

S T A T E   B A R   O F   M I C H I G A N



# Committee Annual Reports

2013-2014

**State Bar of Michigan  
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1 Depicts a report from committees as received by May 31, 2014.

**The reports are posted online and can be read at  
[http://www.michbar.org/generalinfo/committee\\_pdfs/annualreports2014.pdf](http://www.michbar.org/generalinfo/committee_pdfs/annualreports2014.pdf)**

**STATE BAR OF MICHIGAN  
2013-2014 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:** American Indian Law

**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<br>Shelby Twp MI | 586-822-4220 | nwlacouncil@aol.com       |
| Staff Liaison | Gregory Conyers      |                              | 517-346-6358 | gconyers@mail.michbar.org |
|               |                      |                              |              |                           |

| Member/Advisor/Other                    | Member/Advisor/Other                   |
|---|--|
| Chad P. DePetro – Member                | Cameron Ann Fraser - Member            |
| Kimberly G. McGrath – Member            | Hon. Melissa L. Pope - Member          |
| Hon. Holly K. Thompson – Member         | Hon. Timothy P. Connors - Member       |
| James A. Keedy – Member                 | Kathryn L. Tierney - Member            |
| Kirsten Matoy Carlson – Member          | Lindsey Nicole Golden - Member         |
| Hon. Angela Kay Sherigan – Member Chair | Vilija A. Bilaisis - Advisor           |
| William J. Brooks – Advisor             | James M. Kinney – Advisor              |
| Maribeth Dickerson Preston – Member     | Lee Hornberger – Rep. Assembly Liaison |

**Committee Meeting Schedule:**

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

| Meeting Type      | Date                        | Location        |
|-------------------|-----------------------------|-----------------|
| Description       |                             |                 |
| In person meeting | June 2013                   | Mackinac Island |
|                   |                             |                 |
| Monthly meetings  | August 2013 – December 2013 | Phone           |
|                   |                             |                 |
| Monthly meetings  | January 2014 – May 2014     | Phone           |
|                   |                             |                 |
|                   |                             |                 |
|                   |                             |                 |
|                   |                             |                 |
|                   |                             |                 |

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

Staff liaison – conference call abilities, June meeting room.

**Committee Activities:** Monthly meetings. Monitoring of the Michigan Indian Family Preservation Act, and its implementation through court rules and court forms. Support of additional court rules needed for further implementation and clarification. – Monitoring of MIFPA and ICWA cases in the appellate courts. Communication with the American Indian Law Section. Provide information and education to the legal community.

**Future Goals and Activities:** Outreach to local bar associations located near reservations. Continue monitoring and support of court rules and court forms for proper implementation of MIFPA. Provide information and education to the legal community.

**Other Information:**

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**Committee Name:** Annual Meeting Committee

**Jurisdiction:** "Provide assistance in the development and planning of the State Bar's Annual Meeting, in order to fulfill the 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            | Kendricks Bordeau<br>Adamini Chilman &<br>Greenlee PC<br>128 W Spring St<br>Marquette, MI 49855-<br>4608 | (906) 226-2543 | keefer@kendricksllaw.com                            |
| Staff Liaison           | Nancy Brown<br>Kari Thrush | State Bar of<br>Michigan<br>306 Townsend St.<br>Lansing, MI 48933-<br>2012                               | (517) 346-6300 | nbrown@mail.michbar.org<br>kthrush@mail.michbar.org |
| Commissioner<br>Liaison | N/A                        |  |                |   |

| Member/Advisor/Other                    | Member/Advisor/Other        |
|---|-----------------------------|
| Kathleen M. Allen (Member & RA Liaison) | Kimberly M. Slaven          |
| Brian D. Einhorn                        | Jeffrey E. Kirkey (Advisor) |
| Victoria A. Radke                       |                             |
| Thomas C. Rombach                       |                             |
| Lori A. Buiteweg                        |                             |
| Zenna Faraj Elhasan                     |                             |
| Ronald D. Keefe                         |                             |
| Lawrence Patrick Nolan                  |                             |

**Committee Meeting Schedule:**

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

| Meeting Type   | Date | Location |
|--|------|----------|
| Description  |      |          |
| No Meetings in 2013-2014   |      |          |
| <i>June 14, 2013 The Board of Commissioners met to approve and discuss future locations for 2015, 2017, 2019 and the recommendations of the Programs &amp; Services Committee were made. Chair Ron Keefe was present at this meeting to answer questions regarding location recommendations.</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 worked through the process of securing contracts through 2019 for the Annual Meeting with the rotation of the event in Grand Rapids and south east Michigan every other year. After much 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. The Programs and Services Commissioner Committee made the recommendation to the BOC at the April meeting. The BOC rejected the recommendation for 2017 with the directive to hold this event in downtown Detroit in 2017. After much review of venues at the May BOC meeting, staff secured space at the Cobo Center for 2017. The BOC approved this location at the June 2014 BOC meeting.

**Future Goals and Activities:**

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

**Other Information:**

**STATE BAR OF MICHIGAN  
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AWARDS COMMITTEE**

**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:** 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             | Julie Fershtman   | Foster Swift<br>Collins &<br>Smith PC<br>32300<br>Northwestern<br>Hwy Ste 230<br>Farmington<br>Hills, MI<br>48334 | (248) 785-4731 | <a href="mailto:jfershtman@fosterswift.com">jfershtman@fosterswift.com</a> |
| Co-Chair             | Thomas C. Rombach | Law Offices of<br>Thomas C.<br>Rombach<br>51249<br>Washington St<br>New Baltimore,<br>MI 48047-1564               | (586) 725-3000 | <a href="mailto:tomrombach@aol.com">tomrombach@aol.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>     |
| Commissioner Liaison |                   |   |                |  |

|                             |                                     |
|-----------------------------|-------------------------------------|
| Member/Advisor/Other        | Member/Advisor/Other                |
| Jennifer S. Bentley, member | Hon. Denise Langford Morris, member |
| Peter J. DeRose, member     | Daniel P. O'Neil, member            |
| Nancy J. Diehl, advisor     | Solon M. Phillips, member           |
| Julie I. Fershtman, 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.

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AWARDS COMMITTEE**

| Meeting Type    | Date             | Location |
|-----------------|------------------|----------|
| Description     |                  |          |
| Conference call | January 15, 2014 |          |
| Conference call | March 19, 2014   |          |
| Conference call | May 21, 2014     |          |

**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<br/><a href="http://www.michbar.org/generalinfo/bylaws.cfm#6">http://www.michbar.org/generalinfo/bylaws.cfm#6</a><br/><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, 2014              | First teleconference meeting takes place  |
| February–April, first week | Staff prepares EXCEL tables for nominees as applications are received.  |
| March, second week         | Chairpersons and staff discuss nominations (number and diversity—   |

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**AWARDS COMMITTEE**

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.

|                      |   |
|----------------------|---|
| March 19, 2014       | 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.<br><br>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.<br><br>Staff sends announcement of third meeting via e-mail  |
| May 21, 2014         | Third teleconference meeting takes place – award recipients are chosen  |
| May, fourth week     | Staff drafts memorandum from co-chairpersons to SBM Board with recommendations  |
| 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<br><br>Staff sends press release, prepares coverage/cover photographs for Michigan Bar Journal, e-Journal, and other electronic and social media.<br><br>Staff orders Awards and writes speeches, scripts, program for the Annual Meeting Awards ceremony. |
| September 17, 2014   | 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.  |

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2013-2014 COMMITTEE ANNUAL REPORT  
AWARDS COMMITTEE**

*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 members go out and seek good quality nominations for SBM awards. For the coming year's awards cycle (coming to an end at the 2014 Annual Meeting, where the awards will be handed out), there are 23 nominations to consider for seven awards (some awards can have multiple recipients).

In the last year's cycle, commencing at the 2013 Annual Meeting, the Committee gave out awards to 11 Michigan attorneys:

**Roberts P. Hudson Award**

Kurt E. Schnelz

**Frank J. Kelley Distinguished Public Service Award**

Hon. Donna T. Morris

**Champion of Justice Award**

Eugene Driker

Valerie R. Newman

Michele L. Halloran

Ann L. Routt

A. Kay Stanfield Spinks

**Kim Cahill Bar Leadership Award**

Elizabeth A. Kitchen-Troop

**John W. Reed Michigan Lawyer Legacy Award**

James J. White

**John W. Cumiskey Pro Bono Award**

Robert G. Mossel

**Liberty Bell Award**

Marge Palmerlee

**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.

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**Committee Name:** Bar Leadership Liaison Advisory Committee

**Jurisdiction:** Provide assistance developing an annual leadership training seminar for affinity bars and section chairs. Consider additional leadership programs as appropriate.

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

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

| Members                     | Member/Advisor/Other          |
|-----------------------------|-------------------------------|
| Eileen M. Kuras             | Anne B. McNamara (RA Liaison) |
| Hon. Cynthia D. Stephens    |                               |
| Rick Troy                   |                               |
| Marguerite Donahue          |                               |
| Jacquise Alicia Ray Purifoy |                               |
| Aaron Sumrall               |                               |
|                             |                               |
|                             |                               |

**Committee Meeting Schedule:**

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

| Meeting Type  | Date    | Location       |
|---|---------|----------------|
| Description   |         |                |
| Committee Meeting   | 1/30/14 | Teleconference |
| <i>- Review 2013 BLF evaluation results and planning session for 2014 BLF topics.</i> |         |                |
| Scholarship sub-committee   | 4/14/14 | Teleconference |
| <i>-Review scholarship applications</i>   |         |                |
| Scholarship sub-committee   | 4/18/14 | Teleconference |
| <i>-Review scholarship applications and make final determination of recipients</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 drafts the program content and suggests possible speakers for review by the committee. Staff members coordinate 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 30, 2014 to discuss the results of the 2013 event evaluations and prepare for the event in 2014. Two issues are apparent from our background work: (1) We need to keep the legal futurist message in the forefront, and (2) There is a strong desire to focus on basic membership issues with a special interest in engaging young and diverse members. It was recommend that we weave the basic membership messages in with last year's "future of the profession" message by using a keynote speaker to kick off the Friday afternoon session with some basic membership information, insight and motivation. Based on our review of bar leadership programs and especially on conversations with ABA staff, it was further recommended that we engage Sarah L. Sladek as our keynote speaker. Sarah presented "The Future of Associations: Provide a Must-Have Membership for the 21<sup>st</sup> Century" plenary message at the 2012 ABA Bar Leadership Institute. The committee approved and discussed suggestions for panel breakouts for Saturday that include topics on law related education and membership development through strategic marketing.

**Future Goals and Activities:**

To continue to provide quality leadership education and 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 and 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,<br>P30047          | PO Box 338<br>Holt, MI 48848            | (517) 243-3054 | <a href="mailto:rbebersole@gmail.com">rbebersole@gmail.com</a>           |
| Staff Liaison           | Danon D.<br>Goodrum-Garland,<br>P53603 | 306 Townsend St<br>Lansing, MI<br>48933 | (517) 346-6333 | <a href="mailto:dgarland@mail.michbar.org">dgarland@mail.michbar.org</a> |
|                         | Diane K. Van Aken                      |   | (517) 346-6344 | <a href="mailto:dvanaken@mail.michbar.org">dvanaken@mail.michbar.org</a> |
| Commissioner<br>Liaison |  |   |                |  |

**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  
Jeanine M. Brunson, P55429  
Cynthia C. Bullington, P33989  
David G. Chardavoynne, P27034  
Scott E. Dwyer, P33131  
Linda M. Galbraith, P3078  
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  
Yolanda M. Bennett, 69219  
Karie H. Boylan, P55468  
Phillip D. Churchill, Jr., P47610  
William H. Fallon, P33132  
Darling A. Garcia, P34426  
Barry Goldman, P32735  
Kelley M. Haladyna, P63337  
Thomas M. J. Hathaway, P14745  
Suzanne K. Hollyer, P55731  
William E. Hosler, P41257  
Daphne M. Johnson, P55145  
Linda D. Johnson, P34754  
Berton K. May, P42317  
E. Thomas McCarthy, Jr., P28714  
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  
Keith D. Zick, P24154

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**2013-14 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

**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 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.

**Committee Activities:**

The primary work of the Standing Committee on Character and Fitness is to review recommendations submitted by the District Committees, and conduct confidential applicant hearings and make recommendations to the Board of Law Examiners. One business-type meeting is held during the year to address policy issues and train new members, if determined necessary by the Chairperson. Approximately 1600 applicants take the bar examination annually and each first time applicant must complete an Affidavit of Personal History and submit all required background information. Additionally, applicants must be recertified if the original application is over three years old and the applicant has not been successful on the bar examination, which involves submitting to another complete investigation. 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 160 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 36 applicants for the July 2013, exam cycle. To date, 18 files have been referred for District Committee interviews for the February 2014 exam cycle, and of those, 11 interviews have either been scheduled or completed. It is expected that up to 30 additional files may be referred for the February 2014 exam cycle, based on the information received to date. New member training for District Committee members was scheduled for March 12, 2014 by members of the Standing Committee and State Bar Staff, but was unfortunately canceled due to inclement weather. Written materials were provided to all new members in lieu of training.

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From May 1, 2013 through April 30, 2014, the Standing Committee held 31 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. Three 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, including hearing spanning multiple days, 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.

**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.

**Other Information:**

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.

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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, Member      |
| Richard D. Bisio, Member        | Gary R. Peterson, Member       |
| Hon. Rae Lee Chabot, Member     | Karen H. Safran, Member        |
| Sean F. Crotty, Member          | Thomas Daniel Siver, Member    |
| Pamela C. Dausman, Member       | George M. Strander, Member     |
| Michael J. Distel, Member       | Alan R. Sullivan, Member       |
| Robert J. Ehrenberg, Member     | Matthew Arthur Tarrant, Member |
| Lori J. Frank, Member           | Victoria A. Valentine, Member  |
| Elisa M. Gomez, Member          | Randy J. Wallace, Member       |
| Maureen Hannon Kinsella, Member | Peter H. Webster, Member       |
| Hon. David M. Lawson, Member    |                                |
| Sean P. McNally, 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                                    |
|-------------------|-------------------|---|
| Committee Meeting | May 18, 2013      | Dickinson Wright Offices,<br>Troy, Michigan |
| Committee Meeting | July 18, 2013     | Dickinson Wright Offices,<br>Troy, Michigan |
| Committee Meeting | November 4, 2013  | Teleconference Only                         |
| Committee Meeting | November 16, 2013 | Dickinson Wright Offices,<br>Troy, Michigan |
| Committee Meeting | March 1, 2014     | Dickinson Wright Offices,<br>Troy, Michigan |

**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:**

Over the course of five meetings, the committee took the following positions:

1. [2011-26 - Proposed Amendment of Rule 2.403 of the Michigan Court Rules](#)

**Support with modification.**

- **Insert “denying a timely motion:” to (O)(8) after “order” so it modifies all subparts, and delete that language from (O)(8)(1).**
- **The Committee proposes the deletion of subparagraph (iv). The concern is that a party could file a very belated or frivolous post-judgment motion simply in order to resurrect an otherwise time-barred motion for case evaluation sanctions. Given subparagraphs (i)-(iii), the Committee could not come up with a scenario where this sort of provision would be necessary. It is recognized that MCR 2.625(F) on taxation of costs includes such language, but the dollar value between costs and fees suggests less likelihood of manipulation of the cost rule.**
- **Similar changes should be made to the offer of judgment rule and MCR 2.625(F) should have rehearing/reconsideration added.**

2. [2011-31 - Proposed Amendment of Rules 7.105, 7.111 and 7.205 of the Michigan Court Rules](#)  
**Support.**

3. [2012-06 - Proposed Amendment of Rule 9.221 of the Michigan Court Rules](#)

**No position, although the Committee believed that simply having the Commission both notify the chief judge and send the written notice of disposition was more efficient than the proposed, bifurcated procedure.**

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4. [2012-30 - Proposed Amendments of Rule 2.621 and Rule 2.622 of the Michigan Court Rules](#)  
Support the following recommendations:
  - Delete the first sentence of MCR 2.622(A); as written it is confusing whether it is granting a substantive right (the drafters state this is not the intent). The Receivership Committee supported this change.
  - The Committee opposes the 2<sup>nd</sup> sentence of MCR 2.622(A) as stating a substantive rule of law which the Committee did not believe was universally true and in any event would provide a platform for confusion of the proceedings and perhaps even claims against the receiver. With the sentence deleted, existing law would continue to define the scope of the receiver's duties.
  - Insert instead the following: "The provisions of this rule apply unless other provisions of statute or rule specifically apply to the subject receivership." The drafters noted that there are numerous types of receivers, some of which have specific statutory guidance. There was perceived to be a risk of confusion between those subject-specific statutes or rules and this rule of general application, absent this clarifying statement. The Receivership Committee supported this change.
  - Change "petitioner's" to "movant's" in (C)(1). The Receivership Committee supported this change.
  - (C)(2) would prohibit a moving party or its counsel from "assisting" the receiver. In certain scenarios, such assistance may permit the most efficient manner for the receiver to carry out certain duties. This seems to be the spirit behind (C)(3), but the carve-out of the general prohibition of (C)(2) seems too narrow. The Committee suggests deletion of "or in any other professional capacity representing or assisting the receiver" and instead rely upon normal rules and the court's oversight regarding conflicts of interest.
  - Subrule (D) should be prefaced with "Unless the Court otherwise orders:" or words to that affect. Some receiverships will not require all of the types of reports listed in this subrule, but the rule is mandatory. The Receivership Committee supported this change.
  - Existing subrule (A)(3) has been deleted. The Committee believes that a general right of receiver to continue the business of the estate, including entering in to leases as deemed necessary, should be expressly stated. The Receiver Committee thought the power was implied.
  - The Committee supports the preservation of existing subrules (C) and (D).
5. [2013-02 - Amendments of Rules 3.002, 3.800, 3.802, 3.807, 3.903, 3.905, 3.920, 3.921, 3.935, 3.961, 3.963, 3.965, 3.967, 3.974, 3.977, and 5.402 of the Michigan Court Rules](#)  
No position, although as a general drafting point, the Committee notes that the proposal repeats definitions from the statute. This creates potential confusion or unnecessary revision when the statutory definitions change and is generally redundant. The

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Committee prefers simply incorporating the statutory changes by reference, although perhaps there is some unique consideration as applied to a child protection statute that calls for not following this general suggestion.

