

1 STATE OF MICHIGAN
23 STATE BAR OF MICHIGAN
45 MEETING of the REPRESENTATIVE
6 ASSEMBLY of the STATE BAR OF
7 MICHIGAN
8 _____ /
910 Proceedings had by the Representative Assembly of the
11 State Bar of Michigan at Radisson Hotel - Capitol
12 Rooms I & II, Lansing, Michigan, on Friday, October 1, 2004,
13 at the hour of 10:00 a.m.14 AT HEADTABLE:
1516 DANIEL M. LEVY, Chairperson
17 ELIZABETH A. JAMIESON, Vice-Chairperson
18 LORI A. BUITEWEG, Clerk
19 JOHN T. BERRY, Executive Director
20 HON. ARCHIE C. BROWN, Parliamentarian
21 GLENNA PETERS, Staff Member
2223
24
25 METROPOLITAN REPORTING, INC.
(517) 886-4068

	CALENDAR ITEMS	PAGE
1	Call to order	3
2	Certification of quorum	3
3	Adoption of proposed calendar	3
4	Summary of 11-14-03 proceedings approved	3
5	Filling of vacancies	4-5
6	Awarding of Michael Franck Award and Unsung Hero Award	5-9
7		
8	Remarks by Daniel M. Levy, Chairperson	9-21
9		
10	Remarks by Scott S. Brinkmeyer, President	22-27
11		
12	Remarks by Nancy J. Diehl, Presiden-Elect	28-32
13		
14	Consideration of Proposed Amendment to Add Attorneys with Emeritus Status to MCR 8.120	33-38
15	Small Group Breakout Sessions (Not recorded)	38-40
16	Small Group Presentations	41-74
17	Presentation by Rachel Drenovsky, Coordinator Michigan Supreme Court Learning Center	74-81
18		
19	Consideration of Proposed Resolution to Determine Annual Recipients of Michael Franck and Unsung Hero Awards, Recruit Qualified Individuals to Fill Assembly Vacancies	82-83

19	Swearing in of Elizabeth A. Jamieson as 2004-2005 Chairperson of the Rep Assembly	83-86
20	Consideration of Proposed Amendment to Rule 2.2(7) Calling for SBM Hosted Forum Including All Candidates for Supreme Court Justice	86-90
21	Nominations and Election of Assembly Clerk	90-91
22	Presentation of certificates, plaque and thank-yous	92-105
23	Motion to adjourn	106
24		
25		

3

1 Lansing, Michigan
2 Friday, October 1, 2004
3 10:16 a.m.

4 R E C O R D

5 CHAIRPERSON LEVY: Good morning. I begin by
6 calling the meeting to order, the Representative
7 Assembly, and ask the clerk to certify a quorum is
8 present.

9 CLERK BUITEWEG: Yes, there is a quorum
10 present, sir.

11 CHAIRPERSON LEVY: I would entertain a motion
12 for adoption of the calendar as presented in the
13 materials mailed out to you.

14 VOICE: Motion made.

15 VOICE: Second.

16 CHAIRPERSON LEVY: And a second. All in
17 favor.

18 Opposed.

19 Calendar is adopted.

20 I am aware of no objection having been made
21 to the previous meeting's minutes, summary of
22 proceedings. Without objection, I will deem them
23 approved.

24 And I will call upon Tom Rombach, former
25 Assembly chair, current Nominations and Awards

4

1 Committee chair, to present the new members to the
2 Assembly.

3 MR. ROMBACH: Good morning. I didn't expect
4 my appearance up front to be quite so quickly
5 forthcoming, but we have a couple obligations that we
6 need to get to before the beginning of the meeting.
7 The first is to fill the vacancies. Normally we could
8 do that from the floor, but I have one other issue
9 that we need to address.

10 If you can turn to the tab marked vacancies,
11 disguised in that manner. We have three people that
12 are listed that I would like to recognize. From the
13 6th judicial circuit, Cecil Cross from Hazel Park, who
14 is going to fill an immediate vacancy, a balance of
15 term expiring 2005. Is Cecil here this morning?
16 Thank you, Cecil. I appreciate your coming here, and
17 I know we all appreciate your service.

