



# Committee Annual Reports

2012-2013

**State Bar of Michigan  
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1 Depicts a report from committees as received by May 31, 2013.

**The reports are posted online and can be read at  
[http://www.michbar.org/generalinfo/committee\\_pdfs/annualreports2013.pdf](http://www.michbar.org/generalinfo/committee_pdfs/annualreports2013.pdf)**

**STATE BAR OF MICHIGAN  
2012-2013 COMMITTEE ANNUAL REPORT**

**Article VI §6, Bylaws of the State Bar of Michigan**

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**Committee Name:** American Indian Law Committee

**Jurisdiction:** Review issues of American Indian law, focusing on the relationship between tribal courts, state courts, and federal courts, and on the promotion of positive relationships between the lawyers of Michigan and the American Indian Community.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Hon. Angela Sherigan	56804 Mound Rd Shelby Township, MI 48316-4943	(586) 822-4220	<a href="mailto:nwlacouncil@aol.com">nwlacouncil@aol.com</a>
Staff Liaison	Gregory Conyers	306 Townsend Lansing MI 48933	(517) 346-6358	<a href="mailto:gconyers@mail.michbar.org">gconyers@mail.michbar.org</a>

Member/Advisor/Other	Member/Advisor/Other
Jenny Lee Kronk, Paradise John J. Lemire, Dearborn Heights Hon. Angela Kay Sherigan, Shelby Township Chad P. DePetro, Brimley Cameron Ann Fraser, Traverse City Kimberly G. McGrath, Manistee Hon. Melissa L. Pope, Fulton	Hon. Holly K. Thompson, Traverse City Hon. Timothy P. Connors, Ann Arbor James A. Keedy, Traverse City Barbara Colby Tanase, East Tawas Kathryn L. Tierney, Brimley Vilija A. Bilaisis, Ludington William J. Brooks, Manistee James M. Kinney, Hastings Maribeth Dickerson Preston, Mason

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.  
First Friday of each month.

Meeting Type	Date	Location
Description		
AIL mtg.	Friday, May 10th - 10:00 a.m.	Conference call

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AIL mtg.	Saturday, June 15 <sup>th</sup> – 1:00 p.m.	Mackinac Island

**Resources provided by the State Bar of Michigan in support of committee work:**

- Assistance in getting conference call for meeting set up.
- Liaison to resources at ICLE.
- Guidance on State Bar requirements for Committee activities.
- Assistance in scheduling/facilities for Committee meeting at Annual Upper Michigan Legal Institute.

**Committee Activities:** The Committee focused on the following topics:

SCAO Rules Update: implementation of ICWA Court forms

Support for the following Judicial Crossroads Task Force AJT Committee Recommendations

1. “Institutionalize ongoing partnerships between Michigan Supreme Court, its administrative office, the tribal courts, the Michigan Indian Judicial Association, lawyers and other stakeholders” pp. 9-10.
2. “Establish programs to foster awareness, acceptance and compliance by state courts with current tribal law.” Pg. 10.
3. “Support the enactment of federal ICWA concepts into Michigan law.”

- National Tribal Law Library
- County Agreements
- Supreme Court Sub-committee activities: Drafting State Indian Child Welfare Act
- Efforts to improve relations between Tribal Courts and Local Bar
- Review of Tribal Website information compiled by the Bay Mills Indian Community.
- ICWA Training for State Court personnel.

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**Future Goals and Activities:**

- Continue efforts to monitor implementation of revisions to Michigan Court Rules designed to implement responsibilities under the Michigan Indian Family Preservation Act.
  
- Continue to develop relationships with other Committees/Sections within the Bar to raise the profile/familiarity with Indian Law and the role/jurisdiction of Indian tribes and Tribal Courts in the State.

**Other Information:**

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**Committee Name:** Standing Committee on Annual Meeting

**Jurisdiction:** Provide assistance in the development and planning of the State Bar's Annual Meeting, in order to fulfill the primary purpose of the Annual Meeting as defined by Rule 10 of the Supreme Court rules, and to use the opportunity presented by the Annual Meeting to advance other purposes of the State Bar's Strategic Plan.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Ronald D. Keefe	Ronald D. Keefe Kendricks Bordeau Adami Chilman & Greenlee PC 128 W Spring St Marquette, MI 49855-4608	(906) 226-2543	keefe@kendrickslaw.com
Staff Liaison	Nancy Brown Kari Thrush	State Bar of Michigan 306 Townsend St. Lansing, MI 48933-2012	(517) 346-6300	nbrown@mail.michbar.org kthrush@mail.michbar.org
Commissioner Liaison	N/A			

Member/Advisor/Other	Member/Advisor/Other
Bruce A. Courtade	Regina Crennan Goshorn
John R. Dresser	Max R. Hoffman – Advisor
Brian D. Einhorn	Jeffrey E. Kirkey – Advisor
Kimberly M. Slaven	
Dana M. Warnez	
Victoria A. Radke	
Thomas C. Rombach	
Lori A. Buiteweg	

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
Committee Meeting	3/13/13	Teleconference
<i>- 2013 Annual Meeting update, discuss future locations for 2015, 2017, 2019 and made recommendations to the Programs &amp; Services Committee.</i>		

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**Resources provided by the State Bar of Michigan in support of committee work:**

The State Bar staff provides all of the coordination of the meetings, preparation of meeting minutes and notices as well as the preparation of the brochure, registration forms, and staffing at the event. Staff also assists at the hotel with the room reservations and the registration for the event itself and any other associated events. Following the meeting staff coordinates the retrieval of the event information and the prepares statistics for review by the committee

**Committee Activities:**

The committee met on March 13, 2013 via conference call. Kari Thrush, State Bar staff, reported that all the events for the 2013 SBM Annual Meeting and ICLE Solo & Small Firm Institute will be held September 18-20, 2013 at the Lansing Center. Overnight rooms and the newly appointed SBM President's hospitality suite will be located at the Radisson Hotel. Jeff Kirkey, ICLE staff, reported that the schedule for the Solo & Small Firm Institute is finalized.

Kari Thrush reported that contracts are signed for 2014, 2016 & 2018 with Grand Rapids DeVos Place/Amway Grand Hotel. The committee received documentation regarding locations for 2015, 2017 & 2019. After review and discussion the committee voted and made recommendations to the Programs & Services Commissioner Committee to recommend to the BOC that the Suburban Collection Showcase be the site of the Annual Meeting on October 7-9, 2015; September 26-28, 2017; September 24-26, 2019.

**Future Goals and Activities:**

To continue to provide a quality Annual Meeting to Michigan bar members.

**Other Information:**

None.

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**Committee Name:** Awards Committee

**Jurisdiction:** Recommend attorney recipients qualified to receive awards made in the name of the State Bar of Michigan. Recommend recipients of the annual Liberty Bell Award made to nonattorneys. Recommend the establishment of new awards or discontinuation of existing awards. Recommend rules for how awards should be given in the future.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Co-Chair	Nancy J. Diehl	1300 E Lafayette St Ste 1206 Detroit, MI 48207-2921	(313) 354- 6399	diehlnancyj@sbcglobal.net
Co-Chair	Brian D. Einhorn	Collins Einhorn Farrell PC 4000 Town Ctr Ste 909 Southfield, MI 48075-1408	(248) 351- 5414	brian.einhorn@ceflawyers.com
Staff Liaison	Nancy Brown		(517) 346- 6350	nbrown@mail.michbar.org
Staff Liaison	Samantha Meinke		(517) 346- 6332	smeinke@mail.michbar.org

Member/Advisor/Other	Member/Advisor/Other
Jennifer S. Bentley, member	Hon. Denise Langford Morris, member
Thomas W. Cranmer, member	Daniel P. O'Neil, member
Francine Cullari, member	Solon M. Phillips, member
Peter J. DeRose, member	Gregory T. Stremers, member
Brian D. Figot, member	Janet K. Welch, advisor

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
Conference call	January 15, 2013	Conference call



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Conference call	March 26, 2013	Conference call
Conference call	May 9, 2013	Conference call
Conference call	June 6, 2013	Conference call (if necessary)

**Resources provided by the State Bar of Michigan in support of committee work:**

October, second week	<p>Staff contacts co-chairpersons to schedule meetings and mailing dates.</p> <p>Staff sends future meeting dates via e-mail to Committee</p>
January, first week	<p>Staff posts updated Awards Brochure online</p> <p>Staff prepares and issues press release to legal newspapers and SBM Board of Commissioners, Representative Assembly, State Bar Foundation, local and affinity bars, prosecutor and defender associations, law school deans, courts, large law firms, SBM Section and Committee chairpersons, etc.</p> <p>Staff prepares announcement for Michigan Bar Journal, e-Journal, and SBM newsletter</p> <p>Staff posts the following documents to the portal one week before first teleconference:</p> <ol style="list-style-type: none"> <li>1. Announcement of first meeting</li> <li>2. Mission and member list</li> <li>3. Links to SBM By-Laws Articles V1, VIII <a href="http://www.michbar.org/generalinfo/bylaws.cfm#6">http://www.michbar.org/generalinfo/bylaws.cfm#6</a> <a href="http://www.michbar.org/generalinfo/bylaws.cfm#8">http://www.michbar.org/generalinfo/bylaws.cfm#8</a></li> <li>4. Procedures and Policies</li> <li>5. Awards Committee Schedule</li> <li>6. Previous year's Annual Report</li> <li>7. Copy of Award Nomination Brochure</li> <li>8. Copy of press release</li> <li>9. Listing of all previous award recipients</li> </ol>
Jan. 15, 2013	<p>First teleconference meeting takes place</p>
February–April, first week	<p>Staff prepares EXCEL tables for nominees as applications are received.</p>
March, second week	<p>Chairpersons and staff discuss nominations (number and diversity—age, race, gender, geography, etc.), to determine if additional solicitation is needed. Deadline reminders are sent to media and legal community. Email was sent to committee to ask them to seek additional nominations.</p>

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March 26, 2013	Second teleconference meeting takes place — committee members report on groups they reached out to for nominations
April, first week	Staff acknowledges receipt of nominations by mail, e-mail or phone call to nominator.  Staff conducts simple background checks on nominees before names are submitted for consideration
April, second week	Staff compiles booklet in April (news articles and recommendations referenced in EXCEL matrix will be available for members at May meeting)
April, last week	Staff sends Zoomerang survey to committee members to narrow down list of nominees.  Staff sends announcement of third meeting via e-mail
May 9, 2013	Third teleconference meeting takes place – award recipients are chosen
May, second week	Staff drafts memorandum from co-chairpersons to SBM Board with recommendations  Deadline for nominations for Liberty Bell Award  Staff acknowledges receipt of nominations by mail, e-mail or phone call to nominator
June 6, 2013	A potential meeting to choose the Liberty Bell winner is set – last year this meeting was unnecessary because the committee agreed on a Liberty Bell recipient via email.
June	After SBM Board meeting, staff prepares letter from State Bar Executive Director to nominees who were chosen, and letters to nominators of non-winners with mention of carryover of nomination for a second year
Summer	Staff prepares publicity for the awards recipients  Staff sends press release, prepares coverage/cover photographs for Michigan Bar Journal, e-Journal, and other electronic and social media.  Staff orders Awards and writes speeches, scripts, program for the Annual Meeting Awards ceremony.

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September 19, 2013                      Awards are presented to winners at SBM Awards Banquet – part of the SBM Annual Meeting

September, last week                      Operating co-chairperson prepares e-mail from co-chairpersons to Committee thanking members for their participation.

*Note: The Awards Committee has one co-chairperson ex-officio as the President-elect of the SBM Board of Commissioners. The second co-chairperson is the operating co-chairperson appointed by the President of the SBM Board.*

**Committee Activities:**

The committee works on a yearly cycle, so once the process is wrapped up at the Annual Meeting it must begin again for the next year. The committee continually works to ensure the awards process is fair and removed from political lobbying.

**Future Goals and Activities:**

The committee members work very hard every year to seek out nominations, and ensure that they are submitted by the nomination deadlines. An important goal of this committee is to also make sure that the quality of the award recipients is always outstanding.

**Other Information:**

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**Committee Name:** Bar Leadership Liaison Advisory

**Jurisdiction:** Provide assistance developing an annual leadership training seminar for affinity bars and section chairs.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Douglas D. Hampton	Law Offices of Douglas D. Hampton PC 2000 Town Ctr Ste 1900 Southfield, MI 48075-1152	(248) 351-2682	dhamptonpc@yahoo.com
Staff Liaison	Nancy Brown Candace Crowley Kari Thrush	State Bar of Michigan 306 Townsend St. Lansing, MI 48933-2012	(517) 346-6300	nbrown@mail.michbar.org ccrowley@mail.michbar.org kthrush@mail.michbar.org
Commissioner Liaison	N/A			

Member/Advisor/Other	Member/Advisor/Other
Brian D. Figot	
Denise M. Glassmeyer	
Sandra Hughes O'Brien	
Rebecca Simkins	
Gregory L. Ulrich	
Eileen M. Kuras	
Hon. Cynthia D. Stephens	

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
Committee Meeting	1/15/13	Teleconference
<i>- Review 2012 BLF evaluation results and planning session for 2013 BLF topics.</i>		
Committee Meeting	2/14/13	Teleconference
<i>- Finalize 2013 program, create scholarship sub-committee.</i>		

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**Resources provided by the State Bar of Michigan in support of committee work:**

The State Bar staff provides all of the coordination of the meetings, preparation of meeting minutes, preparation of notices to be sent, as well as the preparation of the brochure, registration forms, and staffing at the event. Staff also coordinates the sending of the forms and retrieval of the information as well as preparing statistics for review by the committee. Staff also coordinates and assists at the Grand Hotel with the room reservations as well as the registration for the event itself and any other events associated therewith.

**Committee Activities:**

The committee met on January 15, 2013 to discuss the results of the 2012 event evaluations. Overall the event was rated very highly by attendees. Candace Crowley reviewed the draft schedule for 2013, and the committee approved it. She also asked the committee for suggestions on breakout panels.

The committee met a second time on February 14, 2013. Kari Thrush reported that the 2013 BLF "Save the Date" postcard had been mailed out. Candace Crowley went over the updated program sessions, and the committee approved the updated program. Candace Crowley asked for suggestions for speakers to be submitted to her via e-mail. Kari Thrush proposed a price change in the cost of the program. The registration price has remained the same since 2004. It was suggested that the early bird pricing be decreased from \$159 to \$155 and the regular attendee cost be raised from \$185 to \$195. This would put emphasis on early registration as the member would save \$40. The committee concurred that this was a good proposal and agreed to move forward with the changes. Greg Ulrich, Denise Glassmeyer, and Brian Figot volunteered to be on the scholarship sub-committee for 2013.

**Future Goals and Activities:**

To continue to provide quality legal education and educational materials to affinity bar leaders and section chairs at a location that promotes participation at the greatest level with our available resources.

**Other Information:** None.

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**Committee Name:** Standing Committee on Character & Fitness

**Jurisdiction:** Investigate the character and fitness of candidates for admission to the State Bar, pursuant to Rule 15, Section 1, of the Supreme Court Rules Concerning the State Bar of Michigan.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Robert B. Ebersole, P30047	PO Box 338 Holt, MI 48848	(517) 243-3054	<a href="mailto:rbebersole@gmail.com">rbebersole@gmail.com</a>
Commissioner Liaison				
Staff Liaisons	Danon D. Goodrum- Garland, P53603  Diane K. Van Aken	306 Townsend St Lansing, MI 48933	(517) 346-6333  (517) 346-6344	<a href="mailto:dgarland@mail.michbar.org">dgarland@mail.michbar.org</a>  <a href="mailto:dvanaken@mail.michbar.org">dvanaken@mail.michbar.org</a>

**Vice-Chairpersons:**

Jeffrey O. Birkhold, P27905  
Boyd E. Chapin, Jr., P11781  
Barbara A. Menear, P31668  
John M. Toth, P33608

**Members:**

Connell Alsup, P44054  
Charles W. Borgsdorf, P24756  
Carol F. Breitmeyer, P35075  
Cynthia C. Bullington, P33989  
David G. Chardavoyne, P27034  
Scott E. Dwyer, P33131  
Fulton B. Eaglin, P24834  
Linda M. Galbraith, P30781  
Randall J. Gillary, P29905  
Gregory M. Janks, P27696  
Mary A. Kalmink, P42954  
Hon. Cynthia A. Lane, P32136  
Barbara R. Levine, P24207

**Advisor Members:**

Mark C. Abramson, P70674  
David H. Baum, P43178  
Karie H. Boylan, P55468  
Jeanine M. Brunson, P55429  
Phillip D. Churchill, Jr., P47610  
William H. Fallon, P33132  
Darling A. Garcia, P34426 (RA)  
Kelley M. Haladyna, P63337  
Thomas M. J. Hathaway, P14745  
William E. Hosler, P41257  
Daphne M. Johnson, P55145  
Berton K. May, P42317  
E. Thomas McCarthy, Jr., P28714  
Veronica V. McNally, P67474  
Maria C. Miller, P41317  
Sonal H. Mithani, P51984  
Brian P. Morley, P58346  
Thomas L. Saxe, P33222  
Kathleen S. Schultz, P29278  
David L. Skidmore, P58794  
Wanda M. Stokes, P44485  
Joan P. Vestrand, P37062

**STATE BAR OF MICHIGAN  
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**2012-13 Meeting Schedule:** Hearings are scheduled as mutually convenient between the Presiding Committee Member, State Bar Counsel, and Applicant/Applicant's Counsel. Business meetings are conducted on an as-needed basis.

**COMMITTEE RESPONSIBILITIES**

The primary work of the Standing Committee on Character and Fitness is to conduct confidential applicant hearings and make recommendations to the Board of Law Examiners. One to two business-type meetings are held during the year to address policy issues and train new members, if determined necessary by the Chairperson. Approximately 1400 applicants take the bar examination annually and each first time applicant must complete an Affidavit of Personal History and submit all required background information. After the staff investigation is completed, an applicant is recommended favorably to the State Board of Law Examiners without referral to the Committee when investigation of past conduct discloses no significant adverse factual information. In all other instances, applicants are referred to a District Committee for a personal interview. Approximately 180 members of the Bar volunteer to serve on the nine District Committees. The District Committees issue a written report and recommendation on each applicant interviewed to the Standing Committee. Upon receiving a District Committee recommendation, the Standing Committee may: endorse the recommendation, take the recommendation under advisement pending additional information, remand the recommendation to the District Committee with instructions for further proceedings, or reject the recommendation and conduct a hearing *de novo*. All recommendations are ultimately transmitted to the Board of Law Examiners for final action.

The District Character and Fitness Committees conducted interviews for 56 applicants for the July 2012, exam cycle. To date, 21 files have been referred for District Committee interviews for the February 2013 exam cycle, and of those, 9 interviews have either been scheduled or completed. It is expected that up to 24 additional files may be referred for the February 2013 exam cycle, based on the information received to date. New member training for District Committee members was conducted on March 14, 2013 by members of the Standing Committee and State Bar Staff.

From May 1, 2012 through April 30, 2013, the Standing Committee held 37 formal hearings before making recommendations to the State Board of Law Examiners. Additionally, 17 hearings are expected to be held during the remainder of the fiscal year. Eight hearings before the State Board of Law Examiners were also conducted during this time frame, which required the presence of a member of the Committee acting as assigned State Bar Counsel. Four additional hearings are currently pending.

The time commitment required to conduct formal hearings, establish policies, address individual applicant requests, and monitor the applicant processing system is significant. The Committee would be unable to function without the dedication, professionalism, and hard work of members of the District Committees and the members of the Standing Committee. It is a tribute to the legal profession that among its members are so many people who give substantially of their time to ensure that persons admitted as lawyers in Michigan are worthy of public trust.

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**Other Activities:**

In addition to conducting hearings, the Committee also designates Subcommittees to study and make recommendations regarding issues relevant to Bar Admissions when necessary. Members of the Outreach Subcommittee, an ongoing Subcommittee studying ways to further educate the law student community about the upcoming character and fitness process, give presentations when requested to do so by law school faculty.

**Resources Provided by the State Bar of Michigan in Support of Committee Work:**

Six full-time staff members of the Character and Fitness department process and investigate all applications, favorably recommend applicants whose files did not reveal information considered significantly adverse, designate and prepare files to be referred to district committees, and assist assigned State Bar Counsel and the Standing Committee in conducting *de novo* hearings. The Director of Professional Standards and the Professional Standards Investigative Counsel also assist the Committee with legal and ethical matters. Meeting space at the Michael Franck Building is also provided, as are court reporting services for all hearings, and all materials and meals for hearings, meetings, and training sessions. Committee members and staff also attend hearings before the Board of Law Examiners, and staff prepares and distributes the hearing materials for those hearings.

