

## State Bar of Michigan | 2016-2017 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.*

### Unauthorized Practice of the Law

Jurisdiction: · Propose and support measures to educate the public and the legal profession about unauthorized practice of law issues.  
· Provide guidance concerning matters involving the alleged unauthorized practice of the law, including the filing and prosecution of actions seeking to enjoin the unauthorized practice.

#### Co-Chair

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#### Member

##### Term Ending: 2017

P61778 David M. Dell, Bloomfield Hills  
P47904 Richard M. Delonis, Southfield  
P66167 David R. Dyki, Troy  
P72255 Ronald D. Griffith, Jr., Saline  
P28487 Michael A. Gunderson, Detroit  
P33991 Nora M. Hudson, Detroit  
P56994 David S. McDaniel, Ann Arbor  
P17874 Philip M. Moilanen, Jackson

##### Term Ending: 2018

P80152 Farah Raid Hashim Al-khersan, West Bloomfiel  
P38633 David R. Brake, Lansing  
P72511 Sean Michael Cowley, Detroit  
P75132 Kathleen M. Hawkins, Jackson  
P68725 Peter M. Neu, Holt  
P20667 James Albert Smith, Clinton Township

##### Term Ending: 2019

P52724 Barbara BakerOmerod, Owosso  
P69745 Howard H. Brauckmuller, Troy  
P40861 Christopher G. Hastings, Grand Rapids  
P74131 Jeffrey Scott Kemm, Lansing  
P58801 Lisa M. Robinson Martin, Novi  
P74476 Jason Michael Renner, Troy  
P29832 William D. Renner, II, Coldwater  
P44184 Meghan Kennedy Riordan, Detroit  
P53974 Kandra K. Robbins, Lansing

P35047 Phillip A. Schaedler, Adrian

**Advisor**

P30102 Robert C. Anderson, Marquette

P11444 James Booth Burr, Jr., Grand Rapids

P59050 Katherine Sue Gardner, Frankenmuth

P56521 Stephen J. Gobbo, Lansing

**State Bar Liaison**

Amy Emmons, Lansing

P53603 Danon D. Goodrum-Garland, Lansing

P45515 Laurin' C. Roberts Thomas, Lansing

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**Committee Meeting Schedule:**

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

*\*Please keep meeting descriptions brief.*

Meeting Type	Date	Location
Meeting Type Regularly scheduled meeting	April 21, 2016	State Bar of Michigan
Description See brief description on page 5 under "other information."		
Meeting Type Regularly scheduled meeting	July 21, 2016	State Bar of Michigan
Description See brief description on page 5 under "other information."		
Meeting Type Regularly scheduled meeting	October 27, 2016	State Bar of Michigan
Description See brief description on page 5 under "other information."		
Meeting Type Regularly scheduled meeting	January 26, 2017	Email review of information
Description The meeting was canceled given the limited items requiring action by Committee. Subcommittees directed by Co-chairs to focus on moving forward with outreach projects and to review information circulated by email.		
Meeting Type		
Description		
Meeting Type		
Description		

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**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 two staff counsel who provide legal services and manages the State Bar's UPL Department.

The State Bar also provides meeting facilities, food and beverage for meetings, SharePoint, SBM Connect, 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.

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**Committee Activities:**

On July 13, 2016, UPL Staff along with the UPL Immigration Subcommittee Chair Meghan Kennedy Riordan attended the USCIS Common Ground Conference in Detroit. Several state agencies reported on the issues they face and their efforts to remedy illegal activities including, but not limited to, immigration, mail fraud, etc.

**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. The UPL Committee once again embraced educational and outreach efforts through UPL Subcommittees as part of its strategic planning process in August 2014. The current Subcommittees are as follows: UPL Trust Mills/Estate Planning Outreach (Chair Kathleen M. Hawkins), UPL Family Law Outreach (Co-Chairs Katherine Sue Gardner and Barbara Baker Omerod), UPL Immigration Subcommittee (Chair Meghan Riordan Kennedy), UPL Real Property Outreach (Chair David Brake), UPL Communication (Chair Sean Cowley), UPL Social/Web-based Media (David Dyki), and Strategic Planning Subcommittee (UPL Standing Committee Co-Chairs for next bar year). All of the Subcommittees have regularly met telephonically and are actively working on educational materials that will be disseminated in a variety of ways in the upcoming months.

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. Plans for a community outreach program focusing on a specific immigrant community is underway.

In preparation of the 2017 "Who Should You Trust" seminar, the UPL Trust Mills/Estate Planning Outreach Subcommittee reconvened summer of 2016. This senior education program has traditionally be offered in conjunction with the Probate & Estate, Elder Law & Disability Rights Section. The Consumer Law Section has expressed an interest in joining this project.

The UPL Committee is scheduled to meet on April 27, 2017, with it's last quarterly meeting for this bar year scheduled for July 27, 2017.

**Other Information:**

April 21, 2016, Meeting Description: The Committee reviewed and discussed UPL complaints, requested additional follow-up by staff counsel on several matters to informally resolve them, and recommended four matters for litigation. The five subcommittee chairs, David Dyki for UPL Social Media and Web-based Media, Sean Cowley for UPL Communications, David Brake for UPL Real Property, Megan Kennedy Riordan for UPL Immigration, and Katherine Gardner for UPL Family Law gave a brief overview of activities and projects underway. Staff counsel gave an overview on several ABA Futures reports, the SBM 21st Century Practice Task Force recommendations and reveal reception, and several articles.

