

**State Bar of Michigan
Representative Assembly
April 29, 2006**

SUMMARY OF PROCEEDINGS

The following is a summary of proceedings of the State Bar Representative Assembly session held Saturday, April 29, 2006, at the Lansing Community College West Campus in Lansing, Michigan.

1. Call to order by Chairperson Lori A. Buiteweg.
2. Clerk Robert Gardella declared a quorum (50) was present.
3. Upon a motion made and seconded, the revised calendar was adopted, as proposed.
4. As provided in Rule 4.8, the Summary of Proceedings of the September 22, 2005, meeting was deemed approved.
5. Carl Chioini, Chair, Nominating and Awards Committee, addressed the Assembly in regards to filling vacancies for the current meeting. Upon a motion made and seconded, Daniel Quick of Bloomfield Hills (6th Judicial Circuit); Michael J. Olson of Howell (44th Circuit); and Jennifer J. Schafer of Petoskey (57th Judicial Circuit) were appointed to fill immediate vacancies within their respective Circuits.
6. Teri Stangl of the Representative Assembly presented the Justice Initiatives proposed revisions to MCR 2.402 (C). The first proposal is that the State Bar be authorized to have discussions with these interested stakeholders to find out what their approaches and concerns are, and if there is a consensus position about how to improve the rule, that the State Bar should be authorized to communicate that to the court. Upon a motion made and seconded, the Assembly unanimously approved the first revision to the proposed changes to MCR 2.402 (C).

The second proposal is a technical change that the children age 14 and older continue to receive notice of the proceedings affecting them, which is the current law, and just by the wording, inadvertently it looks like it could be the parent or the child, and that was not the intention. Upon a motion made and seconded, the Assembly unanimously approved the second revision to the proposed changes to MCR 2.402 (C).

7. Michael Blau of the Representative Assembly presented the Justice Initiatives proposed revisions to MRPC 6.1. In November 2003 the Assembly supported a voluntary standard which called for 30 hours of pro bono service or three cases per year or a contribution or \$300 for pro bono services on an annual basis. The proposal is to add two words, "or more" after "\$300". Upon a motion made and seconded, the Assembly unanimously approved the additional language to the proposal.

8. Michael Pope, Chair, Assembly Review Committee reported on a proposed revision to the Representative Assembly Permanent Rules of Procedure 4.8 to address timing as far as follow-up procedures concerning our proposals to the Supreme Court and adopting a procedure where our future officers and chairs will have some means to know what the Assembly has done in the past and what's out there still pending. After discussion and an amended motion the Assembly opposed the proposal.
9. Tom Cranmer, President, State Bar of Michigan gave an update on the Custodial Interrogation Task Force and reported on the structure of the State Bar.
10. John Berry, Executive Director, State Bar of Michigan reported on the new strategic plan and gave a financial update for the 2006-2007 year.
11. Tom Rombach, Chair, Special Issues Committee of the Representative Assembly presented a proposal to adopt the strategic plan. Upon a motion made and seconded the Assembly adopted the amendments to the strategic plan.
12. Dan Dalton and Joseph Garin of the Client Protection Fund reported on the Trust Account Overdraft Rule, which will be on the September agenda.
13. JoAnn Hathaway, Program Administrator for the Practice Management Resource Center of the State Bar reported on the new Practice Management Resource Center and encouraged members to visit with her during lunch or after the meeting.
14. Richard McClellan, member of the State Bar of Michigan, member of the State Bar of Michigan Board of Commissioners and Chair of the Michigan Law Revision Commission presented two proposals on the Michigan Law Revision Commission. After the motion was made and seconded, discussion followed and the Assembly unanimously approved the State Bar of Michigan to take the policy position that the State of Michigan should pay the assessments it owes to the National Conference of Commissioners on Uniform State Laws and pay the costs necessary to permit Michigan's uniform law commissioners to attend the NCCUSL's annual meeting.

The second proposal is that the State Bar of Michigan's Board of Commissioners appoint and pay the expenses of a liaison to attend the NCCUSL annual meeting and report back to the chairperson of the Public Policy and Image Committee and chairperson of the Representative Assembly regarding events of the meetings for further dissemination to State Bar and committee chairperson. After discussion a motion was made and seconded that the Assembly unanimously approved the proposal.

15. John Mills, Immediate Past Chair, Family Law Section moved to adopt proposals regarding the Domestic Relations Court Rule, MCR. 3222(B), 3.201 and 3.222(C-K) on behalf of the Family Law Section. MCR 3.222(B) is designed to facilitate the entry of the judgment of divorce or separate maintenance where a settlement has been reached prior to the commencement of litigation. Upon a motion that was made and

seconded, the Assembly unanimously approved that MCR 3.222(B) should be added to the existing Michigan Court Rules to provide for non-litigious terminology in filings involving pre-settled divorce and separate maintenance cases with the exception that the word “shall” under 3.222(B) (8) be changed to “may.”

Mr. Mills moved that proposal MCR 3.201 be amended to include procedures that apply specifically to attorney-approved divorce and separate maintenance agreements that are signed before the divorce or separate maintenance case is filed. The motion was seconded and the Assembly unanimously approved MCR 3.201.

Mr. Mills moved that proposal MCR 3.222 (C-K) should be added to provide for an applicable, streamlined approach to entry of judgments in filings involving pre-settled divorces and separate maintenance cases. The motion was seconded and, after discussion, “shall” was changed to “may” and the Assembly unanimously approved MCR 3.222 (C-K).

16. Diane Akers, Co-Chair, State Bar of Michigan Task Force on Attorney Client Privilege presented a presentation on Compelled Waiver of Attorney-Client Privilege in Criminal Investigation and Proceedings.
17. David Charron, Chair, Real Property Law Section reported on the proposed Resolution Regarding Gap between Filing and Recording of Deeds. The Real Property Law Section is requesting that the State Bar of Michigan support enforcement of the statutory requirement that county registers of deed maintain entry books pursuant to MCL 565.24. After discussion a motion was made to table. The Assembly unanimously agreed to table this matter.
18. Janet Welch, Director, General Counsel, State Bar of Michigan reported on the Electric Filing Updates in Michigan.
19. Adjournment