6. [2013-12 - Proposed Amendment of Rule 7.313 of the Michigan Court Rules](#)  
Support.

7. [2013-18 - Proposed New Rules 2E.001 \*et seq.\* of the Michigan Court Rules](#)  
[2013-18 - Proposed Administrative Order No. 2013-](#)  
[2013-18 - Draft Standards for E-filing](#)

- Generally there is opposition to a system which permits a review of filings before they are accepted. The Federal PACER system permits all filings; if there are problems, the clerk issue the notice the next day and gives a time for it to be corrected. This avoids the problem created by the proposed rule, where something is filed but then rejected for some inadequacy. The filing would now be late or time-barred absent a nunc pro tunc order of the court, an extra step which simply represents unnecessary motion practice.
- The Committee was advised of the significant debates regarding the assessment of fees by the courts and pending legislation. The Committee thus notes only that the transaction fees should be defined as taxable costs.
- Rule 2E.006(B): delete “them” and insert “copies and make originals available for inspection”
- If Rule 2E.008 is to stay, it should permit discretion of the court with consideration of the listed factors. As written, it suggests satisfaction of each factor is mandatory.
- A major advantage of electronic filing is 24/7 access. As such, the Committee does not favor a 5:00 p.m. deadline in 2E.101(A). Assuming service is accomplished automatically and simultaneously with filing, as in PACER, this should not present a problem for courts or practitioners.

[2013-18 - Proposed Amendments of Rules 3.210, 3.215, and 6.104 of the Michigan Court Rules and Proposed New Rule 8.124 of the Michigan Court Rules](#)  
[2013-18 – Proposed Administrative Order No. 2013-](#)

Oppose absent revision.

- The Committee is mindful of widespread debate among academics, jurists and attorneys as to the tradeoffs inherent in widespread use of videoconferencing.
- The Committee defers to the Criminal Law Section and other subject-matter specialists for considerations unique to those arenas.
- For civil litigation, the Committee unanimously favors application of the “extraordinary circumstances” standard for either telephonic or videoconferencing, thus requiring revision of proposed MCR 3.210(A)(4). “Testimony must be taken in person, except that the court may in extraordinary circumstances allow testimony to be taken by telephone or under MCR 8.124.” With that change, most of the proposed 8.124 is acceptable.

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- **The Committee could not determine the purpose of exempting videoconferencing motions from normal motion fees, per proposed MCR 8.124(D)(3).**
  
- 8. [HB 4570](#)(Cotter) Courts, juries; Higher education, students. Courts; juries; eligibility to postpone jury service of students; expand to include full-time higher education students under certain circumstances. Amends sec. 1335 of 1961 PA 236 (MCL 600.1335).  
**Support.**
  
- 9. [HB 4704](#) (Pettalia) Counties; financing; challenging an approved budget; clarify. Amends secs. 16 & 18 of [1968 PA 2](#) (MCL [141.436](#) & [141.438](#)).  
**Oppose.**
  
- 10. [HB 4083](#) (Lori) Law enforcement; other; Michigan crime stoppers act; create, and provide for criminal assessments to fund crime stopper activities. Creates new act.  
**No position other than oppose as to proposed mechanism for fee collection and disbursement.**  
**The proposal would impose significant burden upon the courts to collect and disburse funds, as noted in the letter from the SCAO. The Committee deems it inadvisable to turn the clerk in to a tax collector and fund disburser.**
  
- 11. [2013-20 – Proposed Amendment of Rule 2.305 of the Michigan Court Rules](#)  
**Support with amendments.**
  
- 12. [2013-10 – Proposed Amendments of Rules 2.107 and 2.117 of the Michigan Court Rules](#)  
**Support.**
  
- 13. Mental Health Courts  
**Support.**
  
- 14. [HB 4763](#) (Schmidt) Traffic control, traffic regulation. Traffic control; traffic regulation; use of automated traffic enforcement safety devices at certain intersections; allow. Amends secs. 727c & 741 of 1949 PA 300 (MCL 257.727c & 257.741) & adds div. heading & adds secs. 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761 & 762.  
**Oppose.**
  
- 15. [HB 4830](#)(Lyons) Civil procedure, evictions; Businesses, limited liability companies; Businesses, business corporations; Businesses, partnerships; Occupations, attorneys. Civil procedure; evictions; legal representation; allow corporation, partnership, or limited liability company to appear without an attorney. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 5707.  
**Oppose as it encourages the unauthorized practice of law.**
  
- 16. [SB 0652](#) (Jones) Courts; judges; court of claims; provide for certain number of court of appeals judges to serve as court of claims judges, and expand jurisdiction. Amends secs. 308, 841, 6404, 6407, 6410, 6413, 6419, 6421 & 8304 of [1961 PA 236](#) (MCL [600.308](#) et seq.) & repeals sec. 6419a of 1961 PA 236 (MCL [600.6419a](#)).  
**Oppose.**

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17. [2013-28 - Proposed Amendment of Rule 2.510 of the Michigan Court Rules](#)  
The committee voted unanimously to support the proposed amendment. The committee supports the proposed amendment as a modernization of the courts, but notes that a uniform practice across the state is preferred. Further, the committee suggests that “completed” in (c)(3) be “returned” in order to match the language of (c)(1).
18. [ADM File No. 2013-03 - Proposed Amendment of MCR 2.302](#)  
The committee voted unanimously to take no position, but express a concern that unregulated discovery after a judgment could lead to abuses. It might be more advisable to require a status conference and something akin to a scheduling order so that runaway discovery does not become a problem.
19. [ADM File No. 2013-19 - Proposed Amendment of MCR 3.602](#)  
**Support.**
20. [HB 4913](#) (McMillin) Civil procedure; civil actions; strategic lawsuits against public participation; limit. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 2978.  
**Oppose.**
21. [HB 5153](#) (Walsh) Courts; judges; salary formula for judges; modify. Amends secs. 304, 555 & 821 of [1961 PA 236](#) (MCL [600.304](#) et seq.).  
**Support.**
22. [HB 5156](#) (Shirkey) Courts; judges; court of claims exceptions to trial by court without jury; provide for under certain circumstances.  
**Support.**
23. [SB 0518](#) (Proos) Traffic control, traffic regulation; Courts, other. Traffic control; traffic regulation; use of vehicle boots for failure to satisfy certain court obligations; allow. Amends sec. 4803 of 1961 PA 236 (MCL 600.4803).  
**Oppose.**
24. [SB 0519](#) (Proos) Civil procedure, other; Courts, other; Crime victims, compensation; Criminal procedure, other; Family law, child support. Civil procedure; other; fines, costs, and other indebtedness to courts; require SCAO to establish a database, and require civil litigants to check database before paying or collecting on a judgment. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 1477.  
**Oppose.**
25. [SB 0520](#) (Emmons) Crime victims, restitution; Crime victims, notices; Family law, child support. Crime victims; restitution; restitution orders for crime of nonpayment of support; clarify. Amends sec. 165 of 1931 PA 328 (MCL 750.165).  
**Oppose.**
26. [SB 0521](#) (Emmons) Family law, child support; Family law, parenting time; Courts, subpoenas; Courts, contempt. Family law; child support; authority of friend of the court to issue subpoenas for show cause and notice to appear; allow, and provide for other general amendments. Amends secs. 31, 32, 33, 37, 44 & 45 of 1982 PA 295 (MCL 552.631 et seq.) & adds sec. 36.

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The Committee takes no position but raises 3 issues for consideration: (1) There is no such thing as “Supreme Court Rules.” This should be replaced with a reference to the Michigan Court Rules. (2) 32(8) should clarify that the defendant is released from custody pending the hearing if the bond is posted. It is implicit now but should be made explicit. (3) The Committee opposes 44(9) as unproductive. The vehicle may be co-titled to someone else, thus depriving an innocent party of the use of the vehicle. Moreover, the defendant may need the vehicle to get to work which in turn is necessary for order compliance. The statute also ignores potential priority claims of secured creditors of the vehicle.

The committee also presented several proposed amendments before the Representative Assembly:

- Proposal to Revised MRPC 7.1
- MCR 2.203 & MCR 2.306
- MCR 2.003
- MCR 2.305
- MCR 2.403

**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

## 2013-2014 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 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 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, and 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<br>(P41610)                | City of Detroit Law Dept<br>2 Woodward Avenue,<br>Suite 500<br>Detroit, MI 48226-3519            | (313) 237-3034 | <a href="mailto:nadej@detroitmi.gov">nadej@detroitmi.gov</a>                 |
| <b>Staff Liaison</b> | Danon D.<br>Goodrum-<br>Garland (P53603) | State Bar of Michigan<br>Michael Franck Building<br>306 Townsend Street<br>Lansing, MI48933-2012 | (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<br>Michael Franck Building<br>306 Townsend Street<br>Lansing, MI48933-2012 | (517) 346-6379 | <a href="mailto:rlawnichak@mail.michbar.org">rlawnichak@mail.michbar.org</a> |

| Members                            | Members                        |
|------------------------------------|--------------------------------|
| Deborah Adenike AdeOjo (P63962)    | Mya Marshall (P75189)          |
| Alexander A. Ayar (P69623)         | Rico D. Neal (P69744)          |
| Laura A. Brodeur-McGeorge (P44552) | Peter M. Neu (P68725)          |
| Michael P. Haddock (P55880)        | Dionnie Wynter Pfunde (P72633) |
| Jennifer M. Harvey (P65140)        | Nicholas A. Reyna (P68328)     |
| Diane Hutcherson (P40445)          | Alecia M. Ruswinckel (P62825)  |
| Starr M. Hewitt Kincaid (P57430)   | Mark L. Teicher (P34301)       |

**Committee Meeting Schedule:**

| <b>Meeting Type</b>                             | <b>Date</b>      | <b>Location</b>   |
|---|------------------|---|
| Regularly scheduled Standing Committee meeting. | May 9, 2013      | State Bar of Michigan<br>Michael Franck Building<br>306 Townsend Street<br>Lansing, MI48933                         |
| Regularly scheduled Standing Committee meeting. | August 8, 2013   | State Bar of Michigan<br>Michael Franck Building<br>306 Townsend Street<br>Lansing, MI48933                         |
| Regularly scheduled Standing Committee meeting. | November 7, 2013 | State Bar of Michigan<br>Michael Franck Building<br>306 Townsend Street<br>Lansing, MI48933                         |
| Regularly scheduled Standing Committee meeting. | February 6, 2014 | Erman, Teicher, Miller,<br>Zucker & Freedman, P.C.<br>400 Galleria Officentre,<br>Suite 444<br>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.

The CPF Committee also recommended revisions to CPF Rule 12(B) and Rule 12(C) to increase the disbursement levels for client losses resulting from the dishonesty of a single lawyer, or group of lawyers acting in concert, from \$300,000 to \$375,000 with the maximum amount payable to any single client due to lawyer dishonesty from \$75,000 to \$150,000. The revisions will be submitted to the Professional Standards Committee and the Board of Commissioners prior to end of the 2014 fiscal year.

Complete Claims Activity: For the period April 1, 2013, through March 31, 2014, 106 new claims were filed and 140 claims were pending at the beginning of this period for an overall total of 246

claims. As a result of overall claims processing during this period, 133 claims remain pending at the end of this period.

The CPF Committee reviewed 58 claims during this time period of which 18 claims were denied by the CPF Committee, 61 claims totaling \$302,663.33 approved by the Board of Commissioners were paid, 3 claims totaling \$76,950.00 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, 11 claims totaling \$159,648.00 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, 1,161 claims have been paid totaling \$7,012,233.42, while 1,777 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 streamline the administrative process. In addition, the CPF Committee will continue its review and consideration of a proposed new SBR that would authorize use of investigative subpoenas to support CPF claim investigations, afford absolute immunity from suit regarding statements and communications to the State Bar and issued by the State Bar regarding the duties and responsibilities of the CPF, and authorize disclosure of information regarding CPF claim applications and information obtained during investigation of CPF claims to persons or entities empowered and authorized to investigate and reimburse such claims in other jurisdictions.

Adobe Form CPF Application – CPF Paralegal Robin Lawnichak has developed the CPF application using Adobe Forms to permit Claimants to prepare and submit CPF claim applications electronically. The final testing is being done before posting the form on the CPF home page on the State Bar's website.

Document Management System Update – CPF Paralegal Robin Lawnichak provided oversight for testing the upgrades to the CPF Department's document management software used to manage claim administration and to electronically store documents.

Scheduled Meetings-CPF Committee meetings have been scheduled for May 8, 2014, and August 7, 2014, to review claims and conduct other business as needed.

### **Other Information:**

Financial Activity–As of March 31, 2014, the Fund received **\$307,550.00** from the 2013/14 membership dues assessment, **\$6,560.00** in Pro Hac Vice fees, and \$915.68 reflecting contributions of abandoned lawyer trust funds. In addition, the Fund received subrogation payments from respondents totaling \$13,596.70 during the period April 1, 2013, through March 31, 2014. There is **\$76,950.00** authorized, but unpaid claims awaiting receipt of executed subrogation agreements. The Fund balance as of March 31, 2014, was **\$2,321,502.00**.<sup>1</sup>

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

**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:**

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<br>Collins & Smith<br>PC; 151 Central<br>Ave; Holland,<br>MI 49423-2831     | 616.796.2516 | <a href="mailto:nderks@fosterswift.com">nderks@fosterswift.com</a>                 |
| Co-chair      | J. Kevin McKay        | 63rd District<br>Court; 1950 E.<br>Beltline Ave<br>NE; Grand<br>Rapids, MI<br>49525-7075 | 616.632.7795 | <a href="mailto:Kevin.mckay@kentcountymtmi.gov">Kevin.mckay@kentcountymtmi.gov</a> |
| Staff Liaison | Peter<br>Cunningham   | State Bar of<br>Michigan; 306<br>Townsend St.;<br>Lansing, MI<br>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       | Julie A. Powell, Member      |
| Mary Alexis Bowen, Member     | Jonathan Sacks, Member       |
| Thomas P. Clement, Member     | Gretchen A. Schlaff, Member  |
| Nimish R. Ganatra, Member     | Samuel R. Smith, III, Member |
| Daniel Corrigan Grano, Member | Michael A. Tesner, Member    |
| James W. Heath, Member        | Bruce A. Timmons, Member     |
| Donna McKneelen, Advisor      |                              |
| Julia F. Norton, 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                      |
|-------------------|-------------------|-------------------------------|
| Committee Meeting | May 16, 2013      | State Bar of Michigan Offices |
| Committee Meeting | June 20, 2013     | State Bar of Michigan Offices |
| Committee Meeting | October 10, 2013  | State Bar of Michigan Offices |
| Committee Meeting | November 14, 2013 | State Bar of Michigan Offices |
| Committee Meeting | December 12, 2013 | State Bar of Michigan Offices |
| Committee Meeting | January 9, 2014   | Teleconference only           |
| Committee Meeting | February 13, 2014 | State Bar of Michigan Offices |
| Committee Meeting | March 13, 2014    | State Bar of Michigan Offices |

**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:**

Over eight meetings, the Committee took the following public policy positions:

1. [2012-11 - Proposed Amendment of MCR 6.302](#)  
**Oppose.**
2. [2013-12 - Proposed Amendment of Rule 7.313 of the Michigan Court Rules](#)  
**Support.**
3. [2013-18 - Proposed New Rules 2E.001 \*et seq.\* of the Michigan Court Rules](#)  
[2013-18 - Proposed Administrative Order No. 2013-\\_\\_\\_\\_\\_](#)  
[2013-18 - Draft Standards for E-filing](#)  
**Support with the recommended amendment that the filing deadline listed in MCR 2E.001 be changed from 5 PM to 11:59 PM, in line with the deadline of the Federal Courts.**
4. [2013-18 - Proposed Amendments of Rules 3.210, 3.215, and 6.104 of the Michigan Court Rules and Proposed New Rule 8.124 of the Michigan Court Rules](#)  
[2013-18 – Proposed Administrative Order No. 2013-\\_\\_\\_\\_\\_](#)  
**Support with amendment.**
5. [2013-28 - Proposed Amendment of Rule 2.510 of the Michigan Court Rules](#)  
**Support.**
6. [HB 4083](#) (Lori) Law enforcement; other; Michigan crime stoppers act; create, and provide for criminal assessments to fund crime stopper activities. Creates new act.  
**Oppose.**
7. [HB 4570](#)(Cotter) Courts, juries; Higher education, students. Courts; juries; eligibility to postpone jury service of students; expand to include full-time higher education students under certain circumstances. Amends sec. 1335 of 1961 PA 236 (MCL 600.1335).

**STATE BAR OF MICHIGAN  
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**Support.**

8. [HB 4583](#)(Johnson) Children, parental rights; Family law, parenting time; Crimes, criminal sexual conduct; Crimes, crimes against minors; Criminal procedure, sentencing. Children; parental rights; immediate termination of parental rights and visitation rights for parent or legal guardian upon sentencing for criminal sexual conduct or other sex crimes; allow. Amends sec. 19b, ch. XA of 1939 PA 288 (MCL 712A.19b).

[HB 4584](#)(Johnson) Family law, parenting time; Children, parental rights; Crimes, criminal sexual conduct; Crimes, crimes against minors; Criminal procedure, sentencing guidelines. Family law; parenting time; immediate termination of a grandparenting time order upon sentencing for certain criminal sexual conduct; allow. Amends sec. 7b of 1970 PA 91 (MCL 722.27b).

**Oppose.**

9. Mental Health Courts

**Support.**

10. [HB 5012](#) (Kowall) Crimes; prostitution; minors engaged in prostitution; create presumption of coercion under certain circumstances. Amends sec. 451 of 1931 PA 328 (MCL 750.451).

**Support with the removal of presumption and the addition of court adjudication before the transfer to the Department of Human Services for programs.**

11. [HB 5018](#) (Leonard) Criminal procedure, expunction; State agencies (existing), attorney general. Criminal procedure; expunction; requirement for attorney general review of a set-aside application; eliminate. Amends sec. 1 of 1965 PA 213 (MCL 780.621).

