MICHIGAN
BAR JOURNAL
JANUARY 2026

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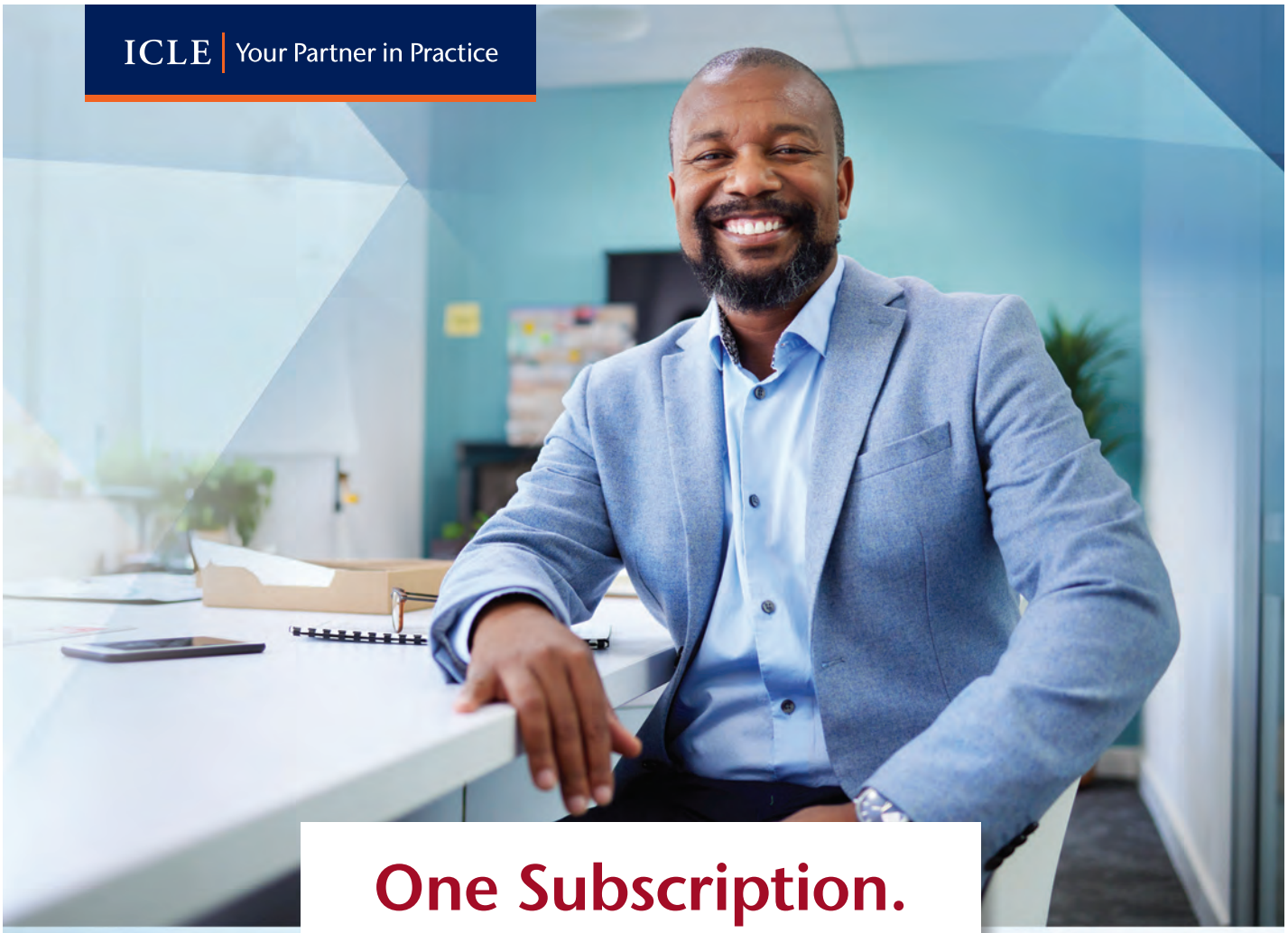

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MCL 600.6013 governs how to calculate the interest on a money judgment in a Michigan state court. Interest is calculated at six-month intervals in January and July of each year from when the complaint was filed as is compounded annually.

For a complaint filed after Dec. 31, 1986, the rate as of January 1, 2025, is 4.083%. 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.

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.

Still need the 6th edition of the Michigan Land Title Standards and the previous supplements? They are also available for purchase.

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

BOARD OF COMMISSIONERS MEETING SCHEDULE

MARCH 6, 2026 (IF NEEDED)
APRIL 24, 2026
JUNE 12, 2026
JULY 24, 2026
SEPTEMBER 18, 2026

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, 2025, 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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IN MEMORIAM

STEVEN O. ASHTON, P40475, of Detroit, died October 10, 2025. He was born in 1962 and was admitted to the Bar in 1987.

CHRISTINE P. DEWAN, P67097, of Bloomfield Hills, died June 18, 2025. She was born in 1960, graduated from Detroit Mercy School of Law, and was admitted to the Bar in 2004.

NANCY L. DILLEY, P34481, of Grand Rapids, died October 31, 2025. She was born in 1956, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1982.

EDWARD DRAUGELIS, P12947, of Dearborn, died May 17, 2025. He was born in 1928, graduated from Detroit College of Law, and was admitted to the Bar in 1959.

ALVIS PHILLIP EASTER, P27168, of El Granada, Calif., died October 9, 2025. He was born in 1949, graduated from Detroit College of Law, and was admitted to the Bar in 1977.

PHILIP A. GRASHOFF, JR., P14279, of Bloomfield Hills, died July 12, 2025. He was born in 1944, graduated from Wayne State University Law School, and was admitted to the Bar in 1972.

JEROME B. GREENBAUM, P14325, of Southfield, died November 13, 2025. He was born in 1937, graduated from University of Michigan Law School, and was admitted to the Bar in 1961.

JOANNE C. HARTNETT, P32459, of Harbor Springs, died September 18, 2025. She was born in 1934, graduated from Detroit College of Law, and was admitted to the Bar in 1981.

HON. THEODORE O. JOHNSON, P23445, of Alpena, died July 7, 2025. He was born in 1943, graduated from Detroit College of Law, and was admitted to the Bar in 1974.

DAVID I. KAUFMAN, P15759, of Kalamazoo, died October 25, 2025. He was born in 1932, graduated from Wayne State University Law School, and was admitted to the Bar in 1964.

JAMES H. NOVIS, P30679, of Saginaw, died October 20, 2025. He was born in 1954, graduated from University of Michigan Law School, and was admitted to the Bar in 1979.

SEAN PATRICK SCHAEFFNER, P19953, of Ridgeway, S.C., died December 23, 2024. He was born in 1939, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 1972.

MICHAEL J. SCHOLKE, P73609, of Iron Mountain, died April 24, 2025. He was born in 1981 and was admitted to the Bar in 2010.

PETER J. VELLENGA, P21804, of Boyne City, died October 26, 2025. They were born in 1941 and were admitted to the Bar in 1971.

ROSEMARY KOZIELSKI WOLOCK, P24988, of Huntington Woods, died November 16, 2025. She was born in 1946, graduated from Detroit College of Law, and was admitted to the Bar in 1975.

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.

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NEWS & MOVES

ARRIVALS & PROMOTIONS

Laura L. Brownfield has joined Plunkett Cooney.

Amy Durant has joined the Lansing office of Dykema as Senior Counsel.

Danielle Fink has joined Hertz Schram P.C.

Peter J. Florian has joined Plunkett Cooney.

Evan J. Kuiper has joined Kuiper Kraemer PC as a litigation associate.

Berton K. May has joined Quintairos, Prieto, Wood & Boyer P.A.

Steven Meerschaert, Brooke Drabicki, Klara Marku, Samantha Aula, Maryana Odisho, Maxwell Cavellier, Pandora Pando, and **Nathaniel Lazor** have joined Secrest Wardle.

Patrick L. Rawsthorne has joined Butzel as a shareholder.

Daniella Z. Toma has joined the firm of Alexander & Angelas, P.C. in Bingham Farms.

Hailey A. Wolf has joined Plunkett Cooney.

LEADERSHIP

Matthew S. Dowling, with the Chicago office of Plunkett Cooney, was elected to serve as a member of the Greater Chicago Legal Clinic board of directors.

PRESENTATIONS, PUBLICATIONS & EVENTS

Butzel is hosting a free webinar from 11 a.m. – Noon, on Tuesday, December 16, 2025, titled, "2026 Tariffs Outlook – How to Mitigate Risks and Claim Refunds."Other In recognition of Carbon Monoxide Awareness Month, **Goodman Acker** partnered with the Southfield Fire Department to distribute 500 free carbon monoxide detectors to local families.

PRESENTATIONS, PUBLICATIONS & EVENTS

Reginald A. Pacis, with Butzel, participated in an alumni panel discussion on "U.S. Immigration Today" at Michigan State University's James Madison College on Wednesday, November 19, 2025.

Have a milestone to announce? Send your information to News & Moves at newsandmoves@michbar.org.

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AUTHOR: PATRICK T. BARONE

Patrick T. Barone has an "AV" (highest) rating from Martindale-Hubbell, and since 2009 has been included in the highly selective *U.S. News & World Report's America's Best Lawyers*, while the Barone Defense Firm appears in their companion *America's Best Law Firms*. He has been rated "Seriously Outstanding" by Super Lawyers, rated "Outstanding/10.0" by AVVO, and has recently been rated as among the top 5% of Michigan's lawyers by *Leading Lawyers* magazine.

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FROM THE PRESIDENT

LISA J. HAMAMEH

It is our duty to protect the rule of law

I remember raising my right hand, excited and nervous, ready for the next step. "I do solemnly swear," I said, we all said, as we took our lawyer's oath and set off on our careers. I was ambitious and idealistic, exhausted from law school, yet eager to change the world. We raised our hands as graduates with a dream and lowered them as lawyers, ready to fight for what is right, to serve as officers of the court, and to uphold the rule of law.

We are living in a moment of challenge and of change — not only in our profession, but within the broader fabric of our society. Rule of law, the independence of the judiciary, and public confidence in our institutions are being tested in ways few generations have experienced.

The reality of these challenges makes me think a lot these days about our oaths. I think of our communal commitment to defend the rights of all people and to promote justice. I square my shoulders and remember that with our pledge we must always remain committed to upholding these fundamental principles, not just in words, but in practice.

The good news? We are not alone in our fight. We have each other, we have history, and we have the State Bar of Michigan on our side.

BUILDING ON HISTORY

Each of us brings our own unique perspective and lived experiences to our work. I am the proud daughter of Palestinian immigrants, raised by my widowed mother, who scraped by with help from family, government assistance and our church. Federal student loans made it possible for me to go to college and I became the first woman attorney in my family.

I serve as a municipal attorney, committed to making our communities better and stronger. I serve as president of the State Bar of Michigan, committed to protecting the public, the profession, and the rule of law.

This is my story, but all 46,000 members of the State Bar of Michigan bring their own unique truth to our work. We are black, white, and brown; we are rich and poor; we work in high rises downtown and in Main Street storefronts.

Our differences make us stronger. But no matter who we are or where we are we, as attorneys, are uniquely positioned to be a powerful force — no matter what challenges we or our country face.

We always have.

Our work today carries on the legacy of those lawyers who penned the foundational building blocks for our American society: Common Sense (Thomas Payne), Declaration of Independence (Thomas Jefferson), U.S. Constitution (James Madison et al), and The Federalist Papers (Alexander Hamilton, James Madison, John Jay).

The views expressed in "From the President," as well as other expressions of opinions published in the Bar Journal from time to time, do not necessarily state or reflect the official position of the State Bar of Michigan, nor does their publication constitute an endorsement of the views expressed. They are the opinions of the authors and are intended not to end discussion but to stimulate thought about significant issues affecting the legal profession, the making of laws, and the adjudication of disputes.

We also continue the work of those attorneys who created the change needed to make our country and our world a better reflection of those ideals the rule of law supports: Reconstruction Amendments, the United Nations Charter, the Geneva Conventions, the Civil Rights Act of 1964, the Americans with Disabilities Act, and *Obergefell v. Hodges* to name a few (all of which involved too many attorneys to name individually).

We stand on their shoulders. As we took our oaths and as we continue our work, we had and we have both a collective and an individual commitment to uphold.

WORKING TOGETHER

The State Bar of Michigan is our partner in this work. Our mission is to promote the professionalism of lawyers; advocate for an open, fair and accessible justice system; and provide services to members that enable them to best serve their clients.

The bottom line: We protect the public.

As our founding president Roberts P. Hudson said (and which has long served as the State Bar's motto): "No organization of lawyers can long survive which has not for its primary object the protection of the public."

Protection of the public inherently includes upholding the rule of law in ways both large and small. Here are just a few examples:

The State Bar of Michigan works to improve the justice system and protect an independent judiciary. This includes leading efforts to pass a Judicial Protection Act in Michigan, lobbying for and against proposed court rules as needed, working with partners to combat legal deserts, and advocating reforms to ensure our laws reflect the ideals of our Constitution (e.g. juvenile justice and indigent defense).

The State Bar of Michigan works to improve the legal profession. This includes developing ethical rules and guidelines, addressing attorney mental health and well-being issues, prosecuting the unauthorized practice of law, and leading efforts to improve professionalism and civility within our profession.

The State Bar of Michigan works to educate the public about the rule of law. This includes educating high school and college students about the legal profession through our Face of Justice programs, partnering with the Michigan Center for Civic Education to offer immersive mock trial and legislative experiences, and offering educational resources (michbar.org/ruleoflaw is a personal favorite).

THEN, NOW, AND ALWAYS

Our oath was more than words we spoke. It was more than a day we celebrated. Our oath is our pledge and our bond.

Our oath comes with both privilege and responsibility. We must speak for those whose voices are unheard. We must uphold justice. We must always remain committed to and working under the rule of law.

Our oath reminds us we are stewards of a system that derives its legitimacy from public trust. That trust is eroded when the law is inaccessible, when justice is unevenly administered, and when ethical standards yield to pressure or convenience.

We took that oath. We must stand together. We must stand for justice — then, now, and always.

STATE BAR OF MICHIGAN

Promotes the professionalism of lawyers; advocates for an open, fair, and accessible justice system; and provides services to members to help them best serve clients.

50 YEAR HONOREES

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SBM's Face of Justice connects students with legal professionals

BY CHRISTINA CLARK

Jasmine Farhat, a pre-law student at Wayne State University, sat at one of several round tables gathered on the second floor of the university's student center, speaking with lawyers and judges. She added to the murmur of conversation that filled the room as participating students and professionals discussed their experiences in law school, how to decide on a particular niche, what the application process was like, and so much more.

Being able to speak with legal professionals about their own experiences, Farhat said, has helped shape her journey toward becoming an attorney.

"I've loved hearing from them, having the experiences they have had, years of experiences, I find comfort in knowing that they didn't know right away from the start what they were doing. It makes me comfortable knowing that I don't have to have everything planned right now," she said.

The event was one of several put on by the State Bar of Michigan's Face of Justice program.

Launched 10 years ago, the program is dedicated to inspiring the next generation of lawyers by ensuring Michigan students from all

walks have access to the information they need to consider joining the legal profession. The strategy? Meet students where they are.

Modeled after programming developed by the National Association of Women Judges, Face of Justice is just part of the State Bar of Michigan's ongoing work to build and support pathways for students to enter the legal profession. Working with high schools, community colleges, universities, and law schools, Face of Justice events operate along the same lines as "speed networking" events, with students meeting with a variety of legal professionals who volunteer to be mentors. The event is designed so students can ask mentors their questions in a low-pressure environment.

After the conclusion of the event, students have the chance to join a LinkedIn group to continue conversing with mentors and other students who have participated.

"Meeting lawyers and judges while still in school can be a turning point for students — a chance to make early connections and see themselves in legal careers they may never have considered," said State Bar of Michigan President Lisa J. Hamameh, who has volunteered as a Face of Justice mentor. "It's also an opportunity for attorneys to give back and make lasting connections with the next generation of attorneys."

Gregory Conyers, who heads the Face of Justice program for the State Bar of Michigan, said the program demystifies the path to becoming a lawyer and helps students envision themselves in the profession.

