

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

Committee Name: Standing Committee on Professional Ethics

Jurisdictional Statement:

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

This committee may have more than 15 members.

Officers and Membership:

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

Members:

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

2011-2012 Meeting Schedule (date and location):

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

Committee Activities:

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

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

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

Future Goals and Activities:

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

Chair/Co-Chair Contact Information:

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