[HB 5019](#) (Johnson, J.) Juveniles, criminal procedure; Criminal procedure, expunction; State agencies (existing), attorney general. Juveniles; criminal procedure; requirement for attorney general review of a set-aside application; eliminate. Amends sec. 18e, ch. XA of 1939 PA 288 (MCL 712A.18e).

**Oppose.**

12. [HB 5020](#)(Jenkins) Courts, other; Crimes, intoxication or impairment; Law, sunset. Courts; other; DWI/sobriety court interlock pilot project; eliminate sunset. Amends sec. 304 of 1949 PA 300 (MCL 257.304).

[HB 5021](#)(Lauwers) Courts, other; Crimes, intoxication or impairment; Law, sunset. Courts; other; DWI/sobriety court interlock pilot project; eliminate sunset. Amends sec. 1084 of 1961 PA 236 (MCL 600.1084).

**Support.**

13. [HB 5025](#)(Heise) Criminal procedure, expunction; Crimes, prostitution. Criminal procedure; expunction; victim of human trafficking to set aside certain prostitution convictions; allow under certain circumstances. Amends secs. 1, 2 & 4 of 1965 PA 213 (MCL 780.621 et seq.).

**Support.**

14. [HB 5026](#)(Heise) Juveniles, other; Courts, family division; Courts, jurisdiction. Juveniles; other; court jurisdiction over dependent juveniles in danger of substantial physical or psychological harm; allow. Amends sec. 2, ch. XA of 1939 PA 288 (MCL 712A.2).

**Support HB 5026 with the amendment to limit it to human trafficking victims.**

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15. [HB 5055](#)(Johnson, J.) Criminal procedure, warrants; Criminal procedure, arrests; Courts, district court. Criminal procedure; warrants; defraying of costs incurred by local unit of government in executing bench warrants; allow. Amends sec. 1f, ch. IX of 1927 PA 175 (MCL 769.1f).

**Oppose.**

16. [HB 5078](#) (Haveman) Criminal procedure, sentencing guidelines. Criminal procedure; sentencing guidelines; sentencing guidelines commission; reestablish. Amends 1927 PA 175 (MCL 760.1 - 777.69) by adding secs. 32 & 33 to ch. IX.

**Support.**

17. [HB 5127](#)(Geiss) Criminal procedure, sentencing; Education, financing; State agencies (existing), education. Criminal procedure; sentencing; assessment fee for conviction of a misdemeanor or felony; create, and earmark into a safe and secure schools fund. Amends sec. 1j, ch. IX of 1927 PA 175 (MCL 769.1j).

**Oppose.**

18. [HB 5154](#) (Leonard) Criminal procedure; preliminary examination; certain rules and procedures for conducting a preliminary examination; revise. Amends secs. 4, 7, 11a, 11b & 13, ch. VI of 1927 PA 175 (MCL 766.4 et seq.).

[HB 5155](#) (Walsh) Courts; district court; probable cause conferences in felony and misdemeanor cases; clarify district court's jurisdiction. Amends secs. 8311 & 8511 of 1961 PA 236 (MCL 600.8311 & 600.8511) & repeals sec. 2167 of 1961 PA 236 (MCL 600.2167).

**Support the proposed substitute bill of HB 5154 as drafted by the Criminal Defense Attorneys of Michigan and Criminal Law Section workgroup.**

**Support HB 5155 with the removal of Section 8511(H).**

19. [HB 5238](#) (Kowall) Criminal procedure; expunction; set-aside of certain criminal records for victims of human trafficking; provide for. Amends secs. 1, 2 & 4 of [1965 PA 213](#) (MCL [780.621](#) et seq.).

**Support.**

20. [HB 5246](#) (Rogers) Criminal procedure; warrants; use of electronic video equipment for issuance of warrants; allow for law enforcement officials. Amends sec. 1, ch. IV of [1927 PA 175](#) (MCL [764.1](#)).

**Oppose.**

21. [HB 5270](#) (McMillin) Law enforcement, investigations; Law enforcement, communications. Law enforcement; investigations; electronic video recording of child interrogations; require. Amends 1975 PA 238 (MCL 722.621 - 722.638) by adding sec.

[HB 5271](#) (Kosowski) Criminal procedure, evidence; Children, protection. Criminal procedure; evidence; consideration of videorecorded statements in certain proceedings; allow. Amends sec. 2163a of 1961 PA 236 (MCL 600.2163a).

[HB 5272](#) (Hooker) Children, protection; Courts, probate court; Criminal procedure, evidence. Children; protection; videorecorded statements; allow to be used in child protective services hearings, increase fines for improper release of, and require to retain for certain period of time. Amends sec. 17b, ch. XIIA of 1939 PA 288 (MCL 712A.17b).

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**Support these bills with a suggested amendment that the video recording be returned to the custodian for the required period of time rather than the court.**

22. [HB 5383](#) (Lauwers) Criminal procedure; evidence; expert witness testimony concerning chemical testing and custody of evidence by video communication; allow at preliminary examination and trial for certain prosecutions, and provide for release subject to conditions reasonably necessary for the protection of the public under certain circumstances. Amends sec. 1, ch. III, sec. 6b, ch. V & sec. 22, ch. VIII of [1927 PA 175](#) (MCL [763.1](#) et seq.).

**Oppose.**

23. [SB 0518](#) (Proos) Traffic control, traffic regulation; Courts, other. Traffic control; traffic regulation; use of vehicle boots for failure to satisfy certain court obligations; allow. Amends sec. 4803 of 1961 PA 236 (MCL 600.4803).

**Oppose.**

24. [SB 0519](#) (Proos) Civil procedure, other; Courts, other; Crime victims, compensation; Criminal procedure, other; Family law, child support. Civil procedure; other; fines, costs, and other indebtedness to courts; require SCAO to establish a database, and require civil litigants to check database before paying or collecting on a judgment. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 1477.

**Oppose.**

25. [SB 0558](#) (Schuitmaker) Mental health, other; Corrections, alternatives; Criminal procedure, mental capacity. Mental health; other; program to divert persons with serious mental illness from justice system to treatment; establish. Amends 1974 PA 258 (MCL 330.1001 - 330.2106) by adding sec. 207a & repeals sec. 207 of 1974 PA 258 (MCL 330.1207).

**Support in concept.**

26. [SB 0591](#)(Proos) Criminal procedure, expunction; Criminal procedure, other. Criminal procedure; expunction; setting aside criminal conviction on grounds of being a victim of human trafficking; allow under certain circumstances. Amends secs. 1, 2 & 4 of 1965 PA 213 (MCL 780.621 et seq.).

**Support SB 0591 with the recommended amendment that the expunction only apply to prostitution.**

**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**

*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:** 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:**

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P28417 Hon. Cynthia D. Stephens  
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|---|--|
| <p>Members:</p> <p>Shirley A. Kaigler, Southfield<br/>Michael K. Lee, Southfield<br/>Monica P. Navarro, Auburn Hills<br/>Dewnya A. Bazzi, Dearborn<br/>Sherrie L. Farrell, Detroit<br/>Francis R. Ortiz, Detroit<br/>Kristin M. Vanden Berg, Grand Rapids<br/>Jon D. Botsford, Alto<br/>Emma Tiffany Chen, Detroit<br/>Jehan Grashara Crump-Gibson, Lathrup Village<br/>Zenna Faraj Elhasan, Detroit<br/>Elizabeth J. Fossil, Grand Rapids<br/>Lori J. Frank, Southfield<br/>Stephanie D. Jones, Detroit<br/>Lawrence Patrick Nolan, Eaton Rapids<br/>Damon L. White, Detroit</p> | <p>Advisors:</p> <p>E. Christopher Johnson, Jr., Auburn Hills<br/>Gabrielle C. Johnson, Lansing<br/>Chantez Pattman Knowles, Jackson<br/>Marla A. Linderman, Waterford<br/>Tonya Lynn Rodriguez, Lansing<br/>Hon. Angela Kay Sherigan, Shelby Township<br/>Kimberly Jones, Detroit</p> |
|---|--|

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**Committee Meeting Schedule:**

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

December 2, 2013- SBM Lansing Michigan

January 16, 2014- teleconference

March 6, 2014- SBM Lansing Michigan

\*Workgroups held teleconferences between meetings of the larger group.

**Resources provided by the State Bar of Michigan in support of committee work:** DIAC is staffed by the Director of Diversity and has a budget under the Equal Access Initiative

**Committee Activities:** The Diversity and Inclusion Advisory Committee, as a part of its mission to advise the Board of Commissioners and the profession, is developing a strategy to monitor the progress and implementation of a number of the recommendations from the Task Force Report of 1996 and to develop the information into ongoing reports.

The State Bar Task Force on Race/Ethnic and Gender Issues in the Courts and the Legal Profession (Task Force) that was put in place in 1996 by then State Bar President Victoria A. Roberts was charged with identifying what, if any progress had been made in Michigan on implementing the Joint Recommendations made in 1989 by the Supreme Court task forces on racial/ethnic and gender issues in the courts and the profession. It included a detailed analysis of the status of each of the recommendations made, the level of implementation achieved and additional suggestions for the future.

One of the original recommendations from 1989 was for the Supreme Court to create a standing committee on racial/ethnic and gender issues in the courts that would monitor progress, a strategy adopted in a number of states that were reviewing the impact of race ethnicity and gender on the functioning of the courts and the administration of justice, but not in Michigan. Although the Bar subsequently pursued a number of different strategies to address issues raised in the reports such as access to the courts for the underrepresented and diversity within the profession, no one entity has taken on the role of monitoring the progress of the specific recommendations from 1989.

The 1989 reports contained 167 specific recommendations that addressed virtually every aspect of the profession from the development and retention of minority and female lawyers and judges to the ability of citizens from diverse backgrounds to get adequate and fair access to legal services. The recommendations represent a “roadmap” to improving the profession and increasing access and fairness in the administration of justice.

The State Bar history of working to address diversity issues within the profession is rooted in the larger role that race, ethnicity and gender play in access to justice first identified in the 1986 report of the Michigan Supreme Court Citizen's Commission. That report concluded at the time that over one-third of Michigan's citizens believed that the Michigan court system discriminated against individuals on the basis of gender, race or ethnic origin. Since that time the Bar has strived to mitigate that belief in strategic ways by educating and engaging the profession and the public.

Making additional assessments as to implementation and progress is a natural continuation of those efforts. In addition DIAC is focused on diversity in its broadest definition including but not limited to race ethnicity and gender.

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**Future Goals and Activities:** DIAC has to date surveyed the Law Firms, Corporate Legal offices, Bar Associations, the Representative Assembly and Sections of the Bar regarding their composition and paths to leadership. In addition the Law School Work group has compiled data from all of the law schools in Michigan and will repeat that report periodically and expand the information about pipeline programs. DIAC is also gathering information about pipeline programs across the state to share among stakeholders in other formats including continuing to utilize the website database and potentially submitting articles to the Bar Journal. Future assessment goals include revisiting gathering information to assess trends, developing a “dashboard” to report out information to the profession and the community regularly. Future pipeline goals include developing an event to bring together stakeholders and pipeline program providers to collaborate and exchange best practices.

DIAC is considering ways of tracking implementation of recommendations from the 1989 Task Force reports that would further its mission of improving the profession.

**Other Information:** DIAC continues to look for diverse members of the profession to include on the committee and use as resources to accomplish the work of the group.

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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:** 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  |
|---------------|------------------------------------|--|------------------------------|--|
| Chairs        | P58021 Ashley E. Lowe              | 2630 Featherstone Rd.<br>Auburn Hills, MI 48326-2814 | 248.335.0125<br>x 7720       | <a href="mailto:lowea@cooley.edu">lowea@cooley.edu</a>   |
| Staff Liaison | Robert Mathis<br>Jennifer Williams | 306 Townsend St<br>Lansing, MI 48933-2012            | 517.346.6412<br>517.346.6421 | <a href="mailto:rmathis@mail.michbar.org">rmathis@mail.michbar.org</a><br><a href="mailto:jwilliams@mail.michbar.org">jwilliams@mail.michbar.org</a> |

| Member/Advisor/Other            | Member/Advisor/Other                      |
|---------------------------------|---|
| P73812 Emily A. Calabrese       | P45745 Kathleen M. Maine                  |
| P69517 Danielle J. Carter       | P55269 Robert W. Mendham, Jr.             |
| P64426 Darling A. Garcia        | P72349 Elizabeth M. Petsche (Advisor)     |
| P36171 Nancy E. Gallagher       | P52485 Bruce E. Petrick                   |
| P25664 Hon. Richard B. Halloran | P66350 Eilisia G. Schwarz (Rep. Assembly) |
| P75461 Abigail Jennex           | P37160 Rebecca E. Shiemke                 |
| P41113 Hon. Amy Ronayne Krause  | P69165 Katherine K. Strickfaden           |
| P57727 Jennifer V. Lamp         | P74562 Veronica T. Thronson               |
| P40362 Mary M. Lovik            |   |

**Committee Meeting Schedule:**

| Meeting Type                       | Date        | Location       |
|------------------------------------|-------------|----------------|
| Publications Subcommittee Meeting  | May 6, 2013 | Teleconference |
| Public Policy Subcommittee Meeting | May 7, 2013 | Teleconference |
| Committee Meeting                  | May 9, 2013 | Teleconference |

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|                                    |                   |                |
|------------------------------------|-------------------|----------------|
| Publications Subcommittee Meeting  | June 3, 2013      | Teleconference |
| Training Subcommittee Meeting      | June 6, 2013      | Teleconference |
| Public Policy Subcommittee Meeting | June 12, 2013     | Teleconference |
| Publications Subcommittee Meeting  | July 10, 2013     | Teleconference |
| Committee Meeting                  | June 13, 2013     | Teleconference |
| Training Subcommittee Meeting      | July 2, 2013      | Teleconference |
| Committee Meeting                  | July 11, 2013     | Teleconference |
| Training Subcommittee              | August 27, 2013   | Teleconference |
| Committee Meeting                  | October 2, 2013   | Teleconference |
| Public Policy Subcommittee Meeting | November 6, 2013  | Teleconference |
| Publications Subcommittee Meeting  | November 8, 2013  | Teleconference |
| Committee Meeting                  | November 13, 2013 | Teleconference |
| Training Subcommittee Meeting      | December 4, 2013  | Teleconference |
| Committee Meeting                  | December 11, 2013 | Teleconference |
| Public Policy Subcommittee Meeting | January 3, 2013   | Teleconference |
| Committee Meeting                  | January 8, 2013   | Teleconference |
| Public Policy Subcommittee Meeting | January 13, 2013  | Teleconference |
| Public Policy Subcommittee Meeting | February 7, 2013  | Teleconference |
| Committee Meeting                  | February 14, 2013 | Teleconference |
| Committee Meeting                  | March 14, 2013    | Teleconference |
| Committee Meeting                  | March 14, 2013    | Teleconference |
| Public Policy Subcommittee Meeting | April 9, 2013     | Teleconference |
| Committee Meeting                  | April 11, 2013    | Teleconference |
| Publications Subcommittee Meeting  | April 17, 2013    | Teleconference |
| Committee Meeting                  | May 16, 2013      | Teleconference |

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**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** (This subcommittee meets only as needed)
  - *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, 2013 to May 1, 2014 are as follows:

- May 2013 Issue – Long-term and Foreseeable Implications in Domestic Violence Matters
- August/September 2013 — Domestic Violence and Tax Law Implications
- October 2013 Issue– Domestic Violence Arrest Policies
- November 2103 Issue – Mail Order Brides
- December 2013 – Preparing for Court Proceedings w/Survivors of Domestic Violence: Tips for Civil Lawyers & Legal Aid Advocates
- February 2014 Issue – Domestic Violence Screening Tools for Consumer Lawyers
- March 2014 Issue – Review Recent Practice Book on Domestic Violence and Custody

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- April 2014 Issue – Batterer Intervention Standards
- May 2014 Issue – Custody Issues Involving the Hague Convention & Domestic Violence

**Public Policy Matters:**

Since the last annual report in May 2013, the DV Committee has taken a position to:

- **HB 4064 & HB 4414 (E-filing)** - The Committee voted to oppose this bill because they were concerned that there was no exception to the reasonable fee for low income parties. In addition, if fees apply to access to PPO cases, the provision will jeopardize the state's eligibility for millions of dollars in STOP grant funding. The following amendments were suggested: 1) no fee for enhanced access will be charged to low income litigants, which could be defined as litigants whose court fees have been waived or suspended pursuant to MCR 2.002, and 2) No fee for enhanced access will be charged to any party to a PPO case.
- **SB 325 (Uniformed Child Abduction Prevention Act)** – The Committee voted to support this bill as written.
- **HB 4583 (Probate Code and Child Protection Law)** – The Committee voted to oppose the bill due to concerns that if the presiding judge does not terminate parental rights, for whatever reason, there may be no recourse for the other party. The bill also raised res judicata issues, should the family want to subsequently go through family court to petition for the termination of parental rights. The Committee opposed the bills drafted but acknowledged the positive aspects of the bill.
- **HB 4584 (Grandparenting Time Statute)** – The Committee opposed the bill as drafted due to the bill being poorly written without guidance for the criminal court as well as possible administrative issues with parties having to rely on the criminal court to communicate with the family court.
- **SB 98 (Compensation of Individuals Wrongly Incarcerated)** – The Committee supported the bill as written.
- **HB 5082 (Parenting Coordinator)** – The Committee voted to oppose the bill as written but submitted suggestions due to the following concerns: 1) lack of adequate protection for parties while giving coordinators broad authority; 2) potential of batterers bullying victims into agreeing to a parenting coordinator when it may not be beneficial or safe for a victim of domestic violence; and 3) parenting coordinator's access to privileged and confidential information and the possible release of that information other parties.
- **HB 4913 (Strategic Limitation on SLAPP Law Suits)** – Similar to the 2009 bill, the Committee voted to support the bill as written.
- **ADM File No. 2013-04 Proposed Amendment of MCR 3.705 (Prohibit the Publication of Information on the Internet)** – The Committee voted to support the modification of the court rule.
- **SB 714 (Uniform Collaborative Law Act UCLA)** – The Committee took position to support the bill in concept but noted concerns: 1) no training in domestic violence screening or assessment required for collaborative lawyers; 2) Possible manipulation of domestic violence on part of batterer to needlessly extend the process leaving victim to find and pay for other representation in court; 3) lack of clarity re limitations on negotiation of safety of either party, i.e. if parties require provisions that limit contact in order to prevent violence, threats, or harassment, the collaborative process should be terminated immediately.
- **Proposed Amendments of Rule 3.210 (Default Cases)** – The Committee voted to oppose the Rule unless amended due to the concerns that offering a defaulted party more options is not beneficial in all cases, especially when the defaulted party is/was the abuser in a domestic violence relationship.