**Future Goals and Activities:**

The Committee continues to work on Law Student Outreach, analysis of current questions on the Affidavit of Personal History, and analysis of the rules that govern this process, in addition to conducting hearings.



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**Committee Name:**

Civil Procedure & Courts Committee

**Jurisdiction:**

Review proposed court rules and statutes related to civil practice in the courts and make recommendations concerning improvements in the administration, organization, and operation of Michigan state courts.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Daniel D. Quick	Dickinson Wright PLLC; 2600 W. Big Beaver Rd Ste 300; Troy, MI 48084-3323	248.433.7242	<a href="mailto:dquick@dickinsonwright.com">dquick@dickinsonwright.com</a>
Staff Liaison	Peter Cunningham	State Bar of Michigan; 306 Townsend St.; Lansing, MI 48933-2012	517.346.6325	<a href="mailto:pcunningham@mail.michbar.org">pcunningham@mail.michbar.org</a>

Member/Advisor/Other	Member/Advisor/Other
Thomas H. Bannigan, Member	Joey Scott Niskar, Advisor
Richard D. Bisio, Member	Daniel D. Quick, Chair
Hon. Rae Lee Chabot, Member	Gary R. Peterson, Member
Sean F. Crotty, Member	Karen H. Safran, Member
Pamela C. Dausman, Member	Alan R. Sullivan, Advisor
Robert J. Ehrenberg, Member	George M. Strander, Member
Lori J. Frank, Member	Matthew Arthur Tarrant, Member
Maureen Hannon Kinsella, Member	Victoria A. Valentine, Advisor
Hon. David M. Lawson, Member	Randy J. Wallace, Member
Sean P. McNally, Member	Peter H. Webster, Advisor
Martha D. Moore, Member	

**STATE BAR OF MICHIGAN**  
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**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
Teleconference Meeting	May 23, 2012	Teleconference
Teleconference Meeting	July 12, 2012	Teleconference
In Person Meeting	October 13, 2012	Troy, MI
In Person Meeting	March 2, 2013	Troy, MI

**Resources provided by the State Bar of Michigan in support of committee work:**

The committee receives staff support from Peter Cunningham and Carrie Sharlow. The State Bar coordinates meeting times, invites to the members, prepares and circulates (via hard copy, email, and portal access) the agenda and related materials included in a meeting book, provides meeting refreshments, and prepares minutes for review. Arrangements are made by the Bar staff for conference call participation for those that cannot attend in person. Bar staff provides information regarding actions by the Board of Commissioners and the Representative Assembly and the status of pending legislation and proposals before the Supreme Court.

**Committee Activities:**

The committee discussed twenty-eight public policy items over four meetings and offered twenty recommendations to both the Board of Commissioners and the Representative Assembly. The committee coordinated efforts with other entities of the State Bar, including the Probate and Estate Planning Section, the Business Law Section, and SBM staff, including the executive director on developing positions on legislation and court rule amendments.

**Future Goals and Activities:**

The Committee expects to continue to review proposed court rule amendments and legislation and to both initiate and further develop its own proposals.

# SBM State Bar of Michigan

## 2012-2013 COMMITTEE ANNUAL REPORT

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**Committee Name:** Standing Committee on the Client Protection Fund

**Jurisdiction:** The Standing Committee on the Client Protection Fund (“CPF Committee”) is responsible for reviewing comprehensive reports prepared by State Bar staff after investigation and analysis of Client Protection Fund (“CPF”) claims involving the dishonest conduct of lawyers, which includes theft and embezzlement of client funds and failure to return unearned fees, to make recommendations to the Board of Commissioners’ Professional Standards Committee regarding the approval and denial of claims. The CPF claim report includes a factual summary of the claim, an analysis applying the applicable CPF Rules, a recommendation regarding approval or denial of a claim and the amount to be paid on claims recommended for approval, and the disciplinary history of the respondent. The CPF Committee is also responsible for the distribution of payments on claims authorized for payment by the Board of Commissioners and the initiation and prosecution of all subrogation actions on behalf of the Fund. In addition, the CPF Committee recommends to the Board of Commissioners’ Professional Standards Committee loss prevention programs that may help reduce occurrences that result in CPF claims.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
<b>Chair</b>	John M. Nader (P41610)	City of Detroit Law Dept 2 Woodward Avenue, Suite 500 Detroit, MI 48226-3519	(313) 237-3034	<a href="mailto:nadej@detroitmi.gov">nadej@detroitmi.gov</a>
<b>Staff Liaison</b>	Danon D. Goodrum- Garland (P53603)	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933-2012	(517) 346-6333	<a href="mailto:dgarland@mail.michbar.org">dgarland@mail.michbar.org</a>
<b>Staff Liaison</b>	Robin Lawnichak	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933-2012	(517) 346-6379	<a href="mailto:rlawnichak@mail.michbar.org">rlawnichak@mail.michbar.org</a>

Members	Members	Advisors
Deborah Adenike AdeOjo (P63962)	Rico D. Neal (P69744)	Mark L. Teicher (P34301)
Alexander A. Ayar (P69623)	Peter M. Neu (P68725)	
Laura A. Brodeur-McGeorge (P44552)	Nicholas A. Reyna (P68328)	
Michael P. Haddock (P55880)	Alecia M. Ruswinckel (P62825)	
Jennifer M. Harvey (P65140)	Rock A. Wood (P41181)	
Starr M. Hewitt Kincaid (P57430)	Dionnie Suzzette Wynter (P72633)	
May Marshall (P75189)		

**Committee Meeting Schedule:**

<b>Meeting Type</b>	<b>Date</b>	<b>Location</b>
Regularly scheduled Standing Committee meeting.	May 10, 2012	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
Regularly scheduled Standing Committee meeting.	September 6, 2012	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
Regularly scheduled Standing Committee meeting.	November 8, 2012	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
Regularly scheduled Standing Committee meeting.	February 14, 2013	Erman, Teicher, Miller, Zucker & Freedman, P.C. 400 Galleria Officentre, Suite 444 Southfield, MI 48034

**Resources Provided by the State Bar of Michigan in Support of Committee Work:**

The State Bar provides a full-time paralegal with primary responsibility for claims administration, a full-time legal secretary who provides administrative support, and staff counsel who provides legal services and manages the State Bar’s CPF Department. The State Bar also provides meeting facilities, food and beverages for meetings, SharePoint, teleconference services, meeting materials, document production services, and financial management of the Fund. In addition, State Bar staff routinely provides informational pamphlets to court administrators as requested to educate the public on how to find a lawyer and general information about the Fund.

**Committee Activities:**

During its regularly scheduled meetings, the CPF Committee reviewed claim reports prepared by staff, determined whether claims should be recommended for approval or denial, and made recommendations to the Board of Commissioners’ Professional Standards Committee regarding the approval and denial of claims and the amount to be paid on claims recommended for payment.

Complete Claims Activity: For the period April 1, 2012, through March 31, 2013, 87 new claims were filed and 174 claims were pending at the beginning of this period for an overall total of 261 claims. As a result of overall claims processing during this period, 140 claims remain pending at the end of this period.

The CPF Committee reviewed 103 claims during this time period of which 21 claims were denied by the CPF Committee, 56 claims totaling \$304,721.06 approved by the Board of Commissioner were paid, 0 claims have been approved by the Board of Commissioners and await executed subrogation agreements to be paid, 0 claims approved by the CPF Committee involving the dishonesty of a

single lawyer and expected to exceed the aggregate limit are being held until expiration of the two year period, 23 claims totaling \$110,869.28 recommended for approval by the CPF Committee are pending review by the Board of Commissioners, and there is 1 appeal of a claim denied by the CPF Committee pending review by the Board of Commissioners.

Since the inception of the Fund, 1098 claims have been paid totaling \$6,608,230.09, while 1,725 have been closed administratively, denied or withdrawn.

**Future Goals and Activities:**

CPF Rule Amendments - The CPF Committee will continue reviewing the appeals procedure and standard for review applied to appeals to make recommendations to the Professional Standards Board of Commissioner Committee to enhance the administrative process.

Scheduled Meetings - CPF Committee meetings have been scheduled for May 9, 2013, and August 8, 2013, to review claims and conduct other business as needed.

**Other Information:**

Financial Activity – As of March 31, 2012, the Fund received \$307,550.00 from the 2012/13 membership dues assessment, \$6,560.00 in Pro Hac Vice fees, and \$4,167 reflecting contributions of abandoned lawyer trust funds. In addition, the Fund received subrogation payments from respondents totaling \$17,994.00 during the period April 1, 2011, through April 30, 2012. There is \$0 authorized, but unpaid claims awaiting receipt of executed subrogation agreements. The Fund balance as of March 31, 2012, was \$2,321,502.00.<sup>1</sup>

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<sup>1</sup> Estimated, not finalized or audited.

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**Article VI §6, Bylaws of the State Bar of Michigan**

*No later than May 1 of each year, the chair of each committee and subentity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or subentity.*

**Committee Name:**

Criminal Jurisprudence & Practice Committee

**Jurisdiction:**

Review proposed court rules and statutes related to criminal procedure and practice in state courts and make recommendations concerning improvements in the operation of criminal law and procedure to promote the fair, speedy and efficient administration of criminal justice, including the establishment and operation of systems for the representation of indigent persons charged with criminal offenses.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Co-chair	Nichole Jongsma Derks	Foster Swift Collins & Smith PC; 151 Central Ave; Holland, MI 49423-2831	616.796.2516	<a href="mailto:nderks@fosterswift.com">nderks@fosterswift.com</a>
Co-chair	J. Kevin McKay	63 <sup>rd</sup> District Court; 1950 E. Beltline Ave NE; Grand Rapids, MI 49525-7075	616.632.7795	<a href="mailto:Kevin.mckay@kentcounty.mi.gov">Kevin.mckay@kentcounty.mi.gov</a>
Staff Liaison	Peter Cunningham	State Bar of Michigan; 306 Townsend St.; Lansing, MI 48933-2012	517.346.6325	<a href="mailto:pcunningham@mail.michbar.org">pcunningham@mail.michbar.org</a>

Member/Advisor/Other	Member/Advisor/Other
Ryan Lee Berman, Member	Donna McKneelen, Member
Mary Alexis Bowen, Member	Julie A. Powell, Member
Thomas P. Clement, Member	Jonathan Sacks, Member
Nichole Jongsman Derks, Co-Chair	Scott R. Sanford, Member
Nimish R. Ganatra, Member	Gretchen A. Schlaff, Advisor
Daniel Corrigan Grano, Member	Samuel R. Smith, III, Member
James W. Heath, Member	
J. Kevin McKay, Co-Chair	

**STATE BAR OF MICHIGAN**  
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**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
In Person Meeting	May 10, 2012	State Bar of Michigan
In Person Meeting	June 7, 2012	State Bar of Michigan
In Person Meeting	October 18, 2012	State Bar of Michigan
Teleconference Meeting	January 17, 2013	Teleconference
In Person Meeting	February 21, 2013	State Bar of Michigan
Teleconference Meeting	March 21, 2013	Teleconference
Teleconference Meeting	April 18, 2013	Teleconference

**Resources provided by the State Bar of Michigan in support of committee work:**

The committee receives staff support from Peter Cunningham and Carrie Sharlow. The State Bar covers meeting expenses.

**Committee Activities:**

The committee discussed thirty-seven public policy items and offered twenty-nine recommendations to the Board of Commissioners.

**Future Goals and Activities:**

The committee will continue its public policy work and continue to look into various special projects as the need arises.

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**Article VI §6, Bylaws of the State Bar of Michigan**

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**Committee Name:** Diversity and Inclusion Advisory Committee

**Jurisdiction:** Review concepts and ideas and make recommendations for support, implementation or other appropriate actions to SBM leadership, committees and other bar associated entities about SBM initiatives and programs addressing inclusion within the profession, and approaches to measuring progress in the area of diversity and inclusion. Provide guidance concerning efforts by bar associated entities such as the Diversity Project Workgroup of the Equal Access Initiative and subcommittees of SBM committees in seeking signatories to the "Pledge to Achieve Diversity and Inclusion in the Legal Profession in Michigan." Identify tools and strategies to assess the current state of diversity and inclusion in the Michigan legal community that can be used to set meaningful benchmarks to measure improvements and progress; develop concepts for recognizing best practices and exceptional achievements; and provide public support to the SBM leadership and staff regarding communications with members of the profession and others about the goals and outcomes of diversity and inclusion activities.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Co-Chair	Hon. Cynthia Stephens	<b>Michigan Court of Appeals</b> 3020 W Grand Blvd Ste 14-300 Detroit, MI 48202	(313) 972-5708	<a href="mailto:cstephens@courts.mi.gov">cstephens@courts.mi.gov</a>
Co-Chair	Rodney Martin	Warner Norcross & Judd LLP 111 Lyon St NW Ste 900 Grand Rapids, MI 49503	616) 752-2138	<a href="mailto:rmartin@wnj.com">rmartin@wnj.com</a>
Staff Liaison	Gregory Conyers	306 Townsend Lansing MI 48933	(517) 346-6358	<a href="mailto:gconyers@mail.michbar.org">gconyers@mail.michbar.org</a>



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Member/Advisor/Other	
Emma Tiffany Chen Sherrie L. Farrell Elizabeth J. Fossil Shirley A. Kaigler Mary K. Kator Michael K. Lee Daniel M. Levy Rodney D. Martin Monica P. Navarro Francis R. Ortiz Lawrence P. Nolan Hon. Cynthia D. Stephens	Elizabeth A. Stafford T. L. Summerville Robert J. Buchanan E. Christopher Johnson, Jr Hon. Angela Kay Sherigan Dewnya Bazzi Stephanie Jones Saul Green Gennelia Capobres Laluna- Shaeffer Kristen Vanden Berg Jehan Grashara Crump Gibson

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
DIAC mtg.	Wednesday, May 16, 2012 8:30 a.m.	Conference call
DIAC mtg.	Wednesday, June 13, 2012 8:30 a.m.	Conference call
DIAC mtg.	Wednesday, July 18, 2012 8:30 a.m.	Conference call
DIAC mtg.	Wednesday, August 15, 2012 8:30 a.m.	Conference call
DIAC mtg. (co chairs and staff)	Thursday, November 29, 2012 11:00 a.m.	SBM
DIAC mtg.	Thursday, January 17, 2013 10:00 a.m.	SBM
DIAC mtg.	Tuesday, February 19, 2013 10:00 a.m.	SBM
DIAC mtg.(co chairs and staff)	Monday, March 11, 2013	SBM
DIAC mtg.	Wednesday, May 21, 2013 10:00 a.m.	Conference call
DIAC mtg.	Wednesday, June 26, 2013 10:00 a.m.	Conference call

**Resources provided by the State Bar of Michigan in support of committee work:**

- Assistance in getting conference call for meeting set up.
- Guidance on State Bar requirements for Committee activities.

**Committee Activities:** The Committee focused on the following topics:

- Ongoing assessment of the status of diversity and inclusion in various areas of the legal profession.
- Research and dissemination of tools, models and best practices to share with members of the legal profession.
- Collaboration with other groups to address issues regarding diversity and inclusion.

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- Advise and inform the Board of Commissioners and other bar entities regarding diversity and inclusion.
- Continuing to add to the list of Diversity Signatories-

**State Bar of Michigan  
Diversity and Inclusion Pledge Signatories  
As of Tuesday, May 21, 2013**

<b>Individuals</b>		611
<b>Entities</b>		
Law Firms		252
Solo Practice	91	
Small (2-10)	119	
Medium (11-20)	11	
Large (21-99)	18	
Very Large (100+)	13	
Association		39
Corporation		7
Law Related		16
Law School		4
Legal Aid		9
SBM Sections & Committees		33
<b>Total</b>		<b>971</b>

**Future Goals and Activities:**

- Develop more opportunities to share information about “pipeline” programs.
- Develop relationships with other Committees/Sections within the Bar.
- Provide periodic reports regarding the status of diversity and inclusion in the legal profession in Michigan.

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**Article VI §6, Bylaws of the State Bar of Michigan**

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**Committee Name:** Standing Committee on Domestic Violence

**Jurisdiction:**

- Make recommendations concerning increasing attorney awareness of the problem of domestic violence.
- Advise on the encouragement of training of attorneys and judges on legal remedies and community resources concerning domestic violence.
- Help develop and distribute legal resources concerning domestic violence and victims' access to the legal process.
- Assist in the coordination of programs and activities concerning domestic violence in Michigan.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Co-Chairs	P58021 Ashley E. Lowe	2630 Featherstone Rd. Auburn Hills, MI 48326-2814	248.335.0125 x 7720	<a href="mailto:lowea@cooley.edu">lowea@cooley.edu</a>
	P59396 Lori I. Pourzan	3490 Belle Chase Way Ste. 50 Lansing, MI 48911-4257	517.394.2985	<a href="mailto:lpourzan@lsscm.org">lpourzan@lsscm.org</a>
Staff Liaison	Robert Mathis Jennifer Williams	306 Townsend St Lansing, MI 48933-2012	517.346.6412 517.346.6421	<a href="mailto:rmathis@mail.michbar.org">rmathis@mail.michbar.org</a> <a href="mailto:jwilliams@mail.michbar.org">jwilliams@mail.michbar.org</a>

Member/Advisor/Other	Member/Advisor/Other
P73812 Emily A. Calabrese	P57727 Jennifer V. Lamp
P69517 Danielle J. Carter	P40362 Mary M. Lovik
P64426 Darling A. Garcia	P52485 Bruce E. Petrick
P75461 Abigail Jennex	P66350 Eilisia G. Schwarz (Rep. Assembly)
P36171 Nancy E. Gallagher	P37160 Rebecca E. Shiemke
P25664 Hon. Richard B. Halloran	P69165 Katherine K. Strickfaden
P59553 Delores D. Hall	P74562 Veronica T. Thronson
P41113 Hon. Amy Ronayne Krause	
P69110 Jeannine Provencher Laible	

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**Committee Meeting Schedule:**

<b>Meeting Type</b>	<b>Date</b>	<b>Location</b>
Committee Meeting	May 15, 2012	Teleconference
Committee Meeting	June 12, 2012	In-Person (SBM)
Training Subcommittee Meeting	July 16, 2012	Teleconference
Training Subcommittee Meeting	September 13, 2012	Teleconference
Training Subcommittee Meeting	October 15, 2012	Teleconference
Committee Meeting	November 11, 2012	Teleconference
Resource Subcommittee Meeting	November 29, 2012	Teleconference
Committee Meeting	December 13, 2012	Teleconference
Committee Meeting	January 10, 2013	Teleconference
Resource Subcommittee Meeting	January 16, 2013	Teleconference
Publications Subcommittee Meeting	January 30, 2013	Teleconference
Publications Subcommittee Meeting	February 4, 2013	Teleconference
Committee Meeting	February 14, 2013	Teleconference
Publications Subcommittee Meeting	February 26, 2013	Teleconference
Training Subcommittee Meeting	February 28, 2013	Teleconference
Public Policy Subcommittee Meeting	March 13, 2013	Teleconference
Committee Meeting	March 14, 2013	Teleconference
Publications Subcommittee Meeting	March 27, 2013	Teleconference
Public Policy Subcommittee Meeting	April 10, 2013	Teleconference
Committee Meeting	April 12, 2013	In-person
Training Subcommittee Meeting	April 25, 2013	Teleconference
Public Policy Subcommittee Meeting	May 2013	Teleconference
Publications Subcommittee Meeting	May 2013	Teleconference

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Committee Meeting	May 9, 2013	Teleconference
Committee Meeting	June 13, 2013	Teleconference
Training Subcommittee Meeting	October 25, 2013	Training

**Resources provided by the State Bar of Michigan in support of committee work:**

The State Bar of Michigan provides the Standing Committee on Domestic Violence with staff support and a modest budget to facilitate projects, trainings, and meetings.

**Committee Activities:**

The Domestic Violence Committee is a very active committee that seeks to explore areas in which change, education, training, and awareness can have a positive impact in reducing the incidents of domestic violence and increasing the safety of victims and their children as they proceed through the legal system.

The Domestic Violence Committee has created four subcommittees:

- **Training and System Education**
  - *Mission: Continue exploring and scheduling training opportunities; possibly develop training and education opportunities regarding understanding trauma of the victim and how that needs to be considered throughout the legal process.*
- **Public Policy**
  - *Mission: Address public policy items that are sent to DV for consideration.*
- **Publications**
  - *Mission: Oversee the Family Law Journal assignments, topics, and reminders, as well as explore other publication opportunities.*
- **Resource**
  - *Mission: Explore how to broaden the mission; to review how the criminal side of domestic violence intersects with the goals of the committee and attempt to have more involvement with those players (i.e., law enforcement, prosecutors, etc.).*

The subcommittees meet on a regular basis (depending on need) focusing on their specific targeted areas. A reporting time is set aside at each monthly meeting of the DV Committee for each subcommittee to provide a report to the full committee for discussion or vote.