18 From the 25th judicial circuit we have Andrea

19 Michelle Monnett from Marquette. Is Andrea here too?
 20 She is going to actually fill the vacancy, and she is
 21 going to begin her term in January, but we are asking
 22 the Assembly to approve that at this juncture.

23 From the 34th judicial circuit we have an
 24 immediate vacancy, a balance of a term until 2006, and
 25 than's Susan Topp from Gaylord. Is Susan able to make

1 it here yet today? I guess she will also start her
 2 term in January.

3 And, finally, we have Don Hiltunen, who is a
 4 late addition. Don served previously until he was
 5 term limited from the Upper Peninsula in the 12th
 6 judicial circuit, and he has been able to answer the
 7 call once again. Don, would you stand up and be
 8 recognized. That's Don.

9 At this time I would move on behalf of my
 10 committee to allow these people to have seats in the
 11 Representative Assembly. Do I have a second to that?

12 VOICE: Second.

13 MR. ROMBACH: That being moved and seconded,
 14 I will defer to the Chair.

15 CHAIRPERSON LEVY: All in favor.

16 Any opposed.

17 Welcome each of you to the Assembly.

18 (Applause.)

19 MR. ROMBACH: The second matter, which is a
 20 rather awkward position which we hope to be able to
 21 address later on this afternoon, is the awarding of
 22 the Michael Franck and our first ever Unsung Hero
 23 Award.

24 The Nominations and Awards Committee had met
 25 by conference call and had been very fortunate not

1 only to take our own nominees for these positions but
 2 also to take in some of the State Bar applicants for a
 3 Lifetime Achievement Award, which in the eminent
 4 consideration of our Board of Commissioners was not
 5 awarded this year. In fact, the award was not even
 6 authorized, so we were very fortunate to get a wealth
 7 of very distinguished applicants, which we then rolled
 8 into the Michael Franck and Unsung Hero Award pool.

9 So this is a particularly competitive year,
 10 and we had asked that these be awarded to E.
 11 Christopher Johnson, who is vice president and general
 12 counsel of General Motors, North America, based in
 13 Detroit, for his efforts on behalf of the minority
 14 outside counseling networking conference in 2002 for
 15 which he got a Spirit of Excellence Award from the
 16 American Bar Association for his efforts in diversity
 17 and also his efforts on behalf of helping our
 18 foundation move forward with funding from a lot of the
 19 corporate interests.

20 Additionally, the second awardee was Dean
 21 Allen Robb. He is a very prominent Traverse City
 22 trial attorney and has been active in the civil rights
 23 movement since he began his legal career in 1949. In

24 fact, he was one of the Freedom Riders of legend going
 25 down to the south during the days of civil rights

7

1 turbulence in that part of our country.

2 Unfortunately, typically we award these in
 3 the morning and then we have an awards luncheon where
 4 we actually hand out the awards so we are always
 5 rubber stamping whatever this committee has done in
 6 the past. Unfortunately, because our convention has
 7 been reworked this year, these awards were actually
 8 handed out last night with some very inspiring remarks
 9 from our chair, Dan Levy, and the hosting abilities of
 10 Nancy Diehl, soon to be president, and soon to be
 11 ex-president, Scott Brinkmeyer, both Assembly members.

12 So on that basis I am asking that the
 13 Representative Assembly retroactively approve the
 14 awarding of these particular plaques, otherwise we'll
 15 have our leadership swipe these folks' awards and
 16 probably X them out and engrave them with other names
 17 and humiliate themselves in front of friends and
 18 family.

19 So at this time I am going to move to award
 20 these different awards, at least the Michael Franck,
 21 at this juncture.

22 CHAIRPERSON LEVY: Did I hear a second on the
 23 motion for Michael Franck Award?

24 VOICE: Support.

25 CHAIRPERSON LEVY: Any discussion?

8

1 All in favor say aye.

2 All those opposed.

3 Good. Thank you very much.

4 MR. ROMBACH: And, again, if anyone has any
 5 concerns about the merits of our nominees, I have
 6 additional Bar Journals -- I am sure you have already
 7 read this already, but in case you have set that to
 8 the side and haven't been able to study it in detail,
 9 I have been able to get a few to hand out yet this
 10 morning.