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**Trainings Provided**

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

The committee conducted a pro bono training for attorneys who are new to the area of domestic violence family law. The training on October 25, 2013, 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 22 participants that committed to take a pro bono family law case from a legal aid office within the next year.

**Future Goals and Activities:**

- **Advocates Training**

The DV Committee is interested in providing a training that would include a variety of professionals that work with domestic violence issues such as legal service providers, counselors, shelters, etc. Plans are being finalized with HAVEN for a joint training that will focus on the impact of domestic violence on survivors for both new and experienced attorneys. The proposed live training will occur at Cooley's Auburn Hills campus, with simultaneous broadcast to Cooley's campuses in Ann Arbor, Grand Rapids, and Lansing.

- **Webinars**

The DV Committee is reviewing the feasibility of providing webinar(s) to Michigan attorneys handling domestic violence family law cases. Webinar topics may include Personal Protection Orders, Property Division Procedures (QDROs, retirement accounts, spousal support, etc), and others.

- **Trauma Informed Practice**

The DV Committee is working with ICLE to sponsor a training session on Trauma Informed Practice at the next ICLE Family Law Training.

- **Coordination with Legal Services Provider on Training Opportunities**

The DV Committee is interested in partnering with legal services providers across the state. The committee is planning a conference call for early May with the pro bono coordinators. The conference call will provide the LSP pro bono coordinators an opportunity to express to the DV Committee the types of trainings that are needed in their respective offices, such as pro bono attorney recruitment and training, staff attorney development, and other topics.

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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  
James P. Pahl, Charlotte  
Referee Lorie Nancy Savin, Pontiac

*Liaison from Representative Assembly:*

Carl L. Collins, III, Southfield

**2013-2014 Meeting Schedule (date and location):**

October 18, 2013, Lansing, Michigan  
January 31, 2014, Lansing, Michigan  
April 11, 2014, Lansing, Michigan  
June 20, 2014, Lansing, Michigan

**Committee Activities:**

At each meeting, the committee discusses pending opinion requests. Since the last annual report, the committee approved JI-139, pertaining to judicial fundraising for a nonprofit or service as a board member of a nonprofit that directly supports a problem-solving court, taking into consideration amendments to the Michigan Code of Judicial Conduct effective August 1, 2013. The committee undertook an examination of all of the opinions that referenced any of the Canons impacted by the amendments adopted by the Supreme Court effective August 1, 2013, to determine whether changes were appropriate. As a result of that review,

the committee withdrew JI-012, replacing it with JI-140 (pertaining to whether a judge's service as an officer or director of an organization that makes grants disqualifies the judge from hearing cases involving grant recipients). The committee also voted to withdraw J-001 and replace it with J-008, an opinion discussing judicial participation in various charitable activities. The Board of Commissioners approved the withdrawal of J-001 and the adoption of J-008 on March 5, 2014.

**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:**

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***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 (2015)**

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**Daniel T. Stepek (2014)**

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***Reporter:***

Ruthann Stevens  
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***Staff Liaisons:***

Nkrumah Johnson-Wynn  
Assistant General Counsel  
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***Committee Members (term expiration):***

|   |   |
|---|---|
| Darcie R. Brault, Southfield (2015)           | Gerald V. Padilla, Birmingham (2014)    |
| José T. Brown, Flint (2015)                   | Norman H. Pylman, Grand Rapids (2014)   |
| David E. Christensen, Farmington Hills (2015) | Frank Harrison Reynolds, Lansing (2015) |
| David H. Fink, Bloomfield Hills (2015)        | Gene Schnelz, Birmingham (2014)         |
| Kiffi Y. Ford, Lansing (2015)                 | Kurt Schnelz, Birmingham (2014)         |
| Susan E. Gillooly, Detroit (2015)             | Daniel M. Share, Detroit (2015)         |
| Elizabeth P. Hardy, Birmingham (2015)         | Elizabeth A. Stafford, Detroit (2015)   |
| Pamela R. Harwood, Troy (2014)                | Jeffery V. Stuckey, Lansing (2015)      |
| Darryl T. Johnson, Suttons Bay (2015)         | Judith A. Susskind, Southfield (2015)   |
| Michael S. Leib, Southfield (2014)            | Leonard A. White, Saint Joseph (2014)   |
| Donald E. McGinnis, Jr., Troy (2015)          | Betty R. Widgeon, Ann Arbor (2015)      |
| Lambro Niforos, Grosse Pointe Woods (2015)    | Rock A. Wood, Grand Rapids (2014)       |
| Hal G. Ostrow, Grand Rapids (2014)            |   |

***Committee Meetings held between May 2013 and April 2014:***

May 14, 2013  
August 13, 2013  
September 10, 2013  
November 12, 2013  
December 10, 2013  
April 8, 2014

***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 2013 through April 2014, the Committee met 6 times and interviewed 61 candidates for judicial vacancies.

**STATE BAR OF MICHIGAN  
2013-2014 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:** Criminal Jury Instruction Committee

**Jurisdiction:** Draft 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 | 3055 Linden Park Dr., Bay City, MI 48706 | 989-225-6407 | bcaprathe@netscape.net    |
| Staff Liaison | Candace Crowley          | 306 Townsend, Lansing, MI                | 517-346-6319 | ccrowley@mail.michbar.org |

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

**Committee Meeting Schedule:**

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

| Meeting Type                       | Date               | Location  |
|------------------------------------|--------------------|---|
| Description                        |                    |   |
| Regular Meeting                    | May 4, 2013        | State Bar of Michigan   |
| Regular Meeting                    | September 21, 2013 | State Bar of Michigan   |
| Regular Meeting                    | December 7, 2013   | State Bar of Michigan   |
| Eyewitness ID Subcommittee Meeting | January 9, 2014    | Telephone   |
| Regular Meeting                    | February 1, 2014   | Committee discontinued as State Bar Committee; meeting did not occur. |

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

The State Bar provided staff support for meetings, printing support for materials, and coordinated the room, telephone access and food for the meetings.

**Committee Activities:**

The committee held three regular meetings, and one meeting of the subcommittee on Eyewitness Identification. See “Other Information” below for more information on those meetings.

The committee also followed the progress of the Michigan Supreme Court’s proposal in ADM File No. 2012-18 to amend MCR 2.512 to require Use of Model Criminal Jury Instructions. Committee Chair Judge William J. Caprathe and member Bill Vaillencourt attended the Supreme Court’s May 29, 2013 public hearing and testified on the proposed amendment.

On October 30, 2013, the Court issued an Order in ADM File No. 2012-18 that added Model Criminal Jury Instructions to MCR 2.512 Instructions to Jury. As explained in the Staff Comment, “The Court has determined that the function of adopting, amending, and repealing model criminal jury instructions should be structured similar to that for model civil jury instructions. As part of that structural change, this amendment requires trial courts to use model jury instructions in criminal cases under the same circumstances in which they are used in civil cases, i.e., if the instructions are applicable, accurately state the applicable law, and are requested by a party.”

The Court also issued an order on October 30, 2013 creating a Committee on Model Criminal Jury Instructions. Most of the members of that committee were serving on the State Bar Committee at the time; SBM Criminal Jury Instruction Committee Chair Hon. William J. Caprathe was named chair of the Supreme Court Committee.

As part of this transition, ICLE placed the criminal instructions, use notes, and histories in the public domain as of January 1, 2014. ICLE retained copyright in the extensive commentary contained in its criminal jury instruction product. ICLE remains as the exclusive source for that commentary.

The transition also saw the instructions, use notes, and histories available electronically and without charge, at the court’s website, in January 2014. The Court planned to post “Official Commentary,” i.e., a list of the citations for the primary authority on which the instructions are based, in early 2014.

The last meeting of the committee of the whole occurred on December 7, 2013. A meeting of the Eyewitness Identification sub-committee occurred on January 9, 2014. The work was continued after that in the Supreme Court committee.

**Future Goals and Activities:**

**Other Information:**

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**At its May 4<sup>th</sup> 2013 meeting**, the committee approved the amendment to CJI 2d 17.21 to conform to the 2012 statutory amendment on child abuse third degree.

The committee amended CJI 2d 15.11a and 15.12a “Operating with Any Amount of Schedule 1 or 2 Controlled Substance Causing Death.” The amendment was prompted in light of the Court of Appeals opinion in *People v Wilds*, No. 311644, decided April 2, 2013. The instruction is intended to state the elements of the offense found at MCL 257.625(4) and (8)

The committee decided to examine proposed instructions for the crime of identity theft at the September 21<sup>st</sup> meeting.

After statutory changes to the arson laws, the committee approved the following instructions:

- CJI 2d 31.2 Arson First Degree
- CJI 2d 31.4 Arson Second Degree
- CJI 2d 31.5 Arson Third Degree
- CJI 2d 31.7 Arson in the Fourth Degree
- CJI 2d 31.8 Arson of Insured Property – Dwelling
- CJI 2d 31.9 Arson of Insured Property – Building/Structure/Real Property
- CJI 2d 31.10 Arson of Insured Property – Personal Property
- CJI 2d 31.11 Preparation to Burn – Personal Property
- CJI 2d 31.12 Preparation to Burn – Personal Property with Fraudulent Intent
- CJI 2d 31.13 Preparation to Burn Dwelling – No Aggravating Circumstances
- CJI 2d 31.14 Preparation to Burn Building – No Aggravating Circumstances

**At its September 21, 2013 meeting**, a subcommittee was selected to initially look at the common introductory criminal and civil jury instructions. The subcommittee would then decide the scope of the collaborative effort. The subcommittee consists of members Anica Letica (chairperson), Opolla Brown, Judge Annette Berry, Judge Bill Caprathe and Dan Kopka.

The Committee approved an amendment to CJI2d 11.17 – Being Armed with Firearm or Dangerous Weapon with Unlawful Intent - the instruction to conform with the language of MCL 750.226 as well as a notation in *People v Bradford Scott Mitchell*, 301 Mich App 282 (2013). Committee member Ron Bretz opposed the amendment to the instruction.

The committee approved an amendment to paragraph (3)(c) of CJI2d 8.1 – Aiding and Abetting - to comply with the holding in *People v Robinson*, 475 Mich 1 (2006).

The committee tabled proposed language on a new instruction regarding Criminal Sexual Conduct, Third degree – Teacher, until the February 1, 2014 meeting.

The committee voted to adopt new instructions on the subject of identity theft (30.14, 30.15, 30.16, 30.17, 30.18, and 30.19).

**STATE BAR OF MICHIGAN  
2013-2014 COMMITTEE ANNUAL REPORT**

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

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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<br>Washington<br>2 <sup>nd</sup> Fl<br>Saginaw, MI<br>48607 | 989 755-3120 | <a href="mailto:tstangl@ccj-mi.org">tstangl@ccj-mi.org</a>               |
| Co-chair      | Erika L. Davis        | 645 Griswold<br>Suite 1300<br>Detroit MI<br>48226                 | 313 237-6295 | <a href="mailto:Erika@butlerdavis.com">Erika@butlerdavis.com</a>         |
| Staff Liaison | Janet K. Welch        |   | 517 346-6331 | <a href="mailto:jwelch@mail.michbar.org">jwelch@mail.michbar.org</a>     |
| Staff Liaison | Candace A.<br>Crowley | 306 Townsend<br>St., Lansing, MI<br>48933                         | 517 346-6319 | <a href="mailto:ccrowley@mail.michbar.org">ccrowley@mail.michbar.org</a> |

| Member/Advisor/Other | Member/Advisor/Other |
|----------------------|----------------------|
| Jennifer Z. Belveal  | Member               |
| Michael J. Blau      | Member, RA Liaison   |
| Lorray S. C. Brown   | Member               |
| Aaron V. Burrell     | Member               |
| Heather J. Garretson | Member               |
| Robert F. Gillett    | Member               |
| Valerie R. Newman    | Member               |
| Linda K. Rexer       | Member               |
| Maya K. Watson       | 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  |                  |                       |
| CJI Meeting  | May 22, 2013     | Teleconference        |
| CJI Meeting  | June 19, 2013    | Teleconference        |
| CJI Kickoff  | October 21, 2013 | State Bar of Michigan |
| CJI Meeting  | December 9, 2013 | Teleconference        |
| CJI Meeting  | February 3, 2014 | Teleconference        |
| CJI Meeting  | April 7, 2014    | Teleconference        |
| JI Summit    | April 28, 2014   | State Bar of Michigan |

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

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

**Committee Activities:**

**May 22, 2013 Meeting**

CJI learned about the topics presented at both the National Consortium for Racial and Ethnic Fairness in the Courts and the Equal Justice Conference, and looked more closely at whether a CJI restructure is in order. It agreed to form a cross-initiative work group to draft an ATJ position on the proposed e-filing court rules, using the recently issued [Principles and Best Practices for Access-Friendly Court Electronic Filing](#) as a guide. It received reports on the Fourth Annual JI Summit, and the ABA Day activities.

**Fourth Annual Justice Initiative Summit**

Nearly 70 leaders representing Michigan courts, law firms, bar associations, and community justice organizations gathered at the State Bar of Michigan on Monday, April 29, 2013 for the fourth annual Justice Initiatives Summit. “Why Did I Do That? The Science behind Our Decisions” addressed unintentional bias in the justice system. A [Summary Report](#) was distributed to participants with a request that they share it with their constituent groups.

**ABA Day**

The State Bar delegation consisted of Bruce Courtade, Janet Welch, Reginald Turner, Judge Timothy Hicks and Peter Cunningham. They joined lawyers throughout the country for the annual ABA Day trip to Washington DC that occurred April 16-18.

**STATE BAR OF MICHIGAN**  
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**June 19, 2013 Meeting**

The committee received an update on the progress of the e-filing workgroup, which expects to have its comments on ADM 2013-18 regarding proposed court rules and standards ready for CJI to review on July 12<sup>th</sup>. It postponed efforts to restructure CJI until the next bar year.

**CJI Presentation to Young Lawyers Section**

Val Newman, Mike Blau and Candace Crowley made a presentation on the history and work of JI to the Young Lawyers Section Summit on June 8 in Detroit. There was a good crowd of people and they received the information well. CJI will continue to look for more opportunities to get the JI message to new lawyers.

**Justice Initiatives Annual Kickoff Meeting**

The annual kickoff was held on October 21, 2013. Eight new people are part of the initiatives; an orientation session was presented to them by Rob Mathis before the formal proceedings began. Janet Welch, Peter Cunningham, and Nell Kuhnmuensch provided a snapshot of the political landscape for the upcoming year. The agenda included a review of the Keller impact on State Bar policy work, and the importance of strategic partnerships with other groups. It also highlighted the historic role that the JI community has played in developing State Bar policy, and set the stage for continued and strengthened involvement in policy work. Indigent defense and the Uniform Collateral Consequences Act were set forth as examples of the detailed and frequently lengthy process involved in developing successful policy positions.

The morning presentations on policy development led to lunchtime table discussions in which participants identified (1) at least one proactive priority policy issue for JI to address this year regardless of the political climate and (2) at least one program that should be organized by the initiatives. Those discussions revealed considerable interest in e-filing and the digital divide; fees, fines and costs passed on to defendants without representation by a lawyer and often resulting in incarceration for failure to pay fines; and expansion of the Elliot Larsen Civil Rights Act to include lesbian, gay, bi-sexual and transgendered people. Members are interested in programs that will inform the profession about the negative impact of the fees, fines and cost issue on our client community; the impact of technology changes on indigent and other vulnerable people; and expansion of the unintentional bias awareness programs.

The day concluded when the Committee on Justice Initiatives recorded all of the initiative meetings and then set its own schedule of meetings for the year.

**December 9, 2013 Meeting**

The committee reviewed the summary of policies and programs discussed at the October Kickoff meeting. Rob Mathis presented a written report was on the National Legal Aid and Defender conference. The members turned their attention to the April 28 Justice Initiatives Summit. There was interest in addressing fees, fines and costs; language access; or the work of the Race Equity Coalition child welfare disproportionate impact group. These ideas will be conveyed to the Summit Cabinet appointed in January.

**February 3, 2014 Meeting**

The committee received reports from the initiatives, the Summit Cabinet, and the ABA Day planners. It received information on SB 743 introduced to de-unify the State Bar. It also received and discussed information on committee membership and leadership.

**STATE BAR OF MICHIGAN**  
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**April 7, 2014 Meeting**

CJI prepared to present the April 28, 2014 Fifth Annual Justice Initiatives Summit. This year's topic is "Language Access: Best Practices in Michigan Courts." Tom Rombach will host the meeting. Welcoming remarks will be provided by Chief Justice Robert Young and Justice McCormack. ABA Standing Committee on Legal Aid and Indigent Defense Chair Lisa Wood will deliver the plenary. Fifty five people are confirmed to attend at the time of this writing and participants include judges, court staff, SCAO staff, legal aid advocates, bar association leaders, community partners, interpreters, and others.

CJI supported the proposed amendments to MCR 1.111 regarding the appointment of interpreters and suggested an expansion of the coverage to include courthouse operations and courtroom proceedings.

The committee arranged for approval of attendance of leaders and staff at the Equal Justice Conference in Portland Oregon at the end of April, and at the National Consortium for Racial and Ethnic Fairness in the Courts to occur in Wyoming in June.

The committee followed the development of materials, strategies, and delegation communications for the April 8-10 ABA Days in Washington DC

**April 28, 2014 Justice Initiatives Fifth Annual Summit.**

"Language Access: Best Practices in Michigan Courts." A [Summary of Events](#) is available online.