"Face of Justice has been a great chance for us to reach the students and give them the opportunity to talk to legal professionals, and we've had everything from judges and lawyers to state police officers and paralegals involved, so we're really just trying to introduce them to the whole spectrum, if you will, of opportunities in the legal profession," Conyers said.

The program started with serving strictly high school students. In 2022, it expanded to include undergraduates, graduate students, and law students. Conyers credits this growth to partnerships with schools and organizations throughout the state including Michigan State University College of Law, Wayne State University Law School, Cooley Law School, the Michigan Center for Civic Education, the Michigan Supreme Court, and the 36th District Court.

Farhat first learned about Face of Justice two years ago from her advisor and has attended a number of Face of Justice events since. "The mentors are so willing to answer any questions that you have. They're asking you what you want to know and providing those answers, so an event like Face of Justice is truly just a time for students to relieve any worries that they have and ask any questions that they have," she said.

BECOME A FACE OF JUSTICE MENTOR

Michigan attorneys, judges, paralegals, and other legal professionals can help support the State Bar of Michigan's Face of Justice program by serving as volunteer mentors.

Scan the code to complete the mentor survey!

Recent Face of Justice events have expanded further into northern Michigan, serving various schools, including Northern Michigan University and Olivet University, at events in Marquette, Eaton, and Leelanau counties.

To date, Face of Justice has connected 1181 students with 761 mentors.

Michael Blau, a private practice attorney in Farmington, has been a mentor with Face of Justice for several years and said the "innovative and unique program" meets an unmet need in the legal profession.

"Over the years, I have worked as a clinical supervisor in law school externship programs, among many other things, and noticed that many students were like 'deer in the headlights' when it came to the practice of law," he said. "Face of Justice allays their fears, answers any questions they have about lawyering, (and) the skills — including soft skills — that are beneficial to develop, exposes them to a wide variety of attorneys, dispels misconceptions and provides continued follow-up networking through a LinkedIn group."

It also provides perspective that many students across the state wouldn't get, absent a program like Face of Justice.

"I was not exposed to the field of law; it was something that you saw on TV or read about. I wanted to be a lawyer, probably since elementary school, but I had no idea what that entailed. I didn't have an opportunity to meet a lawyer, and I didn't have an opportu-

nity to job shadow with a lawyer," said Zenell B. Brown, a longtime Face of Justice mentor and Michigan Supreme Court, State Court Administrative Office, Fairness and Accountability Administrator.

"This (program) gives people from high school a real idea of what it looks like, so it's not something you have to imagine, but you really get to talk to a human being who's doing it, and to see a person from a background such as your own, is very powerful and affirming."

Farhat agrees. "As a pre-law student, your stress levels are through the roof, so any perspectives or information you can get on it is so genuinely helpful," she said.

As Face of Justice grows, Conyers expects to host more events, and while Face of Justice has always had a sizable pool of attorneys, judges, paralegals, and other law professionals willing to mentor students, the program always welcomes new mentors — something both Blau and Brown recommend.

"The program is well run, effective, and extremely satisfying. Further, it does not involve a big-time commitment and fills an important need in the future development of the profession," Blau said. Brown noted that mentors can volunteer for one or multiple events and can attend events close to home to make volunteering easier. "To say to somebody, 'Welcome, congratulations on being admitted to the Bar,' has a whole different meaning when you know what challenges they had to overcome or what that pathway looked like for them," she said. "Face of Justice allows us to share the stories with each other, but also the future generations of lawyers."

Christina Clark is communications specialist at the State Bar of Michigan

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IS SAYING NO TO AI SAYING YES TO LEGAL MALPRACTICE?

Our profession's new dilemma

BY PATRICK T. BARONE

THE ETHICAL IMPERATIVE OF AI COMPETENCE IN LEGAL PRACTICE

The use and integration of large language model generative AI (GAI), such as ChatGPT and Lexis+ AI, into the legal profession has sparked significant debate over its ethical implications. Concerns include algorithmic bias, hallucinations, inadvertent disclosure of client confidences, maintaining independent judgement, and the possible necessity of disclosure.[1] While much attention has focused on whether using AI might be unethical, an equally legitimate question remains underexamined: Could failing to adopt and properly use AI in legal practice itself constitute a breach of a lawyer or judge's ethical obligations?

WHAT IS LARGE LANGUAGE MODEL GENERATIVE AI?

Large machine learning models, such as ChatGPT, operate on deep neural networks (DNNs) that mimic the multilayered structure of human cognition.[2] These networks consist of interconnected layers of nodes, or "neurons," each processing input data and passing it to the next layer.[3] The depth of these networks, ranging from a few to hundreds of layers, allows them to learn highly complex representations of data.[4] Training DNNs involves feeding them large datasets and refining their connections through supervised and unsupervised learning, reinforcement learning, and evolutionary computation, enabling them to minimize errors and improve predictions.[5]

ChatGPT, as a generative pre-trained transformer (GPT), exemplifies this advanced architecture. Put simply, GAI operates as an advanced word prediction system.[6] It leverages statistical patterns and contextual relationships learned from vast datasets to predict the most likely sequence of words in response to a given prompt.[7] This prediction process involves complex computations within a transformer architecture, allowing the model to generate outputs that appear contextually coherent and humanlike.[8] While its "knowledge" is derived from patterns in its training data, it lacks true understanding or reasoning, functioning instead as a sophisticated synthesis of probabilities.[9]

TECHNOLOGICAL COMPETENCE UNDER MICHIGAN'S RULES OF PROFESSIONAL CONDUCT

Of course, Michigan lawyers are required to provide competent representation.[10] However, this competence encompasses more than zealous advocacy combined with knowledge of the relevant laws, their application, proper procedures, and the like. The commentary to this rule provides that lawyers must also maintain *technological proficiency*, to ensure they have the knowledge and skills needed to competently represent clients in specific matters.[11] Furthermore, State Bar of Michigan Ethics Opinion JI-155 provides that "Judicial officers must maintain competence with advancing technology, including but not limited to artificial intelligence."[12]

The 2025 State Bar of Michigan's AI Report[13] extends this duty to lawyers, emphasizing that the duty of competence "requires continuing study and education, including the knowledge and skills regarding existing and developing technology that are reasonably necessary to provide competent representation," expressly including artificial intelligence.[14] It further provides that judges and lawyers alike "have a duty to understand technology, which includes competence in artificial intelligence, generative artificial intelligence, and future technologies of which we are not yet aware.[15] In this way, Michigan aligns the traditional ethical duty of competence under MRPC 1.1 with the modern realities of legal practice, recognizing that mastery of emerging technologies is now essential to competent and responsible representation. Thus, legal professionals must familiarize themselves with the foundational mechanics of GAI, such as discussed briefly in the preceding section. This knowledge helps lawyers critically evaluate the reliability and potential biases of GAI outputs.

Furthermore, technological competence includes mastering advanced utilization strategies, such as prompt engineering, refining AI-generated results and reducing the risk of inaccuracies or "hallucinations."[16] By combining technical understanding with practical application, lawyers can responsibly leverage GAI to enhance their

practice, ensuring they meet their ethical obligations of competence and diligence in an increasingly digital landscape.

The Michigan State Bar's AI report also indicates that technological competencies are linked with the duty of reasonable fees under MRPC 1.5, observing that "failing to use AI technology that materially reduces the cost of providing legal services arguably could result in a lawyer charging an unreasonable fee to a client."[17] Thus, the duty of competence is not merely about capability but about ethical efficiency, using available tools to provide better, more economical service.

As GAI advances toward becoming an integral tool in legal research, drafting, analysis, and even trial litigation, both lawyers and judges must understand its implications to uphold the integrity of the justice system. Neglecting competency relative to GAI could lead to inefficiencies and subpar client service, potentially breaching a lawyer's ethical duties.

Conversely, overreliance on AI without adequate verification may violate duties of diligence, candor, and supervision under MRPC 1.3, 3.3, and 5.3. The Michigan State Bar's AI report concludes that competent representation in the AI age "includes educating oneself, setting expectations with clients, and continuous monitoring."[18]

BROADER ETHICAL OBLIGATIONS: ABA AND OTHER STATES

In July 2024, the American Bar Association issued Formal Opinion 512, its first comprehensive ethics opinion addressing generative artificial intelligence in legal practice.[19] The Opinion emphasizes that the existing duties of competence, confidentiality, communication, supervision, and reasonable fees under the Model Rules of Professional Conduct fully apply when lawyers use AI-powered tools.[20] It cautions that lawyers must understand both the *benefits and risks* of these technologies and must take "reasonable steps" to verify the accuracy of AI-generated work before relying upon or sharing it.[21] This national guidance aligns closely with the State Bar of Michigan's AI Report, which likewise stresses that competent representation in the AI era requires "educating oneself, setting expectations with clients, and continuous monitoring."[22]

Both authorities make clear that lawyers cannot delegate professional judgment to a machine: The lawyer remains personally responsible for the work product and representations made to a client or tribunal, even when assisted by generative systems. Together, these documents signal a maturation of professional standards from general awareness of technological change to a concrete ethical framework for responsible AI integration, placing accountability squarely on the human professional rather than the technology itself.

These obligations to learn about and ethically use advancing technologies in one's practice of law, including GAI, are not unique to Michigan. A LexisNexis survey suggests that 40 states and the District of Columbia have formally adopted the American Bar Association's Model Rule 1.1, Comment 8, or its equivalent.[23] This rule requires lawyers to stay informed about technological changes and the benefits and risks associated with relevant technologies, including tools used in litigation and client communication.

Many states have adopted Comment 8 verbatim, including Arkansas, Connecticut, Delaware, Illinois, and Wisconsin.[24] Delaware's rule states that, "a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology," and emphasizes that "deliberate ignorance of technology is inexcusable."[25] Attorneys are warned that if they cannot master suitable technology, they must associate with tech-savvy lawyers or consultants who can ensure competence in the technological aspects of their practice.[26]

Florida goes further, requiring attorneys to complete three hours of continuing legal education in technology and mandating that they safeguard client confidentiality when using these tools.[27] Florida also acknowledges the value of outside expertise, stating that "competent representation may also involve the association or retention of a non-lawyer advisor of established technological competence in the field in question."[28]

Some states have taken a more cautious approach. New Hampshire amended its comments to note that lawyers should "keep reasonably abreast of readily determinable benefits and risks associated with applications of technology used by the lawyer," rather than imposing a broad requirement.[29] This adjustment acknowledges disparities in resources and capabilities among practitioners.

The widespread adoption of technological competence rules underscores the growing expectation for lawyers to integrate advanced tools like GAI into their practice responsibly. States like Florida and Michigan provide clear guidance on safeguarding confidentiality and ensuring technological proficiency. Generative AI, with its reliance on complex transformer neural networks, requires lawyers to understand not only how to use such tools effectively but also how to mitigate risks associated with their application.

Moreover, since GAI is rapidly evolving, ethical obligations may soon require law firms to take proactive steps, such as conducting vendor audits of AI systems, ensuring transparency of AI-decisioning, and documenting human oversight of AI output.[30] The survey highlights the importance of prompt engineering and rigorous oversight when utilizing GAI, particularly to align with ethical obligations like client confidentiality and accuracy. Lawyers who fail to engage with these technologies responsibly risk falling short of the evolving standards of competence demanded by the profession.

TECHNOLOGICAL COMPETENCE AND THE ART OF PROMPT ENGINEERING

Technological competence in using (GAI) goes beyond the skills required for familiar tools like Google or Westlaw. While these platforms rely on relatively straightforward input, GAI demands a more sophisticated approach to interaction, one that includes understanding how to guide the technology effectively through carefully designed prompts. This skill, known as prompt engineering, is critical for ensuring that GAI delivers precise and useful outputs tailored to the complexities of legal practice.[31]

A prompt is essentially a set of natural language instructions that programs the AI to perform a specific task. Unlike traditional coding, which relies on symbols and syntax, prompt engineering allows users to guide AI behavior using plain language. For instance, a naive prompt[32] for a legal task might be: "Explain the duty of technological competence for lawyers." While this could produce a general response, it may lack depth or specificity.

An engineered prompt refines the instructions to achieve more targeted results: "Summarize the duty of technological competence for lawyers under the ABA Model Rules, including Rule 1.1 and its commentary, with specific emphasis on how this applies to generative AI." This version specifies the context (ABA Model Rules) and sets clear expectations for the depth and focus of the response, reducing the likelihood of irrelevant or superficial results.

Beyond basic prompts, more advanced techniques offer even greater control and versatility. Persona prompts, for example, instruct the AI to adopt a specific perspective, such as that of a legal scholar or an experienced litigator.[33] Flipped interaction prompts restructure the AI's role, asking it to critique or refine a user's input.[34] Cognitive verifier prompts add another layer of rigor by requiring the AI to explain its reasoning or justify its conclusions.[35] Similarly, fact-check prompts compel the AI to identify and verify the sources underlying its responses, thereby enhancing transparency and reducing the risk of hallucination or unsupported claims.[36] Ultimately, as lawyers refine their skill, efficiency, and strategic awareness in prompting, the precision and reliability of AI-generated legal output will improve in direct proportion, transforming prompting itself into a form of professional competency.

These approaches demonstrate the breadth of possibilities within prompt engineering, providing lawyers with powerful tools to tailor AI outputs to meet the demands of their practice. Perhaps even more importantly, by crafting well-designed prompts, attorneys can set guardrails that guide AI to produce responses that are accurate, relevant, and less susceptible to hallucinations or bias.[37]

RISKS ASSOCIATED WITH AI IN LEGAL PRACTICE – AND HOW TO AVOID THEM

The use of AI in legal practice offers significant potential for creativity, efficiency, and precision but also introduces ethical challenges that must be responsibly managed. This management must occur at both the individual and the supervisory level. For example, Florida requires partners and supervisory-level attorneys to establish policies and procedures that protect the firm's use of technologies, such as generative artificial intelligence, while ensuring that less-experienced lawyers are properly supervised in their application of these advanced tools.[38]

Perhaps the foremost ethical concern in using GAI is the protection of client confidentiality. Cloud-based AI platforms pose significant risks, as they can expose sensitive client information to breaches, misuse, and unauthorized access. Compounding this issue is the troubling potential for these platforms to monitor and monetize user input, further threatening the confidentiality that lawyers are ethically bound to safeguard.[39] The Florida Bar addressed this issue in a recent ethics opinion, emphasizing the importance of secure, private AI systems and informed client consent.[40] Recent reporting highlights how users of AI chatbots have inadvertently exposed deeply personal data, which may then be leveraged for targeted advertising and surveillance.[41] Even more alarming is the use of AI-shared information in generating or supporting criminal suspicion, investigation, and prosecution, demonstrating that data once presumed private can reemerge as evidence.[42] In this environment, lawyers must exercise heightened vigilance, ensuring that every interaction with AI tools preserves the sanctity of privileged communications and prevents client data from becoming a digital breadcrumb trail available to third parties, or worse, to the state itself.

One way to address the issue of client confidentiality is to create, maintain, and use an "on-premises" local GAI tool.[43] This is a GAI system or software that enables users to create outputs, such as text, images, music, or other data, using GAI models on their local hardware instead of relying on cloud-based services.[44] These tools provide the functionality of generative AI while prioritizing privacy, customization, and often reduced latency, since data processing happens locally.

THE BROADER IMPERATIVE TO EMBRACE GAI RESPONSIBLY

As the ABA and various state bar associations continue to grapple with how to integrate cutting-edge technological competence into their ethical frameworks, the imperative for lawyers to learn and responsibly utilize GAI intensifies. Early adopters who master the variety of GAI tools available to the legal profession are likely to gain a competitive edge, delivering more effective and efficient client service. Conversely, lawyers who fail to appropriately engage with these advancements risk falling behind, possibly jeopardizing their professional standing or even breaching their ethical obligations.

Generative AI represents a transformative force in the legal profession, akin to the advent of the internet decades ago. Integrating GAI into one's legal practice requires diligent training and

careful navigation of complex ethical considerations. However, the effort is well worth it, as the potential benefits of AI will pay significant dividends for the lawyer and client alike. For Michigan criminal defense lawyers, and the profession as a whole, the path forward lies in striking a balance: leveraging GAI to enhance practice while upholding the principles of competence, confidentiality, diligence, and integrity that define our profession.

