024-25
Amendment of Administrative Order No. 2016-3

On order of the Court, the following amendment of Administrative Order No. 2016- 3 is adopted, effective immediately. Concurrently, individuals are invited to comment on the form or the merits of the amendment during the usual comment period. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

AO 2016-3 Prisoner Electronic Filing Program ~~with the Michigan Supreme Court and the Michigan Department of Corrections~~

On order of the Court, effective immediately, the Michigan Supreme Court ~~("Court")~~ and Court of Appeals are~~is~~ authorized to implement a Prisoner Electronic Filing Program with the Michigan Department of Corrections.

Participants in the Prisoner Electronic Filing Program consist of the Clerk~~'s~~' Offices of the Michigan Supreme Court and Court of Appeals, the correctional facilities operated by the Michigan Department of Corrections ("MDOC") ~~identified in Exhibit A to this order~~, and the prisoner litigants housed in the ~~identified~~ correctional facilities who are or who seek to be parties to litigation filed in the ~~Michigan~~ Supreme Court or Court of Appeals. ~~Additional facilities may be made part of this program at the discretion of the Clerk's Office and the MDOC.~~

~~For the initial phase of the Prisoner Electronic Filing Program, the Court will provide to the MDOC, and retain ownership of, digital equipment for use in the identified correctional facilities with the sole purpose of transmitting authorized documents between the Court and the identified correctional facilities.~~ The digital equipment used to transmit the documents to the Courts are to~~will~~ be programmed with the~~an~~ email addresses of~~used by~~ the Clerk~~'s~~' Offices for receiving electronic filings from the MDOC. The MDOC will provide the Clerk~~'s~~' Offices with email addresses for receiving electronic notices from the Courts on behalf of the prisoner litigants at the ~~identified~~ correctional facilities.

~~Prisoner litigants may, but are not required to, utilize the forms created by the Clerks' Offices of the Supreme Court and Court of Appeals for self-represented litigants and made available to the MDOC. The Courts will accept all case-related documents in criminal or civil matters.~~

Filings by prisoner litigants should be submitted electronically to the appropriate Clerk's Office to avoid delayed or lost filings by the U.S. Postal Service~~during the initial phase of the program will be limited to applications for leave to appeal and related documents in criminal cases. Prisoner litigants must utilize the form created by the Clerk's Office for self-represented litigants and made available to the MDOC.~~

~~All filings by prisoner litigants must be submitted electronically to the Clerk's Office unless the system is not operational when the documents are presented to the MDOC for e-filing.~~ If the e-filing system is not operational at the time of the filing's presentment to prison staff for transmission, the filing must~~shall~~ be submitted by mail, unless the system is expected to resume operation before the filing deadline. A prisoner litigant who is transferred from a correctional facility with e-filing capability to a correctional facility without e-filing capability must submit all future filings by mail via the p~~U.S. P~~ostal s~~S~~ervice. A prisoner litigant who is transferred into a correctional facility with e-filing capability should~~must~~ electronically transmit all subsequent filings to the appropriate Court. The prisoner litigant must immediately notify the appropriate Clerk's Office ~~immediately~~ of any change of address.

MDOC staff will scan the prisoner litigant's filings at the correctional facility and transmit them~~, with a time stamp applied by the digital equipment,~~ to the appropriate Clerk's Office email address. An automated email reply will be ~~immediately~~ sent to the MDOC email address acknowledging receipt of the filing. The original documents will be returned to the prisoner litigant, who must retain

them in their original form and produce them at a later time if directedordered by eitherthe Court.

The Clerk's' Offices will review filings as soon as practicable (usually by 5:00 p.m. if received in the morning on a business day or by 12:00 p.m. the following business day if received in the afternoon) for jurisdiction and compliance with the court rules. If the Courts does not have jurisdiction or if the filing does not substantially comply with the court rules, the Clerk's' Offices will transmit a Notice of Rejection to the MDOC that specifies the reason(s) for the rejection.

If the filing is accepted, it will be docketed in the Court's case management system and electronically served on those persons or entities that the prisoner litigant has identified as parties to the litigation if they are registered users of MiFILETrueFiling or have provided an official email address listed in the State Bar of Michigan attorney directoryto the Court. The Clerk's' Offices will mail copies of the prisoner litigant's filing via the U.S. Postal Service to identified parties who cannot be e-served. For accepted filings, the Clerk's' Offices will transmit a Notice of AcceptanceElectronic Filing to the MDOC that identifies, among other things, the names and service information of parties who were served with the filing. The Notice of AcceptanceElectronic Filing also will be electronically transmitted or mailed to the lowerMichigan Court of Appeals and the trial courts/tribunals as notice of the appeal under MCR 7.204(E), MCR 7.205(B), or MCR 7.305(A)(3), as applicable. The MDOC will provide a copy of the Notice of Rejection or Notice of Acceptance Electronic Filing to the prisoner litigant as soon as practicable.