**Future Goals and Activities:**

CJI must 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 timing of this will be discussed at future meetings.

**STATE BAR OF MICHIGAN  
2013-2014 COMMITTEE ANNUAL REPORT**

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

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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      | Heather J. Garretson | Thomas M. Cooley Law School; 111 Commerce Ave SW; Grand Rapids, MI 49503-4105     | 616.301.6800 | <a href="mailto:garretsh@cooley.edu">garretsh@cooley.edu</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                |
|----------------------------------|-------------------------------------|
| Caridad Pastor Cardinale, Member | Hon. Mabel Johnson Mayfield, Member |
| Hon. Jeffrey J. Dufon, Member    | Catherine M. O'Meara, Member        |
| Pamela Chapman Enslin, Member    | Hon. Angela Kay Sherigan, Member    |
| Hon. Katherine L. Hansen, Member | Regina Ann Wright, Member           |
| David C. Koelsch, Member         |                                     |

**Committee Meeting Schedule:**

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

| Meeting Type       | Date             | Location       |
|--------------------|------------------|----------------|
| Initiative Meeting | May 15, 2013     | Teleconference |
| Initiative Meeting | June 19, 2013    | Teleconference |
| Initiative Meeting | October 21, 2013 | In Person      |
| Initiative Meeting | November 5, 2013 | Teleconference |
| Initiative Meeting | December 3, 2013 | In Person      |
| Initiative Meeting | February 4, 2014 | Teleconference |
| Initiative Meeting | March 4, 2014    | Teleconference |
| Initiative Meeting | April 1, 2014    | Teleconference |

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**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:**

Juvenile Justice Task Force:

At the October 21, 2013 meeting, The Initiative discussed several ideas for projects and task force topics, including access to treatment outside of the court system and juvenile justice issues.

The Initiative formed a Juvenile Justice Task Force to focus on juvenile justice issues such as the school to prison pipeline, collateral consequences for juveniles, adjudication and expungement of juvenile crimes, and educating stakeholders of all of the above and more. The work of the Task Force is ongoing but it hopes to eventually produce something similar to the Eleven Principles for Public Defense which later led to the creation of the Michigan Indigent Defense Commission.

The Initiative produced a document titled “Collateral Consequences of Juvenile Adjudication in Michigan” to help Michigan citizens understand the juvenile justice system and the potential collateral consequences that juveniles may face as a result of conviction. The Initiative is currently looking for effective ways to distribute this information, including having it posted on the Michigan Legal Help website ([michiganlegalthelp.org](http://michiganlegalthelp.org)).

UCCCA:

The Initiative continued to work on the Uniform Collateral Consequences of Conviction Act (UCCCA) previously approved by the Representative Assembly. The Initiative drafted a Michigan-specific version of the UCCCA, and Initiative members and staff met with legislators, the governor’s office and other stakeholders on the legislation to build support. The Initiative hopes to have legislation introduced later this calendar year, and there is some interest among legislators and the governor’s office to that purpose.

Other Public Policy:

The Initiative discussed several pieces of legislation and offered the following recommendations to the Committee on Justice Initiatives:

- [HB 4083](#) (Lori) Law enforcement; other; Michigan crime stoppers act; create, and provide for criminal assessments to fund crime stopper activities. Creates new act.  
Recommendation: Oppose.
  
- [HB 4694](#) (Cotter) Courts; circuit court; mental health court; create.  
[HB 4695](#) (Haines) Courts; circuit court; mental health court; create.  
[HB 4696](#) (Walsh) Courts; circuit court; mental health court; create.  
[HB 4697](#) (O'Brien) Courts; circuit court; mental health court; create.  
Recommendation: Support.
  
- [HB 5078](#)(Haveman) Criminal procedure, sentencing guidelines. Criminal procedure; sentencing guidelines; sentencing guidelines commission; reestablish. Amends 1927 PA 175 (MCL 760.1 - 777.69) by adding secs. 32 & 33 to ch. IX.  
Recommendation: Support.
  
- [HB 5154](#) (Leonard) Criminal procedure; preliminary examination; certain rules and procedures for conducting a preliminary examination; revise. Amends secs. 4, 7, 11a, 11b & 13, ch. VI of 1927 PA 175 (MCL 766.4 et seq.).

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Recommendation: The committee voted to support the proposed substitute bill of HB 5154 as drafted by the Criminal Defense Attorneys of Michigan and Criminal Law Section workgroup, which

- Requires discovery
  - Allows for no victim testimony, and
  - Video testimony taken at the preliminary examination is admissible at trial.
- [HB 5238](#) (Kowall) Criminal procedure; expunction; set-aside of certain criminal records for victims of human trafficking; provide for. Amends secs. 1, 2 & 4 of [1965 PA 213](#) (MCL [780.621](#) et seq.).

Recommendation: The Initiative voted to support HB 5238, while offering the suggestion that the categories of crimes expunged be broader, as in Senate Bill 0591.

**Future Goals and Activities:**

CII anticipates that next year it will continue to focus on the two main projects from this year: (a) juvenile justice; and (b) passage of the Uniform Collateral Consequences of Conviction Act. In addition CII will continue to comment on pending legislation of interest.

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2013-2014 COMMITTEE ANNUAL REPORT**

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**Committee Name:** Equal Access Initiative

**Jurisdiction:**

Developing policies and programs to benefit underserved populations, including juveniles and those with special needs.

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

| Officer       | Name                 | Address  | Telephone    | Email  |
|---------------|----------------------|--|--------------|--|
| Co-chair      | Aaron Vaughn Burrell | Dickinson Wright PLLC<br>500 Woodward Ave Ste 4000<br>Detroit, MI 48226-5403   | 313.223.3118 | <a href="mailto:aburrell@dickinsonwright.com">aburrell@dickinsonwright.com</a> |
| Co-chair      | Maya K. Watson       | Bodman PLC<br>1901 Saint Antoine St Fl 6, Ford Field<br>Detroit, MI 48226-2310 | 313.393.7502 | <a href="mailto:mwatson@bodmanlaw.com">mwatson@bodmanlaw.com</a>               |
| Staff Liaison | Gregory Conyers      | State Bar of Michigan;<br>306 Townsend St.;<br>Lansing, MI 48933-2012          | 517.346.6358 | <a href="mailto:gconyers@mail.michbar.org">gconyers@mail.michbar.org</a>       |

| Member/Advisor/Other     | Member/Advisor/Other      |
|--------------------------|---------------------------|
| Hon. William J. Caprathe | Hon. Patricia P. Fresard  |
| Raymond J. Carey         | Linda D. Johnson          |
| Mark A. Cody             | Nicholas M. Ohanesian     |
| Syeda Farhana Davidson   | Paul S. Teranes           |
| Erika Lorraine Davis     | Laurin' C. Roberts Thomas |
| Yasmin J. Elias          | Michael T. Woodyard       |
| J. Kay Felt              |                           |

**Committee Meeting Schedule:**

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

| Meeting Type       | Date              | Location       |
|--------------------|-------------------|----------------|
| Initiative Meeting | December 5, 2013  | Teleconference |
| Initiative Meeting | February 13, 2014 | Teleconference |
| Initiative Meeting | April 3, 2014     | In Person      |

\*workgroups meet in between meetings of the larger group.

**STATE BAR OF MICHIGAN**  
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**Resources provided by the State Bar of Michigan in support of committee work:**

The Director of Diversity is staff to the Equal Access Initiative.

**Committee Activities:**

The EAI recently developed a program, “Right to Counsel: A Right to Counsel in Civil Matters” that provided participants with information about the work being done nationally on the topic and a view of the Michigan landscape regarding representation for those who need assistance. John Pollock from the Public Justice Center and currently coordinator of the National Coalition for a Civil Right to Counsel and a nationally recognized leader on the topic provided information about several pilot projects around the country. Local stakeholders including Joan Glanton Howard, Chief Counsel, Civil Law Group Legal Aid and Defender Association; David Moss, Director of Clinical Education, Wayne State University Law School; and Angela Tripp, Co-Managing Attorney, Michigan Poverty Law Program and Project Manager, Michigan Legal Help Program described the Michigan scene. The program was well attended and sets the stage for further work in this important area.

EAI has several workgroups that engage in the following activities. The Disabilities workgroup is focused on issues effecting practitioners working with the disabled community and those that have disabilities. The group publishes an e newsletter quarterly that addresses particular issues useful to the nearly 750 subscribers it reaches.

The 2013 Annual meeting included a program titled “Problem Solving Courts: Lessons Learned & Implications for People with Mental Health Care Needs” that followed on the heels of the passing of legislation in support of expanding the availability of mental health courts. Two panels of experts from around the state discussed the implications of the legislation and the value of the problem solving courts that are already operating across Michigan. The program was attended by over 80 participants and is available as an audio recording on the Bar website.

The Jury curriculum project workgroup in conjunction with members of the Law Related Education Committee is revamping the materials that have been used over the last several years to introduce students to the importance of juries to the rule of law, the need for a diverse jury pool and civic responsibility.

**Future Goals and Activities:**

EAI is planning to continue work in the area of right to counsel in order to educate members about national efforts. The Disabilities Work group will continue to focus on mental health courts and school prison pipeline and quarterly e newsletters on topics of importance to practitioners. Once the revisions are complete the Jury Curriculum project will be offered to students across the state in partnership with educators and volunteer lawyers and judges. Additional programs regarding language access and issues related to access to courts for underrepresented groups are being considered.

**Other Information:** EAI continues to focus on providing newer lawyers with opportunities to develop in leadership positions within the initiative.

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

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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@mplp.org">lorrayb@mplp.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                |
| Heather Renee Abraham, Member    | Kenneth C. Penokie, Member          |
| Kelly Lynn Bidelman, Member      | Tonya Myers Phillips, Member        |
| Desiree M. Ferguson, Member      | Christine N. Seppala, Member        |
| Jessica S. Fox, Member           | Hon. Cynthia D. Stephens, Member    |
| Hemant Madhusudan Keskar, Member | Thomas K. Thornburg, Member         |
| Daniel M. Levy, Member           |                                     |
| Nancy L. Mullett, Member         | Holli J. Wallace, Member (deceased) |
| Jill L. Nylander, Member         |                                     |

**Committee Meeting Schedule:**

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

| Meeting Type       | Date              | Location                      |
|--------------------|-------------------|-------------------------------|
| Initiative Meeting | May 7, 2013       | Teleconference                |
| Initiative Meeting | June 4, 2013      | Teleconference                |
| Initiative Meeting | October 21, 2013  | State Bar of Michigan offices |
| Initiative Meeting | December 13, 2013 | Teleconference                |
| Initiative Meeting | March 14, 2014    | Teleconference                |
| Initiative Meeting | April 11, 2014    | 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.

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**Committee Activities:**

Over six meetings, the Initiative made the following recommendations on policy items:

1. [SB 0518](#) (Proos) Traffic control, traffic regulation; Courts, other. Traffic control; traffic regulation; use of vehicle boots for failure to satisfy certain court obligations; allow. Amends sec. 4803 of 1961 PA 236 (MCL 600.4803).

**Oppose.**

2. [SB 0519](#) (Proos) Civil procedure, other; Courts, other; Crime victims, compensation; Criminal procedure, other; Family law, child support. Civil procedure; other; fines, costs, and other indebtedness to courts; require SCAO to establish a database, and require civil litigants to check database before paying or collecting on a judgment. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 1477.

**Oppose.**

3. [HB 5069](#) (Heise) Property; other; liability for damages if landlord enters premises; provide exception if occupant is squatting. Amends secs. 2918, 5711 & 5714 of 1961 PA 236 (MCL 600.2918 et seq.).

**Oppose.**

The Initiative is also exploring proposing an amendment to MCR 7.109 regarding transcript fees in cases on appeal from the Department of Human Services when the appellant is an indigent.

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             | Jennifer Z. Belveal              | 660 Woodward Ave Ste 2290<br>Detroit, MI 48226   | (313) 465-7382               | <a href="mailto:jbelveal@honigman.com">jbelveal@honigman.com</a>   |
| Co-Chair             | Robert F. Gillett                | 420 N 4 <sup>th</sup> Ave<br>Ann Arbor, MI 48104 | 734-665-6181<br>ext. 24      | <a href="mailto:rgillett@lsscm.org">rgillett@lsscm.org</a>   |
| Staff Liaison        | Candace Crowley<br>Robert Mathis | SBM  | 517-346-6319<br>517-346-6412 | <a href="mailto:ccrowley@mail.michbar.org">ccrowley@mail.michbar.org</a><br><a href="mailto:rmathis@mail.michbar.org">rmathis@mail.michbar.org</a> |
| Commissioner Liaison | n/a                              |  |                              |  |

| Member                    | Member                |
|---------------------------|-----------------------|
| C. Michael Bryce          | Sandra D. Parker      |
| Margaret (Peggy) Costello | Kimberly Paulson      |
| Hon. Denise Page Hood     | Linda K. Rexer        |
| Joan Glanton Howard       | Marcy L. Rosen        |
| Kirsten A. Inquilla       | Amy L. Sankaran       |
| Ashley E. Lowe            | Justin M. Sheehan     |
| Todd M. Morgan            | Cynthia M. Ward       |
| Keith L. Morris           | Robert L. Willis, Jr. |
| Heidi A. Naasko           |                       |

**Committee Meeting Schedule:**

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

| Meeting Type             | Date              | Location              |
|--------------------------|-------------------|-----------------------|
| Teleconference           | June 10, 2013     | n/a                   |
| Teleconference           | September 9, 2013 | n/a                   |
| In-person/teleconference | October 21, 2013  | State Bar of Michigan |
| Teleconference           | December 12, 2013 | n/a                   |
| Teleconference           | March 13, 2014    | n/a                   |

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**Resources provided by the State Bar of Michigan to support 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. ABA Day (Governmental Relations)
2. Assessment of Pro Bono in Michigan Report and Implementation
3. ATJ Fund Eligible / PBI Approved Organization--Application Review
4. Circle of Excellence--Tiered COE Development / Voluntary Pro Bono Standard
5. Circle of Excellence--Yearly Application Review
6. Homelessness Workgroup
7. John W. Cummiskey Award
8. MI-LAPP Malpractice Insurance for Pro Bono Administration
9. MI-LAPP Tax Pro Bono Referral Panel Program Administration
10. MI-LAPP QDRO Pro Bono Panel Program Administration
11. Pro Bono Menu of Opportunities
12. Pro Bono Month
13. Pro Bono Reference Manual / Law Related Organizations Search Database
14. Spring Pro Bono Workshop
15. Veteran Resources Workgroup

The **John W. Cummiskey Award** was presented to attorney **Robert (Rob) Mossel** of Ford Motor Credit at the SBM awards dinner at the annual meeting in Lansing. The award includes a \$2,000 donation to an ATJ program to be made through the Access to Justice Fund. Rob asked the award be designated for Legal Aid and Defender Association.

Nominations for the **2014 John W. Cummiskey Award** will be reviewed and a nominee identified in May 2014.

**MI Pro Bono Assessment Report** - The Assessment Report has been publicized and is now widely known by Michigan's pro bono community and other key stakeholders. The report was also a fundamental part of the 2013 Pro Bono Workshop.

The primary emphasis of the assessment was on what legal aid providers can do differently to improve their work with pro bono, with a major focus on systems, coordination of resources, leadership and support, including institutional and structural support, that facilitate that result. It identified projects and strategies that have proven successful in Michigan and nationally in engaging private attorneys in meaningful work. Such information was analyzed to understand better the factors that either enhance or impede effective engagement of pro bono lawyers in responding to low-income communities' needs.

The report notes the very strong system of "intentional and conscious support for pro bono at the state level, at the core of which are the State Bar of Michigan and the Michigan State Bar Foundation." It notes that "The system's strength also derives from a culture of collaboration and coordination that infuses the relationship of these two central institutions, as well as their relationship with the leadership of the legal aid community."

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With the guidance and support of consultant John Tull, the group is proceeding with developing a self-assessment tool which will allow each program to look critically at its own delivery of pro bono services, one of the recommendations in the Assessment Report. Another recommendation of the report is the creation of new relationships and pro bono initiatives accomplished in part by increased outreach to non-affiliated legal and social service organizations. Staff member Rob Mathis will focus on this recommendation.

**The Fifth October as Pro Bono Month Celebration occurred in 2013, which included over 50 events throughout Michigan during the Pro Bono Month 2013 season.** The **Pro Bono Month website** included a list of upcoming pro bono month events, talking points, a sample speech, and many other resources. Looking forward to 2014, the workgroup wants to continue to increase the number of pro bono events; the promotion of the need for pro bono legal services for the poor; and the collaboration by law firms, attorneys, and LSPs on pro bono events. As part of the planning process for Pro Bono Month 2014, the workgroup is working with the Spring Pro Bono Workshop workgroup to incorporate a Pro Bono Month piece in the agenda, with the goal of getting people thinking about Pro Bono Month early, and to assist in the facilitation of more collaboration between law firms, attorneys, bar associations, and LSPs in sponsoring Pro Bono Month events.

**Michigan Governor Rick Snyder** signed a proclamation declaring October 2013 as Pro Bono Month.

The **Sixth Annual October as Pro Bono Month** is set for October 2014.

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. Please visit <http://www.michbar.org/alawyerhelps> for information on how to submit stories for inclusion on the website.

2013 was another successful year for **MI-LAPP's QDRO Referral Program**. In 2013, the program closed 65 QDRO referral cases and 41 cases were referred to the QDRO program by Michigan legal services providers. The great success of the program in 2013 was due to the program's dedicated volunteer Drafters. In 2013, the program's volunteers included: **Joseph Cunningham, Robert (Bob) Treat, Nancy Keppelman, David and Jackie Roessler, Mary Ade, Warren Widmayer, Michael Friedman, Gregory Schermerhorn, Crescent Moran, and Mickey Bartlett**. Each QDRO case 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 Bob 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 2013, many pro bono attorneys utilized the MI-LAPP malpractice insurance program; attorneys that otherwise could not have offered pro bono legal services due to their lack of malpractice insurance.