11 So the final award is the Unsung Hero Award.
 12 This is the first ever presentation on behalf of the
 13 Assembly. That has already gone to Henry Lukowiak,
 14 Jr. He is a staff attorney for the Legal Aid and
 15 Defenders Association. We had a record number of
 16 support materials for him on behalf of virtually every
 17 student who had ever gone through the Wayne State free
 18 legal aid clinic, which he has run since 1979 with
 19 great prominence, and on that basis this is a first
 20 hopefully annual award that the Assembly will approve.
 21 I would at this time move that he be given that award,
 22 again retroactively.

23 CHAIRPERSON LEVY: Support?

24 VOICE: Support.

25 CHAIRPERSON LEVY: Having support -- any

1 discussion?
 2 All in favor, please say aye.
 3 All opposed.
 4 Thank you very much.
 5 MR. ROMBACH: Thank you very much.
 6 (Applause.)
 7 CHAIRPERSON LEVY: Couple of housekeeping
 8 matters that don't count against my ten minutes with a
 9 captive audience. First off is there is a
 10 photographer out front. He is taking digital photos
 11 that are going to be used for the Assembly handbook
 12 next year. If we don't have your photo on file from a
 13 previous book and you haven't had your picture done
 14 this morning, he is only going to be there until
 15 11:30. You are excused from that portion of my
 16 remarks necessary. Please do get your photograph
 17 taken so that it can be in that journal. It gets
 18 circulated to all the members and to the Board of
 19 Commissioners. It's a really good way for us to help
 20 identify each of you and for you to identify each
 21 other, and if we get everybody in it it's ever so much
 22 more helpful.

23 Also in the way of housekeeping, I would note
 24 that you don't see them now and you won't see them
 25 until the end of the meeting, but the attendance slips

1 that we will be circulating today have on them
 2 questions about what interests you might have in
 3 sections and committees of the Bar that you might be
 4 willing to liaison to, about Assembly committees that
 5 you might be interested in helping to serve on. Start
 6 thinking about that now. Don't forget to check it off
 7 when you get those slips later on this afternoon.

8 Picking up a little bit where Tom left off,
 9 first off, in terms of the new members who were just
 10 sworn in, this year -- and thanks to Elizabeth's
 11 idea -- we also for the first time have identified
 12 those people who won elections to begin serving on the
 13 Assembly but who aren't members at this meeting, they
 14 really become members in January, but we invited them
 15 to come on down and observe, and I think it speaks
 16 well of the half dozen plus people or half dozen
 17 people who have actually taken the time out on their
 18 own and come down to join us today.

19 They will be observing the meeting, they will
 20 be participating in our small group sessions later on.
 21 I just want to ask them to each stand up and wave and
 22 identify themselves. Scott Wilson. He is getting his
 23 picture taken. The next time we will tell these
 24 people we are going to announce them. Goldie Adele,
 25 William Ogden, LeRoy Kramer. Thank you. John

1 Hubbard, John A. Hubbard.
 2 Scott Wilson walking in. Okay, I am sorry.
 3 He is here. And Kent Bieberich. I guess I can't be

4 in trouble for mispronouncing it if he is still
 5 getting his picture taken, but I hope you will all
 6 join me in welcoming them, making them feel at home.
 7 They are, if not officially until the end of this
 8 meeting, they are part of the Assembly family, and we
 9 really appreciate the fact that they were so
 10 interested in the service as to take the time to come
 11 on down, but they are not officially members and they
 12 don't get to actually vote.

13 Goldie just walked in I am told. Thanks for
 14 coming on in.

15 (Applause.)

16 CHAIRPERSON LEVY: Remarks, I was trying to
 17 think, my last Assembly meeting, I am supposed to say
 18 something kind of profound, say something important.
 19 Trying to come up with some way to work Bartamaus into
 20 this speech, which technically I think I just now did.
 21 I failed to come up with anything that's truly
 22 profound. I do have a couple of scribbles here
 23 though.

