

SBM State Bar of Michigan
2012-2013 COMMITTEE ANNUAL REPORT

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

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

Committee Name: Standing Committee on the Unauthorized Practice of Law

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

Chair and Committee Members:

Officer	Name	Address	Telephone	Email
Chair	Barbara Baker Omerod (P52724)	Aamazon Legal Services PLLC 312 N Water St Owosso, MI 48867	(989) 723-8222	bbo@attybbo.com
Staff Liaison	Danon D. Goodrum-Garland (P53603)	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933-2012	(517) 346-6333	dgarland@mail.michbar.org
Commissioner Liaison	NOT ASSIGNED			
Members		Members		Members
Robert C. Anderson (P30102)		Nadine R. Hatten (P73789)		Edwin H. Selwocki, Jr. (P54828)
Lisa Michelle Barwick (P72938)		Christine Marie Heckler (P73382)		James Albert Smith (P20667)
Christopher J. Berry (P68849)		Brian P. Henry (P33876)		Perry B. Thompson (P66464)
Kathleen Marie Branigan (P75132)		Patsy L. Holmes (P72380)		Theresa Valentine (P38857)
Howard Henry Brauckmuller (P69745)		Clinton J. Hubbell (P72321)		
James Booth Burr (P11444)		Nora M. Hudson (P33991)		Advisors
Sean Michael Cowley (P72511)		Michael D. Murray (P62580)		Stephen J. Gobbo (P56521), immediate Past Chair
Sara Lynn Doyle (P50990)		William Brendan Neal (P72923)		Christopher G. Hastings (P40861)
Katherine Sue Gardner (P59050)		Peter M. Neu (P68725)		Meghan Kennedy Riordan (P44184)

Committee Meeting Schedule:

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

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

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

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

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

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

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

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

Other Information: Not applicable.