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The **Fifth Annual Spring Pro Bono Workshop**, “*The Power of Pro Bono*,” occurred on **May 15, 2013**. Over 55 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, Bruce Courtade (2012-2013). The evaluations from the workshop were all positive, with attendees reporting they would attend the 2014 workshop.

The **Sixth Annual Spring Pro Bono Workshop**, entitled, “*The Power of Pro Bono: For Your Program & For Michigan*,” is slated for May 14, 2014 at the State Bar. The workshop sessions are designed to encourage interactive discussions, with increased opportunities for attendees to network to discuss strategies for increasing pro bono legal services in Michigan.

The 2013 **Circle of Excellence** appeared in the June 2013 Michigan Bar Journal, and also included information on the 2014 COE’s two tiers of recognition. The Excellence Level will maintain the same criteria as the current COE. The Leadership Level will be determined on an aggregate firm basis using a 30-hour or \$500 standard. In the beginning of 2014, personalized letters were mailed to law firms that have previously appeared on the COE, and Michigan’s largest firms not previously appearing on the COE. The letters, which included a message from SBM President Brian Einhorn, advised firms of the 2014 COE applications. 2014 COE applications were due on April 4, 2014.

**Tax Pro Bono Referral Panel Program.** On Saturday, June 8, 2013, 29 attorneys participated in the initial program training. The in-person training was at Cooley’s Lansing Campus, with simultaneous broadcast to Cooley’s Ann Arbor, Auburn Hills, and Grand Rapids Campuses. Initially, the referral program initially accepted referrals from the Low Income Taxpayer Clinics at MSU, UM, and the Accounting Aid Society of Detroit. The referral match program is now accepting referrals from other LSPs.

Robert Mathis attended the **2013 ABA Equal Justice Conference** in St. Louis, MO. Erika Davis attended the Access to Justice Chair’s meeting.

Bob Gillett and Rob Mathis attended the **2013 NLADA Annual Conference** in Los Angeles.

The **Michigan Legal Help** website ([michiganlegalthelp.org](http://michiganlegalthelp.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. PBI members are interested in MichiganLegalHelp.org because it has proven to be very helpful for people that cannot afford an attorney and cannot get assistance from a legal service provider or a pro bono attorney. Highlights of the website include almost 10,000 visits to the site each week and almost 1.7 million page views since its launch. In terms of pro bono service, law students are providing live assistance to clients needing help navigating the website and answers to questions not requiring legal advice. A Spanish version of the site will be launched soon.

The **Pro Bono Reference Manual** has been updated and is now on-line. Updates to the manual can now be done quickly as needed. A new addition to the manual is the searchable Michigan Law Related Organizations Search function, which allows the user to search by legal service area and county. The information in the search function is verified and updated frequently.

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**The Pro Bono Council Program at the US District Court Eastern District of Michigan** was formed in 2013 to help alleviate its pro se docket. The new Pro Bono Council Program now can place approximately 125 cases. The pro bono program also includes pro bono mediation panels.

The new **Veterans Resources Workgroup** was formed by the PBI to work with the increasing number of organizations being formed throughout Michigan to address the growing unmet legal needs of Michigan's veterans and service members. The workgroup recently created an electronic survey distributed to LSPs in Michigan to find out what legal services are being offered that are special or unique for veterans. Peggy Costello has also put together a comprehensive "Military and Veterans' Legal Services Guide" which will create a resource guide for veterans/advocates to find resources throughout Michigan. The workgroup has also been talking with the AG's office to provide the resource list on the AG website, and the information assessable through the legal services search function on the PBI/Pro Bono Manual site.

The PBI also formed a new **Homelessness Workgroup** which will research and determine what legal resources are available for Michigan's homeless, what barriers exist that prevent the homeless from accessing legal services, and suggest strategies for overcoming these barriers. The workgroup will also focus its attention on the coordination of efforts between pro bono lawyers and the existing legal services programs in each of the different areas of the state.

The **IMPACT Project** is operating with Vice President Biden's Office and the association of pro bono counsel (APBCo). The idea for IMPACT leverages the resources of law firms to systemically respond to the unmet legal needs of the community, with support and assistance from the legal aid community. In the Detroit community, there are two programs that are being discussed as potential IMPACT projects, which include a Micro-Business Initiative and a Domestic Violence Prevention Project. Both projects are still in the planning stages. The Micro-Business Initiative would focus on free legal advice in connection with starting and managing a small business or nonprofit, and dealing with legal and financial challenges facing a small business. The Domestic Violence Prevention Project would provide pro bono attorneys to represent DV survivors in PPO termination hearings and well as providing assistance with completing applications for PPOs. There is hope this Project will have a significant positive impact on Detroit.

SBM Staff is pleased to announce adding newly hired **PBI intern**, Benjamin Ensroth. Ben will provide support to the many workgroups, projects, and subcommittees of the PBI.

**Future Goals and Activities:**

Most 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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The committee noted that MCL 257.625 has been amended and a new category of “other intoxicated substance” has been added. The amendment potentially impacts CJI 2d 15.1, CJI 2d 15.3, CJI 2d 15.11 and CJI 2d 15.2. The committee voted to table the development of new definition instructions until the February 1, 2014 meeting.

The committee was asked by the State Bar Eyewitness Identification Task Force to adopt a new instruction based on the Task Force reports and draft instruction. The committee voted to create a subcommittee to review the proposed instruction as well as the existing 7.08 instruction. The subcommittee agreed to meet on December 7, 2013 and report to the full committee on February 1, 2014.

**At its December 7, 2013 meeting,** the committee did not reach consensus on the Eyewitness Identification instruction issue. It formed a subcommittee to continue discussions by telephone meeting to occur on January 9, 2014.

**As a result of the January 9, 2014 subcommittee meeting,** two instructions were drafted with possible language to amend MCR JI 7.8, Eyewitness Identification Instruction. One specifically recommended by the subcommittee, was drafted by member Bill Valliencourt. One was prepared by reporter, Sam Smith. Both were to be considered at the 2-1-14 meeting of the MSC Committee on Model Criminal Jury Instructions.

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**Article VI §6, Bylaws of the State Bar of 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<br>PC<br>6895 Telegraph Rd<br>Bloomfield Hills, MI<br>48301-3185 | (248) 540-3333 | thowlett@googasian.com   |
| 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> |
| Commissioner Liaison            |                      |   |                |  |
| Representative Assembly Liaison | Victoria A. Vuletich |   |                |  |

|                                   |                                       |
|-----------------------------------|---------------------------------------|
| Member/Advisor/Other              | Member/Advisor/Other                  |
| David Ashenfelter, non-Bar member | Neil J. Lehto, member                 |
| Brett DeGroff, member             | Elizabeth M. Madigan, member          |
| Douglas I. Durfee, member         | Tracey M. Martin, member              |
| Abigail Elias, member             | Naomi N. Oglesby, member              |
| Elizabeth A. Favaro, member       | Hal G. Ostrow, member                 |
| Victoria E. Green, member         | Patrick Shellenbarger, non-Bar member |
| Robin Luce Herrmann, member       | Lori K. Shemka, member                |

**Committee Meeting Schedule:**

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

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| Meeting Type       | Date              | Location |
|--------------------|-------------------|----------|
| <b>Description</b> |                   |          |
| Conference call    | November 20, 2013 |          |
| Conference call    | January 22, 2014  |          |
| Conference call    | March 19, 2014    |          |
| Conference call    | May 14, 2014      |          |

**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.

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**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

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. Staff handle whatever audio/visual needs there are for the seminar – setting up requests for A/V equipment, and making sure it is all functioning on site.

**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 three subcommittees: McCree Awards subcommittee, Seminars Subcommittee, and Program Review Subcommittee.

**McCree Subcommittee:** The members found three judges for the contest, and worked to promote the contest to journalists across the state on social media, by making phone calls and sending emails to their contacts in journalism, and by attending journalism conferences and passing on materials about the contest.

Because of their efforts we got an outstanding turnout in the contest, and the committee granted three McCree Awards to the following groups:

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The first McCree Award will go to WXYZ-TV's investigative journalism team, including **Ross Jones, Randy Lundquist, Ann Mullen, Ramon Rosario, and Johnny Sartin**. Their series of reports called "Guilty and Gone" looked into the serious problem of felons in Wayne County running and hiding for years after being arrested and convicted of violent crimes. Over one 120-day stretch during the WXYZ investigation, judges continued the bond of 77 guilty men and women, who skipped their sentencing dates and remained free. In one case, a man who was convicted of sexually assaulting his 12-year-old daughter for nearly two years fled while he was out on bond, even though state law says he should have been kept in jail to await sentencing. In another case, a man who was sentenced to 12 years in prison for armed robbery, was released for six more weeks, and on the day of his sentencing he shot and killed a 30-year-old husband and father. One judge is facing disciplinary charges before the Michigan Supreme Court, and legislators from Wayne County are pushing for changes to state law to keep violent offenders from escaping their prison sentences.

The second McCree Award goes to Detroit Free Press Reporter **Jim Schaefer**, for an experimental live blog project that ran during the entire six months of the Kwame Kilpatrick corruption trial. The blog utilized a variety of multimedia tools to not only inform readers of what was happening live as it happened all day, each day during the trial, but also created a community of hundreds of concerned citizens who began interacting with Schaefer and other Free Press staffers, and actually began improving the blog by contributing questions and information for each other. In the process, they became inspired by the blog to learn much more about how the legal system works. This group, that dubbed itself "Bloggerville," actually gathered together in person after the trial ended to share their experiences and raise money for charity. On a regular basis, the blog had up to 18,000 unique daily visitors. On verdict day, the blog got more than four million page views from desktop computers, the mobile website, and through the Free Press mobile apps. That day, over 674,000 unique visitors learned of the verdict through the blog.

The third McCree Award will go to a team of MLive Media Group journalists, including **John Barnes, Fritz Klug, Scott Levin, John Agar and Gus Burns**, who put together a series that analyzed 10 years of serious crime and police manpower reports, and discovered something unexpected. Even as police ranks dwindled across the state, Michigan's people had never been safer. The analysis covered more than 500 departments and 2.3 million reported crimes in Michigan. The MLive team created a database that let readers compare their local crime and police trends to those in other communities across the state. The team then ran statewide scaled stories in the series in all eight of MLive's newspapers and on their digital sites. Sidebars with specific data to local communities ran exclusively in their respective newspapers and sites.

**Seminars Subcommittee:** Met via teleconference twice this year to attempt to schedule many newsroom seminars. One hopeful seminar at MLive in Grand Rapids did not work out. A seminar did take place at the Michigan Broadcasters Association conference in Lansing on March 11, and it went well. Robin Luce-Herrmann moderated a panel that consisted of Elizabeth Favaro and Naomi Oglesby (two former broadcast journalists who are now attorneys) – and both of them discussed the five things they know now. This seminar was scheduled by Neil Lehto. A second newsroom seminar is tentatively scheduled at the Lansing State Journal in early June. This seminar is being set up by Pat Shellenbarger and Tom Howlett.

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LAW AND THE MEDIA COMMITTEE**

**Program Review Subcommittee:** Met via conference call three times this year to create a plan for how to reach journalists and lawyers better in the future, and help them understand each other better.

This subcommittee identified some key things that seminars haven't been doing as well as they could be in the past few years, starting with the fact that they haven't been well attended. One problem may be that the committee has tended to segregate the groups (journalists and lawyers), instead of encouraging them to come together. So the subcommittee recommends that the overall committee develop a roundtable discussion-style event that would be well-attended and open to all. More specifically, the idea is to host a networking hour followed by a roundtable discussion program with some members of the media talking with some legal professionals about a feature story. One example of a feature story would be the Kwame Kilpatrick story – you can have some of the journalists involved in reporting a story and some of the legal professionals involved in the case, talking about the case/story from each of their perspectives. It is expected that the event would have roughly six people sitting at a table with an emcee with an opportunity for some questions from the audience. There would be a need for post-event follow-up to keep the groups engaged afterward, via things like website updates. The next step is going to be figuring out what time of year this could be held so that it wouldn't conflict with other events and how to figure out what feature stories to use.

**Future Goals and Activities:**

Continue developing McCree Awards and Seminars (which will perhaps be morphing into roundtable discussions) into the future.

**Other Information:**

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*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  |
|-----------------------|--------------------------|--|-------------------------|--|
| Co-Chair              | Allan T. Motzny          | Assistant City Attorney<br>City of Troy City Attorney's Office<br>500 W Big Beaver Rd<br>Troy, MI 48084-5254 | (248) 524-3324          | motznyat@troymi.gov  |
| Co-Chair              | Monica Rachelle Nuckolls | Associate Professor<br>Thomas M. Cooley Law School<br>2630 Featherstone Rd<br>Auburn Hills, MI 48326-2814    | (248) 751-7800<br>x7752 | nuckollm@cooley.edu  |
| 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> |
| Staff Liaison         | Samantha Meinke          |  | (517) 346-6332          | <a href="mailto:smeinke@mail.michbar.org">smeinke@mail.michbar.org</a>   |
| Commissioner Liaison  |                          |  |                         |  |
| Rep. Assembly Liaison | Nicholas M. Ohanesian    |  |                         |  |

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|                               |                                     |
|-------------------------------|-------------------------------------|
| Member/Advisor/Other          | Member/Advisor/Other                |
| Kristin D. Arnett, member     | Matthew E. Krichbaum, member        |
| Sara J. Basso, member         | Susan G. Learman, member            |
| Aaron K. Bowron, member       | Hon. Ronald W. Lowe, member         |
| Hon. Paul J. Denefeld, member | Sterlin Mesadieu, member            |
| Lawrence Elassal, member      | Bart P. O'Neill, advisor            |
| Michael M. Ellis, member      | Susan Patterson, MLA non-Bar member |
| Roland Hwang, member          | Jeffrey F. Paulsen, advisor         |
| Rozlyn E. Kelly, member       | Mark E. Plaza, member               |
| Teresa A. Killeen, member     | Stephan A. Savickas, member         |
| Dawn Michelle King, member    | Mark R. Smith, member               |
| Margaret J. Krasnoff, advisor | Linda Start, advisor                |
| Gary A. Kravitz, member       | David A. Sutherland, member         |

**Committee Meeting Schedule:**

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

| Meeting Type    | Date             | Location     |
|-----------------|------------------|--------------|
| Description     |                  |              |
| Meeting         | November 4, 2013 | SBM building |
| Conference call | January 27, 2014 |              |
| Meeting         | March 10, 2014   | SBM building |
| Conference call | May 5, 2014      |              |

**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 38<sup>th</sup> Michigan Legal Milestone, commemorating Michigan's oldest county courthouse, the Berrien County Courthouse, was dedicated June 26, 2013. The 39<sup>th</sup> Michigan Legal Milestone, commemorating Governor G. Mennan Williams and the Great Ferris Fire, will be dedicated on August 28, 2014. 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.

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- 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).
- 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

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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.

**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 the first time, bar associations and others were asked to submit information about their 2014 Law Day events to the State Bar for posting on its Law Day website. This resulted in about 40 listings of Law Day activities around the state. See <http://www.michbar.org/programs/lawday/home.cfm>

**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.
- Maintain and improve the online Clearinghouse resource at <http://www.michbar.org/generalinfo/lawlinks.cfm>

**Committee Activities:**

**Michigan Legal Milestones Subcommittee:** Since 1986 the Michigan Legal Milestone program has recognized significant legal people, places and events in the state's legal history. Plaques are found throughout the state – there are even a few up in the U.P. Committee members write text for these plaques, and write stories for the Bar Journal about each milestone dedication. They also vet

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speakers for the dedication ceremony, and help determine which speaker will cover what topic, to make for the most interesting dedication ceremonies possible. The 38th Michigan Legal Milestone plaque, on the Historic Berrien County Courthouse is available in Berrien County. It was dedicated

in a ceremony last June 26 at the Howard Performing Arts Center on the campus of Andrews University. The plaque has been installed outside the historic courthouse. The 39<sup>th</sup> Michigan Legal Milestone will commemorate Governor G. Mennen “Soapy” Williams and the great Ferris Fire. It will be dedicated during an August 28 ceremony at Ferris State University and the plaque will be displayed on the grounds of the university. The committee tried for 18 months to get the 37<sup>th</sup> Legal Milestone plaque, commemorating the Elliott-Larsen Civil Rights Act, installed in the state Capitol building. The Capitol Committee decided this past winter to reject that request. An alternate home for the plaque was found at the State Law Library in Lansing. A small dedication ceremony was held on April 25 to commemorate the plaques placement. The subcommittee also nominated the 40th Michigan Legal Milestone, to be dedicated in 2015. After considering roughly 20 different milestone nominations, the subcommittee chose to dedicate the Abolition of the Death Penalty. The subcommittee had three teleconferences throughout the year.

**Law Day Subcommittee:** The Law Day subcommittee continues its new creative contest for the third year. The contest asks entrants to apply the theme, “American Law and the Role of Democracy: Why Every Vote Matter,” 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. The chair made a big effort to publicize the contest – participating in an interview with Detroit Legal News, and speaking at a Livingston County Bar Association event about it. Despite these efforts, there continue to be very few entries into the program, although the entries that come in are of very high caliber. Entries were judged by members of the Law Day subcommittee on originality and creativity among other listed criteria. Awards ranging from \$1,000 to \$500 are given to the winners for use promoting law-related education in their local communities. The goal of the 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. Students at Cranbrook schools, along with their attorney partners Gerard Mantese, Theresamarie Mantese and Gregory Nowakowski won the contest for the third year in a row.

**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. Currently the website hosts lesson plans for grades 5-12. The subcommittee collected data on this year’s Constitution Day and the metrics suggest an overall increase in lawyer participation. Some programs lost a little bit of participation, but the subcommittee is working to turn those around. One idea for the future is to start training lawyers to participate in the classroom. The subcommittee also completed a Constitution Day video. View the Constitution Day video at <http://www.michbar.org/generalinfo/constitutionday.cfm>.

**Law Related Education Subcommittee:** The May 2013 edition of the Bar Journal focused on Law-Related Education, and featured the work of many members of the subcommittee, and the content was overseen in its entirety by the LRE Subcommittee. The chair and advisor presented

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LRE efforts at the June Bar Leadership Forum on Mackinac Island. The committee is now evaluating whether or not the LRE Subcommittee has accomplished the goals as set forth in the 2009 LRE Summit, and is deciding whether or not there should continue to be an LRE Subcommittee, or if its efforts can fold into the other three subcommittees.