24 The most important thing I wanted to say is
 25 about the breakout sessions we are going to do later

12

1 today. I want to make it really clear that the
 2 breakout sessions are not filler because there wasn't
 3 enough on the agenda, there wasn't enough before the
 4 Assembly for us to fill a meeting. Just the opposite
 5 is true. There are things that we have had on the
 6 agenda for upcoming meetings that we have put off for
 7 another meeting because we felt the small group idea
 8 was a really important one.

9 It was suggested to us initially by Dadie
 10 Perlov, who has been working with the Bar extensively
 11 on our strategic plan, past being completed now and
 12 the future one, but it was something we seized upon
 13 because we really felt it was a way to try to get
 14 everybody in the Assembly more involved, to try and
 15 make sure that what we were doing as an Assembly was
 16 listening to each of you, to each of the members, and
 17 not just to those few of us who like to hear ourselves
 18 talk enough to get to the microphone when we are
 19 debating an issue, but all those who are here, because
 20 they have something to say and because they are
 21 representing a point of view that we are not going to
 22 get otherwise, and we felt that it was really
 23 important.

24 We also want you to think about the changes.
 25 The Representative Assembly was formed in 1970. The

13

1 idea for it was formed in 1970. The Assembly itself
 2 didn't meet until '72. Think about the things that
 3 have changed since 1972 in the world as a whole, but
 4 also think about what's changed in the practice of law
 5 since 1972. Think about the fact that when the
 6 Assembly was first formed our methods of
 7 communications, our means to hear from people who were
 8 far away were different by nature of technology than

9 they are now.

10 Think about the fact that the Keller
 11 decision, which we have talked about several times
 12 within the Assembly recently and over time, the Court
 13 Administrative Orders that came with it that
 14 restricted what we could do as an Assembly correctly,
 15 in my opinion, I want to state very firmly to those
 16 matters that are really key to the Bar's mission,
 17 because we are a unified Bar, we do represent all
 18 attorneys. People don't get choices whether to join,
 19 we shouldn't be off doing things like deciding whether
 20 or not the State Bar of Michigan is going to be
 21 declared as pro life or pro choice. Those are issues,
 22 though, that the Assembly when it was first formed
 23 would have been able to take up. So think about those
 24 sorts of issues when you think about the Assembly.
 25 I personally believe that having a larger

14

1 representative body is critical to what the Bar is
 2 about, but I don't think my opinion is really the one
 3 that matters. The one that matters is the collective
 4 opinion, and if that's true, more important is that
 5 the Assembly needs to think about all those changes
 6 and think about the fact that the Assembly itself has
 7 changed incrementally during those same periods of
 8 time.

9 And we need to look at ourselves and say is
 10 this -- is this the most effective way we can be? Is
 11 this great? Have we not made changes, substantive
 12 changes, have we not made changes in the way we
 13 address questions, the type of questions we make
 14 because the way we are doing it is perfect or near
 15 perfect? Maybe so. I think some people may feel that
 16 this is the right way to do it and everything is the
 17 way it should be, and that's something we want to hear.

18 But is it because change is so hard, because
 19 change is scary that we haven't tackled those issues,
 20 and if that's the case, as a representative body, as
 21 an assembly, it's really important, and key to all
 22 that is if we don't ask we won't know the answers, and
 23 we do need to express our opinion. We do need to do
 24 that as individuals and as a body, and we need to take
 25 a good look in the mirror at the Assembly, at

15

1 ourselves, and make sure we are serving an important
 2 purpose and, if so, that we are serving it well.

3 And the questions that we have asked you in
 4 the small groups to talk about, to identify possible
 5 answers for us, the first two of them in particular,
 6 what has the Assembly done in the past that it's done
 7 well and what has it done that it didn't do so well,
 8 are designed to bring up those discussions, not in
 9 comparison to what anybody else has done, but in terms
 10 of us as an Assembly for what we should be, what we
 11 should be doing, have we been addressing the right
 12 issues, have we been doing it effectively, can a body
 13 of this size necessarily tackle all issues, or are

14 there issues we should be doing in other manners. If
 15 so, what is it that we should be doing instead. Where
 16 should the Assembly be going, what have we done well,
 17 what have we not done well. Those are the discussions
 18 we want you to have. Those are the questions we want
 19 you to start answering.