**Michigan Family Law Journal Articles**

In response to a column in 2008 by the editor of the Family Law Journal calling for more action on preventing domestic violence, the committee contacted Norman Robbins and offered to coordinate a monthly “domestic violence column” in the Family Law Journal. As a result, beginning with the June/July 2008 edition, the committee has published a monthly article related to domestic violence and authored by committee members or guest experts in the field. The articles submitted for publication from May 1, 2012 to May 1, 2013 are as follows:

- May 2012 Issue – Family Court Orders

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- June/July 2012 Issue – Domestic Violence in Lesbian, Gay, and Transgender Relationships
- August/September 2012 – Screening For Domestic Violence
- October 2012 Issue– Solutions on Self Help
- December 2012 – Tips for Attorneys Working with Domestic Violence Advocates
- January 2013 Issue – Conciliation
- February 2013 Issue – Trauma – Informed Practice
- March 2013 Issue – Domestic Violence and Immigration
- April 2013 Issue – Part I: Informational Article on the Solutions Oriented Domestic Violence Prevention Court
- May 2013 Issue – Long-term and Foreseeable Implications in Domestic Violence Matters

**Public Policy Matters:**

Since the last annual report in May 2012, the DV Committee has taken a position to:

- **Support [Substitute SB 0743](#)**. The Committee previously voted to oppose this bill because they were concerned that certain provisions would deter or prevent domestic violence survivors from fleeing abuse. However, the substitute makes several revisions to minimize the chances that the act would be used against survivors.
- **Support for [S. 1925](#)** for reauthorization of VAWA, the federal law aimed at ending violence against women and remedying the laws and social practices that have fostered violence against women, and for the legal services provided through VAWA.
- **Oppose [HB 4120](#)** which requires the court to order joint custody unless a parent is proven unfit or unwilling to care for the child.
- **Support [SB 131](#)**, a bill which addressed instances of joint custody of a child whose parent is a registered sex offender or whose parent lives with a registered sex offender. This bill provides the court guidance in determining parental rights in cases where a parent has offended against a child (not necessarily their own child).
- **Support [MCR 3.210](#)** which provides that a defaulted party may participate in a case only to the extent permitted by the court, who could deny participation; otherwise the appearance of the defaulted party only entitled that party to notice of proceedings (see new version, paragraphs (B)(2)(d) and (e)) and the provision permitting the court to consider inadmissible evidence was removed (see new version, paragraphs (B)(5)(c) and (d)).
- **(To Be Voted On) Oppose [HB 4064](#) & [HB 4414](#)**. The proposed amendments would permit courts to “charge a reasonable fee ... for providing enhanced access” which is defined as “access to a court through electronic means for pleadings, practice, and procedure, including, but not limited to, access to its case records...” The subcommittee was concerned that there was no exception to the reasonable fee for low income parties.

**Trainings Provided**

- **Fathering After Violence Training on September 6, 2012**  
The DV Committee offered a comprehensive training to the family law judges at the Supreme Court Judicial Conference on September 6, at the Hyatt Regency in Dearborn. An

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expert in the field, Juan Carlos Arean, facilitated the training. The training builds upon national initiatives that call for increased engagement of fathers with a history of abuse in their parenting relationships by motivating them to renounce their abuse, become better fathers, and be more supportive parenting partners.

- **Training – Pro Bono Family Law Training on October 26, 2012**

The committee conducted a pro bono training for attorneys who are new to the area of domestic violence family law. The training October 26, 2012, coincided with October as Pro Bono Month. Subject matter included how to conduct the initial client interview with DV survivors, substantive legal issues, including custody, support, property division and drafting safe orders, initial pleadings and service, and pre-trial and trial practice. In exchange for the free training, attorneys agreed to handle a domestic violence family law case, referred from their local legal aid organization, on a pro bono basis. Participants were given the option to attend the live version of the training at Cooley's Auburn Hills Campus. The training was also broadcast simultaneously to Cooley's other Michigan campuses. The training was free of charge for the 53 participants, including 42 Michigan licensed attorneys and 11 law students and recent law graduates that plan to take the Michigan bar exam within the next year.

**Future Goals and Activities:**

- **Training – Pro Bono Family Law Training on October 25, 2013**

Similar to the 2012 Pro Bono Family Law Training, the committee will conduct a pro bono training for attorneys who are new to the area of domestic violence family law on October 25, 2013. Subject matter will include how to conduct the initial client interview with DV survivors, substantive legal issues, including custody, support, property division and drafting safe orders, initial pleadings and service, and pre-trial and trial practice.

- **Webinars**

The DV Committee is planning to provide a webinar in the coming months on Personal Protection Orders.

- **Criminal Justice Partners Training**

The DV Committee is investigating possible future training opportunities involving Domestic Violence issues. To provide the DV Committee with an understanding of current trainings being offered to personnel working in the criminal justice arena, and possible gaps in the current curriculum that the DV Committee could help fill, the DV Committee invited Lore A. Rogers, J.D. & Joyce Wright from the *Michigan Domestic and Sexual Violence Prevention and Treatment Board*. Lore and Joyce conducted a presentation on Domestic Violence and Sexual Assault Training for Law Enforcement Personnel.

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***Article VI §6, Bylaws of the State Bar of Michigan***

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**Committee Name:**

Eyewitness Identification Task Force

**Jurisdiction:**

Make recommendations concerning legislative, court rule, and funding changes that improve eyewitness identification procedures to reduce false arrests and wrongful convictions.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Co-Chair	Nancy J. Diehl	1300 E. Lafayette St. Ste 1206; Detroit, MI 48207		<a href="mailto:diehlnancyj@sbcglobal.net">diehlnancyj@sbcglobal.net</a>
Co-Chair	Valerie R. Newman	State Appellate Defender Office; 645 Griswold St. Ste 3300; Detroit, MI 48226		<a href="mailto:Valerie@sado.org">Valerie@sado.org</a>
Staff Liaison	Peter Cunningham	306 Townsend St; Lansing, MI 48933	517-346-6325	<a href="mailto:pcunningham@mail.michbar.org">pcunningham@mail.michbar.org</a>

Member/Advisor/Other	Member/Advisor/Other
Daryl M. Carson, Member	David A. Moran, Member
Nancy J. Diehl, Co-chair	Valerie R. Newman, Co-chair
Jerry Dorsey, IV, Member	David C. Roby, Member
David Eddy, Member	Hon. David H. Sawyer, Member
Ronald Gates, Member	Charles D. Sherman, Member
David L. Harvey, Member	Michael L. Steinberg, Member
Dale J. Hilson, Member	Robert Stevenson, Member
Hon. David A. Hoort, Member	Hon. Peter J. Wadel, Member
Hon. Jon H. Hulsing, Member	
Donald L. Johnson, Member	
Raymond S. Kent, Member	
Hon. Bridget M. McCormack, Member	



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**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
Task Force Meeting	February 1, 2012	Teleconference State Bar of Michigan
Task Force Meeting	March 14, 2012	State Bar of Michigan
Task Force Meeting	May 3, 2012	State Bar of Michigan
Task Force Meeting	June 20, 2012	State Bar of Michigan
Task Force Meeting	August 15, 2012	State Bar of Michigan
Law Enforcement Best Practices Subcommittee	September 6, 2012	State Bar of Michigan
Legislative Exploratory Subcommittee	September 7, 2012	State Bar of Michigan Judicial Conference
Law Enforcement Best Practices Subcommittee	October 4, 2012	State Bar of Michigan
Prosecutor Best Practices Subcommittee	October 16, 2012	State Bar of Michigan
Law Enforcement Best Practices Subcommittee	November 14, 2012	State Bar of Michigan
Prosecutor Best Practices Subcommittee	November 28, 2012	State Bar of Michigan
Task Force Meeting	December 11, 2012	Teleconference
Task Force Meeting	January 15, 2013	State Bar of Michigan
Task Force Meeting	February 19, 2013	State Bar of Michigan
Task Force Meeting	March 21, 2013	Teleconference

**Resources provided by the State Bar of Michigan in support of committee work:**

The committee received staff support from Peter Cunningham and Janeice Morrow. The State Bar covered meeting expenses.

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**Committee Activities:**

The Task Force examined the latest scientific studies on eyewitness identification and the eyewitness identification policies of other states and jurisdictions, including relevant court cases. In addition, the Task Force brought in experts in the field of eyewitness identification to present to the group and invited guests in criminal justice community.

The Task Force produced two reports:

- 1) Law Enforcement and Eyewitness Identifications: A Policy Writing Guide
- 2) Prosecutor Eyewitness Identification Training Guide

The first report was presented to the annual meeting of the Michigan Association of Chiefs of Police and is now being incorporated by the Michigan Commission on Law Enforcement Standards into their training materials for Michigan law enforcement. The second report is being incorporated into the Prosecuting Attorneys Association of Michigan's training of prosecutors across the state. Both reports were presented to MJA on March 19<sup>th</sup>.

**Future Goals and Activities:**

The Task Force is working on recommendations of jury instructions to submit to the Criminal Jury Instruction Committee. Work is expected to conclude by the end of the current Bar year.

**STATE BAR OF MICHIGAN  
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STANDING COMMITTEE**

Committee Name: Standing Committee on Judicial Ethics

Jurisdictional Statement:

- Prepare written opinions on ethical conduct of judges at the request of the State Bar President, Board of Commissioners, Representative Assembly, Attorney Discipline Board, Attorney Grievance Commission, Executive Director, or individual members of the judiciary inquiring about their own contemplated conduct.
- Recommend amendments to the Michigan Code of Judicial Conduct and other standards of professional conduct, and review proposed amendments.
- The Michigan Judges Association, Michigan Probate Judges Association, Michigan District Judges Association, Michigan Association of District Court Magistrates and the Referees Association of Michigan shall each nominate one member for appointment to the committee.

**Officers and Membership:**

*Chair:* Hon. Elwood L. Brown, Port Huron

*Members:*

Hon. Theresa Doss, Detroit  
Hon. Laura A. Frawley, Harrisville  
Hon. Annette M. Jurkiewicz-Berry, Detroit  
Hon. Randy L. Kalmbach, Wyandotte  
Hon. Christopher S. Ninomiya, Iron Mountain  
Magistrate James P. Pahl, Mason  
Referee Lorie Nancy Savin, Pontiac

**2012-2013 Meeting Schedule (date and location):**

October 19, 2012, Lansing, Michigan  
June 21, 2013, Lansing, Michigan

**Committee Activities:**

At each meeting, the committee discusses pending opinion requests. Since the last annual report, the committee has voted to repeal JI-23 and to approve two informal opinions – JI-137 (discussing the ethical implications when a judge serves as the host of a commercially-sponsored program, concluding that Canons (1), (2), (3), and (5) are implicated) and JI-138 (discussing a judge's ethical obligations when a lawyer who is an announced candidate for the judge's bench appears as an advocate before the judge). The committee voted to become a signatory to the Pledge to Achieve Diversity and Inclusion in the Legal Profession in Michigan.

**Resources Provided by the State Bar of Michigan in Support of Committee Work:**

The committee has been assisted in its work by staff liaisons Dawn Evans, Danon Goodrum-Garland, and Nkrumah Johnson-Wynn, as well as staff member Karen Spohn.

**Future Goals and Activities:**

The committee plans to continue responding to opinion requests and to address revisiting any opinions identified as in need of review due to subsequent developments that may have impacted the continued appropriateness of any conclusions drawn. To the extent that the Committee's input is sought by the Board of Commissioners, the Representative Assembly, or the Supreme Court on discrete issues or projects, the committee stands ready to respond with appropriate research and commentary.

**Chair/Co-Chair Contact Information:**

Hon. Elwood L. Brown  
St. Clair County Probate Court  
201 McMorran Blvd. Room 2200  
Port Huron, MI 48060-4029  
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e-mail: [ebrown@stclaircounty.org](mailto:ebrown@stclaircounty.org)

## STATE BAR OF MICHIGAN 2012-2013 Annual Report

**Committee Name:** Judicial Qualifications Committee

***Jurisdictional Statement:***

Evaluate candidates for appointment to judicial vacancies and report in confidence to the authority requesting its assistance.

The chief staff attorney of the Attorney Grievance Commission serves as reporter for this committee. The appointed members are limited to three two-year terms. Chairs of the committee may serve more than three two-year terms. This committee may have more than 15 members.

***Co-Chairs (term expiration):***

**Kathleen L. Bogas (2013)**  
Bogas Koncius & Croson PC  
31700 Telegraph Rd Ste 160  
Bingham Farms, MI 48025-3404  
Phone: (248) 502-5000  
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**Daniel T. Stepek (2014)**  
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Mount Clemens, MI 48046-6877  
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**Robert B. Webster (2014)**  
18321 Saxon Dr  
Beverly Hills, MI 48025  
Phone: (248) 882-6301  
e-mail: robweb101@gmail.com

***Reporter:***

Ruthann Stevens,  
Senior Associate Counsel  
Attorney Grievance Commission  
535 Griswold St Ste 1700  
Detroit, MI 48226  
Phone: (313) 961-6585  
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***Staff Liaisons:***

Nkrumah Johnson-Wynn,  
Professional Standards Service Counsel  
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nwynn@mail.michbar.org

Janna Sheppard, Administrative Assistant  
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Michael Franck Building  
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Lansing, MI 48933  
Phone: (517) 346-6357  
Fax: 517-372-7216  
jsheppard@mail.michbar.org

***Acknowledgment of Service:***

The Committee would like to express its sincere gratitude to Bob Webster, who resigned during this Bar year, for his many years of service to the State Bar and for his dedication to the Judicial Qualifications Committee, as a member since 1992, and, most recently, as Co-Chair. His presence and perspective will be missed.

***Committee Members (term expiration):***

Alan Ackerman, Bloomfield Hills (2013)\*  
Darcie R. Brault, Southfield (2013)  
José T. Brown, Flint (2013)  
Leanne Barnes Deuman, Sault Ste Marie (2013)  
Eugenie B. Eardley, Cannonsburg (2013)  
David H. Fink, Bloomfield Hills (2013)  
Kiffi Y. Ford, Lansing (2013)  
Susan E. Gillooly, Detroit (2013)  
Elizabeth P. Hardy, Birmingham (2013)  
Pamela R. Harwood, Troy (2014)  
Diane Hutcherson, Detroit (2013)  
William W. Jack, Jr., Grand Rapids (2013)  
Michael S. Leib, Southfield (2014)

Christine Mason Soneral, Novi (2013)  
Lambro Niforos, Grosse Pointe Woods (2013)  
Hal G. Ostrow, Grand Rapids (2014)  
Gerald V. Padilla, Birmingham (2014)  
Norman H. Pylman, Grand Rapids (2014)  
Frank Harrison Reynolds, Lansing (2013)  
Gene Schnelz, Birmingham (2014)  
Kurt Schnelz, Birmingham (2014)  
Daniel M. Share, Detroit (2013)  
Leonard A. White, Saint Joseph (2014)  
Betty R. Widgeon, Ann Arbor (2013)  
Rock A. Wood, Grand Rapids (2014)

\*Resigned

***Committee Meetings held during the 2012 – 2013 Bar year:***

February 12, 2013  
February 26, 2013  
March 12, 2013  
April 9, 2013

***Resources Provided by the State Bar of Michigan in Support of Committee Work:***

In support of the work of this Committee, the State Bar of Michigan provides a meeting room in the Michael Franck Building as well as lunch for the Committee members. The State Bar staff liaisons coordinate the interview schedule, report the Committee's ratings for each candidate directly to the Governor's Office, and handle administrative tasks and other matters as necessary.

***Committee Activities:***

As requested by the Governor, the Judicial Qualifications Committee interviews and rates candidates for appointment to judicial vacancies. A representative from the Governor's Office, the Reporter, and the State Bar staff liaisons also attend the meetings. The work of the Committee members, the Reporter, and the State Bar staff liaisons (which includes preparation for the interviews, candidate interviews, and the ratings reported by the State Bar directly to the Governor's Office) is confidential.

Committee meetings are held on the second Tuesday of the month and/or as requested. From May 2012 through April 2013, the Committee met nine times and interviewed 84 candidates for judicial vacancies.

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**Committee Name:** Criminal Jury Instructions Committee

**Jurisdiction:** Draft proposed standard criminal jury instructions for publication by the Institute for Continuing Education.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Hon. William J. Caprathe	305 Linden Park Dr. Bay City, MI 48706-2553	989 225-6407	bcaprathe@netscape.net
Staff Liaison	Candace Crowley	State Bar of Michigan	517 346-6319	ccrowley@mail.michbar.org

Member/Advisor/Other	Member/Advisor/Other
Hon. Timothy M. Kenny/Reporter	Opolla Brown
Ronald J. Bretz	LaNita R. Haith
J. Mark Cooney	Hon. Annette M. Jurkiewicz-Berry
Torchio W. Feaster	Hon. Paul J. Paruk
Hon. John T. Hammond	Gene Schnelz
Anica Letica	Lawrence B. Shulman
Louisa M. Papalas-Concessi	Hon. Thomas L. Solka
Rudolph A. Serra	Stephen M. Taratuta
Christopher Michael Smith	William J. Vaillencourt, Jr.
Hon. Brian R. Sullivan	Bonita S. Hoffman, Advisor
Daniel D. Kopka/ICLE	Hon. Thomas E. Jackson, Advisor

**Committee Meeting Schedule:**

Meeting Type	Date	Location
Regular Meeting	Saturday, May 19, 2012	State Bar of Michigan
Regular Meeting	Saturday, September 22, 2012	Amway Grand, Grand Rapids
Regular Meeting	Saturday, February 2, 2013	Cooley Law School, Lansing

**Resources provided by the State Bar of Michigan in support of committee work:**

Provided staff support for meetings, printing support for materials, and coordinated the room and food for the meetings.

**Committee Activities:**

The committee held three meetings. It reviewed twelve new appellate decisions and wrote twelve new instructions, use notes or commentaries. It adopted a social media warning poster for use in jury assembly rooms and court jury rooms. It wrote comments to the Michigan Supreme Court's Proposed Amendment to MCR 2.512 require Use of Model Criminal Jury Instructions.

At the scheduled meeting on **Saturday, May 2, 2012**, the committee appointed Lawrence Shulman, Christopher Smith and Judge John Hammond to draft language for a jury room poster regarding jurors' use of cell phones and social media. They were to report to the committee at the September 22<sup>nd</sup> meeting.

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The committee approved an addition to the Commentary section of OWI offenses (CJI2d 15.1, 15.2 and 15.5) in light of *City of Plymouth v Longeway*, 296 Mich App 1 (2012). The commentary reads:

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“In *City of Plymouth v Longeway*, 296 Mich App 1, (2012), the Michigan Court of Appeals found that the defendant was “operating” a vehicle for purposes of MCL 257.35a when she started the car, applied the brake, shifted into reverse, and then shifted the car back into park.” Application for leave to appeal to the Supreme Court was denied September 4, 2012.

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The committee approved an additional commentary to Operating with Any Amount of Schedule 1 or 2 Controlled Substance ( CJI2d 15.3) in light of *People v Koon*, (2012 WL1319472, No. 301443) held the Michigan Medical Marijuana Act is not a defense to MCL 257.625 (8). The Commentary reads:

“In *People v Koon*, (2012 WL 1319472, No. 301443, decided April 17, 2012), the Court of Appeals held that defendant’s approved use of medical marijuana under the Michigan Medical Marijuana Act (MMMA) is not a defense to the “zero tolerance” provision of MCL 257.625 (8) prohibiting the operation of a motor vehicle with any amount of Schedule 1 controlled substance in the driver’s body.”

Note that an application for leave to appeal to the Michigan Supreme Court has been filed.

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The committee approved the following additional commentary to CJI2d 13.1 Resisting and Obstructing a Police Officer and CJI2d 13.2 Resisting and Obstructing a Police Officer Causing Injury in light of the Michigan Supreme Court decision in *People v Moreno*, 491 Mich 38 (2012) that overruled an earlier ruling and held a defendant has the right to resist unlawful police conduct. The Commentary reads:

“In *People v Moreno*, 491 Mich 38, (2012), the Michigan Supreme Court overruled *People v Ventura*, 262 Mich App 370 (2004), and held that a defendant has the right to resist illegal police conduct, including unlawful arrests and unlawful entrees into constitutionally protected areas.”

Previous commentary referencing *People v Ventura* was to be deleted.

The committee approved a new instruction defining constructive “possession” in Felony Firearm – Definition of Possession and CJI2d 12.7 – Meaning of Possession (Narcotics) cases. The committee also approved an additional use note for CJI2d 12.7, Meaning of Possession (Narcotics) indicating the different constructive “possession” instruction required in felony firearm cases.