**Michigan High School Mock Trial Tournament:** This committee also supports the efforts of the Michigan High School Mock Trial Tournament, which is run by the Michigan Center for Civic Education. It was created over 30 years ago by SBM, Michigan government, and Michigan State Police as a collaboration to educate people about the law. The tournament has existed since 1982 and began as a one-day tournament in Detroit. Now there are three preliminary rounds across the state and a state final competition. Many members of the committee serve as judges in the competition.. For more information visit <http://www.miciviced.org/>.

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.

**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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**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                | Brian D. Einhorn                | Collins, Einhorn & Farrell<br>4000 Town Center, Suite 909<br>Southfield, MI 48075-1408 | (248)-351-5414                   | brian.einhorn@ceflawyers.com   |
| Staff Liaison        | Dawn M. Evans<br>Janet K. Welch | 306 Townsend<br>Lansing, MI, 48933   | (517) 346-6328<br>(517) 346-6331 | <a href="mailto:devans@mail.michbar.org">devans@mail.michbar.org</a><br><a href="mailto:jwelch@mail.michbar.org">jwelch@mail.michbar.org</a> |
| Commissioner Liaison | n/a                             |  |                                  |  |

| Member/Advisor/Other     | Member/Advisor/Other           |
|--------------------------|--------------------------------|
| Kathleen M. Allen        | Interim Dean Jocelyn F. Benson |
| Jana Lee-Henkel Benjamin | Interim Dean Troy Lane Harris  |
| Lori A. Buiteweg         | Dean Joan Howarth              |
| Lawrence Patrick Nolan   | Dean Don LeDuc                 |
| Donald G. Rockwell       | Dean Mark D. West              |
| Thomas C. Rombach        |                                |

**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<br>PLLC<br>201 Townsend St.,<br>Ste 900<br>Lansing, MI 48933-<br>1561 | (517) 374-9177 | kford@dykema.com       |
| Staff<br>Liaison | Nkrumah Johnson-<br>Wynn,<br>Assistant General<br>Counsel | State Bar of<br>Michigan<br>306 Townsend<br>Street<br>Lansing, MI 48933-<br>2012     | (517) 346-6310 | nwynn@mail.michbar.org |

| <b>Members (Term ending)</b>             |                                 |
|--|---------------------------------|
| Kiffi Y. Ford, Lansing (2016)            |                                 |
| Patrick J. Crowley, Okemos (2015)        |                                 |
| Diane Hutcherson, Detroit (2015)         |                                 |
| Geoffry Eugene Malicoat, Okemos (2015)   |                                 |
| Anne B. McNamara, Escanaba (2014)        | Representative Assembly Liaison |
| 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.

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**Committee Name:** Lawyers & Judges Assistance Committee

**Jurisdiction:**

- Recommend and support programs that provide assistance to lawyers and judges faced with personal and professional problems related to substance use disorders and stress.
- Review and make recommendations concerning proposed statutes and court rules affecting assistance to lawyers and judges faced with personal and professional problems related to substance use and stress.

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

| Officer  | Name                 | Address   | Telephone      | Email  |
|--|----------------------|---|----------------|--|
| Co-Chairs  | Lawrence Dubin       | 651 E. Jefferson<br>Detroit, MI 48226                 | (313)-596-0200 | <a href="mailto:ladonlaw@aol.com">ladonlaw@aol.com</a>                   |
|  | Hon. Daniel Hathaway | 1441 Saint Antoine St., Ste. 604<br>Detroit, MI 48226 | (313)-224-2441 | <a href="mailto:daniel.hathaway@3rdcc.org">daniel.hathaway@3rdcc.org</a> |
| Staff Liaison  | Tish Vincent         | 306 Townsend<br>Lansing, MI 48933                     | (517)-346-6337 | <a href="mailto:tvincent@mail.michbar.org">tvincent@mail.michbar.org</a> |
| Commissioner Liaison / Representative Assembly Liaison | Hon Roy G. Meink     | 401 W. Cedar Ave.<br>Gladwin, MI 48624                | (989)-426-6025 | <a href="mailto:roy.meinke@gladwinco.com">roy.meinke@gladwinco.com</a>   |

| Member/Advisor/Other                | Member/Advisor/Other   |
|-------------------------------------|------------------------|
| Hon. Donald L. Allen, Jr. (Advisor) | Amy Neville            |
| Emily Conway                        | Sean Siebigteroth      |
| Linda Miller Atkinson               | Robert Keith Ochodnick |
| Joan Odorowski                      |                        |
| H. Lawrence Smith                   |                        |
| Carrie Ann Barnes                   |                        |
| Kenneth Gonko                       |                        |
| Erwin F. Meiers                     |                        |

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**Committee Meeting Schedule:**

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

| Meeting Type           | Date  | Location          |
|------------------------|---|-------------------|
| LJAC Meeting           | October 3, 2013   | SBM- Hudson Room  |
| LJAC Meeting           | December 5, 2013  | SBM – Hudson Room |
| LJAC Meeting           | February 6, 2014 – cancelled due to winter weather advisory | n/a               |
| LJAC Meeting           | April 4, 2014   | SBM – Hudson Room |
| Scheduled LJAC Meeting | June 19, 2014   | SBM – Hudson Room |
| Scheduled LJAC Meeting | August 7, 2014  | SBM – Hudson Room |

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

The State Bar of Michigan provides the services of the Staff Liaison to report on LJAP’s activities and assist in leading the meeting, a room, a spider phone and sound system for the purpose of facilitating a conference call for those committee members who cannot attend in person, a meal, administrative services by the LJAP Administrative Assistant, email notification of scheduling of the meeting, emailing of agendas and minutes after the meeting. The State Bar of Michigan provides all administrative functions in support of the committee throughout the year.

**Committee Activities:**

- Increase outreach to Affinity Bars to educate on Wellness and Stress Management while putting a face on LJAP and decreasing resistance to reaching out for help.
- Increase outreach to the judiciary by contacting administrators and working with judges on the committee.
- Suggest topics for Wellness articles for The Michigan Bar Journal.
- Increase outreach to law students in the State of Michigan to raise awareness of wellness and stress management issues while providing a personal encounter with LJAP staff to decrease stigma and encourage communication of needs.
- Work on establishing a 501(c)(3) entity that can serve to house and administer a Treatment Fund for attorneys in need of services who do not have the financial means to pay for the services.
- Facilitate communication and integration of services between LJAP and the AGC.
- Work on establishing an Alcoholics Anonymous rapid response team by recovering committee members to individuals calling in distress.
- Work on soliciting student representatives from the state’s law schools.
- Work on developing a collection of law school courses for the Professional Responsibility course on Substance Use Disorders and Mental Illness.

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**Future Goals and Activities:**

- Establish a Treatment Fund as a 501(c)(3) entity.
- Host a Fun Run at the SBM annual meeting to raise funds for the Treatment Fund.
- Host other special events to raise money for the Treatment Fund and to provide public information about the programs available.
- Include a law student representative from each Michigan law school.
- With input from the Executive Director of SBM consider communication with the AGC about the advisability of limiting the monitoring of impaired attorneys to the LJAP program.

**Other Information:** With the input from the Lawyers & Judges Committee the Lawyers and Judges Assistance Program has provided presentations on stress management, dealing with depression and suicide, wellness, conducting evaluations of people in need, monitoring people on contractual probation, and assisting law students who are facing inquiries with Character & Fitness and placing them in monitoring contracts as needed.

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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                | Kincaid C. Brown | University of Michigan Law Library<br>801 Monroe St<br>Ofc S-110E<br>Ann Arbor, MI<br>48109-1210 | (734) 647-1529 | kcb@umich.edu            |
| Staff Liaison        | Lynn Ingram      |  | (517) 346-6347 | lingram@mail.michbar.org |
| Commissioner Liaison |                  |  |                |                          |

| Member/Advisor/Other                    | Member/Advisor/Other                   |
|---|--|
| G. Ann Baker, member                    | Laura Mancini, non-member advisor      |
| Bernadette Bartlett, non-member advisor | Audra Rose McClure, member             |
| Jan Bissett, non-member advisor         | Marilyn Friedman Preston, advisor      |
| Kimberly A. Breitmeyer, member          | Janice K. Selberg, advisor             |
| Geraldine Anne Brown, member            | Heather J E Simmons, member            |
| Marlene W. Coir, member                 | Ruth S. Stevens, member                |
| Randy E. Davidson, member               | Virginia C. Thomas, non-member advisor |
| Barbara H. Garavaglia, member           | Thomas H. Weiss, member                |
| Barbara H. Goldman, advisor             | Lance M. Werner, advisor               |

**Committee Meeting Schedule:**

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

| Meeting Type    | Date              | Location                                     |
|-----------------|-------------------|--|
| Description     |                   |  |
| Regular Meeting | November 16, 2014 | Michael Franck Bldg, Lansing                 |
| Regular Meeting | January 25, 2014  | University of Michigan Law School, Ann Arbor |
| Regular Meeting | June 21, 2014     | Michael Franck Bldg, Lansing                 |

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

Use of meeting room for two of the meetings for the year, provision of continental breakfast for the onsite meetings, provision of IT support for the onsite meetings, staff assistance with arrangements, staff assistance with updating the Committee web page and the Michigan Online Legal Resource Center.

**Committee Activities:**

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

June 2013: Marlene Coir, "Resources to Assist in Contract Drafting"

July 2013: No article.

August 2013: Heather J. E. Simmons, "By the Law Inspired"

September 2013: Barbara H. Garavaglia, "Hydraulic Fracturing: Sources of Law and Information"

October 2013: Jan Bissett and Margi Heinen, "Facing the New Normal"

November 2013: Kincaid C. Brown, "Human Trafficking Law and Resources"

December 2013: Barbara H. Goldman, "Resource in Animal Law"

January 2014: Janice Selberg, "The Recall Process in Michigan: Legislative History and Current Status"

February 2014: Audra McClure, "The 2012 Revocation of Paternity Act"

March 2014: Jan Bissett and Margi Heinen, "Prospecting for Digital Nuggets: Research Gems on the Web"

April 2014: Bernadette Bartlett, Directory Issue

The Committee updated and made revisions to the Michigan Online Legal Resource Center and is in the process of adding new content.

The focus of the November 2013 meeting was UELMA (Uniform Electronic Legal Materials Act) and in updating the Committee's Legal Resource Center website. The January 2014 meeting was devoted to discussion comparing the Committee's Legal Resource Center website and Michigan Legal Help. We decided on revisions to the Committee's site and on new content to be drafted. We also continued the UELMA discussion. The June 2014 meeting focus will be on the new content for the Legal Resource Center website.

**Future Goals and Activities:**

The Committee is concerned with the transition of primary legal documents and information to electronic-only formats. We began to discuss UELMA and possible steps the Committee might be involved with that can help to maintain the availability of legal information.

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

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

**Other Information:** None.

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2013-2014 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:** Membership Services Committee

**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<br>124 W Allegan St Ste 1000<br>Lansing, MI 48933-1736 | (517) 377-0880 | mhoffman@fraserlawfirm.com                          |
| Staff Liaison        | Nancy Brown<br>Kari Thrush | State Bar of Michigan<br>306 Townsend St.<br>Lansing, MI 48933-2012                        | (517) 346-6300 | nbrown@mail.michbar.org<br>kthrush@mail.michbar.org |
| Commissioner Liaison | N/A                        |  |                |   |

| Member                   | Member/Advisor/Other          |
|--------------------------|-------------------------------|
| Sarah E. Henderson       | Lori A. Buiteweg (RA Liaison) |
| Scott L. Mandel          |                               |
| Michelle Marie McLean    |                               |
| Richard J. Muzingo       |                               |
| Robert C. Rutgers Jr.    |                               |
| Mary Chartier-Mittendorf |                               |
| Shawn P. Eyestone        |                               |
| Peter R. Tochman         |                               |

**Committee Meeting Schedule:**

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

| Meeting Type   | Date     | Location        |
|--|----------|-----------------|
| Description  |          |                 |
| Committee Meeting  | 11/14/13 | Conference Call |
| <i>Yearly program review; discuss new possible programs.</i> |          |                 |
| Committee Meeting  | 1/23/14  | Conference Call |
| Committee Meeting  | 4/10/14  | Conference Call |
| Committee Meeting  | 5/8/14   | Conference Call |

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

**STATE BAR OF MICHIGAN**  
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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 met on November 14, 2013 for the first committee meeting of the year. A program overview report with information about each committee was provided to members before the meeting and Kari Thrush highlighted certain programs with updates on performance or history for the group. The committee also reviewed possible new programs to be added.

The committee met on January 23, 2014. They voted to recommend a payroll processing program to the Programs and Services Commissioner Committee, and discussed the new member benefits brochure that was recently printed. Kari Thrush also updated the committee on the elimination of the Sprint and Best Buy/Geek Squad programs.

The committee met on April 10, 2014. They voted to recommend a software program called WordRake, (a document editing tool design for lawyers) to the Programs and Services Commissioner Committee, and discussed a possible future student loan refinancing program.

The committee met on May 8, 2014. They voted to recommend a student loan refinancing program called SoFi, to the Programs and Services Commissioner Committee.

**Future Goals and Activities:**

To continue to provide quality programs, services, and discounts to State Bar members.

**Other Information:** None.

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

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**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<br>500 Woodward Ave Ste 4000<br>Detroit, MI 48226-5403 | (313) 223-3156 | wjenkins@dickinsonwright.com |
|               | Charles R. Toy     | 300 S. Capitol Avenue<br>Lansing, MI 48933-2002                              | 517-371-5140   | toyc@cooley.edu              |
| Staff Liaison | Janet K. Welch     | 306 Townsend<br>Lansing, MI 48933  | (517) 346-6331 | jwelch@mail.michbar.org      |

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

**Committee Meeting Schedule:**

| Meeting Type  | Date               | Location                    |
|---|--------------------|-----------------------------|
| Description   |                    |                             |
| Committee meeting at the State Bar of Michigan Annual Meeting | September 19, 2013 | Lansing Center, Lansing, MI |
| Committee meeting via conference call                         | January 31, 2014   |                             |

**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  
Patrick M. Barrett, Birmingham  
Lori Grigg Bluhm, Troy  
Charles W. Borgsdorf, Ann Arbor  
Keefe A. Brooks, Birmingham  
Andrew Carl Goetz, Detroit  
Edward J. Hood, Detroit  
Alissa Mae Hurley, Southfield  
Kevin Kalczynski, Detroit  
Stephanie LaRose, East Lansing  
Larry W. Lewis, Hastings  
Kenneth M. Mogill, Lake Orion  
Stanley H. Pitts, Detroit  
Joseph V. Walker, Bingham Farms

*Liaisons:*

Patrick McGlenn, Attorney Grievance Commission  
Mark Armitage, Attorney Discipline Board

**2013-2014 Meeting Schedule (date and location):**

November 1, 2014, Lansing, Michigan  
January 24, 2014, Lansing, Michigan  
May 2, 2014, Lansing, Michigan  
June 27, 2014, 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 rescind RI-52 and to approve six opinions – RI-361 (discussing the duties of a lawyer who, as a candidate for judicial office, represents a client before the judge whose bench is sought); RI-362 (discussing whether a former judge can describe that status in communications subject to MRPC 7.1); RI-363 (discussing whether a personal injury can charge a client for basic administrative services on top of the legally allowed maximum contingent fee); RI-364 (discussing the charging of interest or late fees on out-of-pocket expenses paid by the lawyer on the client's behalf); RI-365 (discussing the payment of referral fees to nonlawyer-owned, for profit entities); and RI-366 (discussing whether a lawyer can participate in an arrangement where consumers purchase coupons for legal services from a for-profit third party). Since the last annual report, eleven written requests for opinion were sent to the committee. As of April 4, 2014, the committee continues work on four 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  
2013-2014 COMMITTEE ANNUAL REPORT**

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

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**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.

May exceed 15. 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<br>Ste C<br>Grand Blanc, MI<br>48439-2077                                  | (810) 695-7400                   | cullarilaw@sbcglobal.net                           |
| Staff Liaison | Nancy Brown<br>Linda Novak | State Bar of Michigan<br>Michael Franck Building<br>306 Townsend St.<br>Lansing, MI 48933-2012 | (517) 346-6350<br>(517) 618-6771 | nbrown@mail.michbar.org<br>lnovak@mail.michbar.org |

| Member/Advisor/Other         | Member/Advisor/Other              |
|------------------------------|-----------------------------------|
| William J. Ard, Williamston  | John P. Mayer, Taylor             |
| David M. Cohen, Detroit      | Marc D. Melamed, Bloomfield Hills |
| Stephen D. Conley, Jackson   | Ronald D. Richards Jr., Lansing   |
| Brian C. Draper, Grandville  | John R. Runyan Jr., Detroit       |
| Jessica S. Fox, Eaton Rapids | Lawrence R. Shoffner, Detroit     |
| Jason T. Hanselman, Lansing  | John L. Tatum, Bloomfield Hills   |
| John O. Juroszek, Lansing    | Christopher R. Trudeau, Lansing   |
| Joseph Kimble, Lansing       | Linda M. Watson, Birmingham       |
| Richard C. Kraus, Lansing    | Roberta J. F. Wray, Flint         |
| Gerard Mantese, Troy         | Tyra L. Wright, Detroit           |

**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     |          |                |
| General meeting | 3/5/14   | Teleconference |
| General meeting | 11/20/13 | Lansing        |
| General meeting | 9/25/13  | Teleconference |
| E-mail meeting  | 5/22/13  | Listserv       |

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

Each PWAC member works diligently for a number of hours each month to complete committee work. John Tatum and John Runyan manage their subcommittees with excellent results. Both also edit articles and theme issues, write articles, propose improvements, and accomplish results. Members continue to review and propose user-friendly website changes; write, read, and solicit articles; identify and edit theme issues; coordinate with sections; update print pamphlets with sections; evaluate the member directory in print and online; and develop new *Bar Journal* features. Each member is invaluable with certain ones working on special projects this year: John Juroszek, John Runyan, and John Tatum (*Bar Journal* readership survey); Josh Ard and Roberta Wray (Excellence in Writing Awards); Joe Kimble (Plain Language column for 29 years); Richard Kraus (manager of article reviews); Gerard Mantese (MBJ Trial Practice series); John Runyan (MBJ ethics pointers column); and Larry Shoffner (print publications).