20 This is not designed to give us answers so we
 21 are going to go off and make changes. This is not
 22 designed so that the questions that you are going to
 23 be answering for us today are really the ultimate
 24 questions or the end process. It's designed in part
 25 because it gives us a starting place to look at the

16

1 Assembly, and by us I say mostly Elizabeth and Lori
 2 and future Bar Assembly leadership, a starting place
 3 to look at these issues, but it also is designed to
 4 get you to start thinking about those questions. They
 5 are important questions, they are questions the
 6 Assembly really needs to take the time to think about
 7 and to answer.

8 The latter two questions are really designed
 9 to help identify what within the Rules of Professional
 10 Conduct that we have already discussed at some length
 11 and positions that we took that I think were extremely
 12 helpful to other people who are looking at the issues
 13 and where the Court Rules should go as to professional
 14 conduct. But are there areas we missed?

15 The court at our request has extended their
 16 deadline for public comment, literally to accommodate
 17 the Assembly being able to meet in January. There is
 18 a responsibility that comes with our having asked that
 19 question, and that's that if we do anything we do it
 20 constructively and we actually give them feedback
 21 that's going to be helpful to the court, and I stress
 22 that, because I don't think it's particularly helpful
 23 if we go back and we just reiterate those issues that
 24 we have already taken positions on or those that the
 25 court may have suggested that it disagrees with. But

17

1 it's important that we look at whether or not there
 2 were areas that we didn't discuss things or things
 3 that we missed, and in terms of the rules, the
 4 disciplinary rules, that we asked the court to
 5 postpone making a decision on, that we ask ourselves
 6 what part of that should we be addressing and in what
 7 way, and Assembly leadership really does want your
 8 feedback on that.

9 I think what I am trying to say, the new Dean
 10 of Wayne State when I talked to him briefly when he
 11 made a couple of remarks was talking about the fact
 12 that it's his opinion he has always taken the premise
 13 with his students that he doesn't think that good
 14 lawyers are lawyers who don't make mistakes. He
 15 thinks that good lawyers recognize they have made
 16 mistakes and then fix them. And I think that that's
 17 sort of the message that we have here. If the
 18 Assembly is not doing things exactly right, it's our

19 responsibility to figure out what we are not doing
 20 right and to try and fix it.
 21 When you break up into those small groups, I
 22 like to think of the Assembly sort of like a jury.
 23 The smartest judge there is, when they listen to, when
 24 he or she listens to a case, when he or she is
 25 presented with something, when there is a lot of facts

18

1 in particular, might miss something. It's my
 2 experience though that when 12 average,
 3 run-of-the-mill folk spend the time to listen to
 4 something, to consider something, to think about
 5 something, they don't miss a thing.

6 My experience has been prosecuting. The
 7 things that I have worked over with other people a
 8 case for six months and defense counsel has done the
 9 same and when we talk to a jury afterward there is a
 10 fact there that, darn it, if we shouldn't have been
 11 arguing to them that we just totally missed because we
 12 were too close to whatever, and I think that's what we
 13 are trying to do here is break you up into groups so
 14 that collectively as you discuss these things you can
 15 bring things to the floor.

16 I also want to just take the chance while I
 17 have it to do a little bit of saying thank you.
 18 Primarily, or at least initially, to Elizabeth, to
 19 Lori, who have served as officers with me. It's not
 20 easy to explain just how much that means and how much
 21 having people have faith and go along with what it is
 22 that you are trying to do, offer constructive help,
 23 how much that can mean, and I thank them for that,
 24 playing that role.

25 I feel like I need to mention Tom Rombach,

19

1 who spoke earlier, but also Julie Fershtman and Bruce
 2 Courtade, chairs who I worked closely under as I was
 3 sitting in those chairs. The examples they set, the
 4 strength of the body that they helped shape and passed
 5 on to me and entrusted me with was very much due to
 6 their efforts, and I thank them.