Exhibit A

Correctional Facilities Participating in the Prisoner Electronic Filing Program:

Carson City Correctional Facility, 10274 Boyer Road, Carson City, MI 48811

St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, MI 48880

Staff Comment (ADM File No. 2024-25): The amendment of AO 2016-3 expands the Prisoner Electronic Filing Program.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by February 1, 2025 by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2024-25. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ADM File No. 2023-36 Amendment of Rule 3.932 of the Michigan Court Rules

On order of the Court, the following amendment of Rule 3.932 of the Michigan Court Rules is adopted, effective immediately.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 3.932 Summary Initial Proceedings

(A)-(B) [Unchanged.]

(C) Consent Calendar.

(1)-(4) [Unchanged.]

(5) Conference. After placing a matter on the consent calendar, the court must conduct a consent calendar case conference with the juvenile, the juvenile's attorney, if any, and the juvenile's parent, guardian, or legal custodian. The prosecutor and victim may, but need not, be present. At the conference, the court must discuss the allegations with the juvenile and issue a written consent calendar case plan in accordance with MCL 712A.2f(9). The period for a juvenile to complete the terms of a consent calendar case plan must not exceed 63 months, unless the court determines that a longer period is needed for the juvenile to complete a specific treatment program and includes this determination as part of the consent calendar case record.

(6)-(11) [Unchanged.]

(D) [Unchanged.]

Staff Comment (ADM File No. 2023-36): As a housekeeping revision, the amendment of MCR 3.932 aligns the rule with MCL 712A.2f(9)(c) regarding the period of time for a juvenile to complete the terms of a consent calendar case plan.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

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U0816-SBM03

ORDERS OF DISCIPLINE & DISABILITY

SUSPENSION AND RESTITUTION (BY CONSENT)

Gregory A. Bell, P61658, Ypsilanti. Suspension, three years, effective Oct. 2, 2024.

The respondent and the grievance administrator filed a Second Amended Stipulation for Consent Order of Three-Year Suspension in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by Washtenaw County Hearing Panel #3. The second amended stipulation contained the respondent's admissions to the factual allegations and allegations of professional misconduct set forth in the formal complaint, namely that the respondent committed professional misconduct during his handling of a client's probate court case and for mishandling funds provided to his office by his client with the intent that the respondent would safeguard the funds until he completed future legal work.

Based upon the respondent's admissions and the parties' second amended stipulation, the panel found that the respondent neglected a legal matter entrusted to him in violation of MRPC 1.1(c) [counts 1 and 2]; failed to act with reasonable diligence and promptness in violation of MRPC 1.3 [count 1]; failed to keep a client reasonably informed about the status of a matter in violation of MRPC 1.4(a) [count 1]; failed to safeguard client funds deposited in his IOLTA in violation of MRPC 1.15(d) [count 2]; failed to refund unearned fees in violation of MRPC 1.16(d) [count 1]; failed to supervise a nonlawyer assistant and give reasonable assurances that the nonlawyer assistant's conduct is compatible with the lawyer's professional obligations in violation of MRPC 5.3 [count 2]; engaged in conduct prejudicial to the proper administration of justice in violation of MCR 9.104(1) [counts 1-2]; engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach in violation of MCR 9.104(2) [counts 1-2]; and engaged in conduct that is contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3) [counts 1-2].

The panel ordered that the respondent's license to practice law in Michigan be suspended for three years, effective Oct. 2, 2024, and that the respondent pay restitution totaling $20,000. Costs were assessed in the amount of $1,064.52.

SUSPENSION AND RESTITUTION WITH CONDITIONS

Sean W. Drew, P33851, Niles. Suspension, 90 days, effective Sept. 28, 2024.

Hearings were held in this matter in accordance with MCR 9.115 and the respondent stipulated to the facts and allegations of misconduct set forth in the formal complaint. Based upon the evidence presented at the hearings and the respondent's stipulation, Kalamazoo County Hearing Panel #2 found that the respondent committed professional misconduct during his representation of a client in a civil matter, during his representation of a client in a divorce matter, and during his representation of a client seeking visitation with her minor child. The panel also found that the respondent failed to answer the grievance administrator's requests for investigation concerning these clients.