The new instruction for “possession” in felony firearm cases reads:

CJI2d 11.34a – Felony Firearm – Possession



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Possession does not necessarily mean ownership. Possession means that either:

- (1) the person has actual physical control of the thing as I do with the pen I am now holding, or
- (2) the person knows the location of the firearm and has reasonable access to it.

Possession may be sole where one person alone possesses the firearm. Possession may be joint where two or more people share possession.

Use Note

For constructive possession of a firearm, *People v Williams*, 212 Mich App 607 (1995) and *People v Hill*, 433 Mich 464 (1989) require that the defendant know the location of the firearm and have reasonable access to it.

The Use Note for CJI2d 12.7 – Meaning of Possession (Narcotics) reads:

“In felony firearm cases, refer to CJI2d 11.34a for the applicable definition of constructive possession. *People v Williams*, 212 Mich App 607 (1995) and *People v Hill*, 433 Mich 464 (1989) require that the defendant know the location of the firearm and have reasonable access to it.”

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The committee approved a new instruction for self-defense in felony firearm cases and additional commentary for CJI2d 7.15 (Self-Defense) and CJI2d 11.34 (Felony Firearm) in light of the Michigan Court of Appeals ruling in *People v Goree*, (296 Mich App 293, No. 302046, 2012 WL1371984). The new instruction reads:

New Instruction for Self-Defense in Felony Firearm Cases

New – 7.15a, Self-Defense or 11.34b – Felony Firearm

1) An individual who has not or is not engaged in the commission of a crime at the time he or she uses deadly force may use deadly force against another individual anywhere he or she has the legal right to be with no duty to retreat if either of the following applies:

- a) The individual honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent unlawful death of or imminent great bodily harm to himself or herself or to another individual.
- b) The individual honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or of another individual.

2) An individual who has not or is not engaged in the commission of a crime at the time he or she used force other than deadly force may use force other than deadly force against another individual anywhere he or she has the legal right to be with no duty to retreat if he or she honestly and reasonably believes that the use of that force is necessary to

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defend himself or herself or another individual from the imminent unlawful use of force by another individual.

In *People v Goree*, (296 Mich App 293, No. 302046, 2012 WL 1371984, decided April 19, 2012), the Court of Appeals held that self-defense is applicable to the charge of felony firearm.

The commentary for CJI2d 7.15 – Self-Defense and CJI2d 11.34 Felony Firearm reads:

In *People v Goree*, (296 Mich App 293, No. 302046, 2012 WL 1371984, decided April 19, 2012), the Court of Appeals held that self-defense is applicable to the charge of felony firearm.

In *People v Eisen*, (296 Mich App 326, No. 304577, 2012 WL 1414873, decided April 24, 2012), the Michigan Court of Appeals affirmed the non-exhaustive circumstances constituting “force and coercion” for sexual assault.

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The committee approved an additional use note for the following Sexual Assault Offenses “Force and Coercion” instructions in light of the decision in *People v Eisen*, (296 Mich App 326, No. 304577, 2012 WL 1414873m decided April 24, 2012):

CJI2d 20.7 – Aiders and Abettors, Criminal Sexual Conduct  
CJI2d 20.9 – Personal Injury, Use of Force or Coercion  
CJI2d 2.15 – Use of Force or Coercion  
CJI2d 20.23 – Use of Force or Coercion in Attempt

The Use Note reads:

In *People v Eisen*, (296 Mich App 326, No. 304577, 2012 WL 1414873, decided April 24, 2012) the Court of Appeals reaffirmed the non-exhaustive circumstances constituting “force and coercion” for sexual assaults. As an example of “force and coercion” not listed in the statute involved a slowly-building pattern of abuse during childhood. The Court stated:

“...we conclude that “force and coercion” exists whenever a defendant’s conduct induces a victim to reasonably believe that the victim had no practical choice because of the history of child sexual abuse or for some other similarly valid reason”

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The committee approved a new subsection under the Criminal Sexual Conduct category entitled Sex Offender Registration Act (SORA) in light of the Michigan Supreme Court’s ruling in *People v Dowdy*, 489 Mich 373 (2011) requiring homeless people to register. Since *Dowdy* eliminates almost all trials for failure to register, the committee decided not to publish a jury instruction, but rather offer a commentary section citing the *Dowdy* decision.

The Commentary reads:

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New CSC subsection for Sex Offender Registration Act

Commentary

In *People v Dowdy*, 489 Mich 373 (2011), the Supreme Court required homeless people to register.

MCL 28.722 (p) establishes the required registration locations.

(p) “Residence,” as used in this act, for registration and voting purposes means that place at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging. If a person has more than 1 residence, or if a wife has a residence separate from that of the husband, that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of this act. If a person is homeless or otherwise lacks a fixed or temporary residence, residence means the village, city or township where the person spends a majority of his or her time. This section shall not be constructed to affect existing judicial interpretation of the term residence for purposes other than the purposes of this act.

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OWI Causing Death: Committee member Bill Vaillencourt agreed to review the *Derror* case and report back to the committee at the September 22<sup>nd</sup> meeting.

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Driving While License Suspended. The committee tabled discussion of this instruction until the September 22<sup>nd</sup> meeting. The committee noted that pursuant to the holding in *People v Acosta-Baustista*, 2012 WL 1520899, the statute relating to driving while license is suspended or revoked, does not apply to expired drivers’ licenses.

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Medical Marijuana. The committee tabled discussion of this issue pending Michigan Supreme Court clarification.

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At the scheduled meeting on **Saturday, September 22, 2012**, the committee decided to table a decision on an instruction on the defense of impossibility Felony Non-Support: MCL 750.165 until the February 2, 2013 meeting. The Committee noted: 1) Any instruction should note that inability to pay is not a defense and 2) A prima facie case must be shown before the defense can go to the jury.

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Juror “mischief” with Social Media. Judge Caprathe submitted two illustrations of juror “mischief” that resulted in mistrials being granted. The two cited cases were the bases for the Committee to review and consider possible revision of CJI 2d 2.16 – Jurors Not to Consider Information Received outside Presence of Court. The Committee reviewed two instructions to Deter Juror Use of Social Media During Trial: one a model jury instruction for use by federal judges and the other a preliminary instruction currently in use in New York. The issue of whether CJI 2d 2.16 should be modified or replaced by the federal or New York instruction was tabled until the February 2, 2013 meeting.

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The Committee approved the following new instruction re Driving While License Suspended or Revoked:

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*The defendant is charged with driving while [his/ her] operator's license is suspended or revoked. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:*

- (1) First, that the defendant was operating a motor vehicle. "Operating" means driving or having actual physical control of the vehicle.*
- (2) Second, that the defendant was operating that vehicle on a highway or other place open to the general public [or generally accessible to motor vehicles, including any area designated for the parking of motor vehicles] .*
- (3) Third, that at the time the defendant's operator's license was suspended or revoked.*
- (4) Fourth, that the Secretary of State gave notice of the suspension or revocation by first-class, United States Postal Service mail addressed to the defendant at the address shown by the record of the Secretary of State at least five days before the date of the alleged offense.*

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The Committee approved a social media warning poster for use in jury assembly rooms and court jury rooms. The poster was recommended as a commentary to CJI 2d 2.16 – Jurors Not to Consider Information Received Outside Presence of Court. The poster is attached to this report.

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Committee member Bill Vaillencourt reported to the committee that the current OWI Causing Death instruction (CJI 2d 15.11) is accurate and properly reflects the current state of the law. He recommended NO change in the instruction. *People v Derror*, 475 Mich 316 (2006) does not mandate an instructional change. The Committee adopted the recommendation.

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At the scheduled meeting on **Saturday, February 2, 2013**, Judge Caprathe informed the members that the public comment period regarding the Proposed Amendment to MCR 2.512 requiring the Use of Model Criminal Jury ended February 2, 2013. He indicated the State Bar adopted our Committee's letter of concern and submitted it to the Supreme Court.

---

The Committee approved the following addition to the Commentary for Entering without Breaking with Intent to Commit Larceny CJI 2d 25.03:

“Commentary:

In *People v Heft*, No. 307150, 2012 Mich App Lexis 2636 (December 20, 2012) the court of appeals held that entering without permission is not a lesser included offense of entering without breaking with intent to commit larceny.”

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The Committee voted not to add commentary language to CJI 2d 15.11 – Operating a Motor Vehicle While Intoxicated Causing Death – because of the holding in the unpublished

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Court of Appeals decision in *People v Karsten*, (2012 WL 6177088, case 307339; decided December 11, 2012). The Committee vote (9-3) was based upon 1) the *Karsten* opinion was unpublished and 2) factually specific. The opinion discussed the issue of the victim's intoxication level at the time of the fatal accident and whether the victim's intoxication level relieved the defendant of responsibility for the death.

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The Committee approved the following additional Commentary to CJI 2d 2.01 – Juror Oath Following Selection: “Failure to swear the jury after jury selection requires reversal and retrial on the original charges with a properly sworn jury. *People v Allan*, 299 Mich App 205 (2013).

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The Committee approved the following additional Commentary to CJI 2d 12.02 – Delivery of a Controlled Substance: “In *People v Collins*, 298 Mich App 458 (2012) the court of appeals held that the prosecution cannot aggregate multiple deliveries of small amounts of narcotics in order to charge a single, larger delivery count. Separate deliveries constitute separate criminal transactions. The court, noted, however, that the prosecution can aggregate amounts when the charge is conspiracy to deliver controlled substances.”

---

The Committee reviewed CJI2d 15.14 – Leaving the Scene of an Accident

Committee member Anica Letica raised a concern that CJI2d 15.14 paragraph 4(b) is inconsistent with statutory language for the offense of leaving the scene of an accident (MCL 257.617 a (2)). Currently, paragraph 4(b) of the instruction reads “personal injury to another.” MCL 257.617 a (2), however, states that an individual violates the statute if the accident results in injury “to any individual.” Ms. Letica indicated the plain meaning of the statute would allow a defendant to be convicted if he/she were the only one injured in the accident. The current standard jury instruction would require injury to a third party. The resolution of the disparity between the instruction and the statute was tabled until the May 4, 2013 meeting. Judge Kenny will research the issue.

CJI 2d 2.16 – Jurors Not to Consider Information from Outside the Courtroom

The Committee tabled any revision of CJI 2d 2.16 until the May 4, 2013 meeting. Committee member Mark Cooney agreed to draft a revision of the instruction. Committee member Judge John Hammond agreed to contribute to the revision.

The Committee approved placing the “impossibility defense” in Chapter 34 Impossibility as a Defense to Felony Non-Support (CJI2d 34.05). The new section (CJI2d 34.05) was created based upon the Supreme Court's opinion in *People v Likine*, 492 Mich 367 (2012). Commentary was also added indicating the instruction should be given only when the defendant has presented prima facie evidence to establish it was truly impossible for the defendant to pay child support.

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**Future Goals and Activities:** Committee members stand firmly behind its comments made to the State Bar in response to the Supreme Court's Proposed Amendment to MCR 2.512 requiring the Use of Model Criminal Jury Instructions, position attached to this report. Until further notice, however, the committee will continue its work to review changes to Michigan law, update instructions and create new instructions as necessary.

**Other Information:** The work of the committee is submitted to the Institute of Continuing Legal Education for inclusion in the ICLE criminal jury instruction publication.

February 1, 2013

Corbin Davis  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

**RE: ADM File No. 2012-18 – Proposed Amendment of Rule 2.512 of the Michigan Court Rules**

Dear Clerk Davis:

At its January 18th meeting, the Board of Commissioners of the State Bar of Michigan considered the above rule amendment published for comment. In its review, the Board considered recommendations from the Criminal Jury Instructions Committee, Criminal Issues Initiative, and Criminal Jurisprudence & Practice Committee. The Board voted unanimously to support the proposed amendment and urge the Court to consider concerns articulated by the Criminal Jury Instructions Committee. The Criminal Jury Instructions Committee has provided timely, accurate, and understandable jury instructions and guidance to the bench and bar for over four decades, aiding the legal process at trial and helping to reduce appeals.

It is important to note at the outset that there are important differences between civil and criminal practice affecting the production of model criminal jury instructions that must be taken into account to ensure that the quality of the criminal jury instruction standards is maintained. For example, because of the frequent statutory changes affecting criminal law the Committee has found it necessary to meet three times a year to ensure that the latest legal changes are incorporated into the model instructions. With that in mind, the Committee's concerns and questions, endorsed by the Board of Commissioners, are as follows:

1. Requiring a comment period for proposed jury instructions is problematic. There are many more criminal than civil jury trials. Electronic publication of accurate, new instructions as quickly as possible is essential for the prevention of reversibly erroneous criminal jury instructions. A comment period only delays the delivery of accurate instructions to the bench and bar. At one time in its history the Criminal Jury Instructions Committee used a solicitation of comments procedure, but abandoned the practice some years ago because so few comments were received. Comments were last solicited in 2006 for instructions relating to the Self-Defense Act and several other matters. Very few comments were received and, therefore, the procedure was abandoned in favor of a commitment to the delivery of new instructions as quickly as possible.

2. Will the Criminal Jury Instructions be available free of charge? If so, will the "Commentary" section be continued?

While we support free access to the jury instructions themselves, we believe that it is important that the future model preserves the incentives for updating and enhancing the existing Commentary. Practitioners and judges have relied on the Commentary for reasoning, comprehension, guidance, and the ability to avoid reversible error. The proprietary aspect of the current system has provided ICLE and the Committee the resources to accomplish this.

3. The diversity of geography, background, occupation and viewpoint in the membership of the Criminal Jury Instruction Committee has been a strength and an important factor in the quality of its work. Currently, the members represent prosecutors, defense attorneys, circuit and district court judges, as well as law professors. The committee hopes the Court will continue to select members who represent the diverse interests and perspectives of the bench and bar.

We thank the Court for the opportunity to comment on the proposed amendments.

Sincerely,



Janet K. Welch  
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court  
Bruce A. Courtade, President



# FOCUS ON THE COURTROOM

As a juror, you play a critical role in ensuring that all parties receive a fair trial. It is essential that your decisions be based solely on the information you receive in the courtroom.

## PLEASE REMEMBER THESE RULES:

### DO NOT TALK TO ANYONE, OR LET ANYONE TALK TO YOU ABOUT THE CASE

This includes your family and friends. You must not discuss any aspect of the case with anyone until the trial is concluded. Also, do not discuss the case with the other jurors until your deliberations begin.

### DO NOT RECEIVE OR SEND ELECTRONIC COMMUNICATIONS ABOUT THE CASE

This includes texting, emailing, blogging, posting information on social network websites, or using any other electronic communications to discuss, or even mention, this case.

### DO NOT LISTEN TO NEWS REPORTS ABOUT THE CASE

Do not read, watch or listen to news stories, blogs, or other information about the case while you are a juror. These rules are mandatory. If you do not follow these rules, it may cause a mistrial or deprive the litigants of a fair trial, and we may have to start the trial over.

THANK YOU FOR SERVING AS A JUROR

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**Committee Name:** Committee on Justice Initiatives

**Jurisdiction:** Develop and recommend proposals for the effective delivery of high quality legal services in Michigan, equal and fair to all. This committee consists of several initiatives whose activities include:

- Analyzing and making recommendations for positions on proposed legislation, court rules, and other policies relevant to the committee’s jurisdiction.
- Developing policies and programs to benefit underserved populations; including juveniles and those with special needs.
- Encouraging and coordinating free or discounted civil legal services.
- Working to increase resources for civil legal aid programs.
- Examining collateral civil consequences of criminal convictions and issues of adequate representation in the criminal justice system.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Co-Chair	Terri L. Stangl	320 S Washington 2 <sup>nd</sup> Fl Saginaw, MI 48607	989 755-3120	<a href="mailto:tstangl@ccj-mi.org">tstangl@ccj-mi.org</a>
Co-Chair	Erika L. Davis	645 Griswold Suite 1300 Detroit MI 48226	313 237-6295	<a href="mailto:Erika@butlerdavis.com">Erika@butlerdavis.com</a>
Staff Liaison	Janet K. Welch Candace Crowley	State Bar of Michigan	517 346-6331 517 346-6319	<a href="mailto:jwelch@mail.michbar.org">jwelch@mail.michbar.org</a> <a href="mailto:ccrowley@mail.michbar.org">ccrowley@mail.michbar.org</a>

Member/Advisor/Other	Member/Advisor/Other
Miriam Jane Aukerman	
Michael J. Blau	
Lorray S. C. Brown	
Margaret A. Costello	
Robert Fair Gillett	
Valerie R. Newman	
Linda K. Rexer	
Laurin’ C. Roberts	
Maya Watson	

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
CJI Meeting	May 21, 2012	Teleconference
CJI Meeting	June 25, 2012	Teleconference
Justice Initiatives Kickoff	October 22, 2012	State Bar of Michigan
CJI Meeting	December 12, 2012	Teleconference
CJI Meeting	February 12, 2013	Teleconference

**Resources provided by the State Bar of Michigan in support of committee work:**

The State Bar of Michigan provides Committee on Justice Initiative (CJI) with staff support and a budget to facilitate projects and meetings. Please also see reports for the individual initiatives - Equal Access, Justice Policy, Pro Bono, Criminal Issues - that are included at the end of this report.

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**Committee Activities:**

**May 21<sup>st</sup> and June 25<sup>th</sup> Meeting** CJI received reports from those who attended the National Consortium on Racial and Ethnic Fairness in the Courts and the Equal Justice Conference. CJI convened a Workgroup to provide comment on proposed Michigan Court Rules 1.111 and 8.127. The Workgroup recommendations were adopted by CJI and the State Bar Board of Commissioners. They were sent to the Supreme Court where they remain pending. CJI continued to receive reports on the work of the Criminal Issues Initiative regarding an indigent defense bill. It received reports on the soft launch of the Solutions on Self Help pilot website and the four local self-help pilot centers. It received reports from all of the initiatives regarding Annual Meeting programs, the Legal Services Corporation and National Legal Aid and Defender Association pro bono initiatives, the pro bono Circle of Excellence, the Cummiskey Award winner, the Pro Bono Coordinator's Workshop and Pro Bono month. It accepted reports from the Criminal Issues Initiative regarding self-help materials for people incarcerated for inability to pay fees, fines and costs without the benefit of an ability to pay for a hearing. (See Initiative reports attached to this report).

Members began planning for the October 22 Justice Initiatives Kickoff meeting.

**Justice Initiatives Annual Kickoff Meeting** Held on October 22, the Kickoff provided an orientation for seven new people who are part of the initiatives. A snapshot of the political landscape was provided by Janet Welch and Peter Cunningham. Michigan Legal Help and e-filing and the changes to service delivery was a focus. Reductions in the Legal Services Corporation funding and other legal aid funding remain a problem. The State Bar Voluntary Standard annual financial contribution increase to \$500 for those lawyers who can afford it was explained. A report on the EAI Annual Meeting program "Recognizing Unintentional Intolerance and the Challenge it Presents to the Legal Profession" was received. The group identified implicit bias as the likely topic for the Spring 2013 JI Summit.

**December 12<sup>th</sup> Meeting** The Committee met by phone on December 12 to confirm its desire to focus on unintentional bias for the Spring Summit and to partner with the Diversity and Inclusion Advisory Group for that purpose. It heard more information on the positive developments of Michigan Legal Help and the increased role of librarians in helping the public access that resource. Large numbers of people access the website, and language access and live chat will be upcoming developments. It learned that the indigent defense bill died in the lame duck legislative session; the Michigan Indian Child Welfare Act passed and the Custodial Interrogation Task Force legislation was also approved.

**February 12, 2013 Meeting** The Committee received detailed information from the Justice Initiatives Summit Cabinet regarding "Why Did I Do That? The Science Behind Our Decisions" to be presented on April 29<sup>th</sup> with the assistance of consultant Kimberly Papillon. It identified Val Newman, Mike Blau and Candace Crowley to prepare and present JI information to the State Bar Young Lawyers Section at the June 8 Detroit Summit. It received information on the State Bar delegation to the annual ABA Day trip to occur April 16-18 to lobby for LSC funding. Our representatives will focus on the funding cuts and the rise in Michigan's poverty population as noted in the 2012 Documenting the Justice Gap in Michigan report.

The committee received reports on attendance at the 2013 National Consortium meeting "Celebrating the Past as We Envision and Embrace the Future." It also heard of the plan of the EAI Disability Workgroup for the Annual Meeting program on mental health courts. It received information on the release of the February 2013 "Assessment of Pro Bono in Michigan" report developed as a project of the PBI and the Michigan State Bar Foundation with professional assistance from consultant John Tull. CJI heard an update on the May 15 Pro Bono Coordinators Workshop and the Low Income Taxpayer Clinic Referral Match Program that partners the State Bar

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Taxation Section, the U of M Law School and the MSU School of Law to provide pro bono help to low-income taxpayers.

**Justice Initiatives Summit Update** The fourth annual summit described above was held on April 29th. A Summary of Events is available online.