7 Mostly though at this moment what I want to
 8 do is go back to, and I don't know how many of you
 9 were at lunch yesterday, but something that Dennis
 10 Archer said when he was speaking. He talked a little
 11 bit about how associations, and he was talking about
 12 the American Bar and Bars in other states and about
 13 this Bar, but how associations of volunteer lawyers
 14 really depend upon professional staffs to make things
 15 happen, and it's so true. And the Michigan State Bar
 16 staff is really so good that it's often really
 17 invisible to most of us. Most of what they do we
 18 don't see. I can't take a final bow today, I can't.
 19 If it weren't for them, instead of standing here with
 20 all you listening, I would be ducking tomatoes. They
 21 are the folk who allow us to look good.

22 The ability to say, when we are having a
 23 phone call to talk about how can we prepare

24 facilitators for small groups, to say, you know, it
 25 would really be nice to have a folder that included

20

1 all these materials so the facilitators would have it
 2 and have the transparencies right before them and all
 3 in one nice package when they got there, it would
 4 really be nice to have it, and it happens.

5 There were times when I felt it, sort of
 6 Jean-Luc Pricard, for those of you who have watched
 7 Star Trek. You just say make it so and then you get
 8 to not worry about it anymore, and when you show up
 9 it's so. And that's amazing. I mean, you know, we
 10 all work with staffs in our offices, and I think we
 11 have some understanding of how amazing it is, but I
 12 don't think most of you really know how much that's
 13 happening, and I want to thank personally, to single
 14 out John Berry, Janet Welch, Nancy Brown, Tom Byerley,
 15 Anne Smith, members of the staff who have been
 16 particularly helpful to me, Lisa Allen-Kost for
 17 putting together in particular the trip up to the U.P.
 18 which was an experience that you should all have.

19 But mostly I want to say that if I am Captain
 20 Pricard, if I get to say make it so, I got to thank
 21 Glenna, I got to thank Glenna Peters, because if I am
 22 Captain Pricard, she is my number one. She is the
 23 person I say, hey, number one, do this, and that's all
 24 I have to say. And that's a really neat feeling, and
 25 to have it done with support and with enthusiasm and

21

1 with a love and a respect for what this body, the
 2 Assembly, and what the body, the Board, and more
 3 importantly what the body of the State Bar is, should
 4 be, can be is invaluable, and I don't have words that
 5 really express it beyond just being able to say thank
 6 you.

7 I said yesterday that when I look back on
 8 this experience next year, years from now, when I look
 9 back on it, I am not going to remember what issues we
 10 talked about, I am not going to remember what we
 11 argued about, what we discussed. What I am going to
 12 remember is the people. That's particularly true of
 13 the people who I have already mentioned, but it's also
 14 true of every member of this Assembly.

15 It's a privilege to have held this position.
 16 It's a joy to have worked with you. I thank each and
 17 every one of you for the experience, but mostly, and
 18 the part that I don't have words really to express, I
 19 thank you for having the faith and the trust to put
 20 this body that I believe in in my hands for a year.
 21 That's a neat feeling. That's something that each of
 22 you in one way or another contributed to my being able
 23 to feel, and for that, personally, deeply, I do say
 24 thank you.

25 (Applause.)

1 CHAIRPERSON LEVY: Scott, they say don't
 2 follow an animal act. I don't know that I am an
 3 animal act, but you get to follow that, would you
 4 please.

5 PRESIDENT BRINKMEYER: Good morning. As we
 6 pass one another today throughout the day, if you
 7 notice that my smile is little broader, my step a
 8 little lighter, Tom Rombach gave you the reason why,
 9 in about two and a half hours I will be the former
 10 president of the State Bar of Michigan.

11 Last night, as Tom mentioned, I had the
 12 pleasure of assisting your incoming president, Nancy
 13 Diehl, as she presided over the awards banquet. I
 14 don't know how many of you had the pleasure of
 15 attending, but it really is a telling ceremony, and
 16 last night was no exception, about the wonderful
 17 things that lawyers do around the state, and if you
 18 heard former State Bar President Dennis Archer speak
 19 as the keynote speaker at the luncheon yesterday, his
 20 talk on what it means to be a lawyer was certainly
 21 motivating and uplifting.