The SBM staff continues to provide incredible service to the committee. Janet Welch and Nancy Brown have hired and trained a truly amazing group of employees. No request from PWAC goes unfulfilled. The committee has had services beyond the call of duty from the following staffers this year:

- Nancy Brown, Director of Member Services & Communications, consistent superior quality as a director and as a person
- Linda Novak, Editor, the queen of the *Bar Journal*, whose competence continues to amaze PWAC
- Anne Vrooman, Director of Research & Development, for readership survey support
- 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
- Kari Thrush, member services ads/Annual Meeting materials
- Tish Vincent, Practicing Wellness

**STATE BAR OF MICHIGAN  
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SBM provides a website for SBM publications and a PWAC portal for committee work, in addition to teleconferencing capability, meeting rooms, and refreshments.

**Committee Activities:**

PWAC makes recommendations to the SBM Board of Commissioners and staff regarding many print and online SBM communications to members. PWAC continually monitors and updates the SBM website, the *Bar Journal*, the Practice Management Resource Center, the April Member Directory, and various legal publications of the Bar. Meetings were held on September 25, 2013, November 20, 2013, and March 5, 2014. The committee also communicates regularly by e-mail.

Website

SBM now operates a mobile member directory smartphone application, developed by Mousetrap Mobile, available in iTunes and android stores. Among the features are links to a find-a-member mobile page, a legislative page, access to the mobile versions of the eJournal and other publications, a sign-up area for dues and event notices, a search function, and a link to staff contact information.

The SBM Bookshelf application for the iPad debuted in summer 2013. Bookshelf holds digital issues of the Michigan Bar Journal and section publications not exclusive to its members. The application can be found at <https://itunes.apple.com/us/app/state-bar-of-michigan/id657866240?mt=8>

In the last four years, highlighting Google Analytics data from Jan. 1-Nov. 18, 2013, the SBM website:

- welcomed 711,000 unique visitors who viewed more than 13 million pages
- visitors viewed an average of 4.66 pages per visit.
- visitors spent an average of three minutes on each page
- the member directory page tops the list of most visited pages
- the member directory page gets roughly 50 percent of the traffic on the SBM website.

In addition,

- approximately 16,000 people subscribe to the eJournal
- more than 11,000 people have opted out of receiving the print version of the April directory in favor of the online member directory
- about 7,000 people have opted out of receiving the print version of the monthly *Michigan Bar Journal* in favor of reading it online.

Accepting PWAC recommendations, the SBM Board of Commissioners approved enhancements to the online member directory, allowing members to add a picture, biography, and other information. Members who opt out of receiving the April directory issue get a free enhanced online directory listing. Members can receive a hard copy of the directory and an enhanced online listing for \$39.

**STATE BAR OF MICHIGAN  
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*Michigan Bar Journal*

SBM published 12 issues of the *Michigan Bar Journal* in the 2013-2014 fiscal year, including:

September 2013, Labor and Employment Law  
October 2013, General  
November 2013, International Law  
December 2013, Animal Law  
January 2014, Election Law  
February 2014, Family Law  
March 2014, General  
April 2014, Directory  
May 2014, Probate and Estate Planning  
June 2014, Environmental Law  
July 2014, General  
August 2014, Business Litigation.

New features in the *Journal* include an Attorney Grievance Commission/Judicial Tenure Commission practice pointers column and a Trial Practice column featuring prominent litigators. Both have been very well-received. The Plain Language column completed its 29th year, the longest running legal-writing column anywhere. It is read and cited (and tweeted) around the world.

The *Journal* held the fourth short-story contest (held every other year) in the summer, with 40 attorneys submitting stories. Thirteen advanced to the final round, with three winning stories and five stories named as honorable mentions. Contest judges were Frederick Baker, Hon. Rose Aquilina, John Juroszek, John Runyan and Francine Cullari.

PWAC established Excellence in Writing Awards to recognize excellence in writing and encourage further quality submissions. The committee will present two awards annually—one for an article published in a general issue and one for an article submitted in connection with a theme issue. Authors must be SBM members in good standing, and articles must have been published in the *Bar Journal* in the previous calendar year. Any SBM member and *Bar Journal* editorial staff may nominate articles. A subcommittee of the Publications and Website Advisory Committee will evaluate nominations on five criteria:

1. Timeliness – the article addressed an issue especially relevant to readers at the time of publication.
2. Clarity – the article was exceptionally well-organized and written in clear, plain English.
3. Style – the article was expressive and elegant.
4. Originality – the article addressed a novel topic or treated a topic with new insight and information.
5. Interest - the article generated letters or comments from readers.

The committee launched the *Michigan Bar Journal* readership survey on April 7, 2014, and received almost 5,000 responses, resulting in 322 pages of opinions. Anne Vrooman and Linda Novak of SBM provided invaluable assistance. The information will be summarized by the Committee over the summer and available in the fall, 2014. PWAC will review how the results should affect delivery, style, and content of the *Journal*.

**STATE BAR OF MICHIGAN  
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*Practice Management Resource Center*

PMRC manages an Overdrive Digital Library, with 35 books added this year. Since October 1, 2013, 160 books have been checked out. In the hardcover library, 23 books were added, including the popular “How to in One Hour” Series from the ABA Law Practice Division.

A Lunch ‘n Learn Series launched February 15, 2014, providing three live seminars each month in Tech Tuesdays (technology for law firms), Social Media, and Practice Management. Live sessions are videotaped and available on the web.

The following regional seminars were held:

- MiPad Practice: iPad for Legal Professionals 12/05/13 - Detroit
- Building Your Business - 12/09/13 Lansing
- Building Your Business - 05/06/14 Auburn Hills
- Building Your Business - 06/20/14 Grand Rapids
- Managing the Information Tsunami - 03/05/14 - Genesee County
- Law Practice Tech Essentials - 02/06/14 - Oakland County
- Technology to Start Your Firm - two sessions (hardware and software) - 02/13/14 - simulcast to all Cooley campuses
- Technology to Start Your Firm - two sessions (hardware and software) - 11/04/13 – Cooley Grand Rapids campus
- Document Automation - 10/16/13 - simulcast to Cooley campuses
- Practice Management – 10/13/13 – Cooley business class Lansing
- Practice Management – 9/10/13 – Cooley Grand Rapids professional responsibility class
- Four seminar sessions - March 2014 - ABA TECHSHOW 2014
- Webinar - ABA Law Practice Division
- Three sessions - Wisconsin Solo Small Firm Conference.

In addition to general training, PMRC customized training and consulting on:

- Time-Matters software
- Practice management and technology consultations
- Mandatory practice management consultations at the request of AGC or ADB for members in the disciplinary process
- Time-Matters training for the University of Detroit Mercy Legal Clinics

PMRC oversaw monthly articles for the Law Practice Solutions column in the *Bar Journal*.

**Future Goals and Activities:**

The committee and staff are forward-thinking, always suggesting improvements to the website and print publications. The goal of PWAC is to keep SBM attorneys on the cutting edge of the law and technological advances in the law office, to enhance service to the public, satisfaction of attorneys, and economic success of the profession.

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The major redesign of the website continues, 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.

In 2014-2015, PWAC will spend a considerable amount of time reviewing the results of the MBJ readership survey. SBM sections will update various print/web publications addressing specific areas of the law.

PMRC will launch “Building Your Business” online on June 1, 2014.

**SBM** State Bar of Michigan  
2013-2014 COMMITTEE ANNUAL REPORT

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**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<br>312 N Water St<br>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<br>Michael Franck Building<br>306 Townsend Street<br>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)   |                | Edwin H. Selwocki, Jr. (P54828)  |
| Lisa Michelle Barwick (P72938)<br><b>(Resigned effective 4/25/14)</b> |                                   | Christine Marie Heckler (P73382)  |                | James Albert Smith (P20667)  |
| Christopher J. Berry (P68849)   |                                   | Brian P. Henry (P33876)   |                | Perry B. Thompson (P66464)<br><b>(Resigned effective 4/24/14)</b>        |
| Kathleen Marie Branigan (P75132)                                      |                                   | Patsy L. Holmes (P72380)  |                | Theresa Valentine (P38857)   |
| Howard Henry Brauckmuller (P69745)                                    |                                   | Clinton J. Hubbell (P72321)   |                | Corey J. Wiggins (P71603)  |
| James Booth Burr (P11444)   |                                   | Nora M. Hudson (P33991)   |                | <b>Advisors</b>  |
| Sean Michael Cowley (P72511)  |                                   | Lisa M. Robinson Martin (P58801)  |                | David M. Dell (P61778)   |
| Sara Lynn Doyle (P50990)<br><b>(Resigned effective 1/22/14)</b>       |                                   | Michael D. Murray (P62580)  |                | Richard M. Delonis (P47904)  |
| Amy Jo Dugan (P76129)   |                                   | Peter M. Neu (P68725)   |                | David R. Dyki (P66167)   |
| Katherine Sue Gardner (P59050)  |                                   | Meghan Kennedy Riordan (P44184)   |                | Stephen J. Gobbo (P56521)  |
| Lisa C. Hagan (P64721)  |                                   | Kandra K. Robbins (P53974)  |                | Michael A. Gunderson (P28487)  |
| Christopher G. Hastings (P40861)                                      |                                   | Phillip A. Schaedler (P35047)   |                | Robert E. Zielinski (P69250)   |

**Committee Meeting Schedule:**

| Meeting Type   | Date             | Location   |
|--|------------------|--|
| <b>Description</b>   |                  |  |
| Regularly scheduled meeting.   | July 25, 2013    | State Bar of Michigan<br>Michael Franck Building<br>306 Townsend Street<br>Lansing, MI 48933 |
| <p>The UPL Committee received an update regarding the Michigan Supreme Court’s request for additional information regarding proposed SBR 16.1 defining the practice of law. The response letter will be drafted by the Professional Standards Division Director with input from UPL staff counsel and the ad-hoc work group. The UPL Committee reviewed and discussed UPL complaints, directed additional follow-up by staff counsel on several matters to informally resolve them, directed some matters to be administratively closed, and recommended eight 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.</p>   |                  |  |
| Regularly scheduled meeting.   | October 24, 2013 | State Bar of Michigan<br>Michael Franck Building<br>306 Townsend Street<br>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, directed some matters be administratively closed, and recommended six matters for litigation. Staff counsel provided a brief background on proposed SBR 16.1 defining the practice of law, the letter from the Michigan Supreme Court’s requesting additional information, and the efforts of the ad-hoc workgroup in reviewing the State Bar’s draft letter response to be issued under the Executive Director’s name. Staff counsel gave a brief summary of the recommendations of the UPL Strategic Planning Subcommittee to establish UPL Subcommittees to work on projects and programs intended to educate the public and the legal profession about unauthorized practice of law issues. The UPL Committee also discussed other outreach efforts to educate the community about UPL concerns.</p> |                  |  |
| Regularly scheduled meeting.   | January 23, 2014 | State Bar of Michigan<br>Michael Franck Building<br>306 Townsend Street<br>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, directed some matters to be administratively closed, and recommended nine matters for litigation. Staff counsel reported that after review and approval by the Board of Commissioners, the response letter was issued to the Michigan Supreme Court on January 21, 2014, regarding proposed SBR 16.1. Staff counsel reported that all members made a commitment to at least one UPL Subcommittee. Staff counsel gave a brief summary of the recommendations of the UPL Strategic Planning Subcommittee to establish UPL Subcommittees to work on projects and programs intended to educate the public and the legal profession about unauthorized practice of law issues. Staff counsel reported that the UPL</p>  |                  |  |

|  |                       |  |
|--|-----------------------|--|
| <p>Committee has been asked to consider and propose amendments to the BOC regarding SBR 16 as follows: UPL investigative subpoenas; absolute immunity provision; and disclosure to out-of-state UPL investigatory authorities. Staff counsel discussed the mission of the UPL Trust Mills/Estate Planning Outreach Subcommittee is seeking volunteers to present at the “Who Should You Trust” seminar. The UPL Committee also discussed other outreach efforts to educate the community about UPL concerns through multiple UPL Subcommittees.</p>  |                       |  |
| <p>Regularly scheduled meeting.</p>  | <p>April 24, 2014</p> | <p>State Bar of Michigan<br/>Michael Franck Building<br/>306 Townsend Street<br/>Lansing, MI 48933</p> |
| <p>The UPL Committee reviewed and discussed UPL complaints, directed the administrative closing of several matters, requested additional follow-up by staff counsel on a few matters to informally resolve them, and recommended seven matters for litigation. The Committee discussed options to obtain reconsideration by the Michigan Supreme Court of its decision declining to post for comment the proposed State Bar Rule to define the practice of law. The Committee continues to believe that the proposed Rule is needed and would be beneficial to the public. Staff counsel reported that litigation has been brought by a UPL Respondent against the Bar and staff counsel based on the administrative closing of the UPL complaint regarding the Respondent. The Committee reconfirmed its decision regarding the matter. Subcommittee Chair Katie Branigan reported on the planning efforts of the UPL Trust Mills/Estate Planning Outreach Committee regarding the August 6<sup>th</sup> “Who Should You Trust?” program.</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 UPL has been supported by legal services provided by a contract lawyer since April 2013. The contract terms ends mid-May 2014. The additional legal services are much needed resource. Staff counsel seeks to make this a permanent fulltime position, so the productivity of the UPL Department may continue going forward.

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 6, 2014, 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 will present the “Who Should You Trust? seminar at about 100 senior centers, in about 45 counties across Michigan to warn about estate planning scams and “trust mills” and provide practical estate planning information. This is a substantial expansion of the program first done in August 2012, at 28 senior centers, in 9 counties across Michigan.

**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 was formed in the summer of 2013 to consider the feasibility of various programs, prioritize them, and make recommendations to the UPL Committee about how to proceed. The Committee fully embraced the recommendation to increase its public outreach and member education through formation of the following Subcommittees: UPL Trust Mills/Estate Planning Outreach (Chair Kathleen Branigan), UPL Family Law Outreach (Chair Katherine Sue Gardner), UPL Petitions for Guardianship (Christine Marie Heckler), UPL Immigration Subcommittee (Meghan Riordan Kennedy), UPL Real Property Outreach (Brian Henry), UPL Communication (Seam Cowley), UPL Social/Web-based Media (David Dyki), and Strategic Planning Subcommittee (Chair Barbara BakerOmerod).

As result of the efforts of Member Meghan Riordan, the Committee has formed an active partnership with USCIS – Detroit Office to address persons engaged in the unauthorized practice of law regarding immigration matters. The USCIS’ fraud unit does the initial investigation based on information presented to it and then submits the UPL Complaints to the State Bar with its investigative information. The recalcitrant persons who continue taking advantage of immigration applicants despite warnings are the primary focus.

The UPL Committee’s last quarterly meeting for this bar year is scheduled for July 24, 2014.

**Other Information:** Not applicable.

**STATE BAR OF MICHIGAN  
UNITED STATES COURTS COMMITTEE  
2013-2014 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: Michelle Harrell and Jan Meir Geht

Board of Commissioner Liaison: N/A

Bar Staff Liaisons: Clifford T. Flood and Anne M. Smith

**Members:**

|                          |                          |
|--------------------------|--------------------------|
| Hon. Ellen Carmody       | Mark W. McInerney        |
| Hon. David M. Lawson     | Thaddeus E. Morgan       |
| Hon. Thomas L. Ludington | John P. Nicolucci        |
| Jordan S. Bolton         | Paul F. Novak            |
| Jan Meir Geht            | Michael W. Puerner       |
| Harold Gurewitz          | Lynn H. Shecter          |
| Kelley M. Haladyna       | Tracey Cordes (Clerk WD) |
| Michelle Harrell         | David Weaver (Clerk, ED) |
| Joel J. Kirkpatrick      |                          |

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

Scott S. Brinkmeyer (FBA – Western Dist.)

Gregory V. Murray (FBA – Eastern Dist.)

John A. Ferroli – Advisory Member

Matthew W. Heron – Advisory Member

**2013-2014 Meeting Schedules (date and location):**

Wednesday, October 16, 2013 – State Bar of Michigan

Wednesday, November 20, 2013 – State Bar of Michigan

Wednesday, January 15, 2014 – State Bar of Michigan

Wednesday, March 19, 2014 – State Bar of Michigan

Thursday, May 15, 2014 – Bench-Committee Dinner – ED Angelina Italian Bistro in Detroit

**Committee Activities:**

1. Reviewed proposed federal rule amendments and proposed revisions of local rules of the Eastern and the Western Districts and submitted comments to the Committee on Rules of Practice and Procedure.
2. Promoted exchange of information between the Eastern and Western Districts of Michigan regarding operational and administrative functions and procedures 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 15, 2014 at Angelina Italian Bistro in Detroit. 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 published a Committee member authored summary of notable decisions in ED and WD Federal Bar Association 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 when appropriate, publish a summary in FBA newsletters and the Michigan Bar Journal.
4. The Committee will continue its support of a statewide Bench/Bar Conference by coordinating activities of the Eastern and Western Districts FBA chapters.
5. The Committee will continue to sponsor an annual bench-bar dinner with judges and magistrates judges of the Eastern and Western Districts.
6. 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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**STATE BAR OF MICHIGAN  
2013-2014 COMMITTEE ANNUAL REPORT**

**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 15, 2013. 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 a success. The committee reviewed the evaluation forms and then they were forwarded to staff, who will analyze the data and create a summary report for the next business meeting.

The committee met via conference call on November 12, 2013 and reviewed the summary of the evaluations. Jeff Kirkey reviewed the proposed 2014 schedule with the committee and requested speaker suggestions where necessary. He will contact the speakers and finalize the program when they have all accepted.

"Save the Date" postcards were mailed in January followed by the mailing of the brochure in March. Future e-blasts were 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:**