Patrick T. Barone is a nationally recognized DUI defense attorney and founding partner of the Barone Defense Firm. He has authored five books and over 130 legal and scientific publications on DUI litigation, forensic evidence, and trial advocacy. Known for his mastery in challenging breath, blood, and field sobriety tests, he frequently lectures nationwide and integrates AI and psychodrama to teach advanced trial skills to other criminal defense lawyers.

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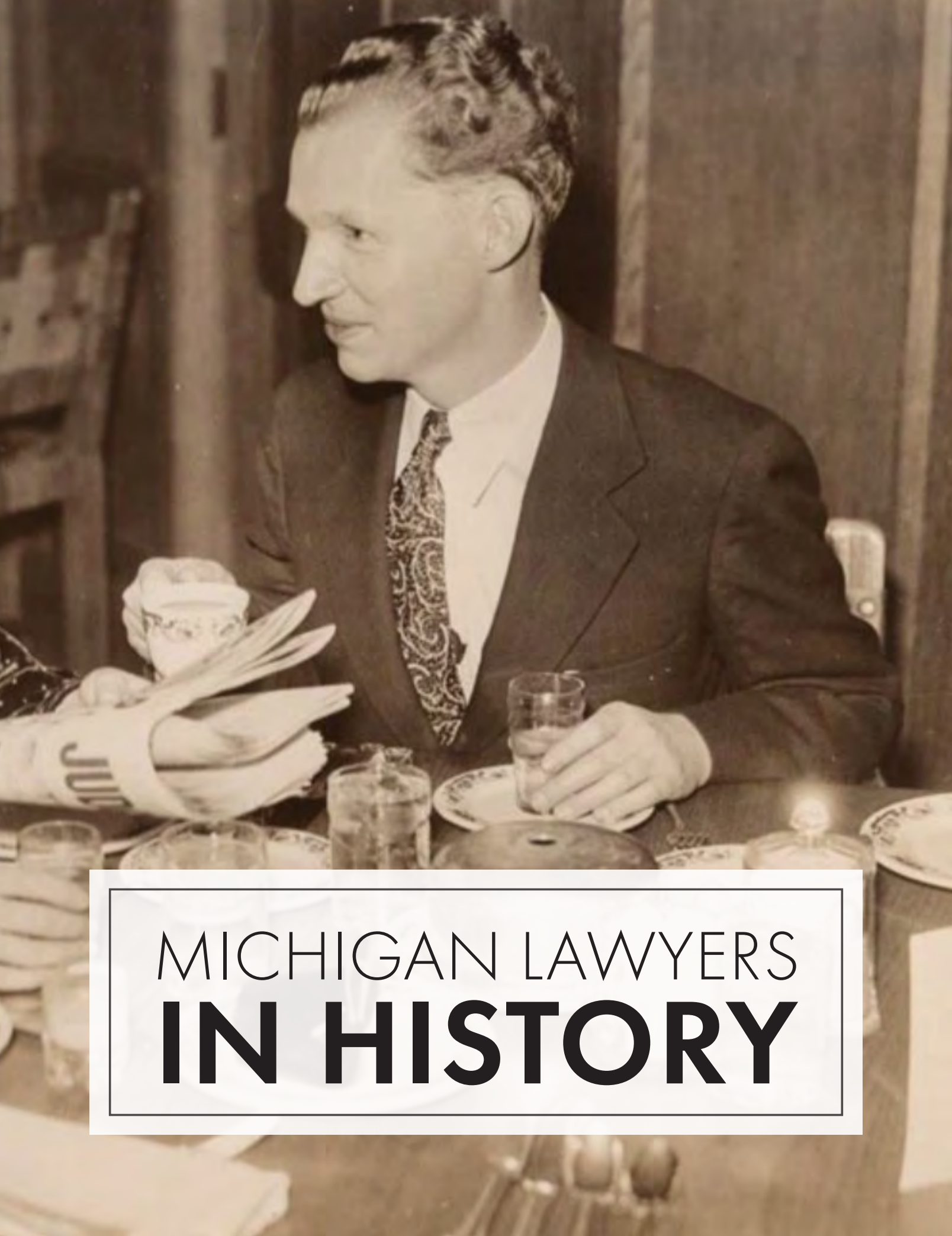

MICHIGAN LAWYERS IN HISTORY

Ned Smith

BY CARRIE SHARLOW

In 1926, Ty Cobb announced his retirement from managing the Detroit Tigers; Michigan political fixture John Dingell was born; former Ypsilanti city attorney Fred W. Green was elected state governor; and Ned Hale Smith passed the state bar exam.

You might not recognize the name of Ned Smith. In fact, you're just as likely to recognize any other name of passers of the September 1926 bar exam. But when the *Detroit Free Press* published the list of 242 names, Ned was the only candidate highlighted with an individualized mention because he was blind.[1]

Ned's eyesight had always been an issue, and he had always fought against being viewed differently by others. He was born partially blind on April 11, 1901, in Elkhart, Indiana, to Michigan natives Hale Howe Smith and Mary Ellen Kline.[2] Less than a decade later, the family — which by then included a younger brother named Rex — moved back to Michigan, where Hale Smith worked in a cotton factory and as a salesman.

Though Ned's eyesight was never good, it was repairable. In 1919, he went to the University of Michigan Hospital in Ann Arbor for surgery. That would have been the end of it if not for a very cold winter that not only negated the effects of the previous surgery but also caused Ned Smith to go completely blind.

Years later, Smith recalled his initial despair, saying that he "couldn't face the future" sightless.[3] But thanks to a watershed conversation with a doctor and an excellent support system, he was determined that he "could and would do everything [he] planned on doing."[4] He refused to "carry a cane or wear dark glasses"[5] and insisted on being treated as a "real honest-to-gosh fellow" and "not a blamed thing to be handled with care."[6]

After graduating from Detroit's Northern High School, Smith enrolled at the University of Michigan with the intention of entering the medical field. He was not the only blind student in Ann Arbor: There was Germ G. Ensing, who was "obtaining an education in machine shop work" and hoped to be a teacher; J.M. Caldwell, who "employ[ed] two readers"; and John Bezlock, who was focused on a literary education.[7]

Early on, Smith decided to change majors. His lack of sight was a hindrance in laboratory work, so he switched to the law school. And while he had decided that he could do everything, others were less than encouraging. At least one professor noted "that there was too much reading that [he] could never do" in the study of law.[8] Smith would not be deterred, however, and at least two of his friends — Arnold Fleig and William Schoonover — read the classwork to him; he was fortunate to have an excellent memory.[9]

In 1926, Smith graduated from the University of Michigan Law School and was highlighted as the school's first blind graduate, a designation that may have annoyed him. Yes, he was blind, but he had graduated from law school, successfully passed the bar exam, and was eager to get to work as an attorney — just "an attorney" without the caveat. He wanted "everyone [to] treat [him] as though [he] were human, not a blamed thing to be handled with care."[10]

And he did, finding work in the Wayne County prosecutor's office. Before long, Smith's preface as a blind lawyer was followed by the phrase, "Don't mess with him." He could visualize better than a sighted lawyer and used that advantage to paint the picture of the scene of the crime, which helped him make his arguments. He had impeccable hearing and could gather more from a witness' tone than his or her words.[11]

In the mid-1930s, Smith decided he needed a new challenge and threw his hat into the ring for the election for common pleas judge when a vacancy was caused by the passing of George Buckley. The Citizens League noted its preference for Smith in the race, but he may have been irked by the final line in his candidate description: "Blind since 1919, but having excellent record in public service."[12] No other candidate was subject to discussion of their medical condition.

Smith won with relative ease. It was reported that he "had a 2½ to 1 lead over his opponent."[13] The blind attorney-turned-judge became a news item across the state and the Midwest. When he was sworn into his new position, the courtroom was packed with friends; "representatives of the judiciary; former classmates; members of the Detroit Bar Association;" his wife, Lois; and their young daughter, Barbara.[14]

Smith remained a common pleas judge until his death in 1956 and is seen as the "precedent for a blind man in an elective office," most notably by Michigan's first blind legislator, Robert D. Mahoney, who was elected in 1955.[15]

Ned Smith died almost 40 years to the day after the notice of his successful passage of the bar exam appeared in the *Detroit Free Press*. The obituary in the *Free Press* on Sept. 13, 1956, noted that "because he was blind, Judge Smith, 55, of 225 Covington, was a phenomenon in American jurisprudence."

Carrie Sharlow is an administrative assistant at the State Bar of Michigan.

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ALTIOR LAW

PLAIN LANGUAGE

Improving ballot proposals — with an offer to help

BY KRISTIN DUFFY

After this article was written and shared with contacts at the Michigan Association of Municipal Attorneys, the author and I were kindly invited to speak at their Municipal Law Program and Annual Meeting. We were pleased by the reception, so perhaps we can work together for the kinds of changes that the article suggests. More on the subject in next month's column. —JK

In a democracy, people should understand what they are voting for or against. Otherwise, what's the point? This understanding is so important that it's statutorily required when ballot questions are submitted to Michigan voters

.

Any proposal — statewide or local — on a Michigan ballot must:

- be worded so that a "yes" vote is in favor of the proposal and a "no" vote is against it;
- explain the subject matter, but need not be legally precise;
- use words that have common everyday meanings to the general public; and
- avoid creating prejudice for or against the proposal.[1]

In addition, summaries for statewide ballot proposals — initiated by petitions or as directed by the legislature — are limited to 100 words, not including captions.[2] This restriction is potentially a boon to plain language because the writer has to choose their words carefully to explain a question as required by law. Statewide ballot questions also benefit from centralized approval by the Board of State Canvassers.[3] The director of elections, a nonmember secretary of the Board of State Canvassers, is responsible for preparing the ballot-proposal statements, which must be certified by the secretary of state no later than 60 days before the election.[4]

As an example of the typical format and style of statewide questions, here is a proposal from the 2022 ballot:

A proposal to amend the state constitution to require annual public financial disclosure reports by legislators and other state officers and change state legislator term limit[s] to 12 total years in legislature.

This proposed constitutional amendment would:

- *Require members of legislature, governor, lieutenant governor, secretary of state, and attorney general [to] file annual public financial disclosure reports after 2023, including assets, liabilities, income sources, future employment agreements, gifts, travel reimbursements, and positions held in organizations except religious, social, and political organizations.*
- *Require legislature [to] implement but not limit or restrict reporting requirements.*
- *Replace current term limits for state representatives and state senators with a 12-year total limit in any combination between house and senate, except a person elected to senate in 2022 may be elected the number of times allowed when that person became a candidate.*

In its entirety, this proposal is 135 words. Minus the captions, it's only 98 words, so it complies with the statewide-ballot word limitation. The caption itself is a succinct summary of the proposal, identifying the purpose right away so that voters knew what to expect as they continued reading.

As for the general requirements that apply to all ballot proposals — statewide and local — the 2022 proposal is worded so that a "yes" vote is in favor of it; explains — with the aid of bullet points and without bewildering legalese or unnecessary statutory references — what the amendment would do, who would be affected, and how; uses

"Plain Language," edited by Joseph Kimble, has been a regular feature of the *Michigan Bar Journal* for 42 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.

words with common everyday meanings; and presents the information objectively. It meets all the requirements for a statewide ballot question.

Ballot proposals for local questions are a different story. With some exceptions (city-charter amendments, for instance[5]), there is no word limitation to concentrate the information, and the wording is approved locally.[6] Michigan has more than 1,600 county and local clerks.[7] This means that there could be more than 1,600 different interpretations of what counts as a satisfactory explanation using words with everyday meanings. So consistency and clarity can be challenging for local questions.

And the challenge is heightened with local *millage* proposals because there are additional statutory requirements. A proposal must include:

- the millage rate to be authorized;
- the estimated amount of revenue that will be collected in the first year that the millage is authorized and levied;
- the duration of the millage in years;
- a clear purpose statement for the millage; and
- a clear statement of whether the proposed millage is a renewal of a previously authorized millage or the authorization of a new additional millage.[8]

Here is a millage proposal from Ingham County's November 2024 ballot:

> *Shall the previously voter approved millage established at 3.007 mills (that being $3.007 per thousand dollars of taxable value) and reduced to 2.9895 mills (that being $2.9895 per thousand dollars of taxable value) by the millage rollbacks required under the Headlee Amendment to the Michigan Constitution be renewed and authorized to be levied by the Capital Area Transportation Authority (CATA), for continued public transportation service, as provided for by Public Act 55 of 1963, as amended, on real and personal property located within the City of Lansing, City of East Lansing, Meridian Township, Lansing Township, and Delhi Township for the years 2026 through 2030 inclusive, which is a period of five years? (The current levy was approved by the voters in 2020 and is authorized through 2025.) Based on currently available taxable value data, if approved and levied, this millage is estimated to generate approximately $24,139,928.06 in 2026.*
>
> *In accordance with State law, portion(s) of the millage may also be captured by the Downtown Development Authorities, Brownfield Redevelopment Authorities, and other such Tax Increment Financing Districts as established by the City of Lansing, City of East Lansing, Charter Township of Meridian, Delhi Charter Township, and Lansing Charter Township.*

Let's see how the proposal stacks up to the specific statutory requirements for a millage proposal.

The proposed millage rate and duration of the charge are stated, as well as the precise amount of revenue that it is expected to raise (although it needed to be only an estimate). And tucked near the end of the first paragraph, there is a clear (but parenthetical) statement that the proposal is for a previously authorized millage. So far, so good.

But is the purpose statement clearly written? No. Or at least, it could be clearer. The proposal weighs in at a whopping 198 words. And the first sentence is 112 words. The subject — *millage* — appears early on, but then 40 words intervene before the verbs — *be renewed and authorized* — show up. Then the reader has to slog on before reaching the key phrase, *for continued public transportation service*, that rounds out the purpose. And mixed into all this are references to the Headlee Amendment and Public Act 55 of 1963. These references — which most readers will know little or nothing about — are not required. They are confusing distractions.

It's possible to write this millage proposal so that it is both understandable to the average voter *and* in compliance with statutory requirements:

> *It is proposed that the current tax of 2.9895 mills for public-transportation services be renewed. Voters approved this tax in 2020. The Capital Area Transportation Authority (CATA) is levying this tax to provide transportation services in the cities of Lansing and East Lansing and in Meridian, Lansing, and Delhi Townships. Each year, this would cost you about $150 for each $50,000 of your taxable real and personal property. The charge would apply each year from 2026 through 2030. About $24,140,000 would be raised in the first year. In addition to CATA, some of this millage may be used by the Downtown Development Authorities, Brownfield Redevelopment Authorities, and other Tax Increment Financing Districts. Should this proposed tax renewal be approved?*

This version cuts the proposal down to 120 words. The first two sentences (16 words and 6 words) take care of three millage-proposal requirements: they set out the purpose (a proposal for a millage that will provide public-transportation services); clearly state that it is a renewal of a current tax; and note that the rate is 2.9895 mills. The next sentence (29 words) explains who is levying the tax, what services will be provided, and where. The following 62 words go on to explain how much the voter can expect to pay each year and how many years the tax would be applied, estimate how much revenue it would raise in total, and name other government units that may benefit from the millage. That more than satisfies the last two millage-proposal requirements: duration and estimated revenue. The remaining seven words wrap things up by asking for a "yes" or "no" vote on the proposed tax renewal.

The general statutory requirements for all ballot questions are also met in the rewritten proposal. Voters can tell that their "yes" vote is

for the proposal and that their "no" vote is against it. The subject is clearly explained in language that the average reader can understand. It uses words that have everyday common meanings, without distracting statutory references. And the language is objective, so it does not create prejudice one way or the other. Simply put, the rewritten proposal uses plain language and leaves out unnecessary information. It stands to reason that this would give the reader a better understanding of the issue they're voting on and ensure that their vote aligns with their opinion on the matter. That's especially true for voters who read the ballot for the first time in the voting booth. You have to wonder whether lots of voters have skimmed the traditional language, shaken their heads, and not voted on a poorly written proposal.

Statewide questions are (gauging from the 2022 proposal) presented to voters in an understandable way. But local questions might not be. So here's a call to action for Michigan attorneys: if local-government units happen to contact you for help with writing millage or bond proposals, remember that these proposals don't need to be complex. In fact, they *shouldn't* be complex. When it comes to ballot proposals, our mission should be to support democracy by giving voters what they need to make informed choices at the polls. We can do that with focused, plain language.