Specifically, the hearing panel found that the respondent neglected a legal matter entrusted to him in violation of MRPC 1.1(c) [counts 1 and 3]; failed to seek the lawful objectives of a client in violation of MRPC 1.2(a) [counts 1 and 3]; failed to act with reasonable diligence and promptness in violation of MRPC 1.3 [counts 1 and 3]; failed to keep a client reasonably informed about the status of a matter and/or comply promptly with a client's reasonable requests for information in violation of MRPC 1.4(a) [counts 2-3]; entered into an agreement for, charged, and/or collected an illegal or clearly excessive fee in violation of MRPC 1.5(a) [counts 2-3]; failed to adequately communicate the basis or rate of the fee to his client in violation of MRPC 1.5(b) [count 2]; failed to take reasonable steps to protect a client's interests upon termination of representation, such as failing to refund any advanced fees that had not been earned, in violation of

MRPC 1.16(d) [count 3]; entered, or attempted to enter, into a business transaction with a client or knowingly acquire an ownership, possessory, security, or other pecuniary interest adverse to a client where (1) the transaction and terms on which the lawyer acquired the interest were not fair and reasonable to the client and were not fully disclosed and transmitted in writing to the client in a manner that could be reasonably understood by the client, (2) the client was not given a reasonable opportunity to seek the advice of independent counsel in the transaction, and/or (3) the client did not consent in writing thereto in violation of MRPC 1.8(a) [count 2]; filed pleadings and motions asserting or controverting issues without a basis for doing so that is non-frivolous in violation of MRPC 3.1 [count 1]; failed to make reasonable efforts to expedite litigation consistent with the interests of his client in violation of MRPC 3.2 [count 1]; knowingly made a false statement of material fact or law to a tribunal or failed to correct a false statement of material fact or law he previously made to the tribunal in violation of MRPC 3.3(a)(1) [count 1]; knowingly disobeyed an obligation under the rules of a tribunal in violation of MRPC 3.4(c) [count 1]; failed to make reasonably diligent efforts to comply with a legally proper discovery request by an opposing party in violation of MRPC 3.4(d) [count 1]; failed to respond to a lawful demand for information from a disciplinary authority in violation of MRPC 8.1(a)(2) [count 4]; and failed to answer a Request for Investigation in violation of MCR 9.104(7) and MCR 9.113(B)(2) [count 4]. The panel also found violations of MCR 9.104(1)-(3) and MRPC 8.4(c) in all four counts.

The panel ordered that the respondent's license to practice law be suspended for a period of 90 days; pay restitution in the total amount of $1,800; and be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of $3,495.15.

179-DAY SUSPENSION WITH CONDITIONS (BY CONSENT)

Gerard J. Garno, P62106, Washington. Suspension, 179 days, effective Sept. 24, 2024.

The respondent and the grievance administrator filed a Stipulation for Consent Order of 179-Day Suspension with Conditions which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #10. The stipulation contained the respondent's admission that he was convicted of criminal contempt on Sept. 14, 2022 (failure to appear); Oct. 28, 2022 (failure to appear and failure to pay child and/or spousal support); and Dec. 6, 2022 (failure to pay child and/or spousal support and inappropriate behavior in court toward another court participant) arising out of his conduct during and after his divorce proceedings (see *In the Matter of Gerard Garno (Laura Grigg Garno v. Gerard J. Garno)*, 31st Circuit Court, Case No. 19-000719-DZ) and that he commingled his personal and/or business funds with client funds and improperly paid business and/or personal expenses out of his IOLTA. The stipulation further contained the respondent's admissions to the remaining factual allegations and allegations of professional misconduct as set forth in the formal complaint and the parties' agreement that paragraphs 209(d), (f), (h), and (o) of the formal complaint would be dismissed.

Based on the respondent's admissions and the parties' stipulation, the panel found the respondent represented a client where the representation was materially limited by the lawyer's responsibilities to another client or a third person or by the lawyer's own interests where the lawyer did not reasonably believe the representation would not be adversely affected or where the client did not consent after consultation in violation of MRPC 1.7(b) [count 1]; failed to safeguard client property in violation of MRPC 1.15 [count 2]; failed to hold property of clients or third persons in connection with a representation separate from his own property in violation of MRPC 1.15(d) [count 2]; brought or defended a proceeding or asserted or controverted an issue therein without a basis for doing so that is non-frivolous in violation of MRPC 3.1 [count 1]; failed to make reasonable efforts to expedite litigation consistent with the interests of the client in violation of MRPC 3.2 [count 1]; failed to disclose to a tribunal controlling legal authority in the jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel in violation of MRPC 3.3(a)(2) [count 1]; unlawfully obstructed another party's access to evidence, unlawfully altered, destroyed, or concealed a document or other material having potential evidentiary value, or counseled or assisted another person to do any such act in violation of MRPC 3.4(a) [count 1]; knowingly disobeyed an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists in violation of MRPC 3.4(c) [count 1]; in pretrial procedure, made a frivolous discovery request and/or failed to make reasonably diligent efforts to comply with a legally proper discovery request by an opposing party in violation of MRPC 3.4(d) [count 1]; during trial, alluded to matters that he did not reasonably believe were relevant or that were not supported by admissible evidence, asserted personal knowledge of facts in issue when not testifying as a witness, and/or stated a personal opin-

ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

ion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of an accused in violation of MRPC 3.4(e) [count 1]; requested that a person other than a client refrain from voluntarily giving relevant information to another party where the person was not an employee or other agent of a client for purposes of MRE 801(d)(2)(D) or the lawyer did not reasonably believe that the person's interests would not be adversely affected by refraining from giving such information in violation of MRPC 3.4(f) [count 1]; engaged in undignified or discourteous conduct toward a tribunal in violation of MRPC 3.5(d) [count 1]; failed to treat with courtesy and respect all persons involved in the legal process in violation of MRPC 6.5(a) [count 1]; engaged in conduct prejudicial to the administration of justice in violation of MCR 9.104(1) and MRPC 8.4(c) [counts 1-2]; engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach in violation of MCR 9.104(2) [counts 1-2]; engaged in conduct contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3) [counts 1-2]; engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615 in violation of MCR 9.104(5) [count 1]; and failed to report a criminal conviction to the grievance administrator and the Attorney Discipline Board in writing within 14 days after the conviction in violation of MCR 9.120(A)(1) [count 1].

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 179 days, effective Sept. 24, 2024, as agreed to by the parties. The panel also ordered that the respondent be subject to conditions relevant to the established misconduct. Total costs were assessed in the amount of $2,130.80.

SUSPENSION (BY CONSENT)

Kenneth B. Morgan, P34492, Farmington Hills. Suspension, five years, effective Sept. 17, 2024.[1]

After proceedings conducted pursuant to MCR 9.115, Tri-County Hearing Panel #73 found that the respondent committed professional misconduct during his representation of a client in a civil matter and failed to answer a request for investigation. The respondent failed to file a timely answer to the complaint and his default was entered by the grievance administrator on Feb. 23, 2024. That same day, the respondent filed an answer to the complaint but did not request to set aside the default.

Based on the respondent's default and admissions, the panel found that the respondent failed to represent a client competently in violation of MRPC 1.1(a) [count 1]; neglected a legal matter entrusted to him in violation of MRPC 1.1(c) [count 2]; failed to seek the lawful objective of a client through reasonably available means in violation of MRPC 1.2(a) [count 1]; failed to act with reasonable diligence and promptness in representing a client in violation of MRPC 1.3 [count 1]; failed to keep a client reasonably informed about the status of a matter and comply with reasonable requests for information in violation of MRPC 1.4(a) [count 1]; upon termination, failed to return a file in violation of MRPC 1.16(d) [count 1]; failed to provide candid advice in violation of MRPC 2.1 [count 1]; filed a frivolous pleading in violation of MRPC 3.1 [count 1]; knowingly failed to respond to a lawful demand for information from an admissions or disciplinary authority in violation of MRPC 8.1(a)(2) [count 2]; engaged in conduct prejudicial to the proper administration of justice in violation of MCR 9.104(1) and MRPC 8.4(c) [counts 1-2]; engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach in violation of MCR 9.104(2) [counts 1-2]; engaged in conduct that is contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3) [counts 1-2]; engaged in conduct that violates the standards or rules of professional conduct in violation of MCR 9.104(4) and MRPC 8.4(a) [counts 1-2]; and failed to answer the request for investigation in conformity with MCR 9.113(A) and (B)(2) in violation of MCR 9.104(7) and MRPC 8.1(a)(2) [count 2].

The panel ordered that the respondent's license to practice law in Michigan be suspended for five years and that he pay restitution in the total amount of $20,000. Costs were assessed in the amount of $2,119.38.

1. The respondent's license to practice law in Michigan has been continuously suspended since March 19, 2024. See Notice of Suspension issued on March 22, 2024, in *Grievance Administrator v. Kenneth B. Morgan*, 23-88-RD; 23-89-GA.

SUSPENSION (BY CONSENT)

Matthew D. Novello, P63269, Highland. Suspension, 60 days, effective Oct. 10, 2024.[1]

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline pursuant to MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #72. The stipulation contained the parties' agreement that paragraphs 57; 59(e), (f), (g), and (j); and 67(c) and (f) of the formal complaint would be dismissed and that paragraphs 53 and 58 would be amended. The stipulation also contained the respondent's plea of no contest to the factual allegations and grounds for discipline set forth in the remaining paragraphs of the formal complaint.