**Annual Meeting** The meeting will be held in Lansing on September 18-21. JI will have a booth with materials. EAI will present a program on mental health courts. The Thursday night reception will have a diversity theme.

It is anticipated that in 2013-2014, CJI will reexamine its structure and work to respond to the changing landscape including the work of Judicial Crossroads, the State Planning Body, the Diversity and Inclusion Advisory Committee, and other developments.. The Initiative Co-chairs will be talking about their plans at the next meeting of the Committee later in June 2013.

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**Committee Name:**

Criminal Issues Initiative

**Jurisdiction:**

Examines collateral civil consequences of criminal convictions and representational issues in the criminal justice system.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Co-chair	Miriam Jane Aukerman	ACLU of Michigan; 89 1514 Wealthy SE, Suite 242, Grand Rapids, MI 49506	616.301.0930	<a href="mailto:maukerman@aclumich.org">maukerman@aclumich.org</a>
Co-chair	Valerie R. Newman	State Appellate Defender Office; 645 Griswold St Ste 3300; Detroit, MI 48226-4215	313.256.9833	<a href="mailto:Valerie@sado.org">Valerie@sado.org</a>
Staff Liaison	Peter Cunningham	State Bar of Michigan; 306 Townsend St.; Lansing, MI 48933-2012	517.346.6325	<a href="mailto:pcunningham@mail.michbar.org">pcunningham@mail.michbar.org</a>

Member/Advisor/Other	Member/Advisor/Other
Miriam J. Aukerman, Co-Chair	Hon. Katherine L. Hansen, Member
Sheila Spaulding Blakney, Member	David C. Koelsch, Member
Caridad Pastor Cardinale, Member	Hon. Mabel J. Mayfield, Member
Daryl M. Carson, Member	Rico D. Neal, Member
Julianne Claydon, Member	Valerie R. Newman, Co-Chair
Jeffrey J. Dufon, Member	Catherine O'Meara
Pamela C. Enslen, Member	Hon. Angela Kay Sherigan
Heather J. Garretson, Member	

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**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
Teleconference Meeting	May 17, 2012	Teleconference
Teleconference Meeting	September 14, 2012	Teleconference
In-Person Meeting	October 22, 2012	State Bar of Michigan
Teleconference Meeting	November 28, 2012	Teleconference
Teleconference Meeting	January 16, 2013	Teleconference
Teleconference Meeting	February 20, 2013	Teleconference
Teleconference Meeting	March 20, 2013	Teleconference
Teleconference Meeting	April 17, 2013	Teleconference

**Resources provided by the State Bar of Michigan in support of committee work:**

The Initiative receives staff support from Peter Cunningham and Carrie Sharlow.

**Committee Activities:**

The Criminal Issues Initiative reviewed eight public policy items from the legislature and the courts. The Initiative offered recommendations on four items (SB 105-SB 107, and SB 98) and these were presented to the Board of Commissioners for consideration, after a review by the Committee on Justice Initiatives.

The Initiative also worked on several ongoing projects throughout the year.

In conjunction with the State Planning Body and the ACLU, the Initiative worked on several issues regarding court fees and fines, and “pay or stay” sentences. The focus has been on building support for adoption of a Court Rule requiring a determination of ability to pay before incarcerating a defendant for failure to pay. These projects will carry over into the next year.

Another issue concerned the Uniform Collateral Consequences of Conviction Act (UCCCA), the national model of collateral consequences. The Initiative has been working on ways to support the state effort, and the Representative Assembly has endorsed it this act. Members of the initiative have been refining the language of the proposed bill in response to stakeholder feedback, and have developed an overview of the legislation. Working with Peter Cunningham and other interested parties, Initiative members have been seeking input from various stakeholders to ensure that the legislation would not be too cumbersome to the courts. These meetings with stakeholders will continue in order to ensure that a broad group of stakeholders is supportive before a bill draft is completed and potential sponsors are approached.

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**Future Goals and Activities:**

CII anticipates that next year it will continue to focus on the two main projects from this year: (a) adoption of a Court Rule requiring determinations of ability to pay before incarcerating an individual for nonpayment; and (b) passage of the Uniform Collateral Consequences of Conviction Act. In addition CII will continue to comment on pending legislation of interest. Finally, at the beginning of the next Bar year, the Initiative will poll members about possible new projects.

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**Committee Name:** Equal Access Initiative

**Jurisdiction:** *This group develops projects, programs and trainings to benefit underserved populations on issues such as race and ethnicity, gender, and disability*

**Co-Chairs and Committee Members:**

Officer	Name	Address	Telephone	Email
Co-Chair	Maya Watson	Bodman PLC 1901 Saint Antoine St Fl 6 Ford Field Detroit, MI 48226	(313) 393-7502	<a href="mailto:mwatson@bodmanlaw.com">mwatson@bodmanlaw.com</a>
Co-Chair	Laurin Roberts Thomas	<b>Thomas Law &amp; Consulting Group PLC</b> PO Box 21187 Lansing, MI 48909	(517) 490-1679	<a href="mailto:thomlaw91@sbcglobal.net">thomlaw91@sbcglobal.net</a>
Staff Liaison	Gregory P. Conyers	State Bar of Michigan, 306 Townsend, 48933	(517) 346-6358	<a href="mailto:gconyers@mail.michbar.org">gconyers@mail.michbar.org</a>

Member/Advisor/Other	Member/Advisor/Other
Aaron Vaughn Burrell, Member Hon. William J. Caprathe, Member Mark A. Cody, Member Syeda Farhana Davidson, Member Erika Lorraine Davis, Member Yasmin J. Elias, Member J. Kay Felt, Member Hon. Patricia P. Fresard, Member Dale Ann Iverson, Member Linda D. Johnson, Member	Amy Elizabeth Moncion, Member Nicholas M. Ohanesian, Member Paul S. Teranes, Member Laurin' C. Roberts Thomas, Member Maya K. Watson, Member Michael T. Woodyard, Member

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
In Person Meeting	October 22, 2012	State Bar of Michigan
Teleconference	November 16, 2012	
Teleconference	December 20, 2012	
Teleconference	February 15, 2013	
Teleconference	March 21, 2013	
In person	April 25, 2013	



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Teleconference	June 6, 2013	
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**Resources provided by the State Bar of Michigan in support of committee work:**

The committee receives staff support from Peter Cunningham and Michelle Erskine.

**Committee Activities:**

EAI has various workgroups which include:

- Disabilities WorkGroup
- Diversity Project
- Jury Curriculum Program

**2012 Annual Meeting Program**

The EAI cosponsored a program on Unintentional Bias at the 2012 Annual meeting. Nationally recognized expert Stephen Robbins discussed ways that the brain operates to create biases that can interfere with diversity and fairness efforts. The program was well received.

**Future Goals and Activities:**

EAI is focused on reviewing the Jury Curriculum Program for possible updates and collaborating with the Law Related Education Committee to find new venues to present it. The Diversity Workgroup is looking at developing focus groups on changes in the language interpreter rules. The EAI is also looking for opportunities to address the availability of legal representation in civil matters.

EAI will collaborate with the Criminal Law Section and the Prisons and Corrections Section to cosponsor an Annual Meeting program discussing problem –solving courts, including drug courts and mental health courts. The Disabilities Workgroup of the EAI has taken the lead on organizing the event to be held Friday, September 20, 2013 in Lansing.

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**Committee Name:** Justice Policy Initiatives

**Jurisdiction:** Analyzes and recommends positions on proposed legislation, court rules, and other policies relevant to the Justice Initiatives.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Co-Chair	Lorray S.C. Brown	Michigan Poverty Law Program, 220 East Huron St, Suite 600A, Ann Arbor, MI 48104	(734) 998-6100	<a href="mailto:lorrayb@lsscm.org">lorrayb@lsscm.org</a>
Co-Chair	Michael J. Blau	35145 Oakland St, Farmington, MI 48335-3344	(248) 943-6148	<a href="mailto:Mikeblau924@gmail.com">Mikeblau924@gmail.com</a>
Staff Liaison	Peter Cunningham	State Bar of Michigan, 306 Townsend, 48933	(517) 346-6325	<a href="mailto:pcunningham@mail.michbar.org">pcunningham@mail.michbar.org</a>

Member/Advisor/Other	Member/Advisor/Other
Michael J. Blau, Co-chair	Nancy L. Mullett, Member
Lorray S.C. Brown, Co-chair	Kenneth C. Penokie, Member
Jessica S. Fox, Member	Christine N. Seppala, Member
Adrienne Hinnant Johnson, Member	Hon. Cynthia D. Stephens, Member
Hemant Madhusudan Keskar, Member	Thomas K. Thornburg, Member
Martin P. Krohner, Member	Hollie J. Wallace, Member
Daniel M. Levy, Member	

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
Meeting	May 16, 2012	Teleconference
Meeting	October 22, 2012	State Bar of Michigan
Meeting	January 3, 2013	Teleconference
Meeting	February 7, 2013	Teleconference
Meeting	March 5, 2013	Teleconference
Meeting	April 2, 2013	Teleconference

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**Resources provided by the State Bar of Michigan in support of committee work:**

The committee receives staff support from Peter Cunningham and Carrie Sharlow.

**Committee Activities:**

From May 16, 2012 to April 2, 2013, the Initiative reviewed 27 public policy items and provided fourteen positions that were subject for review by the Committee on Justice Initiatives before being provided to the Board of Commissioners or Executive Committee.

More Initiative positions on public policy items are expected before the end of the State Bar Fiscal Year due to upcoming meetings in May and June.

**Future Goals and Activities:**

JPI would welcome more opportunities to participate in discussions about important policy positions with other bar entities.

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**Committee Name:** Pro Bono Initiative

**Jurisdiction:** To support and encourage lawyers' efforts to comply with the Voluntary Pro Bono Standard by performing pro bono legal services and by making donations to organizations providing free legal services to the poor.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Co-Chair	Margaret Costello	651 E Jefferson Ave Detroit, MI 48226	313-596-9854	<a href="mailto:costelma@udmercy.edu">costelma@udmercy.edu</a>
Co-Chair	Robert F. Gillett	420 N 4 <sup>th</sup> Ave Ann Arbor, MI 48104	734-665-6181 ext. 24	<a href="mailto:rgillett@lsscm.org">rgillett@lsscm.org</a>
Staff Liaison	Candace Crowley Robert Mathis	SBM	517-346-6319 517-346-6412	<a href="mailto:ccrowley@mail.michbar.org">ccrowley@mail.michbar.org</a> <a href="mailto:rmathis@mail.michbar.org">rmathis@mail.michbar.org</a>
Commissioner Liaison	n/a			

Member	Member
Jennifer Z. Belveal	Sandra D. Parker
C. Michael Bryce	Linda K. Rexer
Hon. Denise Page Hood	Marcy L. Rosen
Joan Glanton Howard	Amy L. Sankaran
Kirsten A. Inquilla	Justin M. Sheehan
Ashley E. Lowe	Cynthia M. Ward
Todd M. Morgan	
Keith L. Morris	
Heidi A. Naasko	

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Teleconference	June 7, 2012	n/a
Teleconference	September 6, 2012	n/a
In-person/teleconference	October 22, 2012	State Bar of Michigan
Teleconference	December 17, 2012	n/a
Teleconference	March 18, 2013	n/a

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**Resources provided by the State Bar of Michigan in support of committee work:**

The State Bar of Michigan provides the Pro Bono Initiative (PBI) with staff support and an initiative budget to facilitate projects and meetings.

**Committee Activities:**

**The PBI has numerous committees and workgroups, including:**

- 1.) Pro Bono Month Workgroup
- 2.) QDRO Administration Group
- 3.) Spring Pro Bono Workshop Workgroup
- 4.) John W. Cummiskey Award Selection Committee
- 5.) Circle of Excellence Committee
- 6.) ATJ Fund Approved Organization Workgroup
- 7.) Pro Bono Menu of Opportunities Committee
- 8.) Paralegals and Pro Bono Workgroup
- 9.) Voluntary Pro Bono Standard/Tiered Circle of Excellence Committee
- 10.) Pro Bono Reference Manual Workgroup
- 11.) Master Lawyers Section / PBI Involvement Committee
- 12.) Michigan Pro Bono Assessment Committee
- 13.) Pro Bono Honor Roll Workgroup
- 14.) Tax Section / Low Income Taxpayer Clinic Pro Bono Program Administration Group

The **John W. Cummiskey Award** was presented to attorney **Sister Ann Ozog** at the SBM awards dinner at the annual meeting in Grand Rapids. The award includes a \$2,000 donation to an ATJ program to be made through the Access to Justice Fund. Sister Ann asked that the award be designated for Lakeshore Legal Aid.

Nominations for the **2013 John W. Cummiskey Award** will be reviewed and a nominee identified in April 2013.

PBI Staff Liaison **Candace Crowley** was honored at the 2012 State Bar Annual Meeting in Grand Rapids with the **Michigan State Bar Foundation's Access to Justice Award**.

**The Fourth October as Pro Bono Month Celebration occurred in 2012, which included more than 40 events throughout Michigan.** The **Pro Bono Month website** included a list of upcoming pro bono month events, talking points, a sample speech, and many other resources.

In addition to the promotion of Pro Bono Month 2012 events planned by other organizations, the PBI played a pivotal role in the planning and execution of the **2012 Grand Rapids Pro Bono Fair, which included SBM President Bruce Courtade as a special guest speaker**. The primary purpose of the Pro Bono Fair was to give West Michigan attorneys an opportunity to check out and connect with legal services organizations in their community and to explore volunteer opportunities. The 2012 Pro

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Bono Fair was graciously sponsored by Rhoades McKee, Miller Johnson, and Community Legal Services of Western Michigan. The event was hosted by Thomas M. Cooley Law School's Grand Rapids Campus. At the 2012 Grand Rapids Pro Bono Fair, there were a total of 63 participants, which included 28 Michigan licensed attorneys and 35 law students and recent law graduates. The fair featured 20 different organizations that provide free or reduced-fee legal services.

**Pro Bono Family Law/Domestic Violence Training** was presented by the State Bar's Domestic Violence Committee, in partnership with the PBI. The intensive in-person training covered initial client interviews, substantive legal issues, pleadings, and pretrial and trial practices as they relate to family law cases with domestic violence components. The training was held on Friday, Oct. 26, 2012. The in-person training was hosted by the Auburn Hills Campus of Thomas M. Cooley Law School, with a simultaneous broadcast to Cooley's other Michigan campuses in Ann Arbor, Grand Rapids, and Lansing. The training was free of charge for the 53 participants, including 42 Michigan licensed attorneys and 11 law students and recent law graduates that plan to take the Michigan bar exam within the next year. Currently licensed attorneys that attended the training have all committed to accepting a pro bono family law case from a legal services provider within six months of the training.

**Michigan Governor Rick Snyder** signed a proclamation declaring October 2012 as Pro Bono Month.

The **Fifth Annual October as Pro Bono Month** is set for October 2013.

The State Bar's "**A Lawyer Helps**" website continued to highlight the good work of many Michigan attorneys. "A Lawyer Helps" focuses first on the legal profession's priority of pro bono—free legal help for the poor and financial donations to help nonprofit legal aid agencies. But "A Lawyer Helps" also honors lawyers who additionally volunteer time to other efforts that benefit their communities.

2012 was another successful year for **MI-LAPP's QDRO Referral Program**. In 2012, the program closed 41 QDRO referral cases and 37 cases were referred to the QDRO program by Michigan legal services providers. The great success of the program in 2012 was due in very large part to the program's dedicated volunteer Drafters. In 2012, the program's volunteers included: **Joseph Cunningham, Bob Treat, Nancy Keppelman, David and Jackie Roessler, Mary Ade, Warren Widmayer, Michael Friedman, Gregory Schermerhorn, Crescent Moran, and Mickey Bartlett**. Each QDRO case that is prepared by a Drafter, on average, requires four hours to complete. MI-LAPP continues to rely on the QDRO Administration Committee, spearheaded by Joseph Cunningham of Joseph W. Cunningham JD, CPA, PC and Robert Treat of QDRO Express LLC.

**Expansion of the MI-LAPP Malpractice Insurance Program** continued. Lawyers without malpractice insurance coverage can apply for coverage through the State Bar/MI-LAPP Malpractice Insurance Program. Also, lawyers that accept cases from ATJ & Non-ATJ programs without malpractice insurance can also be provided coverage. In 2012, many pro bono attorneys utilized the

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MI-LAPP malpractice insurance program; attorneys that otherwise would have been unable to offer pro bono legal services due to their lack of malpractice insurance.

The **Fourth Annual Spring Pro Bono Workshop, “*The Power of Pro Bono*,”** occurred on **May 23, 2012**. More than 70 people attended the workshop, including pro bono attorneys and representatives from various legal aid agencies. The special guest speaker was State Bar of Michigan President, Julie Fershtman (2011-2012). The evaluations from the workshop were all very positive, with attendees reporting that they would attend the 2013 workshop.

The **Fifth Annual Spring Pro Bono Workshop, entitled, “*The Power of Pro Bono: For Your Program & For Michigan*,”** is slated for May 15, 2013 at the State Bar. The workshop sessions are designed to encourage interactive discussions, with many opportunities for attendees to network to discuss strategies for increasing pro bono legal services in Michigan. This 2013 workshop will also focus on the recently released ***An Assessment of Pro Bono in Michigan*** Report.

The **Circle of Excellence** was published in the June 2012 issue of the Michigan Bar Journal. There were 44 law firms and corporations included in the Circle of Excellence in 2012.

**In 2012, federal funding for legal services was cut 15 percent**, after being cut 4 percent in 2011. In Michigan, there are nearly 3 million low-income residents who qualify for legal aid. That’s approximately one of every three Michiganders.

The [\*Assessment of Pro Bono in Michigan\*](#) Report was released in February 2013. The Report was initiated in 2012 by the Michigan State Bar Foundation and the State Bar of Michigan Pro Bono Initiative. The objective of the Pro Bono Assessment was to bridge the gap between private attorneys desiring to offer pro bono services and resources and legal aid community organizations seeking greater participation and resources to respond to their clients’ legal needs. In these especially difficult times, exacerbated by continued decreases in LSC funding, bridging this gap is more important than ever. The primary emphasis of the assessment was on program pro bono delivery systems, coordination of resources, leadership and support, including institutional and structural support to facilitate that result. On May 16, there will be a follow up meeting of the Assessment Advisory Workgroup with John Tull in Detroit where more implementation specifics will be discussed.

The PBI is working with the **State Bar of Michigan’s Paralegal/Legal Assistant Section** to create a pro bono referral program which will be administered by the Section. Many paralegals and legal assistants throughout Michigan have expressed an eagerness to provide pro bono services, and the Paralegal/Legal Assistant Section Pro Bono Referral Program will make it easier for paralegals to provide pro bono service.

The PBI is partnering with the State Bar of Michigan’s Tax Section to administer the **Tax Section / Low Income Taxpayer Clinic (LITC) Referral Match Program**. Initially, the referral program will accept referrals from the MSU and UM LITCs. The referral match program will accept referrals from other LSPs once the program gets up and running. The tax section will recruit attorneys for the referral panel from their members. Nicole Appleberry (UM) and Michele Halloran (MSU) are conducting a tax training on June 8, 2013 at Cooley Law School. The training is free of charge with the commitment to join the pro bono referral match panel.

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Robert Mathis, along with Bob Gillett and Laurin' Roberts Thomas, attended the **2012 ABA Equal Justice Conference** in Jacksonville, FL. Terry Stangl attended the Access to Justice Chair's meeting.

The **Michigan Legal Help** website ([michiganlegalhelp.org](http://michiganlegalhelp.org)) was created to help people handle simple civil legal problems without a lawyer. The website features articles for people to learn about a specific area of the law and toolkits to help them prepare for self-representation in court. Some forms contained on the website are completed automatically once simple questions are answered. The Michigan Legal Help website does not provide legal advice, and it is not intended as a substitute for having a lawyer. The website does not currently cover all areas of law, but is adding more information all the time. The committee is monitoring the development of the site and considering whether the site may provide pro bono opportunities for lawyers or law students.

**On April 16-18, in recognition of ABA Day**, a State Bar delegation consisting of Bruce Courtade, Janet Welch, Reginald Turner, Peter Cunningham and Judge Timothy Hicks travelled to Washington, DC. The delegation successfully met with the offices of every member of Michigan's Congressional delegation, listed below, and asked members of Congress for support on the following three issues:

- Support for an increase in funding for the Legal Services Corporation to the President's budget request of \$340 million.
- Support in the form of co-sponsorship of the Justice and Mental Health Collaboration Act, which would reauthorize the Mentally Ill Offender Treatment and Crime Reduction Act.
- Protection of the federal judiciary from future deficit reduction and to increase funding for FY 2014 to an amount no less than its original FY 2013 appropriation.