And here's an offer: the Kimble Center for Legal Drafting at Cooley Law School stands ready to help. We are willing to review — at no charge — a limited number of draft proposals, including statewide proposals, and offer suggestions. We can review only so many, but perhaps over time we could build a shared bank of examples that would help election officials everywhere in Michigan. Please keep us in mind when the next election cycle rolls around.

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ENDNOTES

1. MCL 168.643a.
2. MCL 168.482.
3. MCL 168.22e.
4. MCL 168.32.
5. MCL 117.21.
6. MCL 168.646a.
7. Michigan Secretary of State, *Election Officials Manual, Chapter 1: The Structure of Michigan's Election System* (July 2024). See also *Chapter 9: Election Ballots*.
8. MCL 211.24f.

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BEST PRACTICES

A brief primer on attorney advertising

BY AUSTIN BLESSING-NELSON

Many attorneys are unfamiliar with the rules regarding advertising their services, which is problematic since attorneys have a duty to review advertisements to ensure compliance with the rules.[1] Failure to follow the rules can result in professional discipline. Knowing the rules is especially important since most lawyers now advertise in some manner, even if it is just on their website.

MRPC 7.1 regulates all communications concerning a lawyer's services, including both advertising and solicitation. It generally prohibits communications about a lawyer's services that are false, fraudulent, misleading, or deceptive, and specifically prohibits communications that make material misrepresentations of fact or law (or omit a fact that is required to prevent the statement from being materially misleading), are likely to create unjustified expectations about results, that state or imply that the lawyer can achieve results through prohibited means, or that compare the lawyer's services with other lawyers' services unless the comparison can be factually substantiated. MRPC 7.1 applies to internet domain names.[2]

Whether something is misleading is usually a factual determination that must be made on a case-by-case basis after evaluating the totality of the circumstances.[3] Examples of communications that could be considered misleading depending on the circumstances include using the phrase "law offices" in a firm name when the firm has only one location,[4] inaccurate or deceptive statements about fee structures,[5] false statements about qualifications or employment/education history,[6] and statements phrased in a way that may cause a reader to think suggestions or best practices are legally required when they are actually just things the reader should consider doing.[7] An attorney cannot utilize a keyword advertising campaign using the name of another attorney or law firm without express consent.[8] These are by no means the only things that can be considered misleading, and attorneys should exercise caution and review the appropriate resources when deciding what to say, or not to say, in advertisements.

To avoid any issues under MRPC 7.1, caution should be exercised in sharing client testimonials and reviews. A recommendation given by someone who has never used your services, and therefore has an insufficient basis to evaluate you, would likely violate MRPC 7.1.[9] Lawyers normally can respond to negative reviews online but are generally prohibited from disclosing confidential information in response to online reviews and therefore should be extremely careful in responding.[10] Blogs and social media can be effective marketing tools, but attorneys must take care to ensure compliance with the ethical rules.[11]

Further clarification regarding permissible types of advertising is found in MRPC 7.4, which states, "[a] lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law." This can be done by listing specific certifications and specializations.[12] Awards, like Super Lawyer, may also be listed.[13] Use of the title "judge," and similar titles, by retired judges is specifically addressed by MRPC 7.1.[14]

Advertisements and websites must identify the name and contact information of at least one lawyer who is responsible for the advertisement, and "[t]he identification shall appear on or in the advertisement itself; or, if that is not practical due to space limitations, the identification shall be prominently displayed on the home page of the law firm's website and any other website used by the law firm for advertising purposes."[15]

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

In order to facilitate enforcement of the advertising rules, which exist to protect the public, MRPC 7.2(b) requires that "[a] copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used."

Advertising must be done in a manner that does not raise any unauthorized practice of law (UPL) concerns. Failure to do so could not only be a violation of MRPC 7.1 but also potentially a violation of MRPC 5.5 (the rule prohibiting UPL) or other rules/laws.[16] Care should be used when listing nonlawyers on a firm's website, letterhead, or advertisements, and if such persons are listed, it should be made clear that they are not lawyers.[17] For paralegals/assistants, this can likely be accomplished by simply listing their job title, but for people who are licensed to practice law in other jurisdictions but not in Michigan, as well as for recent law school graduates, it is best to include a disclaimer stating they are not licensed in Michigan.[18]

The name of an attorney who is no longer actively licensed generally must be removed from a firm's name, letterhead, website, and advertisements. The unlicensed attorney and the firm must follow all applicable rules and requirements for when an attorney is suspended.[19] Attorneys licensed in multiple jurisdictions should hold themselves out as being able to practice law in a jurisdiction only if their license in that jurisdiction is active. If an attorney chooses to include jurisdictions in their bio where their license is inactive, it should be clearly and conspicuously noted that the license is not currently active and that the attorney cannot presently practice law in that jurisdiction. Attorneys licensed in multiple jurisdictions must familiarize themselves with the ethical rules of the other jurisdictions to ensure compliance.

Firm names and letterhead are primarily governed by MRPC 7.5.[20] MRPC 7.5(a) prohibits lawyers from using a firm name, letterhead, or professional designation that violates MRPC 7.1.[21] Trade names cannot violate MRPC 7.1 and cannot "imply a connection with a government agency or with a public or charitable legal services organization."[22] MRPC 7.5(b) permits law firms with offices in multiple jurisdictions to use the same name in each jurisdiction as long as it is clearly indicated which lawyers in an office of the firm are not licensed to practice in the jurisdiction where the office is located. MRPC 7.5(c) prohibits using a public office holder's name in a firm name or advertisements. MRPC 7.5(d) allows lawyers to state or imply that they practice in a partnership/organization only if that is true.

Attorneys must also ensure compliance with any generally applicable consumer protection and advertising laws that may apply. A discussion of such laws is outside the scope of this article, but various resources are available online, including through the Federal Trade Commission. Information regarding rules for advertising during judicial campaigns is available on SBM's website.[23]

Somewhat related to advertising is solicitation, which is generally prohibited under MRPC 7.3, which also defines what is and is not solicitation.[24] Much like attorney advertising, solicitation used to be more heavily restricted until, as the text of and comments to MRPC 7.3 recognize, the U.S. Supreme Court invalidated some of the traditional restrictions on solicitation. Due to the size constraints of this article, it is impossible to fully discuss the topic of solicitation, but there are many available ethics opinions on this topic, as well as case law.[25] It should be noted that it is generally not solicitation for an attorney who is departing a firm to inform active clients of the departure; and in fact, notification is normally required.[26] Besides MRPC 7.3, there are other rules and laws that regulate certain types of solicitation, such as MCL 257.503, MCL 750.410, and MCL 750.410b, which all relate to solicitation following an automobile accident.[27] Attorneys should familiarize themselves with any and all rules and laws that apply to their particular practice area.

With some exceptions, a lawyer cannot give anything of value to someone in exchange for recommending their services.[28] MRPC 5.4(a) prohibits paying a referral fee to a nonlawyer, which includes prohibiting basing a nonlawyer employee's compensation or bonus on referring or recruiting clients to the firm; however, a nonlawyer's bonus or salary can be based upon a percentage of a firm's net profits.[29] Lawyers can pay a referral fee to another lawyer, provided that certain rules and requirements are satisfied.[30] Lawyers that host social/networking events and parties must ensure compliance with advertising and solicitation rules.[31] Judges who attend such events also must ensure adherence to applicable ethical rules.[32]

In conclusion, for better or worse, modern attorneys frequently advertise, and in many fields of law, advertising is essential to growing and maintaining a practice. It is therefore more important than ever that attorneys familiarize themselves with the rules and best practices regarding advertising so that they can ensure compliance.

Austin D. Blessing-Nelson is an associate counsel at the Michigan Attorney Grievance Commission.

ENDNOTES

1. *See e.g.* Ethics Opinion R-6, State Bar of Michigan (Dec 15, 1989) <https://www.michbar.org/opinions/ethics/numbered_opinions/R-006>; Ethics Opinion R-8, State Bar of Michigan (Oct 26, 1990) <https://www.michbar.org/opinions/ethics/numbered_opinions/R-008>.
2. Ethics Opinion RI-369, State Bar of Michigan (Dec 01, 2016) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-369>.
3. *See e.g.* Ethics Opinion R-18, State Bar of Michigan (July 22, 1994) <https://www.michbar.org/opinions/ethics/numbered_opinions/R-018>.
4. Ethics Opinion RI-246, State Bar of Michigan (Dec 06, 1995) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-246>.
5. Ethics Opinion RI-9, State Bar of Michigan (May 18, 1989) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-009>; Ethics Opinion RI-244, State Bar of Michigan (Nov 06, 1995) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-244>; *In Re: Gary Nitzkin*, Order of the United States District Court for the Eastern District of Michigan Southern Division, Issued Aug 18, 2023 (Case No. 21-51597).
6. *Grievance Administrator v Ali S Zaidi*, Opinion of the Michigan Attorney Disciplinary Board, issued Jan 11, 2017 (Case no. 14-117-GA); Ethics Opinion RI-212, State Bar of Michigan (June 01, 1994) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-212>.

7. Ethics Opinion RI-169, State Bar of Michigan (Aug 18, 1993) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-169>.
8. Ethics Opinion RI-385, State Bar of Michigan (Nov 18, 2022) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-385>.
9. Ethics Opinion RI-229, State Bar of Michigan (Mar 06, 1995) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-229>.
10. MRPC 1.6; Ethics Opinion R-026, State Bar of Michigan (Feb 25, 2022) <https://www.michbar.org/opinions/ethics/numbered_opinions/R-026> (provides examples of responses that could be permissible).
11. Resources regarding these and various other topics are available on the Ethics and Practice Management Resource Center portions of SBM's website <https://www.michbar.org/pmrc/ethicsadvice>.
12. Ethics Opinion RI-142, State Bar of Michigan (Aug 25, 1992) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-142>.
13. Ethics Opinion RI-341, State Bar of Michigan (June 08, 2007) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-341>.
14. *See also* Ethics Opinion RI-362, State Bar of Michigan (May 03, 2013) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-362>.
15. MRPC 7.2(d).
16. *See Relevant Statutes and Case Law*, State Bar of Michigan <https://www.michbar.org/professional/caselaw>.
17. Ethics Opinion RI-105, State Bar of Michigan (Nov 14, 1991) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-105>.
18. *General Attorney—Frequently Asked Questions*, State Bar of Michigan <https://www.michbar.org/opinions/ethics/generalattorneyFAQs>. Firms should generally avoid calling anyone who is not actively licensed in Michigan an "attorney" to avoid any potential issues.
19. *See Disqualified Lawyers—Frequently Asked Questions*, State Br of Michigan <https://www.michbar.org/opinions/ethics/generalattorneyFAQs>. MCR 9.120(A)(2) requires reporting of discipline by another jurisdiction.
20. *See also* Chandler, *Ethical Considerations of Naming a Firm*, 100 Mich B J 48. (May 2021) <https://www.michbar.org/file/barjournal/article/documents/pdf4article4173.pdf>.
21. *See e.g.* Ethics Opinion RI-102, State Bar of Michigan (Oct 01, 1991) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-102>; Ethics Opinion RI-221, State Bar of Michigan (Oct 13, 1994) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-221> (firm name should not imply that more than one lawyer works at the firm when that is not true).
22. MRPC 7.5(a).
23. *Judicial Campaign Ethics—Frequently Asked Questions*, State Bar of Michigan <https://www.michbar.org/opinions/ethics/judicialcampaignsFAQs>.
24. *See also* Ethics Opinion RI-276, State Bar of Michigan (July 11, 1996) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-276>.
25. *See also Grievance Administrator v Mchael J Balian*, opinion of the Michigan Attorney Disciplinary Board, issued 2001 (Case No. 99-174-GA).
26. *See* Ethics Opinion RI-100, State Bar of Michigan (Sept 30, 1991) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-100>; *SBM Ethics Guidebook: Changing Firms-Ethical Responsibilities for Lawyers and Law Firms*, State Bar of Michigan (June 15, 2023) <https://www.michbar.org/file/opinions/ethics/ChangingFirmsGuide.pdf>.
27. *See also* MCL 600.919 (fee agreements are void if they arose from improper solicitation). MCL 600.919 and MCL 750.410 have both been held to apply only to "in-person solicitation substantially motivated by pecuniary gain." *Keliin v Petrucelli*, 198 Mich App 426, 499 NW2d 360 (1993).
28. MRPC 7.2(c). *See also* Ethics Opinion R-25, State Bar of Michigan (July 27, 2018) <https://www.michbar.org/opinions/ethics/numbered_opinions/R-025>; *Grievance Administrator v Walter F Finan, Jr*, opinion of the Michigan Attorney Disciplinary Board, Issued 1993 (Case No. 92-65-GA).
29. Ethics Opinion RI-143, State Bar of Michigan (Aug 25, 1992) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-143>.
30. *See General Attorney—Frequently Asked Questions, supra* n 18; Miller & Minch, *Recent Trends regarding MRPC 1.5(E)*, 104 Mich B J (Feb 2025) <https://www.michbar.org/journal/Details/Recent-trends-regarding-MRPC-15E?ArticleID=5037>.
31. Ethics Opinion RI-391, State Bar of Michigan (Sept 06, 2024) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-391>.
32. Ethics Opinion JI-156, State Bar of Michigan (Feb 09, 2024) <https://www.michbar.org/opinions/ethics/numbered_opinions/JI-156.

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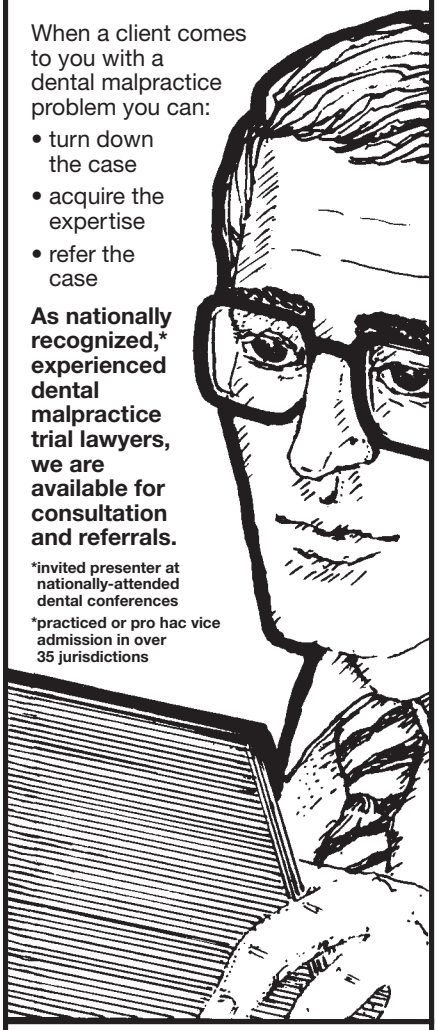

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ETHICAL PERSPECTIVE

Cybersecurity and the lawyer's duty: Client protection in the digital age

BY ALECIA CHANDLER

Every day, law firms are targeted by cyber threats. Small firms are targeted more frequently, not because they are doing anything wrong, but because attackers assume their defenses are easier to breach. However, even for larger firms with sophisticated cybersecurity systems, it's not a question of *if* your firm will be targeted, but *when*.[1]

The Michigan Supreme Court, in its Comment to Michigan Rule of Professional Conduct (MRPC) 1.1 Competence, has determined that lawyers should understand the technology used in the practice of law to ensure competent representation. This includes a basic understanding of cybersecurity to ensure client data is protected.

The State Bar of Michigan has issued Cybersecurity FAQs[2] which addresses the topics in this article and additional cybersecurity issues about which all members should be aware.

THE ETHICAL FRAMEWORK

MRPC 1.6 requires lawyers to maintain client confidentiality. This duty extends far beyond attorney–client privilege and encompasses all "information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client."[3] In the absence of the client's informed consent, lawyers must keep all such information a secret.

MRPC 1.1 requires that lawyers provide competent representation. This duty encompasses maintaining appropriate technological competence in representing our clients. Comment 8 to MRPC 1.1 explains that maintaining competence requires understanding "the benefits and risks associated with relevant technology."

MRPC 1.3, covering the duty of diligence, goes beyond requiring lawyers to act diligently in moving clients' cases forward by requiring lawyers to diligently safeguard client information and respond promptly to security breaches.

These duties of competence and diligence as laid out in MRPC 1.1 and 1.3 operate alongside common law obligations, contractual agreements with clients, and, in some industries, regulatory data security requirements.