Based on the respondent's no contest pleas and the stipulation of the parties, the panel found that the respondent neglected a legal matter in violation of MRPC 1.1(c) [count 1]; failed to seek the lawful objectives of the client in violation of MRPC 1.2(a) [count 1]; failed to act with reasonable diligence and promptness in representing a client in violation of MRPC 1.3 [count 1]; failed to keep the client reasonably informed about the status of the matter, comply with reasonable requests for information, and notify the client promptly of all settlement offers in violation of MRPC 1.4(a) [count 1]; knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of MRPC 8.1(a)(2) [count 2]; failed to answer a Request for Investigation in violation of MCR 9.104(7) and MCR 9.113(A) and (B)(2) [count 2]; engaged in conduct that is prejudicial to the administration of justice in violation of MRPC 8.4(c) and MCR 9.104(1) [counts 1-2]; and engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach in violation of MCR 9.104(2) [counts 1-2].

The panel ordered that the respondent's license to practice law be suspended for 60 days, effective Oct. 10, 2024. Costs were assessed in the amount of $1,195.51.

1. The respondent's license to practice law in Michigan has been continuously suspended since Dec. 8, 2022. See Notice of 180-Day Suspension and Restitution, issued March 15, 2023, in *Grievance Administrator v. Matthew D. Novello*, 22-76-GA.

ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

REPRIMAND (BY CONSENT)

Jeffrey W. Perlman, P36664, Southfield. Reprimand, effective Sept. 18, 2024.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #69. The stipulation contained the respondent's admissions to the factual allegations and allegations of professional misconduct set forth in the formal complaint, namely that the respondent committed professional misconduct by failing to remove the name and image of a suspended attorney from the firm's website and advertising.

Based upon the respondent's admissions as set forth in the parties' stipulation, the panel found that the respondent offered firm communications containing a material misrepresentation of fact in violation of MRPC 7.1(a) and failed to identify the name and contact information of at least one lawyer responsible for the content of an advertisement in violation of MRPC 7.2(d). The panel also found the respondent's conduct to have violated MCR 9.104(1)-(3).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of $790.82.

REPRIMAND (BY CONSENT)

Brent D. Riley, P78208, Eagle. Reprimand, effective Oct. 11, 2024.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by Ingham County Hearing Panel #2.

The stipulation contained the respondent's admission that he was convicted by guilty plea of operating while impaired, a misdemeanor, in violation of MCL 257.625 in a matter titled *State of Michigan v. Brent David Riley,* 65A District Court, Case No. 24-372-SD, and that this conviction constitutes professional misconduct.

Based on the respondent's conviction, admission, and the parties' stipulation, the panel found that the respondent committed professional misconduct when he engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615 in violation of MCR 9.104(5).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Costs were assessed in the amount of $761.26.

DISBARMENT (BY CONSENT)

Jack B. Wolfe, P39667, West Bloomfield. Disbarment, effective Oct. 2, 2024.[1]

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline pursuant to MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #64. The stipulation contained the respondent's acknowledgment that he was convicted by guilty plea on Feb. 15, 2024, of two counts of forgery of [sic] document affecting real property and two counts of uttering and publishing a document affecting real property in violation of MCL 750.248b and MCL 750.249b, felony offenses, and that his conviction constituted professional misconduct.

Based on the stipulation of the parties, the panel found that the respondent committed professional misconduct when he engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615 in violation of MCR 9.104(5) and engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in violation of MRPC 8.4(b).

In accordance with the stipulation of the parties, the panel ordered that the respondent be disbarred from the practice of law in Michigan. Total costs were assessed in the amount of $873.32.

1. The respondent has been continuously suspended from the practice of law in Michigan since Feb. 12, 2013. See Notice of Suspension issued Aug. 20, 2013, in Grievance Administrator v Jack B. Wolfe, 12-39-RD.

SUSPENSION

Michael J. Zayed, P53518, White Lake. Suspension, 180 days, effective Sept. 19, 2024.

The grievance administrator filed a combined Notice of Filing of Judgment of Conviction and Formal Complaint. The notice, filed in accordance with MCR 9.120(B)(3), stated that the respondent was convicted by guilty plea of operating a motor vehicle with a blood alcohol content of .17 grams or more per 100 millimeters of blood, a misdemeanor. The formal complaint alleged that the respondent failed to notify the grievance administrator and the Attorney Discipline Board of his conviction and failed to respond to a request for investigation.