Representatives of the State Bar met with the offices of the following members of Congress (\* indicates that the meeting included the Senator or Representative): Senator Carl Levin, Senator Debbie Stabenow\*, Representative Dan Benishek\*, Representative Bill Huizenga\*, Representative Justin Amash\*, Representative Dave Camp, Representative Dan Kildee\*, Representative Fred Upton, Representative Tim Walberg\*, Representative Mike Rogers, Representative Sandy Levin\*, Representative Candace Miller, Representative Kerry Bentivolio, Representative John D. Dingell, Representative John Conyers, Jr.\*, and Representative Gary Peters

**Future Goals and Activities:**

Most of the project work described in this report occurs annually, and efforts will be directed to replicating and improving those projects. In the coming year, the PBI will continue efforts to improve the delivery of pro bono services to the poor throughout Michigan.



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**Committee Name:** Law and the Media

**Jurisdiction:** Develop, recommend, and support programs that promote a positive relationship between the law and the media.

Study and identify sources of friction between the courts, lawyers, and the electronic and print press, and recommend solutions.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Thomas H. Howlett	Googasian Firm PC 6895 Telegraph Rd. Bloomfield Hills, MI 48301-3185	(248) 540-3333	<a href="mailto:thowlett@googasian.com">thowlett@googasian.com</a>
Staff Liaison	Nancy Brown		(517) 346-6350	<a href="mailto:nbrown@mail.michbar.org">nbrown@mail.michbar.org</a>
Staff Liaison	Samantha Meinke		(517) 346-6332	<a href="mailto:smeinke@mail.michbar.org">smeinke@mail.michbar.org</a>

Member/Advisor/Other	Member/Advisor/Other
Jienelle Ray Alvarado, member	Victoria E. Green, member
Brett DeGroff, member	Robin Luce Herrmann, member
Andrew S. Doctoroff, member	Neil J. Lehto, member
Douglas I. Durfee, member	Elizabeth M. Madigan, member
Abigail Elias, member	Tracey M. Martin, member
Elizabeth A. Favaro, member	Hal G. Ostrow, member
Cecil Jesse Green, member	Kenneth V. Zicho, member

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
In-person meeting	November 28, 2012	Conference call
Conference call	January 23, 2013	Conference call

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Conference call	March 20, 2013	Conference call
Conference call	May 26, 2013	Conference call

**Resources provided by the State Bar of Michigan in support of committee work:**

Helping to arrange and coordinate seminars, prepare and provide materials for seminars, prepare media kits, administer the entire McCree Awards process from the initial announcement to post-banquet publicity.

**McCree Award process:**

**November:** Review and do brochure announcing competition. Find judges for the contest.

**Early December:** Send press release and pdf of brochure statewide. We had 822 news outlets that we emailed to this year including dailies, weeklies, legals, cable, TV and radio stations. Also mailed printed brochures to 150 selected news outlets. We also disseminated information via social media sites, SBM publications, and the SBM website.

**Early January:** Formal invitation extended to judges. We have three judges each year – their identities remain confidential.

Get in touch with contacts at the journalism school at MSU to touch base about the banquet. is the contact for the banquet. She will want the names of the winners sometime in March. Also get in touch with the Bar president and executive director to reserve banquet date.

**February:** Let awards supplier know that the awards are coming up again. Awards needed two weeks prior to banquet. Let supplier know that we would like to add the year to the award.

Send out reminder news release about the upcoming submission deadline – give journalists one last change to enter the contest.

**Mid February is submission dateline.** Organize entries into four packets – three go to judges one stays in-house. Send judging criteria and score sheet along with entries to the judges. Try to give judges about 2-3 weeks to judge.

**Mid-March:** When score sheets are back, total the number of points received by each entry. Refer to list on how winners are decided. Determine winners. Let committee members know the results at the teleconference.

**3<sup>rd</sup> week in March** – Order awards and give supplier the names of the winners, and media outlet name. Send thank you notes/gift to the judges. Inform winners by letter. Phone winners – get bio for press release and correct spelling of name.

Send email to non winners

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Invite to special guests – Law & Media committee chair and members, Bar President and Executive Director of the State Bar

***April – Awards Banquet***

Write speech for president

Send memo to president and email instructions to winners

Bring awards to banquet and set up

Take photos and do follow up publicity in SBM publications, on SBM website, and on social media sites.

**Seminar support:**

SBM staff also prepares the handouts to be given out at all of the newsroom and dealing with the media seminars. Basically, kits are printed and assembled in packages by staff, and then delivered to the seminar, where staff offers support. Staff also participates in the seminar by offering help as media relations staff to both reporters and attorneys.

**Website support:**

SBM staff updated the Law & Media portion of the website for the committee to make it work better for visitors by adding a pdf of a Guide to Legal terms booklet that can be downloaded for free now, rather than only purchased in printed form. SBM Staff also made committees easier to find based on a suggestion made by this committee – by putting committees on the home page of the website, along with sections. Now both sections and committees are available to find from the home page of the website.

**Committee Activities:**

This year committee divided into four subcommittees: McCree Awards subcommittee, Seminars Subcommittee, Website Presence Subcommittee, and Annual Meeting Event Subcommittee.

**McCree Subcommittee:** Found judges for contest and promoted contest to journalists across the state – because of their work we had the most contest entries ever.

**Seminars Subcommittee:** Scheduled a newsroom seminar at WNEM-TV and WNEM-AM in Saginaw on March 15. The free, hour-long seminars address some of the common practical and substantive difficulties journalists encounter in covering the legal system in Michigan. The format for each seminar is a discussion centered on hypothetical fact patterns.

**Annual Meeting Event Subcommittee:** This subcommittee has scheduled two of the Dealing with the Media seminars to take place at the 2013 Annual Meeting on September 19 in Lansing. These free programs last approximately an hour and provide practical advice about handling inquiries from media representatives and review the ethical contours of extrajudicial statements by attorneys.

**Website Presence Subcommittee:** This subcommittee worked to improve the Law & Media Committee website. They made the suggestions for all of the changes listed above and SBM staff executed the changes.

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**Future Goals and Activities:**

Continue developing McCree Awards and Seminars into the future.

**Other Information:**

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**Article VI §6, Bylaws of the State Bar of Michigan**

*No later than May 1 of each year, the chair of each committee and subentity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or subentity.*

**Committee Name:** Law-related Education and Public Outreach Committee

**Jurisdiction:** Make recommendations concerning programs advancing lay understanding of law and the legal profession, with particular emphasis on community programs.

Develop a phased implementation process for the spring 2009 Plan developed at the Law Related Education Summit, identifying measures of success for the plan and evaluating outcomes and communicating progress annually. Make recommendations concerning programs advancing lay understanding of law and the legal profession, with particular emphasis on community programs.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Margaret J. Krasnoff	320 N. Main St. Ste 410 Ann Arbor, MI 48104-1127	(734) 995-8310	<a href="mailto:mjkrasnoff@sbcglobal.net">mjkrasnoff@sbcglobal.net</a>
Staff Liaison	Nancy Brown		(517) 346-6350	<a href="mailto:nbrown@mail.michbar.org">nbrown@mail.michbar.org</a>
Staff Liaison	Candace Crowley		(517) 346-6319	<a href="mailto:ccrowley@mail.michbar.org">ccrowley@mail.michbar.org</a>
Commissioner Liaison	Samantha Meinke		(517) 346-6332	<a href="mailto:smeinke@mail.michbar.org">smeinke@mail.michbar.org</a>

Member/Advisor/Other	Member/Advisor/Other
Kristin D. Arnett, member	Gary A. Kravitz, member
Sara J. Basso, member	Matthew E. Krichbaum, member
Walter H. Bentley III, member	Susan G. Learman, member
Aaron K. Bowron, member	Hon. Ronald W. Lowe, member
Hon. Paul J. Denefeld, member	Allan T. Motzny, member
Lawrence Ellassal, member	Monica Rachelle Nuckolls, member
Michael M. Ellis, advisor	Bart P. O'Neill, advisor
Marcia Femrite, member	Susan Patterson, MLA
Regina Crennan Goshorn, member	Jeffrey F. Paulsen, advisor
Roland Hwang, member	Mark E. Plaza, member
Rozlyn E. Kelly, member	Mark R. Smith, member
Teresa A. Killeen, member	Linda Start, advisor
Dawn Michelle King, member	David Sutherland, member

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**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
In-person	Nov. 5, 2012	SBM
Conference call	Jan. 14, 2013	Conference call
In-person	March 11, 2013	SBM
Conference call	May 6, 2013	Conference call

**Resources provided by the State Bar of Michigan in support of committee work:**

This committee has four subcommittees: Michigan Legal Milestones, Law Day, Constitution Day, and Law-Related Education. Here are the monetary, organizational and administrative support that is provided to them:

**For Michigan Legal Milestones Subcommittee:**

The 37<sup>th</sup> Michigan Legal Milestone, commemorating the Elliott-Larsen Civil Rights Act, was dedicated on August 28, 2012. The 38<sup>th</sup> Michigan Legal Milestone, commemorating Michigan's oldest county courthouse, the Berrien County Courthouse, will be dedicated June 26, 2013. For each milestone, the following list of activities is undertaken by SBM Staff:

- Keep a record of suggestions submitted for Michigan Legal Milestone status.
- Once a Milestone is decided upon, help the Milestone subcommittee to determine and contact key players, including partnering with a local bar association.
- Investigate and help determine site of milestone ceremony and where plaque will be placed.
- Finalize a date, time and place for the dedication after consulting with players involved. Make sure that SBM President and Executive Director can attend before finalizing the date.
- Arrange for plaque text to be written by the committee or write it and then circulate for committee input.
- Order the bronze plaque and make sure of delivery details. Check it when it arrives.
- Determine guest list and any other special programs to be held in conjunction with the dedication.
- Work on text for invitation and program
- Review graphic design and arrange for invitations to be mailed.
- Write speech for president and intros for executive director
- Compile short biographies of speakers.
- Work with subcommittee chair to draft a memo to the speakers and arrange for it to be sent to all speakers via email and hard copy on SBM stationary.
- Make arrangements for hotel stay, if needed for VIPs (speakers).

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- Work with Events Manager to finalize food and other related arrangements for the dedication ceremony.
- Publicity: Use a variety of media and disseminate information through internal and external sources as well as in and around city where the dedication is taking place. Invite local media to attend.
- Publicize event by writing an article or captions with photo, blurbs, press release, social media etc.
- Make sure technical aspects of event work – lighting, sound equipment, etc.
- Create video of the event. (In the past we have worked with MGTV to do this – but they have ceased to exist, so moving forward SBM staff will have to do it.)
- Take photographs at the dedication.
- Follow through with thank you notes, DVD, and after –event publicity.
- Make sure that the plaque is displayed where negotiated. Arrange for a photo opportunity if possible.
- On a continuing basis, make sure that the milestones website is updated and provide information for posting.

**For Law Day Subcommittee:**

**November:** Review and update brochure/nomination forms announcing competition. Take ABA theme and localize it for Michigan. Work with committee members to choose four Michigan Legal Milestones that will work best with annual theme.

**Early December:** Send press release and link to pdf of brochure/entry forms statewide to news media and various legal organizations. We also printed hundreds of brochures/entry forms for Master Lawyers Section and Detroit Public Schools to utilize. We also disseminated information via social media sites, SBM publications, and the SBM website.

**January-March:** Help committee members reach out to educators and attorneys across the state to encourage them to participate in contest. Answer questions from attorneys and educators who call. Print brochures/entry forms as needed for people who can't access them online.

**Mid-March:** Send out reminder news release about the upcoming submission deadline – give attorneys and groups one last change to enter the contest.

**April 5 is submission deadline.** Upload all entries/entry forms/permission forms to a special page on michbar.org, so committee members can judge them.

**Late April:** When committee members make their decisions, inform winners that they have won the contest.

**May 1:** Announce winners via press release, social media, and other outlets like michbar.org. Do this to coincide with Law Day. Note – in the future – it might work better to move the deadline of the contest to mid-May, to give local bar associations a chance to enter their law day activities to the contest.

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**Late May:** Work with winning groups and SBM leaders to try to arrange a time and place where a symbolic (and the actual) winning checks can be delivered to winning team.

**For Constitution Day Subcommittee:**

- Create and disseminate press release reminding people to participate in Constitutional Day.
- Post social media updates about Constitution Day.
- Offer advice and assistance with creation of Constitution Day video.
- Post materials gathered for lawyers to use in classrooms on Constitution Day to the Constitution Day portion of michbar.org.

**For Law Related Education Subcommittee:**

- Continue efforts to communicate the value of LRE to others.
- Develop and implement ten question electronic survey from State Bar president to 135 bar associations to assess level of law related education activities, identify most successful programs, understand challenges, assess interest in developing or strengthening an LRE program, and to offer State Bar support for LRE activities.
- Follow survey with phone calls to bar association leaders to make personal contact and offer resources.
- Maintain and improve the online Clearinghouse resource at <http://www.michbar.org/generalinfo/lawlinks.cfm>
- Offer Michigan Lawyers Auxiliary support to affinity bars.
- Successfully encourage State Bar president to make law related education the focus of his messages to bar associations; develop brochure to direct members and bar associations to the LRE Clearinghouse.
- Introduce LRE Subcommittee Chair and Lawyers Auxiliary member to Michigan Association of Bar Executives members to ask for input and advice on efforts to connect with affinity bars.
- Provide input and panelist for 2013 Bar Leadership Forum program on the value and importance of law related education.
- Assist with creation of May 2013 LRE edition of the Michigan Bar Journal featuring four articles on the topic.
- Consider partnering with the Equal Access Initiative and adopting “Educating for Everyday Democracy: The Jury Process” as a program to market to schools throughout the state.
- Explore the idea of a Civic Quiz Bowl for college students.
- Explore a possible partnership with the Michigan Indian Judicial Association, American Indian Law Section, and American Indian Law Committee to help educate bar members on the tribal court process.

**Committee Activities:**

**Michigan Legal Milestones Subcommittee:** The 37<sup>th</sup> Michigan Legal Milestone honoring the Elliot-Larsen Civil Rights Act (ELCRA) was dedicated on August 28, 2012. The subcommittee continues to follow-up on finding a permanent location for the plaque. The 38<sup>th</sup> Michigan Legal Milestone will commemorate the Berrien County Courthouse (Michigan’s oldest courthouse) on



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June 26, 2013. The committee members wrote the plaque text for this plaque, they have sought out speakers for the dedication ceremony and organizing in what order they will speak and on what topics, and they are working on a story for the Michigan Bar Journal in June.

**Law Day Subcommittee:** The Law Day subcommittee continues its new creative contest for the second year. The theme, “Realizing the Dream: Equality for All,” asks students and lawyers to apply the ABA theme for 2013 to Michigan specific cases and individuals as commemorated in the Michigan Legal Milestones situated throughout the state. Entries should be in an electronic format that can be posted on the SBM website and made available statewide. Entries will be judged by State Bar staff and members of the Law Day subcommittee on originality and creativity among other listed criteria. Awards ranging from \$1,000 to \$500 will be given to the winners for use promoting law-related education in their local communities. The goal of the video contest is to broaden the reach of the SBM Law Day contest to reach more lawyers and students across the state and increase the diversity of participants.

**Constitution Day Subcommittee:** In September, the Constitution Day subcommittee supported the efforts of many local bar associations and schools by creating the message, creating a timeline, developing materials and in organizing and running successful Constitution Day programs occurring across the state of Michigan. The subcommittee chair collected and evaluated lesson plans and activity ideas from around the state for posting on the SBM Constitution Day webpage and is exploring other technology based ideas to assist lawyers in classrooms on Constitution Day. He also started work on a Constitution Day video.

**Law Related Education Subcommittee:** This subcommittee worked to put together a special edition of the Michigan Bar Journal – the May 2013 edition – focused on Law-Related Education, and in honor of Law Day. The chair and advisor attended a MABE conference to discuss LRE. In addition, the subcommittee will present LRE efforts at the June incoming bar presidents meeting on Mackinac Island.

The LRE-PO committee continues to support and implement the SBM Diversity Pledge to ensure that individuals in all 83 Michigan counties have access to SBM activities and meaningful opportunities to participate.

**Future Goals and Activities:**

The LRE-PO committee will continue to look at ways to improve its subcommittee structure by ensuring that each lawyer member and each non-lawyer member are actively involved in activities that support the overall goals of the LRE-PO committee. Using this subcommittee structure, the committee continues to review, expand, and support public outreach programs in support of the committee's purpose and objectives to (1) implement programming that advances non-lawyer understanding of the law and the legal profession, with a particular emphasis on educational and community programs; and (2) review existing LRE programs for uploading to an online database, review potential collaborative activities amongst lawyers and educators, review the best methods of communicating the value of LRE in promoting an educated citizenry, as well as implementing evaluation strategies to gain input and feedback on LRE programming. Each of these efforts is aimed at developing a phased in process of implementing highly effective LRE programming.

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**Other Information:** Each of the subcommittee chairs provide regular (typically quarterly) written reports related to the activities and progress of their respective subcommittees and work groups and each LRE-PO meeting highlights one subcommittee for an in-depth progress report .

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**Article VI §6, Bylaws of the State Bar of Michigan**

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**Committee Name:** Law School Deans

**Jurisdiction:**

- Confer on issues and subjects that affect the law schools of Michigan and the practicing lawyers of Michigan.
- Make recommendations concerning legal preparation, law school admissions, education, standards, and testing of candidates for admission to the bar.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Bruce A. Courtade	Rhoades McKee PC 161 Ottawa Ave NW Ste 600 Grand Rapids, MI 49503-2766	(616) 233-5152	bcourtade@rhoadesmckee.com
Staff Liaison	Dawn M. Evans Janet K. Welch	306 Townsend Lansing, MI, 48933	(517) 346-6328 (517) 346-6331	<a href="mailto:devans@mail.michbar.org">devans@mail.michbar.org</a> <a href="mailto:jwelch@mail.michbar.org">jwelch@mail.michbar.org</a>
Commissioner Liaison	n/a			

Member/Advisor/Other	Member/Advisor/Other
Lori A. Buiteweg	Interim Dean Jocelyn Michelle Benson
Brian D. Einhorn	Dean Evan Caminker
Lawrence Patrick Nolan	Dean Joan Howarth
Timothy J. Raubinger	Dean Don LeDuc
Thomas C. Rombach	Dean Lloyd A. Semple
Dana M. Warnez	

**Committee Meeting Schedule:**

By agreement of the members, this committee meets on an as-needed basis, typically on an 18-24 month schedule.

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**Committee Name:** Standing Committee on Lawyer Referral Service

**Jurisdiction:** Provide guidance concerning the operation of the statewide Lawyer Referral Service.

**Chair and Committee Members:**

Chair	Kiffi Y. Ford	Dykema Gossett PLLC 201 Townsend St., Ste 900 Lansing, MI 48933-1561	(517) 374-9177	kford@dykema.com
Staff Liaison	Nkrumah Johnson-Wynn, Professional Standards Service Counsel	State Bar of Michigan 306 Townsend Street Lansing, MI 48933-2012	(517) 346-6310	nwynn@mail.michbar.org

<b>Members</b>	
Patrick J. Crowley, Okemos (2015)	
Diane Hutcherson, Detroit (2015)	
Geoffrey Eugene Malicoat, Okemos (2015)	
Anne B. McNamara, Escanaba (2013)	
Meghan Kennedy Riordan, Detroit (2014)	
Joelynn T. Stokes, Pleasant Ridge (2014)	

**Resources provided by the State Bar of Michigan in support of committee work:**

The State Bar provides staff support, telephone conferencing, meeting facilities, meals, materials, and document production services. When guidance is required, the Committee meets via telephone conference.

## LJAC Annual Report - 2013

Article VI §6, Bylaws of the State Bar of Michigan

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**Committee Name:** Lawyers and Judges Assistance

**Jurisdiction:** Lawyers and Judges Assistance Program

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Hon. Donald Allen	55th District Court 700 Buhl St Mason, MI 48854	(517) 676-8402	dc_allen@ingham.org
Staff Liaison	Tish Vincent	306 Townsend St. Lansing, MI 48933	517-346-6337	tvincent@mail.michbar.org

Member/Advisor/Other	Member/Advisor/Other
Linda Miller Atkinson (member)	Lawrence Dubin(member)
Kevin Anderson (member)	Emily Conway(member)
Kenneth Gonko (member)	Hon. Daniel Hathaway(member)
Dale Adams (member)	Racine Michelle Miller (member)
Hon. Roy G. Meink (member)	Joelynn Stokes (member)
Joan Odorowski (member)	

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
LJAC Meeting	October 4, 2012	SBOM, Hudson Room
LJAC Meeting	December 6, 2012	SBOM, Hudson Room
LJAC Meeting	February 7, 2013	SBOM, Hudson Room
LJAC Meeting	April 4, 2013	SBOM, Hudson Room
LJAC Meeting	June 6, 2013	SBOM, Hudson Room
LJAC Meeting	August 1, 2013	SBOM, Hudson Room

**Resources provided by the State Bar of Michigan in support of committee work:**

Staff time, meals, meeting facilities, technological support.