THE THREAT LANDSCAPE

Cybersecurity threats are constant and diverse. Phishing emails trick lawyers and staff into clicking malicious links or sharing passwords. Ransomware encrypts entire systems until payment is made. Compromised email systems allow cybercriminals to impersonate lawyers during settlement negotiations and divert wire transfers. Lawyers should be aware of possible threats to their clients data by staying informed on the everchanging landscape of cyber threats.

COMMUNICATING WITH CLIENTS SECURELY

The first step in ensuring proper cybersecurity starts with how we communicate with clients. ABA Formal Opinion 477R discusses a lawyer's ethical obligation to protect client information transmitted over the internet.[4] Lawyers must take reasonable steps to ensure communication, whether through email, text, or client portals, is

"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.

secure. One of the simplest ways to manage this duty is to utilize encrypted email.[5] Lawyers can use encryption tools built into many email platforms or through dedicated secure email services to protect client communications, attachments, and sensitive data.

For lawyers, using encrypted email is a practical safeguard and can be an ethical obligation. For example, routine communications such as scheduling emails may not require encryption. Whereas sensitive matters and information the client has requested remain confidential ethically require additional precautions such as encryption.

PREVENTIVE SAFEGUARDS

The Federal Trade Commission's *Protecting Personal Information: A Guide for Business* offers a helpful framework for all organizations handling sensitive data. It advises businesses to protect the personal information they keep, properly dispose of data that is no longer needed, encrypt information stored on networks, understand their networks' vulnerabilities, and implement policies to address security problems.[6]

For law firms, reasonable safeguards include:

- Strong, unique passwords and multi-factor authentication;
- Firewalls and up-to-date antivirus tools;
- Prompt software updates and security patches;
- Encryption of laptops, smartphones, and portable drives;
- Cloud services that offer user-controlled encryption.

SUPERVISION AND VENDOR MANAGEMENT

A lawyer's ethical obligations extend to those we supervise and those with whom we contract. Under MRPC 5.1, supervising lawyers must ensure that all lawyers in the firm comply with professional obligations. MRPC 5.3 extends this duty to nonlawyer staff, contractors, and vendors.

In *Protecting Personal Information: A Guide for Business*, the FTC emphasizes the critical role of staff training in safeguarding sensitive data.[7] The guide highlights that an information security program is only as effective as its least vigilant staff member. Therefore, it is essential to provide employees with security awareness training and schedule regular refreshers. Specialized training should be given to employees, affiliates, or service providers who have hands-on responsibility for carrying out the information security program. This ensures that they are equipped to handle emerging threats and implement effective countermeasures.[8]

The FTC also offers resources to assist businesses in training their staff. For instance, the *Start with Security* guide provides an online tutorial designed to help train employees on cybersecurity best practices.[9] Additionally, the FTC's website features publications that address specific data security challenges, along with news releases and blog posts that keep businesses informed about the latest threats and countermeasures.[10] By utilizing these resources, law firms can ensure that their employees are well-prepared to protect personal information and respond effectively to potential security incidents.

For vendors, the duty is a little different. Instead, lawyers must ask pointed questions of IT consultants, cloud providers, and e-discovery vendors. For example: How do you secure data? Do you encrypt? What is your breach response plan?

REAL WORLD RISKS

A recent case illustrates real-world cybersecurity risks.[11] In *Whalen v. Gunster*, Yoakley & Stewart, P.A., filed in the Thirteenth Judicial Circuit Court of Florida, plaintiffs' complaint alleges that Gunster's inadequate cybersecurity measures led to a data breach, compromising the personal and health information of approximately 9,550 individuals.[12] The plaintiffs asserted claims including negligence, negligence per se, breach of implied contract, breach of fiduciary duty, unjust enrichment, and violations of the Florida Deceptive and Unfair Trade Practices Act. Gunster denied all allegations and maintained that the breach resulted from a sophisticated cyberattack beyond their control.[13] The individuals whose data was impacted were clients, witnesses, opposing parties, and others for which the firm held confidential information. On March 6, 2025, the court granted preliminary approval of a settlement agreement between the parties. The settlement includes a payment of $8.5 million and offers affected individuals' reimbursements up to $35,000 and three years of credit monitoring services.[14]

RECORD RETENTION POLICIES AND DATA SECURITY

When a cybersecurity incident occurs, the lawyer may be required to notify every person and entity whose confidential information is exposed. Reducing the amount of confidential data reduces the exposure of client confidential information and, in the event of an attack, limits the number of people who must be notified.

Every lawyer is required to have a record retention plan.[15] Part of that plan includes timelines for destruction of client files. Lawyers should promptly and confidentially dispose of this information to limit exposure in the event of a cybersecurity incident as it limits the amount of data that can be exposed.

WHEN A CYBERATTACK HAPPENS

Despite best efforts, cybersecurity incidents occur. When they do, several ethical duties converge. MRPC 1.3 requires prompt investigation, containment, and mitigation. MRPC 1.1 may require consulting outside cybersecurity experts.[16] MRPC 1.4 requires notifying clients when a material breach occurs.

Whether notice is required depends on the circumstances. ABA Formal Opinion 483 outlines a lawyer's duty to notify in the event of a cybersecurity incident.[17] Additionally, regarding ransom payments,

the ethical issue is not whether payment is allowed, but whether payment is necessary to uphold the duty to protect client data.

Additionally, lawyers have an obligation to comply with relevant data breach notification laws, which may mandate informing affected individuals, the Attorney General, or the Federal Trade Commission. [18] Being familiar with the requirements that apply to the type of confidential information the law firm maintains in advance is an essential component of competent legal practice.

OTHER DUTIES DURING BREACH RESPONSE

Additional ethical duties may arise during and after a breach: MRPC 5.1 and 5.3 require supervision of lawyers, staff, and vendors in breach response efforts. MRPC 1.15 requires safeguarding client property, including trust funds that may be at risk in a cyberattack or wire fraud.

MRPC 3.3 and 3.4 govern candor and fairness in litigation if a breach affects discovery obligations, lawyers must disclose it appropriately.

ABA Formal Opinion 483 emphasizes that, following a breach, lawyers must act competently, communicate with clients, and take remedial measures to protect confidentiality.[19]

PLANNING FOR INCIDENTS

The best defense is preparation. Every firm, regardless of size, should have a written incident response plan that identifies the firm's internal response coordinator, external cybersecurity and forensic vendors, insurance information, and communication protocols for clients and regulators.

The plan should be reviewed regularly and updated to address new technologies and threats. Documenting your response demonstrates diligence and competence.

CONCLUSION

Safeguarding client data is an extension of safeguarding the client. It is a fundamental aspect of a lawyer's professional responsibilities, demanding both proactive measures and a swift, effective response when cybersecurity incidents occur. By anticipating risks, setting clear expectations with clients, overseeing staff and vendors, and acting promptly during incidents, lawyers protect client trust and preserve the integrity of the profession.

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

ENDNOTES

1. Ries, *Cybersecurity for Attorneys: Addressing the Legal and Ethical Duties*, State Bar of Michigan (Nov 14, 2019) <https://www.michbar.org/file/opinions/ethics/cybersecurity.pdf> (all websites accessed Nov 06, 2025); Ries, *Safeguarding Client Data: Attorneys' Legal and Ethical Duties*, State Bar of Michigan (Nov 2019) <https://www.michbar.org/file/opinions/ethics/safeguarding_data.pdf>.
2. *Cybersecurity—Frequently Asked Questions*, State Bar of Michigan <https://www.michbar.org/opinions/ethics/cybersecurityFAQs> (updated Sept 2023).
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PRACTICING WELLNESS

Suffering: Our strongest addiction?

BY DAWN A. GRIMES, DDS

> We accept suffering as normal.
>
> We believe in conflict as necessary.
>
> We carry pain as if it were part of who we are.
>
> But it is not.
>
> These emotions are symptoms, not our true self.
>
> Beneath all the layers of fear, we are love. We are freedom. We are life itself.
>
> To heal is to see clearly again.
>
> To awaken is to choose a different dream.
>
> —Don Miguel Ruiz[1]

My friend Kim, a 35-year veteran attorney in Miami, recalled to me a stage in her legal career when the normal workday ended in the bar downstairs. She said, "You had to wash out the work with a few glasses of Scotch before you could handle going home." She recounted the conversations as well. When colleagues asked each other how they were or how the day was, the answer was always the same: "So busy... SO busy... SO stressed..." Long hours and crushing stress were both the social currency and a badge of honor. She said the attitude was, "If you're not suffering, are you even doing it right?"

Many attorneys live in a near-constant state of stress, tension, and self-criticism. It's not just the nature of the work—it's the mindset they've learned to embody.[2] Over time, they can become addicted to the cycle of rumination and dissatisfaction. Internal chaos is then equated with high performance, and in moments when peace may arise, we don't trust it.

> *"We are addicted to our suffering, and like the scorpion that stings itself over and over again, we are punishing ourselves with the same story over and over."*
>
> —Don Jose Ruiz[3]

Though it is overshadowed by substance addiction, emotional addictions, like the addiction to suffering, also have a profound impact on our well-being.

Every emotion, positive or negative, produces a combination of hormones and neurotransmitters in our brains that then circulate through the body. With repeated and frequent exposures, no different than nicotine or alcohol, that chemistry of emotions is very addictive. Our body and mind crave that familiar cocktail, and for many of us, those frequented emotions are stress, guilt, and overwhelm.[4]

Being habituated to negative emotions can also cause us to feel untrusting of positive emotions such as peace or ease. If it's not experiencing stress, the brain sounds an alarm that something must be wrong. A form of cynicism is born here. We get so addicted to negative emotions that just seeing more positive words like love, gratitude, or kindness creates a feeling of aversion.[5]

"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.

Imagine getting into bed after a long day: You lie down, your body relaxes, your stress hormones ease, and your brain panics! In the other version of this, people fall asleep from sheer exhaustion quickly but then wake up a few short hours later to a brain that will not turn off. This is every night for many people. Any time there is quiet, rumination steps in. You replay the day, difficult conversations, that stupid thing you said in 9th grade, the thing you wish you'd said during the 2 o'clock meeting... It's unrelenting.

Think about rumination in the context of addiction: The present moment is calm, but your body craves that hit of stress hormones, so it recreates emotions of the past to produce those chemicals. In those few precious quiet moments of our day, we torture ourselves by reliving the traumatic and stressful moments of the past—over and over again.

Rumination is a particular problem for lawyers because critically thinking about a situation from every angle repeatedly is a part of the job. It's not just any brain recreating the stress; it's a brain that is very highly trained to recreate events. Lawyers are super ruminators![6]

The first step in breaking the cycle of emotional addiction is the same as it is for any other addiction: being aware that you have a problem. Awareness is the first step to emotional freedom. We must develop the habit of catching the behavior as we are doing it, and then as we grow this skill, we catch it before we do it. We can then stop the rumination and redirect our brain to the present moment.[7] Meditation practice is a scientifically proven way to train both awareness and presence. We become more aware of the patterns in our minds, interrupt them, and create space to replace them with something less negative.

Meditation is not the absence of thought. Meditation, in practice, is drifting between thought and an object of focus, most commonly your breath. It is not passive. It is a continuous effort to train your brain to return from distraction to the object of focus.[8] Here's a simple technique to start a practice:

1. Set a timer. Start with 5 minutes.
2. Get comfortable. There is no right position; just be comfortable.
3. Rest your attention on your breath. Feel it come in; feel it go out.
4. As you breathe in, count to eight quietly in your mind.
5. As you breathe out, count to eight quietly in your mind.
6. When you notice you have drifted off to thoughts or distractions, drift back to counting your breath.
7. When the timer sounds, you're done! Do this daily, and notice your awareness shift over time.

Outside of daily meditation practice, when you catch yourself ruminating on negative thoughts, emotions, or events, make an active effort to stop. Get up and go for a walk, even if it's just down the hall and back. Replace the repeating story with something else—as you inhale, say, "Breathe in," and as you exhale, say, "Breathe out." Do that repeatedly until the story stops trying to surface.

When you catch yourself in rumination, stop and consider the present moment: What is *actually* happening right now? In the present moment, when you are ruminating on negativity, what you will find most often is that there is not anything negative actually happening. Everything is usually quite fine. Ram Dass gave me my favorite mantra for these moments: "This moment is perfect."[9] Instead of replaying that negative moment and poisoning your body with stress hormones, repeat the phrase, "This moment is perfect" in your mind.

Stress isn't a badge of honor, and suffering isn't the price of success. The habit of suffering is strong, but awareness is stronger. Each time we notice, we are free to choose again. With practice, we can return to what was always waiting beneath the noise—presence, peace, and the reminder that this moment is perfect.

Dawn A. Grimes, DDS, is the owner of Creative Smiles Dental Group in Holly. She is also the owner of the Peaceful Practice.

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LAW PRACTICE SOLUTIONS

The difficult client

BY ROBINJIT K. EAGLESON, J.D.

All attorneys in practice have at least that one story. A difficult client who would not listen to the advice provided, they required constant attention, they continued to appear and disappear, or presented other challenges that complicated the attorney-client relationship, making the attorney, at times, question their life choices. Even when dealing with unreasonable and difficult clients, attorneys must continue to handle these situations with poise, balancing professionalism, communication, and adherence to Michigan's ethical and legal standards. This is sometimes easier said than done.

At the forefront, we must understand the attorney-client relationship. The foundation of the attorney-client relationship is based on trust and mutual respect. We are bound by Michigan Court Rules and the Michigan Rules of Professional Conduct, each of which set forth an attorney's legal obligations while maintaining their duties and obligations owed to their clients. At times, these can conflict, and the attorney must determine how to navigate the rocky terrain, especially while attempting to represent a client that is not easy to work with. So, how can an attorney manage these difficult situations?

RECOGNIZING DIFFICULT CLIENTS

While experiences with a difficult client may vary, there are some common traits:

- Unrealistic Expectations: Clients who expect immediate results or believe that they can control the outcome of a case despite the realities of the legal process.
- Non-Cooperation: Clients who fail to provide necessary documentation, miss appointments, or disregard attorney advice.
- Disrespect or Abuse: Clients who engage in disrespectful, rude, or abusive behavior toward their attorney or the legal team.
- Failure to Pay: Clients who are habitually late with payments or refuse to pay their legal fees altogether.
- Excessive Demands: Clients who make unreasonable demands, frequently change their minds, or constantly contact the attorney without cause.
- Arrogance: Clients who believe they possess all legal knowledge and refuse to accept advice or those that rely on technology and continuously debate the advice provided.

STEPS TO EFFECTIVELY MANAGE DIFFICULT CLIENTS

Being proactive is the key to managing challenging or difficult clients. The initial consultation is an opportunity to establish the parameters of the attorney-client relationship. During this phase, the attorney should:

- Clearly explain the legal process and the likely timeline of the case. Ensure the client understands that while this is the likely timeline of the case, other factors that are outside the attorney's control may lengthen the process.
- Outline the attorney's role, the client's responsibilities, and the expected level of communication. This portion is an excellent opportunity to set boundaries at the front end of the relationship.
- Provide a written fee agreement that clearly states the scope of the representation, fees, and payment terms, including, but not limited to, the cost of each type of communication.

"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.

- Discuss any potential issues that may arise during the course of representation but re-emphasize that other factors outside the attorney's control may also arise, but those will be communicated to the client.

By addressing expectations at the beginning of the representation, attorneys can avoid many common misunderstandings that may lead to difficult situations down the road.

KEEP LINES OF COMMUNICATION OPEN

Clients often complain that a large source of conflict between attorneys and clients arise from poor communication. MRPC 1.4 provides that attorneys have an ethical obligation to keep clients reasonably informed about the status of their case and to promptly reply with reasonable requests for information to ensure the client may make informed decisions regarding the representation. Regular updates, even brief, and even when there is no new information, can help build trust, minimize frustration, and establish reasonable boundaries regarding communication. Attorneys should:

- Respond to client inquiries in a timely and professional manner.
- Be clear about what the client can expect and how long certain actions may take.
- Use written communication, especially when discussing important matters, to avoid misunderstandings and, if found necessary, follow up in writing to summarize a verbal discussion.