After proceedings conducted pursuant to MCR 9.115 and 9.120, the panel found that the respondent committed professional misconduct as alleged in the Notice of Filing of Judgment of Conviction and that by virtue of his default for failure to answer the formal complaint or appear at the hearing, the respondent committed professional misconduct as alleged in the formal complaint in its entirety.

Based on the respondent's conviction, the panel found that the respondent engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615 in violation of MRPC 8.4(b) and MCR 9.104(5).

Based on the respondent's default and the evidence presented at the hearing, the panel found that the respondent engaged in conduct that is prejudicial to the administration of justice in violation of MRPC 8.4(c) and 9.104(1); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach in violation of MCR 9.104(2); engaged in conduct that is contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3); engaged in conduct that violates the standards or rules of professional conduct adopted by the Supreme Court in violation of MCR 9.104(4); failed to notify the grievance administrator and the board of the conviction within 14 days after the conviction in violation of MCR 9.120(A)(1); and failed to answer a request for investigation in conformity with MCR 9.113(A)(B)(2) in violation of MCR 9.104(7) and MRPC 8.1(a)(2).

The panel ordered that the respondent's license to practice law be suspended for 180 days. Costs were assessed in the amount of $1,782.15.

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COMPULSIVE DISORDERS?

Shoplifting, overspending, hoarding, employee theft? The Shulman Center for Compulsive Theft, Spending & Hoarding was founded in 2004 to address the growing — yet undertreated — epidemics of compulsive stealing, spending, and hoarding. Professional, confidential, comprehensive, and effective treatment. Expert psychotherapy, therapist training, presentations, and corporate consulting. All communications completely confidential. We are available in person, by telephone, and via videoconferencing. Founder, C.A.S.A. (Cleptomaniacs And Shoplifters Anonymous) support groups. If you think you have a problem, call 248.358.8508, email terrenceshulman@theshulmancenter.com, or mail The Shulman Center, PO Box 250008, Franklin, MI 48025.

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Career Center. The State Bar of Michigan has partnered with an industry leader in job board development to create a unique employment marketplace with features different from general job boards including a highly targeted focus on employment opportunities in a certain sector, location, or demographic; anonymous résumé posting and job application enabling job candidates to stay connected to the employment market while maintaining full control over their confidential information; an advanced job alert

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system that notifies candidates of new opportunities matching their preselected criteria; and access to industry-specific jobs and top-quality candidates. Employer access to a large number of job seekers. The career center is free for job seekers. Employers pay a fee to post jobs. For more information, visit the Career Center at jobs.michbar.org.

Lakeshore Legal Aid serves low-income people, seniors, and survivors of domestic violence and sexual assault in a holistic manner to address clients' legal issues and improve our communities. Lakeshore provides free direct legal representation in 17 counties in southeast Michigan and the Thumb and client intake, advice, and brief legal services throughout Michigan via our attorney-staffed hotline. Our practice areas include housing, family, consumer, elder, education, and public benefits law. Search open positions with Lakeshore at lakeshorelegalaid.org/positions and apply today.

ENGINEER EXPERT

EVENTS, PRESENTATIONS, PUBLICATIONS

Attorney's Resource Conference — Attention personal injury, medical malpractice, and any attorney who works on cases involving medical records! Join the Attorney's Resource Conference from Aug. 12-14, 2025, at the Garden Theater in Detroit. This conference provides a dynamic and relaxing platform to build networks for case support while enhancing your skills and staying informed. Learn from top doctors, nurses, and attorneys. Enhance your expertise in medical issues, learn how they can impact your case, and be in the know so you are prepared and confident to present medical evidence. Whether you are an attorney concentrating on healthcare, personal injury, and medical malpractice; a nurse attorney; or a legal nurse consultant, you will be equipped with the knowledge and connections necessary to excel in your practice and provide the best possible representation for your clients while offering an opportunity to relax and attend to your own self-care. To register or to learn more, visit attorneysconference.com.

"Pilgrim" is a new book written to motivate older teens and people in their 20s. It is frank, honest, informative, and a comfortable read. I ask that you read it and if you deem it to be worthy, pass it along to your children or grandchildren. They are not apt to buy it, but they need to read it. Clark Cumings-Johnson, author. $12.49 online at Amazon, Barnes and Noble, or your favorite e-vendor.

OFFICE SPACE OR VIRTUAL SPACE AVAILABLE

Attorney offices and administrative spaces available in a large, fully furnished, all-attorney suite on Northwestern Highway in Farmington Hills ranging from $350 to $1,600 per month. The suite has a full-time receptionist; three conference rooms; copier with scanning, high-speed internet and Wi-Fi; and a VoIP phone system in a building with 24-hour access. Ideal for small firm or sole practitioner. Call Jerry at 248.932.3510 to tour the suite and see available offices.