**Committee Activities:**

Supporting program administrator, LJAP staff, volunteers in outreach, and educational efforts to lawyers, judges, and law students, with regard to substance use, mental health, and general wellness, statewide. Supporting/advising program administrator and LJAP staff in oversight and facilitation of LJAP daily program functions as well as budgetary concerns.

**Future Goals and Activities:**

- 1.) Continue to act in a supportive/advisory capacity with regard to aforementioned educational and outreach activities. (e.g. monthly submissions for “Practicing Wellness” column in Bar Journal)
- 2.) Expand on/improve the quality of existing resources specific to attorney and student monitoring, mature lawyers, judicial outreach, and law students. (e.g. Program Administrator’s continued participation in Supreme Court Judicial Outreach Initiative and development of related resources and activities)
- 3.) Continue to engage in creative outreach to law school deans, judges and probation officers in an effort to attract more direct referrals for the LJAP assessment and monitoring services.
- 4.) Expand on/improve existing services pertaining to wellness in the general legal population, including but not limited to stress management, (e.g. continued development of video-taped web/streaming of “Wellness Bytes” to be posted to LJAP website for member access)
- 5.) Continue to work cooperatively with the PMRC and Publications Department toward development of programming and resources tailored to meet the needs of the specific groups within the legal culture, as identified above. (e.g. development of materials, resources, and programming designed to assist in facilitation of healthy transitioning for mature attorneys, in cooperation with PMRC and SBOM Senior Lawyer’s Initiative subcommittee)
- 6.) Work to expand the provider network throughout the State of Michigan. LJAP staff has identified Board Certified Addictionists throughout the state and will be approaching them in groups to expand our network. (LJAP has partnered with Member Services to put podcasts of Provider In-Services on the SBM website for our provider network to access for educational purposes.)

**Other Information:** Efforts to establish and maintain the Richard Steinberg Memorial Treatment Fund independent of any treating facility that may change their organizational goals are progressing. Information from the Arkansas Judges and Lawyers Assistance Program is that they have established an independent treatment fund. The fund is administered by an independent board and it hosts one special event in late October which is a formal dinner, with sponsorship, ticket sales and a silent auction. The director indicates that they raise a substantial amount each year.

A working group from LJAC with the Program Administrator is in the early planning stages for a Fun Run to raise money for the treatment fund. Communication with the Michigan Bar Foundation indicates that funds donated at the time attorneys pay their dues can be used to advertise for our events. The advertising will be considered educational to all attorneys in the state of Michigan. Money from the Michigan Bar Foundation cannot be used towards treatment but can be used toward information distribution.

The LJAP Program Administrator has presented to Wayne State University, Michigan State University, University of Detroit, Mercy, and Cooley Law Students five times on issues of wellness, substance abuse, and stress management. She has presented to the State Department of Corrections Officers on Dealing with Difficult Personalities and has continued work on judicial outreach through SCAO and through a number of Judicial Associations.

The LJAP clinical staff has presented to the Attorney Grievance Commission on procedures and case management at LJAP. The LJAP Program Administrator has presented to the Character & Fitness District Committee on how LJAP establishes a monitoring contract and how they monitor compliance versus non-compliance.

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**Committee Name:** Libraries, Legal Research and Legal Publications

**Jurisdiction:** Assist in improving the legal resources at libraries, legal publications and methods of conducting legal research.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Janice Selberg	Law Library of Michigan 702 W. Kalamazoo, Lansing	517-373-4794	selbergj@michigan.gov
Staff Liaison	Sharon M. Barnes			sbarnes@mail.michbar.org
Commissioner Liaison	None Assigned			

Member/ Advisor/Other	Member/ Advisor/Other
G. Ann Baker, Member	Barbara Garavaglia, Member
Sharon M. Barnes, SBM	Marjorie Gell, Advisor
Bernadette Bartlett, Advisor	Barbara H. Goldman, Advisor
Jan Bissett, Advisor	Daniel Kopka, Member
Geraldine Brown, Member	Laura Mancini, Advisor
Kincaid C. Brown, Member	Marilyn Preston, Advisor
Marlene W. Coir, Member	Janice Selberg, Chair
Byron Cooper, Advisor Randy Davidson, Member Randy Foreman, Member	Heather Simmons, Member Ruth Stevens, Member Virginia Thomas, Member Thomas Weiss, Member Lance Werner, Advisor

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
Regular Meeting	20 Oct 2012	Michael Franck Bldg, Lansing
Regular Meeting	19 Jan 2013	Univ. Michigan Law Library, Ann Arbor



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Regular Meeting	4 May 2013	Michael Franck Bldg, Lansing

**Resources provided by the State Bar of Michigan in support of committee work:**

Use of meeting room for our quarterly meetings, provision of continental breakfast, staff assistance for our meetings and committee self-help website.

**Committee Activities:**

Members and Committee advisors write a monthly column in the MBJ supporting legal research based on the theme of the monthly issue. Articles written in the past year include:

- June 2012: Ruth S. Stevens, "Legal Research: Is There An App for That?"
- July 2012: Marjorie Gell, "3.8 Million and Counting: The Complexity and Wordiness of Tax Law".
- August 2012: No article
- September 2012: Virginia C. Thomas, "What's Up, Dockets?"
- October 2012: Jane Meland, "Power to the People: Researching Michigan Ballot Proposals".
- November 2012: Jan Bissett and Margi Heinen, "Beyond Caselaw: Finding Judicial, Statistical, and Administrative Information from the Courts."
- December 2012: Marlene Coir, "Antitrust Potpourri".
- January 2013: Randy Foreman, "The Risk of Exclusive Reliance on Online Research".
- February 2013: Randy E. Davidson, "Online Resources for Appellate Oral Argument".
- March 2013: No article
- April 2013: Bernadette Bartlett, Directory Issue.

The October 2012 meeting was devoted to discussion of the Committee's Self-Help website, and the assignment of updates for the 11 topical areas. An update on the progress of the Court's Michigan Legal Help was also included in each meeting this year. The January 2012 meeting was held at the University of Michigan Law Library and had legislative and political updates as the main business. The May 2013 meeting's topic was UELMA (Uniform Electronic Legal Materials Act).

**Future Goals and Activities:**

Once again this year, the Committee is particularly concerned with the transition of primary legal documents and information to electronic-only formats and the need to monitor trends in Michigan and elsewhere.

The Committee will continue to update the Michigan Online Legal Help Center.

The Committee will continue to write a monthly column for the Michigan Bar Journal.

**Other Information:**

None.

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**Committee Name:** Standing Committee on Membership Services

**Jurisdiction:**

- Evaluate and make recommendations concerning the selection, retention, development and marketing of State Bar services and products.
- Make recommendations concerning programs and services to meet the needs and interests of lawyers in the Upper Peninsula.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Max R. Hoffman, Jr.	Fraser Trebilcock Davis & Dunlap PC 124 W Allegan St Ste 1000 Lansing, MI 48933-1736	(517) 377-0880	mhoffman@fraserlawfirm.com
Staff Liaison	Nancy Brown Kari Thrush	State Bar of Michigan 306 Townsend St. Lansing, MI 48933-2012	(517) 346-6300	nbrown@mail.michbar.org kthrush@mail.michbar.org
Commissioner Liaison	Lori A. Buiteweg	Nichols Sacks Slank Sendelbach & Buiteweg PC 121 W Washington St Ste 300 Ann Arbor, MI 48104-1300	(734) 994-3000	buiteweg@nsssb.com

Member/Advisor/Other	Member/Advisor/Other
Shawn P. Eyestone	
Hon. Cynthia Thomas Walker	
Sarah E. Henderson	
Scott L. Mandel	
Michelle Marie McLean	
Richard J. Muzingo	
Robert C. Rutgers, Jr.	
Mary Chartier-Mittendorf - Advisor	

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
Committee Meeting	11/29/2012	Teleconference
<i>- Yearly program review, discuss insurance programs, create insurance sub-committee.</i>		
Committee Meeting	4/11/2012	Teleconference
<i>-Program updates and new programs: Attorney Protective, Volunteer Energy</i>		

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**Resources provided by the State Bar of Michigan in support of committee work:**

The Membership Services Committee has worked with State Bar Liaisons, Kari Thrush and Nancy Brown. In addition, Amy Castner and Tracy Sproul have performed administrative assistance in scheduling meetings and circulating information to committee members for our meetings. Through the collective efforts of the State Bar Staff, they have ensured preparation of meeting agendas, minutes, and detailed reports, and they have gathered information to facilitate committee meetings. They have also promptly responded to action items articulated during our meetings to facilitate further committee action.

**Committee Activities:**

The committee started the year by reviewing the 2012 SBM Partnership Programs Overview report. Staff highlighted programs that were popular with our members and those that were not performing as expected. Those not performing will be reviewed again when their contracts expire. The committee discussed future insurance programs that have been brought forward by Member Insurance Solutions (MIS), the company that has been handling member inquiries for our Blue Cross Blue Shield program. MIS proposed a worker compensation program and a professional liability insurance program that would meet the needs of the Master Lawyer sections and fulfill an item of the SBM strategic plan. The committee decided to form an insurance subcommittee to review the workers compensation program and recruit attorneys outside of the committee that had knowledge of worker compensation policies.

After ongoing review of materials about the professional liability program from Attorney Protective, the committee voted to approve this program as a non-exclusive partner program. The committee also voted to approve a partnership with Volunteer Energy. Both programs will move the Program and Services Commissioner committee on April 26<sup>th</sup> then to the full board for final approval.

**Future Goals and Activities:**

The Committee will continue its efforts to develop a worker compensation program and is looking at future programs, such as cellular telephone service discounts, payroll processing programs, and technology driven services. The Committee is also exploring other programs with an emphasis on helping small firms and solo practitioners and will work with the Practice Management Resource Center to help develop resources for our members

**Other Information:**

None.

**STATE BAR OF MICHIGAN  
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**Article VI §6, Bylaws of the State Bar of Michigan**

*No later than May 1 of each year, the chair of each committee and subentity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or subentity.*

**Committee Name:** Past Presidents' Advisory Council

**Jurisdiction:** Provide counsel and recommendations on all matters concerning the State Bar, at the request of the Board of Commissioners

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chairs	W. Anthony Jenkins	Dickinson Wright PLLC 500 Woodward Ave Ste 4000 Detroit, MI 48226-5403	(313) 223-3156	wjenkins@dickinsonwright.com
	Charles R. Toy	300 S. Capitol Avenue Lansing, MI 48933-2002	517-371-5140	toyc@cooley.edu
Staff Liaison	Janet K. Welch	306 Townsend Lansing, MI 48933	(517) 346-6331	jwelch@mail.michbar.org

Member/Advisor/Other	Member/Advisor/Other
Dennis W. Archer	Dean S. Lewis
Scott S. Brinkmeyer	Eugene D. Mossner
Hon. Alfred M. Butzbaugh	Jon R. Muth
Thomas W. Cranmer	Bruce W. Neckers
Julia Donovan Darlow	Edward H. Pappas
Michael Hayes Dettmer	Donald L. Reisig
Nancy J. Diehl	Wallace D. Riley
Julie I. Fershtman	Hon. Victoria A. Roberts
George A. Googasian	George T. Roumell, Jr.
Joseph L. Hardig, Jr.	Thomas J. Ryan
Hon. Charles W. Joiner	Carl Smith, Jr.
Ronald D. Keefe	Reginald M. Turner
Thomas G. Kienbaum	Robert B. Webster
John A. Krsul, Jr.	Fred L. Woodworth

**Committee Meeting Schedule:**

Meeting Type	Date	Location
Description		
Committee meeting at the State Bar of Michigan Annual Meeting	September 20, 2012	Amway Grand Hotel, Grand Rapids, MI

**This committee meets on an as-needed basis. Committee members have provided guidance throughout the year on various issues.**

**STATE BAR OF MICHIGAN  
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STANDING COMMITTEE**

Committee Name: Standing Committee on Professional Ethics

Jurisdictional Statement:

- Prepare written opinions on professional ethical conduct at the request of the State Bar President, Board of Commissioners, Representative Assembly, Attorney Discipline Board, Attorney Grievance Commission, Executive Director, or individual members of the State Bar inquiring about their own contemplated conduct.
- Recommend amendments to the Michigan Rules of Professional Conduct and other standards of professional conduct, and review proposed amendments.

This committee may have more than 15 members.

**Officers and Membership:**

*Chair:* John G. Cameron, Jr., Grand Rapids

*Members:*

William J. Ard, Williamston  
Lori Grigg Bluhm, Troy  
Donald C. Campbell, Southfield  
Edward J. Hood, Detroit  
Daniel R. Hurley, Detroit  
Kevin Kalczynski, Detroit  
Stephanie LaRose, East Lansing  
Larry W. Lewis, Hastings  
Frank T. Mamat, Farmington Hills  
G. Michael Meihn, Ferndale  
Kenneth M. Mogill, Lake Orion  
Amy Neville, Detroit  
Stanley H. Pitts, Detroit

**2011-2012 Meeting Schedule (date and location):**

October 26, 2012, Lansing, Michigan  
January 25, 2013, Lansing, Michigan  
May 3, 2013, Lansing, Michigan  
June 28, 2013, Lansing, Michigan

### **Committee Activities:**

During each committee meeting, the members discuss proposed topics for ethics opinions; receive updates about pending matters; and discuss and debate opinions in progress. Additionally, members receive information about and discuss inquiries received on the Bar's ethics helpline and address other matters as they arise, such as proposed changes to the Michigan Rules of Professional Conduct. Between meetings, the members review materials, form recommendations about whether to respond to opinion requests with a letter or an opinion, and research and draft opinions for discussion and approval by the committee as a whole. Since the last annual report, the committee voted to approve six opinions – RI-355 (reviewing what is ethically required to share office space with nonlawyers in circumstances under which the lawyer's presence is by appointment only and not consistently in the same office); RI-356 (concluding that referring a client to a third-party lender to finance payment of the lawyer's fees through future automatic debits to the client's account constitutes the unethical provision of financial assistance to the client); RI-357 (concluding that a lawyer may not ethically acquire a security interest in funds to be received from a trust to secure payment of attorney's fees when the trust account is the subject matter of the litigation); RI-358 (discussing the conditions under which a lawyer can agree to limit the scope of representation of one client in order to obtain a conflict waiver from another client); RI-359 (modifying RI-193 in part in concluding that a lawyer may charge a contingent fee to seek a client's escheated funds, subject to reasonableness analysis); and RI-360 (discussing circumstances under which a lawyer may contact a former employee of another party not known to be represented by counsel). Since the last annual report, sixteen written requests for opinion were sent to the committee. As of April 1, 2013, the committee continues work on seven subjects.

### **Resources Provided by the State Bar of Michigan in Support of Committee Work:**

The committee has been assisted in its work by staff liaisons Dawn Evans, Danon Goodrum-Garland, and Nkrumah Johnson-Wynn, as well as staff member Karen Spohn.

### **Future Goals and Activities:**

The committee continues to identify issues of interest to Michigan lawyers as evidenced by questions posed by letter or ethics helpline inquiry that might be appropriate as the subject of an opinion either because the topic has not previously been addressed or because changes in the area have rendered previous opinions no longer appropriate. To the extent that the Committee's input is sought by the Board of Commissioners, the Representative Assembly, or the Supreme Court on discrete issues or projects, the committee stands ready to respond with appropriate research and commentary.

### **Chair/Co-Chair Contact Information:**

John G. Cameron, Jr., P28751  
Dickinson Wright PLLC  
200 Ottawa Ave NW Ste 900  
Grand Rapids, MI 49503-2427  
Office: (616) 336-1010  
Fax: (616) 458-6753  
E-mail: [jcameron@dickinsonwright.com](mailto:jcameron@dickinsonwright.com)

**STATE BAR OF MICHIGAN  
2012-2013 COMMITTEE ANNUAL REPORT**

**Article VI §6, Bylaws of the State Bar of Michigan**

*No later than May 1 of each year, the chair of each committee and subentity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or subentity.*

**Committee Name:** Publications and Website Advisory Committee

**Jurisdiction:** Provide editorial guidance concerning the *Michigan Bar Journal*, the State Bar of Michigan website, and other regular State Bar publications for the general membership or public.

Provide guidance to the Practice Management Resource Center (PMRC) in the development, maintenance, and evaluation of resources, programs, and services designed to help members build and strengthen their law practices, with particular emphasis on the use of online resources as the primary vehicle to market and disseminate PMRC services.

Members of the committee may serve continuously for more than two successive three-year terms.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Francine Cullari	8341 Office Park Dr Ste C Grand Blanc, MI 48439-2077	(810) 695-7400	cullarilaw@sbcglobal.net
Staff Liaisons	Nancy Brown Linda Novak	State Bar of Michigan Michael Franck Building 306 Townsend St. Lansing, MI 48933-2012	(517) 346-6350 (517) 618-6771	nbrown@mail.michbar.org lnovak@mail.michbar.org

Member/Advisor/Other	Member/Advisor/Other
William J. Ard, Williamston	John O. Juroszek, Lansing
Elizabeth A. Baergen, Saint Clair Shores	Joseph Kimble, Lansing
Scott G. Bassett, Bradenton, Florida	Richard C. Kraus, Lansing
Daniel J. Cherrin, Royal Oak	Gerard V. Mantese, Troy
David M. Cohen, Detroit	Marc D. Melamed, Bloomfield Hills
Stephen D. Conley, Jackson	John R. Runyan Jr., Detroit
Patrick J. Crowley, Lansing	Lawrence R. Shoffner, Detroit
Brian C. Draper, Lansing	John L. Tatum, Bloomfield Hills
William J. Fleener Jr., Lansing	Christopher R. Trudeau, Lansing
Jessica S. Fox, Eaton Rapids	Linda M. Watson, Birmingham
Jason T. Hanselman, Lansing	Tyra L. Wright, Detroit

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**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Description		
General meeting	12/11/12	Teleconference
General meeting	10/25/12	Teleconference
General meeting	5/31/12	Lansing

**Resources provided by the State Bar of Michigan in support of committee work:**

SBM provides superb staff support whose value cannot be exaggerated. Each staff member deserves considerable recognition:

Nancy Brown, director of member services and communications, incomparable  
 Linda Novak, editor, the *sine qua non* of the *Bar Journal*  
 Diane Ebersole, Law Practice Solutions column  
 Mike Eidelbes, copy editor/writer and PWAC reporter  
 JoAnn Hathaway, Law Practice Solutions column  
 Chelsea Huber, citation support  
 Stacy Marciniak, advertising  
 Samantha Meinke, communications specialist  
 Joyce Nordeen, editorial assistant  
 Sarah Nussbaumer, contributing graphic designer  
 Sue Oudsema, April directory  
 Carrie Sharlow, Michigan Lawyers in History series  
 Kari Thrush, member services ads/Annual Meeting materials  
 Tish Vincent, Practicing Wellness column

The same is true for PWAC members — this year each member has completed committee work in addition to attending meetings. Members review and propose user-friendly website changes, write articles, read articles, solicit articles, identify and edit theme issues, coordinate with sections, update 26 print pamphlets, evaluate the member directory in print and online, and develop new features (described below).

SBM also provides meeting space, teleconferencing capability, and a sophisticated, user-friendly extremely informative website for members and the public.



## STATE BAR OF MICHIGAN 2012-2013 COMMITTEE ANNUAL REPORT

**Committee Activities:** The Publications and Website Advisory Committee makes recommendations to the SBM Board of Commissioners and staff regarding all communications to members. PWAC continually monitors and updates the SBM website, *Bar Journal*, member directory, and topic-specific print publications of the SBM. In addition, this year the Board assigned the responsibility of the Practice Management Resource Center to PWAC. Some members of the disbanded PMRC Advisory Committee are now PWAC members.

### *E-Communications*

To comply with the SBM Strategic Plan, PWAC continues to place increased attention to e-access for the public and SBM members. In FY 2012-2013, PWAC, through its Website Subcommittee under the most able chairpersonship of John Tatum, in conjunction with the exceptional contributions of the SBM website and PWAC staff, accomplished the following:

- New language for attorneys filing out enhanced directory information on the website and for a disclaimer for the public for the member page.
- New disclaimers on the expanded member information page as well as the regular member page.
- Redesigned website to a wider page (760 pixels to 970 pixels) to accommodate more information on the more than 5,000 content pages. (The new width is modeled after the member area website.)
- New links to each web page to SBM social media sites, other important links, and contact information for the State Bar of Michigan.
- Apps for the free online Practice Management Library allowing members to download e-books and audio books not only to their office computers and laptops, but also to their smartphones, tablets, Kindles, and Nooks. Instructions for obtaining the apps can be found at <http://www.michbar.org/pmrc/content.cfm>.
- Through Casemaker, a free app for the Android, iPhone, and iPad making free state and federal legal research possible from smartphones and tablets.
- At the SBM Annual Meeting, a mobile app for alerts to members when events were scheduled to start and a complete program of activities that could be accessed via smartphone or tablet.
- A task force under long-serving PWAC member Josh Ard developed simple and minimal requirements for section and committee web pages. Last year, an issue regarding section postings on the SBM website arose when an inaccurate legal form was posted.