July 21, 2016, Meeting Description: The Committee reviewed and discussed UPL complaints, requested additional follow-up by staff counsel on one matter (with possible PR opportunity), recommended one matter for litigation and two matters to close the files. The five subcommittee chairs, David Dyki for UPL Social Media and Web-based Media, Sean Cowley for UPL Communications, David Brake for UPL Real Property, Meghan Kennedy Riordan for UPL Immigration, and Katherine Gardner for UPL Family Law gave a brief overview of activities and projects underway.

October 27, 2016, Meeting Description: Co-Chairs reviewed the quarterly meeting dates and gave an overview of goals to be achieved during the bar year. The Committee reviewed and discussed UPL complaints, requested additional follow-up by staff counsel on two matters, recommend one matter for litigation and six matters to close the files. The UPL Strategic Planning Subcommittee Chaired by Co-Chairs Sean Cowley and Barbara BakerOmerod gave a brief overview of the strategic goals for the bar year and its recommendations regarding subcommittees to continue activity during the new bar year. The Committee reviewed and discussed UPL complaints, requested additional follow-up by staff counsel on one matter (with possible PR opportunity), recommended one matter for litigation and two matters to close the files.

The UPL Committee fulfills its educational purpose through its outreach efforts as approved by the Committee. The attached strategic planning document provides an overview of the subcommittees and their intended purposes.

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Approved by	Approved	Name
Chair	pending	Sean Cowley and Barbara BakerOmerod
Co-chair		
Staff Liaison	s/	Danon D. Goodrum-Garland
Other		

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## Planning Document for UPL Strategic Planning Subcommittee

### UPL Committee Jurisdictional Statement

- Propose and support measures to educate the public and the legal profession about unauthorized practice of law issues.
- Provide guidance concerning matters involving the alleged unauthorized practice of the law, including the filing and prosecution of actions seeking to enjoin the unauthorized practice.

### BOC Strategic Plan 2017-2020 (excerpt)

The goals were refined as follows:

- Goal 1: The State Bar of Michigan provides resources to help all of its members achieve professional excellence and success in the practice of law.**
- Goal 2: The State Bar of Michigan champions access to justice, and builds public trust and confidence in the justice system in Michigan.**
- Goal 3: The State Bar of Michigan maintains the highest conduct among its members, and initiates and advocates for improvements that facilitate accessible, timely justice.**
- Goal 4: The State Bar of Michigan structures itself to achieve its strategic goals in a responsive and cost-efficient manner.**

### Notes from September 17, 2015 Meeting of Strategic Planning Subcommittee

Co-Chair Cowley reported that the Strategic Planning Subcommittee will meet once a year to ensure the Standing Committee is fulfilling its jurisdictional mandate. The Subcommittee proposed that the Committee's jurisdictional statement be reorganized so that the educational outreach efforts be listed first and the purpose of the Subcommittee on Petitions for Guardianship has been fulfilled and it be retired with ongoing monitoring of the concerns by Staff. In addition, the Subcommittee recommends that the "Who Should You Trust?" senior education program be held again during the summer of 2017.

### List of UPL Subcommittees

#### 1. UPL Strategic Planning Subcommittee

Co-Chairs: Barbara BakerOmerod and Sean Cowley

Members: Robert Anderson, Katherine Gardner, Philip Moilanen, Peter Neu, James Smith

Purpose: To provide input to the UPL Committee regarding its focus for the bar year to meet its jurisdictional mandate.

**2. UPL Family Law Outreach Subcommittee**

Chair: Katherine Sue Gardner

Members: Barbara BakerOmerod, Nora Hudson, David McDaniel, Phillip Schaedler

Purpose: To educate and inform members and the public with regard to UPL issues in Family Law.

**3. UPL Immigration Subcommittee**

Chair: Meghan Kennedy Riordan

Members: Farah Raid Hashim Al-khersan, Howard Brauckmuller, Stephen Gobbo, Kandra Robbins

Purpose: To educate and inform members and the public with regard to UPL issues in Immigration Law.

**4. UPL Real Property Outreach Subcommittee**

Chair: David Brake

Members: Lisa Martin, David Dell, Richard Delonis, and Jeffrey Kemm

Purpose: To educate and inform members and the public with regard to UPL issues in Real Property.

**5. UPL Communication Subcommittee**

Chair: Sean Cowley

Members: Bob Anderson, Katie Branigan Hawkins, James Burr, Lisa Martin, Phillip Schaedler, David Dyki, Peter Neu, James Smith and Nora Hudson

Purpose: To use effective communication tools to educate members and the public about UPL issues.

**6. UPL Trust Mills & Estate Planning Outreach**

Chair: Katie Branigan Hawkins

Members: Robert Anderson, James Booth Burr, Michael Gunderson, Nora Hudson, Elder Law & Disability Rights Section, Probate & Estate Section, Consumer Law Section

Purpose: To warn and educate seniors about trust mills.

7. **UPL Social/Web-based Media Subcommittee**

Chair: David Dyki

Members: Chris Hastings, James Renner, and Phillip Moilanen

Staff Participation: Samantha Meinke

Purpose: To seek out and develop educational materials for dissemination through Social Media, seeking content and input from other sub-committees.