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Sublease (downtown Birmingham). Executive corner office, 16′ x 16′ with picture windows and natural light, in class A building on Old Woodward at Brown Street. Amenities include a shared conference room, spacious kitchen, and staff workstation. Available secured parking in garage under building. $1,975/month. Contact Allan at Nachman@WillowGP.com or 248.821.3730.

Troy. One furnished, windowed office available within second-floor suite of smaller class A building just off Big Beaver two blocks east of Somerset Mall. Includes internet and shared conference room; other resources available to share. Quiet and professional environment. $650/month each. Ask for Bill at 248.646.7700 or bill@gaggoslaw.com.

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LAWYERS & JUDGES ASSISTANCE
MEETING DIRECTORY

The following list reflects the latest information about lawyers and judges AA and NA meetings. Meetings marked with "*" have been designated for lawyers, judges, and law students only. All other meetings are attended primarily by lawyers, judges, and law students, but also are attended by others seeking recovery. In addition, we have listed "Other Meetings," which others in recovery have recommended as being good meetings for those in the legal profession.

For questions about any of the meetings listed, please contact the Lawyers and Judges Assistance Program at 800.996.5522 or jclark@michbar.org.

PLEASE DO NOT HESITATE TO CONTACT LJAP DIRECTLY WITH QUESTIONS PERTAINING TO VIRTUAL 12-STEP MEETINGS. FOR MEETING LOGIN INFORMATION, CONTACT LJAP VOLUNTEERS ARVIN P. AT 248.310.6360 OR MIKE M. AT 517.242.4792.

ALCOHOLICS ANONYMOUS & OTHER SUPPORT GROUPS

Bloomfield Hills
WEDNESDAY 6 PM*
Virtual meeting
Kirk in the Hills Presbyterian Church
1340 W. Long Lake Rd.
1/2 mile west of Telegraph

Detroit
MONDAY 7 PM*
Lawyers and Judges AA
St. Paul of the Cross
23333 Schoolcraft Rd.
Just east of I-96 and Telegraph*(This is both an AA and NA meeting.)*

East Lansing
WEDNESDAY 8 PM
Sense of Humor AA Meeting
Michigan State University Union
Lake Michigan Room
S.E. corner of Abbot and Grand River Ave.

West Bloomfield
THURSDAY 7:30 PM *
A New Freedom
Virtual meeting
(Contact Arvin P. at 248.310.6360 for Zoom login information)

Houghton Lake
SECOND SATURDAY OF THE MONTH 1 PM
Lawyers and Judges AA Meeting
Houghton Lake Alano Club
2410 N. Markey Rd.
Contact Scott with questions 989.246.1200

Lansing
THURSDAY 7 PM*
Virtual meeting
Contact Mike M. for meeting information
517.242.4792

Lansing
SUNDAY 7 PM*
Virtual meeting
Contact Mike M. for meeting information
517.242.4792

Royal Oak
TUESDAY 7 PM*
Lawyers and Judges AA
St. John's Episcopal Church
26998 Woodward Ave.

Stevensville
THURSDAY 4 PM*
Al-Anon of Berrien County
4162 Red Arrow Highway

THURSDAY 7:30 PM
Zoom
(Contact Arvin P. at 248.310.6360 for Zoom login information)

GAMBLERS ANONYMOUS

For a list of meetings, visit
gamblersanonymous.org/mtgdirMI.html.

Please note that these meetings are not specifically for lawyers and judges.

OTHER MEETINGS

Detroit
TUESDAY 6 PM
St. Aloysius Church Office
1232 Washington Blvd.