### *Michigan Bar Journal*

The *Michigan Bar Journal* has become quite a PWAC member project. Not only do members write articles, each member is a “reader” of unsolicited articles related to the member’s field of practice. By changing the system from having only three readers review all articles, PWAC has not only re-distributed the work but also has readers familiar with a given topic evaluate articles.

The formidable task of assigning appropriate readers falls to Beth Baergen, who performs timely and admirably seeking the correct readers in each field, including non-PWAC members.

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In 2012-13, the *Journal* published six general issues and theme issues on Appellate Practice; The Power of Pro Bono; Diversity in the Legal Profession; Business Litigation; Tax Law; and Arts, Communications, Entertainment and Sports Law.

The Plain Language column completed its 28th year. It is by far the longest running legal-writing column anywhere, and is read and cited (and tweeted) around the world. Its editor, Joe Kimble at Cooley law School, has been faithfully at the helm for the duration.

Ever-thinking Vice Chairperson John Runyan developed a special feature of grievance and judicial tenure tips for each MBJ issue, working with AGC Deputy Grievance Administrator Robert Edick and JTC Executive Director Paul Fischer.

Editor HCL (highly competent Linda) Linda Novak coordinated the time-consuming fourth Short-Story Contest. Previous eligibility required entrants to be SBM members in good standing, but this year the contest has been opened to all SBM members (paralegals, legal assistants, etc.). Forty submissions were received and are in the judging phase.

A committee comprised of John Juroszek, Linda Novak, John Runyan, and John Tatum worked with SBM Director of Research and Development Anne Vrooman to develop a member survey. The survey was presented to three focus groups to refine the questions. Among other items, the survey will be used to determine whether the *Bar Journal* should continue with theme issues or move to another format. In the future, comments regarding the *Bar Journal* will be sorted by category. In the focus group discussions, participants acknowledged that the SBM April Directory usage was a security-blanket issue; they know the move to the online directory is inevitable, but are not enthusiastic about the change.

MBJ has a new column series on trial practice, the brainchild of Gerard Mantese. Six former SBM presidents are the first authors to write the columns.

*Diversity*

To foster SBM initiatives on diversity, the PWAC Diversity Subcommittee, chaired by Richard Kraus and Gerard Mantese, sent requests to SBM committees and sections asking for recommendations that PWAC might implement regarding diversity, particularly in the *Bar Journal*. Nine groups responded with suggestions, including contacting specialty bar associations, reaching out to committees and sections with diversity subcommittees, and contacting law schools. PWAC approved periodic diversity-themed columns/articles in the *Bar Journal*. The Diversity in the Legal Profession theme issue was published.

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*Practice Management Resource Center*

The Board of Commissioners approved the Practice Management Advisory Committee to be under the jurisdiction of PWAC and approved PMRC recommendations, including:

- An online digital library through online media distributor OverDrive. The digital books are free and automatically returned after two weeks. Since the 2012 Annual Meeting, members have checked out 109 books. By comparison, the PMRC hardcopy library loaned 240 books since 2006. The PMRC will add 250 titles to its digital library in January.
- The PMRC MiPad Practice held an “iPad for Legal Professionals” seminar in Grand Rapids for 82 attendees and has built an online iPad seminar;  
<http://www.michbar.org/pmrc/content.cfm>.
- “Order in the Court: Trial by iPad,” a seminar training use of iPad for demonstrative evidence at trial.
- MiApple Practice, which is a dedicated corner for all things “trending” with iPad, iPhone, and Mac;  
[http://portal.michbar.org/global\\_announcements/Lists/Global%20Announcements/DispForm.aspx?ID=18](http://portal.michbar.org/global_announcements/Lists/Global%20Announcements/DispForm.aspx?ID=18).
- A Practice EZ logo for resources and seminar branding.

*Member Directory*

Linda Watson prepared directory language explaining attorney “special certificates” and “special legal consultant” status are. The note will appear on the information page of the alphabetical directory.

**Future Goals and Activities:**

In conjunction with the SBM Strategic Plan, many of the future goals and activities are web-based, including:

- Investigate further placing advertising on the member directory main search page, the most active page on the SBM website. Although it presents a revenue-generating opportunity, advertising poses questions regarding desirability and posting policy.
- The mobile app used at the SBM Annual Meeting, which sent alerts to members when events were scheduled to start and provided a complete program of activities, will be expanded and improved for the next Annual Meeting.
- Investigate an app developed by Mousetrap Mobile that will hook to the online member directory and provide a Michigan legislative directory free to members. The app will be free, or we can enhance it for a cost of no more than \$3,000.
- A major redesign of the website is contemplated for the next two years, which will include major server software upgrades, a migration from cold fusion to dot net, an implementation of a site-wide content management system, and mobile-friendly web pages throughout the site.
- Investigate social networking collaboration options for the sections.

**STATE BAR OF MICHIGAN  
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- Launch an app for the iPad that will allow members to download, store, and read all the SBM digital publications (including the *Michigan Bar Journal*) offline. The bookshelf app also features a Publications Carousel, a tie-in to the SBM video channel, and a Twitter feed tie-in. Currently, SBM digital publications require an Internet connection to access.

In addition, the MBJ may undergo changes as a result of the member survey and proposals by PWAC members, who are constantly evaluating new ideas for the *Journal*.

Proposed changes to the print and online member directory are reviewed regularly.

As PWAC familiarizes itself with PMRC functions, additional goals and activities are likely to arise during the upcoming year.

**Other Information:** None.

**SBM State Bar of Michigan**  
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**Article VI §6, Bylaws of the State Bar of Michigan**

*No later than May 1 of each year, the chair of each committee and sub-entity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or sub-entity.*

**Committee Name:** Standing Committee on the Unauthorized Practice of Law

**Jurisdiction:** Pursuant to SBR 16, the State Bar of Michigan is authorized and empowered to investigate matters pertaining to the unauthorized practice of law (UPL). The Standing Committee on the Unauthorized Practice of Law (UPL Committee) investigates and provides guidance on matters involving the alleged unauthorized practice of the law. The UPL Committee makes recommendations to the Board of Commissioners to file and prosecute actions seeking to enjoin those engaged in the unauthorized practice of law. The UPL Committee proposes and supports measures to educate the public and the legal profession about unauthorized practice of law issues. The UPL Committee may have more than 15 members.

**Chair and Committee Members:**

Officer	Name	Address	Telephone	Email
<b>Chair</b>	Barbara Baker Omerod (P52724)	Aamazon Legal Services PLLC 312 N Water St Owosso, MI 48867	(989) 723-8222	<a href="mailto:bbo@attybbo.com">bbo@attybbo.com</a>
<b>Staff Liaison</b>	Danon D. Goodrum-Garland (P53603)	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933-2012	(517) 346-6333	<a href="mailto:dgarland@mail.michbar.org">dgarland@mail.michbar.org</a>
<b>Commissioner Liaison</b>	NOT ASSIGNED			
<b>Members</b>			<b>Members</b>	
Robert C. Anderson (P30102)			Nadine R. Hatten (P73789)	
Lisa Michelle Barwick (P72938)			Edwin H. Selwocki, Jr. (P54828)	
Christopher J. Berry (P68849)			James Albert Smith (P20667)	
Kathleen Marie Branigan (P75132)			Perry B. Thompson (P66464)	
Howard Henry Brauckmuller (P69745)			Theresa Valentine (P38857)	
James Booth Burr (P11444)			Clinton J. Hubbell (P72321)	
Sean Michael Cowley (P72511)			Nora M. Hudson (P33991)	
Sara Lynn Doyle (P50990)			Michael D. Murray (P62580)	
Katherine Sue Gardner (P59050)			William Brendan Neal (P72923)	
			<b>Advisors</b>	
			Stephen J. Gobbo (P56521), immediate Past Chair	
			Christopher G. Hastings (P40861)	
			Meghan Kennedy Riordan (P44184)	

**Committee Meeting Schedule:**

Meeting Type	Date	Location
<b>Description</b>		
Regularly scheduled meeting.	July 26, 2012	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
<p>Chair Hastings discussed the history of the “Diversity Pledge” and advised of various signatory options. The UPL Committee passed a motion to become a signatory to the pledge and several members, who had not yet personally signed the pledge, authorized staff counsel to sign on their behalf. The UPL Committee reviewed and discussed UPL complaints, directed additional follow-up by staff counsel on several matters to informally resolve them, and recommended two matters for litigation. In an effort to educate State Bar members and the public about UPL concerns, the UPL Committee discussed approaches for preparing UPL informational articles that may be posted on the UPL home page and the concept of a monthly UPL newsletter. A subcommittee was formed to consider the feasibility of these outreach opportunities. The UPL Trust Mills Subcommittee reported on the planning process, status, and strategy for the “Who Should You Trust? seminar to be presented on August 1, 2012, in 9 counties, at 28 senior centers across Michigan.</p>		
Regularly scheduled meeting.	November 29, 2012	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
<p>Chair BakerOmerod conducted new member orientation and reviewed the quarterly meeting schedule. The UPL Committee reviewed and discussed UPL complaints, directed additional follow-up by staff counsel on several matters to informally resolve them, and recommended five matters for litigation. The UPL Trust Mills Subcommittee reported on feedback received with regard to the “Who Should You Trust” seminars presented on August 1, 2012. The evaluations were positive and most of the Senior Centers would like the presentation to be repeated. Some Senior Centers Directors requested that the presentation be offered in the evening so family members could also attend. The UPL Committee approved a motion to continue the seminars in conjunction with the Elder Law and Disability Rights and the Probate and Estates Sections. The UPL Committee also discussed other outreach efforts to educate the community about UPL concerns.</p>		
Regularly scheduled meeting.	January 24, 2013	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
<p>The UPL Committee reviewed and discussed UPL complaints, directed additional follow-up by staff counsel on several matters to informally resolve them, and recommended five matters for litigation. The UPL Committee discussed the recently enacted New York legislation enhancing the criminal punishable of specified UPL conduct to a felony. The UPL Committee supports criminalize certain UPL conduct in Michigan, but agreed that any efforts to criminalize UPL conduct in Michigan should wait until the Michigan Supreme Court adopts the proposed State Bar Rule defining the practice of law. Members Bob Anderson and Chris Berry discussed their involvement in a national effort being spearheaded by the AARP to prepare consumer alerts regarding annuities for distribution at senior homes.</p>		

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Regularly scheduled meeting.	April 25, 2013	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
<p>Chair BakerOmerod discussed appointments for the upcoming Bar Year and thanked Members for their continued commitment. Chair BakerOmerod also discussed the opportunity for enhanced UPL outreach to educate the public and State Bar members about UPL concerns. The UPL Committee passed a motion to establish a strategic planning subcommittee to consider the feasibility of various programs and prioritize them for further review and approval by the UPL Committee. The Subcommittee was asked to be ready to make its recommendations to the UPL Committee at its next regularly scheduled meeting on July 25<sup>th</sup>. The UPL Immigration Subcommittee headed by Advisor Meghan Kennedy Rioridan was active in the effort to prevent the proposed repeal of the Michigan Immigration Clerical Assistant (MICA) Act and as a result of such efforts the State Bar has formally supported the adoption of an amended bill that will strengthen the enforcement provisions of MICA while eliminating the administrative burden on the State of Michigan. The UPL Committee reviewed and discussed UPL complaints, directed additional follow-up by staff counsel on several matters to informally resolve them, and recommended four matters for litigation.</p>		

**Resources provided by the State Bar of Michigan in support of committee work:**

The State Bar provides staff support via the administrative assistance of a paralegal and staff counsel who provides legal services and manages the State Bar’s UPL Department. The process for securing legal services from a contract lawyer to assist in handling UPL complaints and litigation matters is underway and is expected to be in place by the end of May 2013.

The State Bar also provides meeting facilities, food and beverage for meetings, SharePoint, teleconferencing services, meeting materials, document production services, and a small budget to support the UPL Committee’s community outreach projects. In addition, the State Bar staff provides informational pamphlets to SBM members, the general public, and to other institutions serving the public to educate the public and legal profession about the UPL.

**Committee Activities:** On August 1, 2012, as a result of the community outreach planning efforts of the UPL Trust Mills Subcommittee, the UPL Committee in conjunction with the SBM Probate and Estate Planning and the Elder Law and Disability Rights Sections presented the “Who Should You Trust? seminar at 28 senior centers, in 9 counties across Michigan to warn about estate planning scams and “trust mills” and provide practical estate planning information. The post program evaluations were positive and most of the Senior Centers would like the presentation to be repeated.

**Future Goals and Activities:** The Committee will continue to expand its community outreach activities to educate the public and State Bar members regarding the UPL and develop and use creative and proactive measures in addressing the UPL. A UPL Strategic Planning Subcommittee has been formed to consider the feasibility of various programs, prioritize them, and make a recommendation to the UPL Committee about how to proceed.

The UPL Committee’s last quarterly meeting for this bar year is scheduled for July 25, 2013.

**Other Information:** Not applicable.

**STATE BAR OF MICHIGAN  
UNITED STATES COURTS COMMITTEE  
2012-2013 ANNUAL REPORT**

**Committee Name:** United States Courts Committee

**Jurisdictional Statement:** “The Committee shall make recommendations concerning the administration, organization and operation of the United States Courts for the purpose of securing the effective administration of justice. Two members shall be judges designated by the Chief Judge of the United States District Court for the Eastern District of Michigan and one member shall be a judge designated by the Chief Judge of the United States District Court for the Western District of Michigan.”

**Membership notes:** Pursuant to a resolution of the Board of Commissioners, the membership of the committee may exceed 17.

**Officers and Membership:**

Chair/Vice Chairs: John A. Ferroli and Michelle Harrell  
Board of Commissioner Liaison: N/A  
Bar Staff Liaisons: Clifford T. Flood and Anne M. Smith

**Members:**

Hon. Ellen Carmody	Michelle Harrell
Hon. David M. Lawson	Thaddeus E. Morgan
Hon. Thomas L. Ludington	John P. Nicolucci
Jordan S. Bolton	Paul F. Novak
Leonid Feller	Michael W. Puerner
John A. Ferroli	Lynn H. Shecter
Harold Gurewitz	Elizabeth A. Stafford
Kelley M. Haladyna	David Weaver (Clerk, ED)
	Tracey Cordes (Clerk WD)

**Advisors/Advisory Members (Appointed Annually):**

Bryan R. Walters (FBA – Western Dist.)  
Matthew Schneider (FBA – Eastern Dist.)  
Mark W. McInerney – Advisory Member

**2012-2013 Meeting Schedules (date and location):**

Wednesday, October 17, 2012 – State Bar of Michigan  
Wednesday, November 28, 2012 – State Bar of Michigan  
Wednesday, January 16, 2013 – State Bar of Michigan  
Wednesday, March 20, 2013 – State Bar of Michigan  
Thursday, May 16, 2013 – Bench-Committee Dinner – WD – Noto’s in Grand Rapids

**Committee Activities:**

1. Reviewed proposed federal rule amendments and proposed revisions of local rules of the Eastern and the Western Districts for and submitted comments where appropriate.
2. Promoted exchange of information between the Eastern and Western Districts of Michigan regarding operational and administrative functions and procedures, Bench-Bar Conferences of each District, and opportunities for cooperation and cross-districting with regard to future Bench-Bar Conferences.



3. Sponsored an annual bench-bar dinner with judges and magistrates judges of the Eastern and Western Districts (alternates yearly between the two Districts), currently scheduled for May 16, 2013 at Noto's in Grand Rapids. The dinner is intended to provide an opportunity for the judges and committee members to meet and discuss common issues.
4. Reviewed en banc decisions of the 6th Circuit Court of Appeals (and if appropriate, published a summary of notable decisions in ED and WD FBA newsletters and in the Bar Journal).

**Resources Provided by the State Bar of Michigan in Support of Committee Work:** Besides providing the resources called for in Article VI, Section 7 of the State Bar Bylaws, the State Bar provided meeting space, equipped with telephone conferencing capabilities, and State Bar Liaisons Clifford T. Flood and Anne M. Smith provided administrative support, including attending each meeting and assisted in preparing and circulating meeting agendas and minutes. Further, the State Bar incurred the expenses for the Annual Bench Bar dinner.

**Future Goals and Activities:**

1. The Committee will continue to review and, when appropriate, comment on proposed amendments to the Federal Rules and to local rules.
2. The Committee will continue to educate members of the Bar through articles or other means of significant rule changes.
3. The Committee will continue to review 6<sup>th</sup> Circuit en banc opinions and, if appropriate, publish a summary in FBA newsletters and the Michigan Bar Journal.
4. The Committee will look for opportunities to publish articles in FBA newsletters and the Michigan Bar Journal regarding topics appropriate to its jurisdiction.
5. The Committee will continue its support of a statewide Bench/Bar Conference by coordinating activities of the Eastern and Western Districts FBA chapters.
6. The Committee will continue to sponsor an annual bench-bar dinner with judges and magistrates judges of the Eastern and Western Districts.
7. To promote continuity and consistency, the Committee will continue to elect a committee vice-chair each year and at the appropriate time, it will respectfully request the appointment of the vice-chair as the committee's chair for the ensuing year.

**Chair Contact Information:**

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**Article VI §6, Bylaws of the State Bar of Michigan**

*No later than May 1 of each year, the chair of each committee and subentity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or subentity.*

**Committee Name:** Upper Michigan Legal Institute Advisory

**Jurisdiction:** Provide assistance developing an annual legal education seminar especially targeted to the practice needs of Northern Michigan practitioners.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Chair	Hon. James N. Erhart	90th District Court 200 Division St Ste G12 Petoskey, MI 49770-2465	(231) 348-1750	jerhart@emmetcounty.org
Staff Liaison	Nancy Brown Candace Crowley Kari Thrush	State Bar of Michigan 306 Townsend St. Lansing, MI 48933-2012	(517) 346-6300	nbrown@mail.michbar.org ccrowley@mail.michbar.org kthrush@mail.michbar.org
Commissioner Liaison	N/A			

Member/Advisor/Other	Member/Advisor/Other
Kim A. Coggins	Michael Celello
David R. Peterson	Nels A. Christopherson
Karl A. Weber	Leann Barnes Deuman
Priscilla Scull Burnham	Anne B. McNamara
Sally J. Galer	Victoria A. Radke
Thomas B. North	Trenton Matthew Stupak
Hon. Thomas J. Phillips	Keith P. Theisen
Timothy C. Quinnell	Jeffrey E. Kirkey - Advisor

**Committee Meeting Schedule:**

Meeting Type	Date	Location
Description		
Committee Meeting	6/9/12	Grand Hotel, Mackinac Island
<i>- Planning session for 2013 UMLI topics.</i>		
Committee Meeting	11/30/12	Teleconference
<i>- Review evaluations for 2012 UMLI and discuss proposed program for 2013 UMLI.</i>		

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**Resources provided by the State Bar of Michigan in support of committee work:**

The State Bar staff provides all of the coordination of the meetings, preparation of meeting minutes, preparation of notices to be sent, as well as the preparation of the brochure, registration forms, and staffing at the event. Staff also coordinates the sending of the forms and retrieval of the information as well as preparing statistics for review by the committee. Staff also coordinates and assists at the Grand Hotel with the room reservations as well as the registration for the event itself and any other events associated therewith.

**Committee Activities:**

The committee met immediately following the conclusion of the event on June 9, 2012. The success of the event was discussed and complements were given to both Jeff Kirkey from ICLE and State Bar staff for their great efforts in making this event the success that it was. The committee reviewed the comment sheets and they were forwarded for further processing for our next conference call.

The committee met via conference call on November 11, 2012 and reviewed the summary of the evaluations as well as the continuation of the discussion for topics for the upcoming UMLI. Jeff Kirkey agreed to contact the proposed speakers, discuss the speaking topics with them and incorporate them into the schedule.

The committee finalized the 2013 program via email with a final program approved by the committee. "Save the Date" postcards were mailed in January followed by the mailing of the brochure in March. Future e-blasts will be sent in April and May.

**Future Goals and Activities:**

To continue to provide quality legal education and educational materials to the lawyers of Northern Michigan at a location that promotes participation at the greatest level with our available resources.

**Other Information:** None.