At the onset of the representation, it is also imperative to provide the client with an understanding that while technology may be used to form opinions or receive advice, it should never be taken as conclusory advice. Any information found should be relayed to the attorney and not acted upon so that the attorney and client may have an open conversation with each other to review the information and determine whether it really meets the needs of the client's case. The attorney should relay that the client has hired the attorney to represent their interests and there needs to be a building of trust between attorney and client to maintain a strong attorney-client relationship.

DOCUMENT EVERYTHING

As attorneys, we instinctively want to document everything. This is second nature. However, this becomes even more important when dealing with a difficult client. Documenting everything protects attorneys by keeping records of meetings, emails, phone calls, and any other forms of communication. If unreasonable demands are made or there is a presence of unprofessional conduct, documentation can provide critical evidence should a dispute arise.

SET BOUNDARIES AND BE FIRM

Clear boundaries need to be set from the outset and continue to be maintained throughout the representation while maintaining professionalism. For example, if a client becomes verbally abusive, the attorney should inform the client that the exhibited behavior is unacceptable and outline the consequences of continuing it. The attorney needs to balance assertiveness with respect for the client, but if the situation escalates, it may be necessary for the attorney to withdraw from the representation under MRPC 1.16. However, these decisions should be carefully analyzed and done in accordance with rules.

CONSIDER FEE ARRANGEMENTS AND PAYMENT STRUCTURES

Financial disputes with clients are common. Attorneys can help prevent these issues by discussing fees and expectations of payment upfront. Attorneys should ensure that the client understands the payment schedule and that the client understands that failure to pay may require the attorney to withdraw under MRPC 1.16. To avoid financial issues, attorney should do the following:

- Structure payment plans that are realistic for the client's financial situation.
- Keep the client informed of outstanding balances and payment deadlines on a regular basis.
- Consider requiring a retainer in advance, especially for complex or high-cost cases.

DISRESPECT OR ABUSE

Sometimes, difficult clients can become aggressive, whether due to stress, frustration, or anger. An attorney must remain calm and composed in the face of verbal hostility, insults, or unreasonable demands. Losing one's temper or responding emotionally can escalate the situation and undermine the attorney's professional credibility. It is key to remember the following:

- Don't take it personally. Recognize the client's behavior may be driven by their personal circumstances, not the attorney's competence as a lawyer.
- Stay focused on the facts. If the client becomes emotional or confrontational, calmly steer the conversation back to the facts of the case. Stick to the legal issues rather than getting caught up in personal attacks.
- Know when to de-escalate. If the situation becomes too heated, suggest pausing the conversation and rescheduling. This gives both parties time to cool down and reflect.

By maintaining professionalism and avoiding escalation, the attorney can help keep the focus on the case rather than on interpersonal conflict. The attorney needs to also recognize that in some cases, a client may be so difficult or unreasonable that continuing to represent them could compromise the attorney's integrity or violate their professional ethical standards. This is a difficult decision but sometimes a necessary one. Before doing so, the attorney should refer to their retainer agreement and ensure that the client is given proper notice and steps are taken to protect their interests, including, but not limited to, informing them of critical deadlines and advising them to find new legal counsel.

CONCLUSION

Dealing with difficult clients is a reality for many attorneys, and while it may be challenging at times, it is important for attorneys to handle these situations with professionalism. By setting clear expectations, maintaining strong communication, documenting interactions, and knowing when to set boundaries or withdraw, attorneys can protect their practice, their client relationships, and their personal wellness. In doing so, they will be better equipped to navigate even the most difficult cases, ensuring that both client and attorney can achieve their respective goals within the bounds of the law.

Attorneys should also remember that, despite the challenges, every difficult client situation is an opportunity to further develop skills in client management, communication, and conflict resolution.

Robinjit Kaur Eagleson is the Director of Lawyer Services at the State Bar of Michigan, overseeing the Practice Management Resource Center, Lawyer Services, Events, and Preferred Partner Programs. She also serves as the Bar's liaison to the Awards Committee and the Strategic Planning and Engagement Committee.

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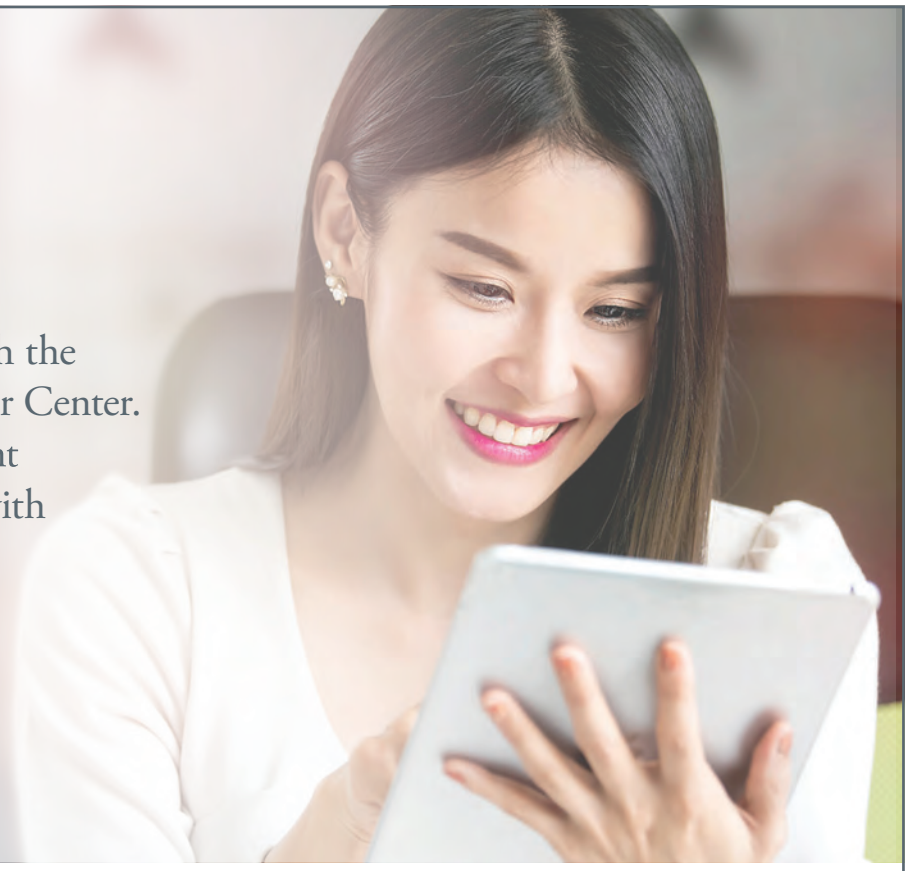

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LIBRARIES & LEGAL RESEARCH

Not-so public records

BY ALLIE PENN, PHD

When I was growing up, my favorite book series was Nancy Drew. Being a law librarian is sort of like being Nancy Drew, and no moment is more evocative of the novels than when trying to track down a record for an attorney. We hear the phrase "public records" thrown about within law firms, but what exactly is a public record? Where do you find it? How does someone even know where to look? This is where detective skills come into play.

A public record can be defined as information or a resource accessible to the general public from a variety of sources. This includes but is not limited to information such as phone numbers, addresses, email addresses, court documents, business records, or criminal records. These items are accessible to anyone, if you know where to look and can afford the charges associated with them. For example, Public Access to Court Electronic Records[1] (PACER) contains federal court documents. They are available to the public, so long as you have an account and can afford to purchase the documents. Additionally, similar situations arise with many business records from various secretary of state offices with or state court records. However, when attempting to obtain contact information that is publicly available, how do you tell if a free website is giving correct information? How can you determine what resource is valuable and what is garbage?

Within law firms, there confusingly exists another type of resource in the form of Westlaw or Lexis "public records reports." These reports contain different pieces of information that can be helpful during litigation or any sort of legal transaction such as address summaries, criminal records, liens, etc. However, these "public records" are not, in fact, public in the most basic sense. There are limitations to what can be shared, and this information is governed by additional laws like the Gramm-Leach-Bliley Act[2] and the Driver's Privacy Protection Act,[3] to name a few. These reports can be a valuable resource but simultaneously require careful handling to avoid both legal and ethical violations.

However, if these reports are to be held closely within my law firm, how can one find data that can be shared with the client? This is when knowing where to look becomes invaluable.

ADDRESSES AND CONTACT INFORMATION

There are many websites that claim to have the information required, as long as you pay this fee or purchase that report. One online resource that is accurate and free to use is truepeoplesearch.com.[4] This resource has consistently matched information from Westlaw, Lexis, and TLO and is available to all—if you know where to look.[5]

Another resource for contact information, specifically business and professional information, is Rocket Reach.[6] This is a go-to resource for professional contact information. It can locate business emails using LinkedIn[7] profiles or determine the email structure using its records of other company employees.

BUSINESS RECORDS

Michigan recently launched its new MI Business Registry page within the Licensing and Regulatory Affairs website.[8] This portal allows researchers to view the different documents available for Michigan businesses and verify registered agents and name changes. Some documents are immediately available, while others will require purchasing.

However, if a query requires information from another state like Georgia, most states provide the same level of access as Michigan. The best advice to find said website is to simply run a Google search for "Ohio secretary of state" or "Ohio business records," which will return the web page that is needed. From there, it's a simple matter of navigation. Some are more intuitive and user friendly, while others are not.

If SEC filings are requested, there are a couple of resources you can check. Both Westlaw and Lexis have resources available within their platforms, but researchers can also go directly to the SEC website.[9]

COURT DOCUMENTS

An amazing newer resource is the MiCOURT Case Search,[10] which enables easier location of court cases and the docket or register of actions for a case. This grants users the ability to search multiple courts. However, some courts still have their own websites, such as Oakland County Circuit Court[11] or Wayne County Circuit Court (Third Judicial Circuit of Michigan).[12]

STATE POLICE ICHAT REPORT

The Internet Criminal History Access Tool[13] or ICHAT enables users to search public criminal history record information maintained by the Michigan State Police. This enables name-based searching and shows all felony and serious misdemeanors. For a $10 charge, anyone is able to access this content.

Although some of this content might be more familiar to more seasoned legal researchers, the goal of this essay is to provide additional clarity to a term that is thrown around yet carries many different meanings. "Public records" is a complicated concept with varying implications. Some resources are not, in fact, public; some are publicly available only if you can find them; and others only if you can afford to pay for them, which is an accessibility issue. However, at the end of the day, when you're attempting to determine whether a website offering public records is legitimate or wondering how to tell if the information being gleaned is sound, your friendly neighborhood law librarian is here to help.

Allie Penn, Ph.D., is the Manager of Library & Research Services at Dickinson Wright. She joined the firm in May 2025. She previously worked as a librarian at Butzel Long from 2021 to 2025. This essay stems from a presentation and discussion that Penn had with her Butzel associates about what is a public record. She completed her graduate studies at Wayne State University.

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INTERIM SUSPENSION PURSUANT TO MCR 9.115(H)(1)

John F. Calvin, P74477, West Bloomfield, Interim Suspension, Effective October 30, 2025.

Respondent failed to appear before Tri-County Hearing Panel #62 for an October 20, 2025 hearing, and satisfactory proofs were entered into the record that he possessed actual notice of the proceedings. As a result, the hearing panel issued an Order of Suspension Pursuant to MCR 9.115(H)(1) [Failure to Appear], effective October 30, 2025, and until further order of the panel or the Board.

SUSPENSION WITH CONDITION (BY CONSENT)

Richard Daniel Dorfman, P80980, Boca Raton, Florida. Suspension — Three Years, Effective November 26, 2025.

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 #15. The stipulation contained respondent's admission that he was convicted as set forth in the notice of filing of judgment of conviction, and that his conviction constitutes professional misconduct, in violation of MCR 9.104(5) and MRPC 8.4(b). In accordance with MCR 9.120(B)(1), respondent's license to practice law in Michigan was automatically suspended, effective December 10, 2024, the date of respondent's conviction.

Based on respondent's admission and the stipulation of the parties, the panel found that 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 MCR 9.104(5); and, engaged in conduct involving a violation of the criminal law, where such conduct reflects adversely on the lawyer's fitness as a lawyer, and constituted professional misconduct under MRPC 8.4(b).

The panel ordered that respondent's license to practice law in Michigan be suspended for a period of three years and that he be subject to a condition relevant to the established misconduct. Costs were assessed in the amount of $948.38.

REPRIMAND (BY CONSENT)

Ibrahim Y. Hammoud, P75765, Troy. Reprimand, Effective November 5, 2025.

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 #13. Respondent admitted all of the factual allegations and

allegations of professional misconduct in the formal complaint, namely that respondent, during his representation of a client in a personal injury matter stemming from a traffic accident, failed to timely respond to opposing counsel's discovery requests, failed to include names and contact information for all of his client's service, medical providers, and employers in response to request for admissions, and failed to provide an executed medical records authorization, which resulted in his client's first party claims being dismissed.

Based upon respondent's admissions and the stipulation of the parties, the panel found that respondent neglected a legal matter, in violation of MRPC 1.1(c); failed to seek the lawful objectives of a client, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3; knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c); 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); failed to make reasonable efforts to ensure that a person's conduct is compatible with the professional obligations of the lawyer, in violation of MRPC 5.3(b); engaged in conduct that violates the standards or rules of professional conduct, in violation of MRPC 8.4(a) and MCR 9.104(4); engaged in conduct prejudicial to the administration of justice, in violation MRPC 8.4(c) and MCR 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); and, engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

In accordance with the stipulation of the parties, the panel ordered that respondent be reprimanded. Costs were assessed in the amount of $762.14.

AUTOMATIC INTERIM SUSPENSION

Ziad Mahmood Khalel, PL1108, Sterling Heights. Effective October 20, 2025.

On October 20, 2025, respondent was convicted by guilty plea of conspiracy to commit health care fraud, a felony, under 18 USC §§ 1347 and 1349, in *U.S.A. v Ziad Khalel,* U.S. District Court for the Eastern District of Michigan, Case No. 23-cr-20022. Upon respondent's conviction and in accordance with MCR 9.120(B)(1), respondent's license to practice law in Michigan was automatically suspended.

Upon the filing of a judgment of conviction, this matter will be assigned to a hearing panel for further proceedings. The interim suspension will remain in effect until the effective date of an order filed by a hearing panel under MCR 9.115(J).

REPRIMAND (BY CONSENT)

Amy L. Klann, P 83831, Dryden. Reprimand, Effective October 30, 2025.

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 #73. Based on respondent's plea of no contest and the stipulation of the parties, the panel found that respondent committed misconduct in connection with her representation of a client in a property-line dispute with a neighbor and the subsequent case filed in Washtenaw County Circuit Court.

Specifically, the panel found that respondent neglected a legal matter, in violation of MRPC 1.1(c); failed to seek the lawful objectives of a client, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of a matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); failed to take reasonable steps to protect a client's interests by surrendering papers and property to which the client is entitled, and refunding any advance payment of the fee that has not been earned, in violation of MRPC 1.16(d); and, failed to make reasonable efforts to expedite litigation consistent with the interests of the client, in violation of MRPC 3.2. The panel found respondent's conduct to have also violated MCR 9.104(1)-(4) and MRPC 8.4(a) and (c).

In accordance with the stipulation of the parties, the panel ordered that respondent be reprimanded. Costs were assessed in the amount of $762.14.

ADVOCACY OF ALL GRIEVANCE, CHARACTER & FITNESS, AND STATE BAR RELATED MATTERS.

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ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

SUSPENSION

John Lawrence McDonough, P68576, Three Rivers. Suspension — Two Years, Effective January 11, 2027.[1]

The Grievance Administrator filed a combined notice of filing of judgment of conviction (Case No. 25-43-JC) and formal complaint (Case No. 25-44-GA), charging that respondent committed acts of professional misconduct warranting discipline. Specifically, the notice of filing of judgment of conviction alleged that respondent was convicted by guilty plea of operating a motor vehicle while intoxicated, 2nd offense, a misdemeanor, in violation of MCL 257.625(6)(b), in *People of the State of Michigan v John Lawrence McDonough,* Case No. 24-1950-SD-1, 3B District Court-St. Joseph. The formal complaint portion of the complaint alleged that respondent did not report his conviction to the Grievance Administrator, and that he failed to file an answer to the request for investigation. Respondent did not file an answer to complaint, and a default was entered.