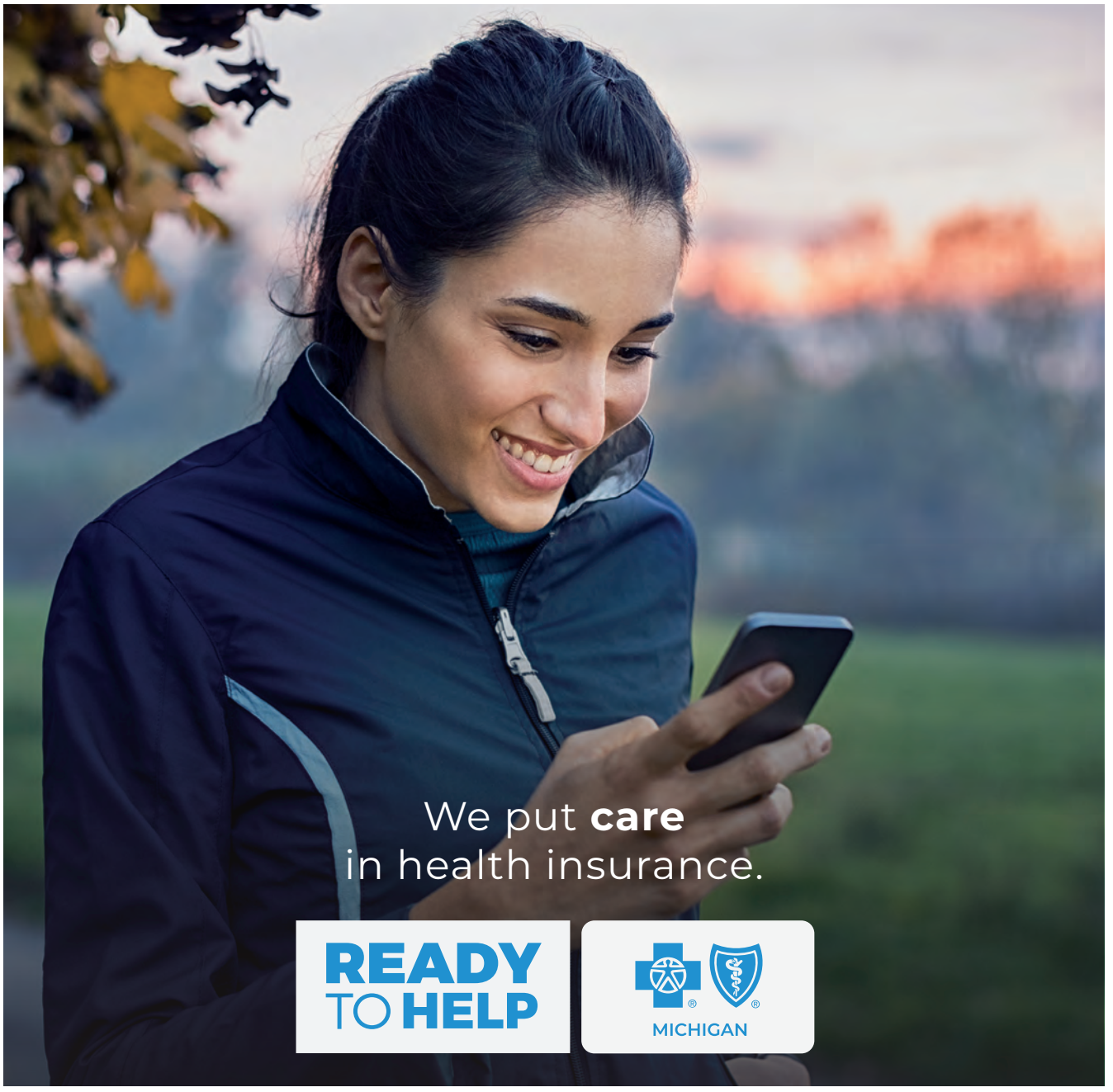
Detroit
FRIDAY 12 PM
Detroit Metropolitan Bar Association
645 Griswold
3550 Penobscot Bldg., 13th Floor
Smart Detroit Global Board Room 2

Farmington Hills
TUESDAY 7 AM
Antioch Lutheran Church
33360 W. 13 Mile
Corner of 13 Mile and Farmington Rd., use back entrance, basement

Monroe
TUESDAY 12:05 PM
Professionals in Recovery
Human Potential Center
22 W. 2nd St.
Closed meeting; restricted to professionals who are addicted to drugs and/or alcohol

Rochester
FRIDAY 8 PM
Rochester Presbyterian Church
1385 S. Adams
South of Avon Rd.
Closed meeting; men's group

Troy
FRIDAY 6 PM
The Business & Professional (STAG)
Closed Meeting of Narcotics Anonymous
Pilgrim Congregational Church
3061 N. Adams
2 blocks north of Big Beaver (16 Mile Rd.)



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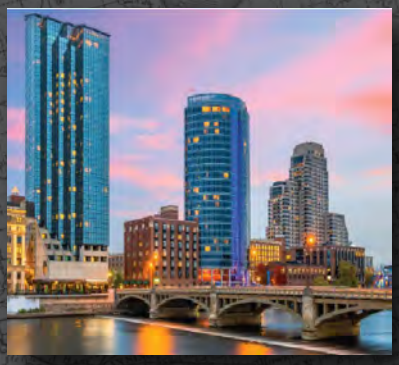

Grand Rapids

Kalamazoo

Ann Arbor

Metro Detroit