Based on respondent's default, the panel found that respondent had been convicted of the criminal offense, as alleged, and that respondent failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); violated or attempted to violate the Rules of Professional Conduct, or knowingly assisted or induced another to do so, or did so through the acts of another, in violation of MRPC 8.4(a); engaged in conduct that is prejudicial to the administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c); 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 answer a Request for Investigation, in violation of MCR 9.104(7) and MCR 9.113(B)(2); 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).

The Panel ordered that respondent's license to practice law in Michigan be suspended for two years. Costs were assessed in the amount of $1,795.82

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1. Respondent's suspension shall be served consecutively to the two-year suspension (effective January 11, 2025), ordered in *Grievance Administrator v John Lawrence McDonough,* 24-27-MZ (Ref. 22-83-JC); 24-45-GA.

2. Respondent's license to practice law has been continuously suspended since January 11, 2025. See, Notice of Suspension With Conditions, *Grievance Administrator v John Lawrence McDonough,* 24-27-MZ (Ref. 22-83-JC); 24-45-GA.

3. The Panel notes that the facts of this case do not fall within the literal scope of ABA Standard 5.13 because this case does not involve fraud or dishonesty. The Panel nonetheless accepts the Administrator's argument to apply the standard, because Standard 5.13 satisfies the otherwise unmet need for a benchmark that applies to this level of criminality by an attorney.

4. ABA Standard 8.1 states:
Disbarment is generally appropriate when a lawyer:

> (a) intentionally or knowingly violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession; or
>
> (b) has been suspended for the same or similar misconduct, and intentionally or knowingly engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.
>
> However, counsel for the Grievance Administrator noted that Standard 8.1(b) is not "rigidly applied." (Tr 08/05/25, p 21.)

5. As set forth by counsel for the Grievance Administrator at the sanction hearing, pursuant to *Grievance Administra-*

tor v Deborah Carson, 00-175-GA (ADB 2001), the minimum appropriate sanction to be imposed in this case would be 180 days, due to Respondent's failure to answer the formal complaint and appear at the hearing. However, given the factors set forth above, the Panel believes that a two-year

REPRIMAND WITH CONDITIONS (BY CONSENT)

Daniel J. Parish, P85014, Kingwood, Texas. Reprimand, Effective November 1, 2025.

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of a Discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #9. Based on respondent's admissions and the stipulation of the parties, the panel found that respondent committed misconduct in connection with his representation of a client in a personal injury action.

Specifically, the panel found that respondent entered into a fee agreement for an illegal or clearly excessive fee, in violation of MRPC 1.5(a); entered into a contingent fee agreement that exceeded the maximum allowable fee of one-third of the net amount recovered for personal injury or wrongful death claims, in violation of MCR 8.121(A) & (B), and MRPC 1.5(c); entered into a contingent fee agreement that provided for computation of the contingent fee on the basis of the gross sum recovered, rather than the net sum recovered after deducting all disbursements properly chargeable to the enforcement of the claim, in violation of MCR 8.121(C); represented a client when the representation of that client was materially limited by the lawyer's own interests, in violation of MRPC 1.7(b); and, failed to treat with courtesy and respect all persons involved in the legal process, in violation of MRPC 6.5(a). The panel also found that respondent's conduct violated MCR 9.104(1)-(3), MRPC 8.4(a) and (c).

In accordance with the stipulation of the parties, the panel ordered that respondent be reprimanded and required to comply with conditions relevant to the established misconduct. Costs were assessed in the amount of $793.48.

SUSPENSION AND RESTITUTION WITH CONDITIONS

Craig A. Tank, P 58360, St. Clair Shores. Suspension – Four Years, Effective March 1, 2025.

After proceedings conducted pursuant to MCR 9.115, the panel found, based on respondent's plea of no contest to all twelve of the counts in the formal complaint, that respondent committed professional misconduct in eleven separate client matters and when he failed to cooperate with the Administrator's investigation. Count One involved his representation of a criminal defendant, and the failure to inform his client that his law license was going to be suspended. Counts Two, Three, and Ten all involved conduct related to respondent's representation of three separate criminal defendants and the filing of motions for relief from judgment under MCR 6.500. Count Four involved conduct related to a client's appeal of a district court sentence. Count Five involved respondent's conduct in a case where he was contacted by a woman to discuss her husband's potential entry into an inpatient alcohol rehabilitation program. Count Six involved respondent's representation of an incarcerated criminal defendant charged with fleeing and eluding. Count Seven involved respondent's conduct during his representation of a client in a federal conspiracy to commit armed robbery case. Count Eight involved respondent's conduct related to a client's intoxicated driving case. Count Nine involved conduct during respondent's representation of an incarcerated individual charged with several serious crimes. Count Eleven involved respondent's conduct during his representation of a criminal defendant in a larceny case. Count Twelve involved respondent's failure to answer several requests for investigation.

The panel found through respondent's plea of no contest that he neglected a legal matter entrusted to the lawyer, in violation of MRPC 1.1(c) (Counts One-Eleven); failed to seek the lawful objectives of a client, in violation of MRPC 1.2(a) (Counts One-Eleven); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3 (Counts One-Eleven); failed to keep a client reasonably informed about the status of a matter and comply promptly with a client's reasonable requests for information, in violation of MRPC 1.4(a) (Counts One-Eleven); created a conflict of interest, and failed to detail the conflict or seek consent after consultation, in violation of MRPC 1.7 (Count Five); misappropriated funds by failing to deposit them in an IOLTA and withdraw them as earned, in violation of MRPC 1.15(d) and (g) (Count Eleven); failed to take reasonable steps to protect a client's interests upon termination of representation, such as failing to refund any advance payment of fee that has not been earned, in violation of MRPC 1.16(d) (Counts One-Eleven); engaged in the unauthorized practice of law by holding himself out as an attorney to practice in the Eastern District of Michigan, in violation of MRPC 5.5(b)(2) (Count Seven); knowingly failed to respond to a lawful demand for information, in violation of MRPC 8.1(a)(2) (Count Twelve); 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) (Counts One-Eleven); engaged in conduct prejudicial to the administration of justice, in violation of 8.4(c) and MCR 9.104(1) (Counts One-Twelve); engaged in conduct that exposes

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ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2) (Counts One-Twelve); engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3) (Counts One-Twelve); made a knowing misrepresentation of facts or circumstances surrounding a request for investigation or complaint, in violation of MCR 9.104(6) (Counts One, Two, and Eleven); failed to timely answer a request for investigation in the time permitted, in violation of MCR 9.104(A)(7) and MCR 9.113(B)(2) (Count Twelve); and violated an order of discipline by holding himself out as a lawyer after a suspension, in violation of MCR 9.104(9) and MCR 9.119(E) (Count One).

The panel ordered that respondent be disbarred, effective March 1, 2025, to allow respondent additional time to wrap up his practice. Respondent was also ordered to pay restitution totaling $21,400.

Respondent timely filed a petition for review and after proceedings pursuant to MCR 9.118, the Board decreased respondent's discipline from disbarment to a four-year suspension, affirmed the restitution requirement, and added conditions relevant to the established misconduct.

Respondent timely filed a motion for reconsideration pursuant to MCR 9.118(E). On October 14, 2025, the Board entered an order denying respondent's motion for reconsideration. Costs were assessed in the amount of $10,145.80.

---

1. See *Grievance Administrator v Craig A. Tank,* 16-19-JC; 16-20-GA.

2. A "6.500 motion" is based on Michigan Court Rule 6.500, and allows a defendant to challenge a criminal conviction or sentence after all direct appeals have been exhausted.

3. Standard 4.61 provides that "[d]isbarment is generally appropriate when a lawyer knowingly deceives a client with the intent to benefit the lawyer or another, and causes serious injury or potential serious injury to a client." Standard 7.1 states that "[d]isbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system."

4. For example, in Count One, the representation at issue was from approximately May 2017 to September 2017. Respondent was served with the request for investigation (RI) on October 25, 2017, which he answered on November 30, 2017 – five years prior to the filing of the formal complaint. In Count Two, the representation began in June 2018, respondent was served the RI on December 11, 2019, and he filed his answer on January 30, 2020 – nearly three years prior to the formal complaint. In Count Three, the misconduct occurred between September 2018 to December 2018; respondent was served with the RI on June 19, 2019, and he filed his answer on August 7, 2019 — over three years prior to the formal complaint. In Count Five, the representation lasted for approximately two weeks in May of 2019, and respondent answered the RI on September 26, 2019; and in Count Six, the misconduct occurred between June 2019 and September 2019, and respondent answered the RI on December 18, 2019 — again, at least three years prior to formal discipline charges.

5. In other jurisdictions, delays in disciplinary proceedings have been considered sufficient mitigation to warrant a decrease in the discipline imposed. See generally *Florida Bar v Marcus,* 616 So2d 975 (Fla 1993) (attorney suspended for three years rather than disbarred, in part because of a several-year interval involved in resolving charges against attorney); *Louisiana State Bar Ass'n v Guidry,* 571 So2d 161 (La 1990) (lawyer who committed misconduct by commingling and converting client funds suspended for six months due in part to three-year delay in bringing charges); *Florida Bar v Thomson,* 429 So2d 2 (Fla 1983) (unexplained delay mitigated suspension to reprimand); *LSBA v Edwards,* 387 So2d 1137 (La 1980) (inordinate delays are unfair and unjust to an accused attorney and serve as punishment themselves over and above that imposed by the court); *Vaughn v State Bar,* 511 P2d 1158 (Cal 1973) (four-year delay in prosecution mitigated suspension to reprimand); *Arden v State Bar of California,* 341 P2d 6 (Cal 1959) (suspension mitigated down to a public reprimand where the proceedings had been "hanging over the [attorney's] head" for more than 3 years).

6. Respondent paid the full amount of restitution on March 11, 2025.

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KENNETH M. MOGILL
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- Adjunct professor, Wayne State University Law School 2002-present
- Past chairperson, SBM Committee on Professional Ethics
- Past member, ABA Center for Professional Responsibility Committee on Continuing Legal Education
- Over 30 years experience representing lawyers in ethics consultations, attorney discipline investigations, trials and appeals and Bar applicants in character and fitness investigations and proceedings

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- Member, SBM Committee on Professional Ethics
- Experienced in representing lawyers in ethics consultations, attorney discipline investigations, trials and appeals and Bar applicants in character and fitness investigations and proceedings

JAMES R. GEROMETTA (OF COUNSEL)
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- Former assistant federal defender and training director, Federal Community Defender Office, Eastern District of Michigan
- Over 24 years complex litigation experience
- Member, Association of Professional Responsibility Lawyers

ORDER IMPOSING NO DISCIPLINE

Donald R. Visser, P27961, Kentwood. Order Imposing No Discipline, Effective November 8, 2025.

In reciprocal discipline proceedings pursuant to MCR 9.120(C), the Grievance Administrator filed a certified copy of an opinion and order issued by the United States District Court for the Western District of Michigan Southern Division, finding that both respondents violated Rule 4.2(a) of the Michigan Rules of Professional Conduct. The District Court imposed a formal order of reprimand as to each respondent.

An order regarding imposition of reciprocal discipline was served upon each respondent on September 10, 2024. Respondents each filed an identical timely objection to the imposition of discipline in Michigan, and Ingham County Hearing Panel #4 was assigned to consider the matters, pursuant to MCR 9.120(C)(3). Respondents also requested a hearing. On October 9, 2024, the Grievance Administrator filed identical replies to both respondents' objections. Since both actions involved substantial and controlling common questions of law and fact, the Attorney Discipline Board issued an order of consolidating the matters on December 4, 2024.

After further briefing by the parties and proceedings conducted in accordance with MCR 9.115, the panel determined that, even though the disciplinary order of the United States District Court was conclusive proof of misconduct, because the panel did not believe that respondents had actually violated MRPC 4.2(a), that the imposition of comparable discipline of a reprimand would have been inappropriate.

The panel concluded that the consolidated cases warranted the entry of an order which imposed no discipline. Actual costs were assessed in the amount of $644.08, with each respondent ordered to pay one half, $322.04 each.

1. The order of discipline imposing no discipline will reflect that respondents are each ordered to pay one half of the total actual costs incurred, as referenced above, in the amount of $322.04.

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SUSPENSION AND RESTITUTION

Thomas J. Wilson, P33071, Lexington. Suspension — Two Years, Effective November 14, 2025.

After proceedings conducted pursuant to MCR 9.115, Tri-County Hearing Panel #54 found that respondent committed professional misconduct during his representation of a client, when he failed to comply with the conditions of his prior suspension from the practice of law and the requirements of MCR 9.119, and when he failed to answer a request for investigation.

Respondent did not file an answer to the complaint and his default was entered by the Grievance Administrator on May 13, 2025. Based on respondent's default, the hearing panel found that respondent neglected a legal matter, in violation of MRPC 1.1(c) [Count One]; failed to seek the lawful objectives of a client, in violation of MRPC 1.2(a) [Count One]; failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3 [Count One]; failed to keep his client reasonably informed about the status of a matter and comply promptly with reasonable requests for information, in violation of 1.4(a) [Count One]; entered into an agreement for, charged, and/or collected an illegal or clearly excessive fee, in violation of MRPC 1.5(a) [Count One]; failed to take reasonable steps to protect the client's interests upon termination of representation, in violation of MRPC 1.16(d) [Count One]; violated or attempted to violate the Rules of Professional Conduct, or knowingly assisted or induced another to do so, or did so through the acts of another, in violation of MRPC 8.4(a) [Counts One, Two and Three]; engaged in conduct that is prejudicial to the administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c) [Counts One, Two and Three]; 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 One, Two and Three]; engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3) [Counts One, Two and Three]; engaged in conduct that violates the standards or rules of professional conduct adopted by the Supreme Court, in violation of MCR 9.104(4) [Counts One, Two and Three]; failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2) [Counts Two and Three]; violated an order

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of discipline, in violation of MCR 9.104(9) [Count Two]; failed to comply with MCR 9.119, including by a) failing to properly notify clients, courts, and opposing parties of his suspension, b) failing to provide proof to the Grievance Administrator of his compliance with MCR 9.119, and c) holding himself out as an attorney, in violation of MCR 9.119 [Count Two]; and failed to answer a request for investigation, in violation of MCR 9.104(7) and MCR 9.113(B)(2) [Count Three].

The panel ordered that respondent's license to practice law in Michigan be suspended for two years and that he pay restitution in the amount of $750.00. Costs were assessed in the amount of $1,866.88.

REPRIMAND WITH CONDITIONS (BY CONSENT)

Brandon T. Wolfe, P 82421, Troy. Reprimand, Effective November 13, 2025.

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of a Discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #65. Based on parties' stipulation for consent discipline and respondent's pleas of no contest therein, the panel found that respondent committed misconduct by mishandling funds in his IOLTA.

Specifically, the panel found that respondent 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); and, deposited his own funds in a client trust account in excess of an amount necessary to pay financial institution service charges or fees or to obtain a waiver of serve charges or fees, in violation of MRPC 1.15(f). The panel also found that respondent's conduct violated MCR 9.104(2)-(4).

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  - Senior in-house positions with General Motors and Glaxo [now GlaxoSmithKline or GSK]

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In accordance with the stipulation of the parties, the panel ordered that respondent be reprimanded and required to comply with conditions relevant to the established misconduct. Costs were assessed in the amount of $761.82.

ORDER OF REINSTATEMENT

On July 2, 2025, the Attorney Discipline Board issued an Order Reducing Suspension from 180 Days to 90 Days and Affirming Conditions, suspending respondent from the practice of law in Michigan for 90 days, effective July 31, 2025. On October 22, 2025, respondent, Jason Kolkema, submitted an affidavit pursuant to MCR 9.123(A), attesting that he has fully complied with all requirements of the Order Reducing Suspension from 180 Days to 90 Days and Affirming Conditions and will continue to comply with the order until and unless reinstated. On Monday, October 27, 2025, the Board was advised that the Grievance Administrator has no objection to the affidavit; and the Board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that respondent, **Jason Kolkema**, is **REINSTATED** to the practice of law in Michigan effective October 29, 2025.

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FROM THE MICHIGAN SUPREME COURT

ADM File No. 2023-38
Amendment of Rules 9.110, 9.111, 9.115, 9.117, 9.118, 9.125, 9.128, 9.129, 9.131, 9.201, 9.211, 9.221, 9.224, 9.231, 9.232, 9.233, 9.234, 9.235, 9.236, 9.240, 9.241, 9.242, 9.243, 9.244, 9.245, 9.251, 9.261, and 9.263 of the Michigan Court Rules and Rules 1.12 and 3.5 of the Michigan Rules of Professional Conduct

To read this file, visit perma.cc/

ADM File No. 2025-08
Amendment of Administrative Order No. 2022-1

To read this file, visit perma.cc/

ADM File No. 2025-31
Appointment Of Chief Judges Of Michigan Courts

To read this file, visit perma.cc/

ADM File No. 2025-01
Appointment to the Court Reporting and Recording Board of Review

On order of the Court, pursuant to MCR 8.108(G)(2)(a) and effective immediately, Honorable Todd E. Briggs (Probate Court Judge) is appointed to serve on the Michigan Court Reporting and Recording Board of Review for the remainder of a term expiring on March 31, 2027.

ADM File No. 2025-01
Appointments to the Committee on Model Civil Jury Instructions

On order of the Court, pursuant to Administrative Order No. 2001-6, the following members are reappointed to serve on the Committee on Model Civil Jury Instructions for full terms commencing on January 1, 2026 and expiring on December 31, 2028:

- Matthew M. Aneese (Attorney – Plaintiff)
- Honorable Annette M. Jurkiewicz-Berry (Circuit Court Judge)
- Honorable Charles T. LaSata (Circuit Court Judge)
- Richard J. Suhrheinrich (Attorney – Defense)
- Emily G. Thomas (Attorney – Plaintiff)
- Adam Winn (Attorney – Plaintiff)
- Honorable Christopher P. Yates (Court of Appeals Judge)

Additionally, the following individuals are appointed to serve on the Committee on Model Civil Jury Instructions for first full terms commencing on January 1, 2026 and expiring on December 31, 2028:

- John Hohmeier (Attorney – Defense)
- Elaine Sawyer (Attorney – Defense)

Further, Commissioner Liza Moore will serve as reporter of the Committee on Model Civil Jury Instructions until further order of the Court.

ADM File No. 2025-01
Appointments to the Committee on Model Criminal Jury Instructions

On order of the Court, pursuant to Administrative Order No. 2013-13, the following members are reappointed to serve on the Committee on Model Criminal Jury Instructions for full terms commencing on January 1, 2026 and expiring on December 31, 2028:

- Honorable Michael C. Brown (District Court Judge)
- Sara Swanson (Prosecutor)
- Honorable Margaret M. Van Houten (Circuit Court Judge)

Additionally, the following individuals are appointed to serve on the Committee on Model Criminal Jury Instructions for first full terms commencing on January 1, 2026 and expiring on December 31, 2028:

- Honorable Anica Letica (Court of Appeals Judge)
- Mikayla Hamilton (Attorney – Defense/Trial)
- Imelme Umana (Attorney – Defense/Appellate)
- Christopher Wickman (Attorney – Defense/Trial)

In addition, Commissioner Christopher Smith will serve as reporter of the Committee on Model Criminal Jury Instructions until further order of the Court.

ADM File No. 2025-01
Appointments to the Michigan Judicial Council

On order of the Court, pursuant to MCR 8.128, the following members are reappointed to serve on the Michigan Judicial Council for full terms commencing on January 1, 2026 and expiring on December 31, 2028:

- Justice Elizabeth M. Welch (sitting Michigan Supreme Court Justice)
- Nora Ryan (on behalf of the Justice for All Commission)
- Dr. Sheryl Kubiak (Member of the Public)
- Honorable Aaron Gauthier (At-Large Judge)

The following members are appointed to serve on the Michigan Judicial Council for first full terms commencing on January 1, 2026 and expiring on December 31, 2028:

- Honorable Angela Sherigan (on behalf of the Tribal State Federal Judicial Forum)
- Honorable Daniel Korobkin (At-Large Judge)

ADM File No. 2025-01
Assignment of Judge to the Court of Claims and Appointment of Chief Judge

On order of the Court, effective January 1, 2026, Honorable Michael F. Gadola is assigned to serve as a Court of Claims judge for the remainder of a term expiring on May 1, 2027 and is appointed to serve as chief judge of the Court of Claims for a term expiring on May 1, 2027.

ADM File No. 2025-03
Amendment of Rule 1.111 of the 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 1.111 of the Michigan Court Rules is adopted, effective January 1, 2026.

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

Rule 1.111 Foreign Language Interpreters

(A) Definitions. When used in this rule, the following words and phrases have the following definitions:

(1)-(3) [Unchanged.]

(4) "Certified foreign language interpreter" means a person who meets all of the following criteria~~has~~:

(a) has passed a foreign language interpreter test administered by the State Court Administrative Office or a similar state or federal test approved by the state court administrator,

(b) has met all the requirements established by the state court administrator for this interpreter classification, ~~and~~

(c) is registered with the State Court Administrative Office, and.

(d) provides foreign language interpreter services independently or on behalf of a registered interpreter firm.

(5) "Interpret" and "interpretation" mean the oral rendering of spoken or written communication from one language to another without change in meaning.

(6) "Qualified foreign language interpreter" means a person who meets all of the following criteria:

(a) has passed the written English proficiency exam administered by the State Court Administrative Office or a similar state or federal test approved by the state court administrator,

(b) within the two calendar years preceding their registration application to become a qualified foreign language interpreter, has passed the consecutive or simultaneous portion of a foreign language interpreter test administered by the State Court Administrative Office or a similar state or federal test approved by the state court administrator (if testing exists for the language),

(c) is actively engaged in becoming certified by continuing to test on each portion of the oral examination in each calendar year,

(d) has been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services,

(e) meets the requirements established by the state court administrator for this interpreter classification,

(f) is registered with the State Court Administrative Office, and

(g) provides foreign language interpretation services independently or on behalf of a registered interpreter firm.

~~(a) A person who provides interpretation services, provided that the person has:~~

~~(i) registered with the State Court Administrative Office; and~~

~~(ii) passed the consecutive portion of a foreign language interpreter test administered by the State Court Administrative Office or a similar state or federal test approved by the state court administrator (if testing exists for the language), and is actively engaged in becoming certified; and~~

~~(iii) met the requirements established by the state court administrator for this interpreter classification; and~~

~~(iv) been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services, or~~

~~(b) A person who works for an entity that provides in-person interpretation services provided that:~~

~~(i) both the entity and the person have registered with the State Court Administrative Office; and~~

~~(ii) the person has met the requirements established by the state court administrator for this interpreter classification; and~~

~~(iii) the person has been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services, or~~

~~(c) A person who works for an entity that provides interpre-~~

~~tation services by telecommunication equipment, provided that:~~

~~(i) the entity has registered with the State Court Administrative Office; and~~

~~(ii) the entity has met the requirements established by the state court administrator for this interpreter classification; and~~

~~(iii) the person has been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services~~

(7) "Registered interpreter firm" means an entity that employs or contracts with certified or qualified foreign language interpreters to provide foreign language interpretation services and that is registered with the State Court Administrative Office as required by MCR 8.127(C)(2).

(B) [Unchanged.]

(C) Waiver of Appointment of Foreign Language Interpreter. A person may waive the right to a foreign language interpreter established under subrule (B)(1) unless the court determines that the interpreter is required for the protection of the person's rights and the integrity of the case or court proceeding. The court must find on the record that a person's waiver of an interpreter is knowing and voluntary. When accepting the person's waiver, the court may use a foreign language interpreter. For purposes of this waiver, the court is not required to comply with the requirements of subrule (F) and the foreign language interpreter may participate remotely.

(D) Recordings. The court may make a recording of anything said by a foreign language interpreter or a limited English proficient person while testifying or responding to a colloquy during those portions of the proceedings.

(E) [Unchanged.]

(F) Appointment of Foreign Language Interpreters

(1)-(4) [Unchanged.]

(5) Except as otherwise provided in this subrule, if a party is financially able to pay for interpretation costs, the court may order the party to reimburse the court for all or a portion of interpretation costs. Reimbursement is prohibited in criminal cases.

(6)-(7) [Unchanged.]

(G) Administration of Oath or Affirmation to Interpreters. The court shall administer an oath or affirmation to a foreign language interpreter substantially conforming to the following: "Do you solemnly swear or affirm that you will truly, accurately, and impartially interpret in the matter now before the court and not divulge confidential communications, so help you God?"

(H) [Unchanged.]

Staff Comment (ADM File No. 2025-03): The amendment of MCR 1.111 prohibits reimbursement for interpretation costs in criminal cases; allows an individual to become a "qualified foreign language interpreter" if they, among other things, have passed the consecutive or simultaneous portion of the oral exam within the last two calendar years; updates the definitions for "interpret," "certified foreign language interpreter," and "qualified foreign language interpreter"; and adds a new definition for a "registered interpreter firm."

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. 2025-03
Proposed Amendment of Rule 1.111 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 1.111 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also 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.]

Rule 1.111 Foreign Language Interpreters

(A)-(E) [Unchanged.]

(E) Appointment of Foreign Language Interpreters

(1)-(3) [Unchanged.]

(4) Interpretation costs are at no charge to the individual receiving the services, and reimbursement to the court is prohibited. The court may set reasonable compensation for interpreters who are appointed by the court. Court-appointed interpreter costs are to be paid out of funds provided by law or by the court.

(5) ~~Except as otherwise provided in this subrule, if a party is financially able to pay for interpretation costs, the court may order the party to reimburse the court for all or a portion of interpretation costs. Reimbursement is prohibited in criminal cases.~~

(6)-(7) [Renumbered (5)-(6) but otherwise unchanged.]

(C)-(H) [Unchanged.]

Staff Comment (ADM File No. 2025-03): The proposed amendment of MCR 1.111 would expand free foreign language interpretation services to civil cases as suggested by several commenters on the Court's initial proposal in this ADM file, which was adopted by the Court with some revisions. The initial proposal only contemplated free interpretation services in criminal cases. The Court is now interested in receiving additional comments regarding its proposal to expand free interpretation services to civil cases. Please note that subrule (F)(5), which would be struck under this proposal, reflects the version of subrule (F)(5) adopted by the Court in its initial proposal that becomes effective on January 1, 2026.

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 March 1, 2026 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. 2025-03. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ZAHRA, J., would have declined to publish the proposal for comment.

ADM File No. 2025-04
Amendment of Rule 3.613 of the 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 3.613 of the Michigan Court Rules is adopted, effective January 1, 2026.

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

Rule 3.613 Change of Name

(A) [Unchanged.]

(B) Published Notice; Contents. Unless otherwise provided in this rule, the court must order publication of the notice of the proceeding to change a name in a newspaper in the county where the action is pending. If the court has waived fees under MCR 2.002, it must pay the cost of any ordered publication, including any affidavit fee charged by the publisher or the publisher's agent for preparing the affidavit pursuant to MCR 2.106(G). Any case record reflecting court payment must be nonpublic. A published notice of a proceeding to change a name must include the name of the petitioner; the current name of the subject of the petition; the proposed name; and the time, date, and place of the hearing, or alternatively, the date by which a person with the same or similar name to the petitioner's proposed name must file a motion to intervene. Proof of service must be made as provided by MCR 2.106(G)(1).

(C) No Publication of Notice; Confidential Record. Upon receiving a petition showing~~establishing~~ good cause, the court must order that no publication of notice of the proceeding take place and that the record of the proceeding be confidential. Good cause includes but is not limited to evidence that publication or availability of the~~a~~ record of the proceeding could place the petitioner or another individual in physical danger, at an ~~or~~ increased ~~the~~ likelihood of such danger, or~~such as evidence that the petitioner or another individual has been the victim of stalking, domestic violence, human trafficking, harassment, or an assaultive crime, or evidence that publication or the availability of a record of the proceeding could place the petitioner or another individual~~ at risk of unlawful retaliation or discrimination. Good cause must be presumed as provided in MCL 711.3.

(1) ~~Evidence supporting good cause must include the petitioner's or the endangered individual's sworn statement stating the reason supporting good cause, including but not limited to fear of physical danger, if the record is published or otherwise available.~~ The court must not require proof of an arrest or prosecution to find that a petition shows~~reach a finding of~~ good cause.

(2) [Unchanged.]

(3) If a petition requesting nonpublication under this subrule is granted, the court must:

(a) [Unchanged.]

(b) notify the petitioner of its decision and the time, date, and place of the hearing, if any, on the requested name change under subrule (A); and

(c) [Unchanged.]

(4) If a petition requesting nonpublication under this subrule is denied, the court must issue a written order that states the reasons for denying relief and advises the petitioner of the right to

(a)-(b) [Unchanged.]

(c) proceed with a hearing on the name change petition by submitting a publication of notice of hearing for name change form with the court within 14 days of entry of the order denying the petition requesting nonpublication. If the petitioner submits such form, ~~in accordance with subrule (B)~~ the court may~~must~~ set a time, date, and place of a hearing and must order publication in accordance with subrule (B).

(5)-(9) [Unchanged.]

(10) If a petition requesting nonpublication under this subrule is denied, and the petitioner or the court proceed with the~~setting a time, date, and place of a hearing on the petition for a~~ name change as provided in subrules (4)(c) or (6), the court must order that the record is no longer confidential.

FROM THE MICHIGAN SUPREME COURT (CONTINUED)

(D) Minor's Signature. A petition for a change of name by a minor need not be signed in the presence of a judge. ~~However, the separate written consent that must be signed by a minor 14 years of age or older shall be signed in the presence of the judge.~~

(E)-(G) [Unchanged.]

Staff Comment (ADM File No. 2025-04): The amendment of MCR 3.613 realigns the rule with recent amendments of MCL 711.1 and MCL 711.3 regarding name change proceedings.

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. 2025-14
Proposed Amendment of Rule 8.115 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 8.115 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. **Please note that the written comment period for this proposal is shortened and will expire on December 22, 2025.** This matter will also 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.]

Rule 8.115 Courthouse~~Courtroom~~ Decorum; Policy Regarding Use of Cell Phones or Other Portable Electronic Communication Devices; Civil Arrests

(A)-(C) [Unchanged.]

(D) Civil Arrests in Courthouses.

(1) No person shall be subject to civil arrest in a courthouse while attending a court proceeding or having legal business in the courthouse. See MCL 600.1821.

(2) This subrule does not apply to arrests made pursuant to a valid warrant that a judge has authorized.

Staff Comment (ADM File No. 2025-14): The proposed amendment of MCR 8.115 would prohibit the civil arrest of a person while attending a court proceeding or having legal business in the courthouse. See MCL 600.1821.

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 December 22, 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. 2025-14. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ZAHRA, J., would have declined to publish the proposal for comment.

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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 517.281.9507.

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
(This is both an AA and NA meeting.)

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
49 Abbott Rd.
Lake Michigan Room

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

Royal Oak
TUESDAY 7 PM*
Virtual meeting
Lawyers and Judges AA
St. John's Episcopal Church
26998 Woodward Ave.
(This is both an AA and NA meeting.)

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

Virtual
MONDAY 8 PM
Join using this link https://ilaa.org/meetings-and-events/

Virtual
TUESDAY 8 PM
WOMEN ONLY
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Virtual
THURSDAY 7 PM*
Contact Mike M. at 517.281.9507 for information.

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

Virtual
SUNDAY 7 PM*
Virtual meeting
Contact Mike M. at 517.281.9507 for 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.)

Virtual
SUNDAY 7 PM*
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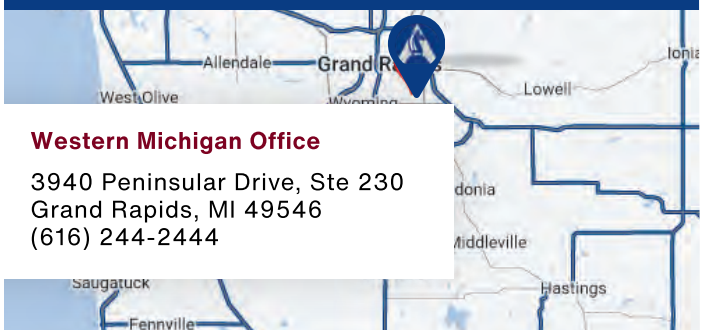
You can call just to talk through a client's situation, or refer the case if it's more complex. Either way, I'm glad to help. Building relationships with other lawyers is a win-win and how I serve our community.

At your service,

Venar Ayar, JD, LLM (Tax)
Founder, Ayar Law

Download My Contact Info

We're proud to announce our new Grand Rapids office!



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