22 As I stood there last night and passed out
 23 those many awards for a seemingly unending period of
 24 time, although every moment was certainly worth it,
 25 and watched the folks as they ate their dinner, I

1 couldn't help but reflect that it wasn't that long ago
 2 that I was chair of this Assembly and handed out the
 3 first Michael Franck Award to then Bar President Ed
 4 Brady, and Mrs. Franck assisted me in presenting that
 5 to Ed that particular year. I was proud of that, and
 6 I was proud to be the chair of this Assembly.

7 I will have to say with candor that was not
 8 always the case. I was approached by former
 9 president, State Bar President Jon Muth, the longest
 10 sitting president of the State Bar, many years ago,
 11 seemingly an historic time ago, and asked to run,
 12 first for the Board, which I declined because at that
 13 time it was far too much for my practice to bear.

14 But then he persuaded me to run for the
 15 Assembly, and I did so and served the first three-year
 16 term, at the end of which I went back to Jon and I
 17 said, Jon, I am afraid I am going to have to
 18 disappoint you. I am going to resign from the
 19 Assembly. And he said, Why are you going to do that?
 20 I said, I am bored, I don't think they are doing much
 21 of any substance, I am dismayed with what we are
 22 dealing with and the way in which the issues are
 23 presented and the way in which so many Assembly
 24 members are approaching them by trying to redefine
 25 committee work that had been ongoing for months or

1 even years in some cases and worrying about syntax and
 2 going back and forth about this sentence or that. I
 3 said, I just don't have the time to do that. It

4 doesn't seem like it's very relevant and it doesn't
 5 seem like people are really getting the big picture.
 6

7 Jon thought for a moment, and he gave me some
 8 of the best advice, looking back now, that I probably
 9 ever got. He said, Look, don't quit, run for the
 10 chair, run for the clerk, get to be an officer and
 11 change things. So he persuaded me. Little did I know
 what lay ahead.

12 But in any event, my first daunting task was
 13 to get myself known in the Assembly. I did not have a
 14 history with the State Bar, but I did find that it had
 15 been about 15 years or more since anyone outside of
 16 the southeast quadrant of the state had been an
 17 officer, which surprised me, because this is a
 18 representative body. So I contacted every member of
 19 the Assembly and I reminded them of that fact, but
 20 next I learned that the two persons I was running
 21 against were none other than my good friends Kurt
 22 Schnelz and the Honorable Archie Brown. Kurt at that
 23 time had been president of the Young Lawyers Section,
 24 already a member here, and his father was the
 25 long-term parliamentarian of this very body.

25

1 So to make a long story short, the particular
 2 day of the election there were two votes, and that
 3 afternoon after lunch as we awaited the results of the
 4 last vote I was actually writing the congratulatory
 5 speech to Kurt, expecting, of course, that he was
 6 going to be elected. The most surprised person in the
 7 room when the results came back was me.

8 What's happened since, of course, is that Kurt
 9 succeeded me the following year, Archie is now our
 10 parliamentarian, we are good friends, and I went on to
 11 be the chair and then jumped into the chairs of the
 12 State Bar.

13 I believed what Jon said, and that began a
 14 rather long, devoted trial and travail of the officers
 15 and all of those who succeeded me working very hard to
 16 improve the lot of this group in the sense of bringing
 17 back credibility in what this group does throughout
 18 the Bar, and I mean credibility that will stand with
 19 the courts, that will stand with the Legislature, that
 20 will stand with the Board, and that will stand with
 21 our members. And, of course, you know for the past
 22 many years you have had some outstanding leaders --
 23 Kim Cahill, Tom Rombach -- and I know you have just
 24 shown by your applause our current chair, Dan Levy,
 25 and I know that the future is bright with Elizabeth

26

1 and Lori coming along, they will be no exception to
 2 that rule.

3 I mentioned this history today because I want
 4 to echo what Dan said. This task that you have is, I
 5 expect, the beginning of a process of self-analysis
 6 that is very, very important. I believe that there
 7 should be an Assembly. I believe that Michael Franck
 8 was right when he got the idea for and got the

9 Assembly created that we do need representation for
 10 the lawyers from around the state, and it's very
 11 important to have that representation in a body like
 12 this.

13 Now, exactly what you do with that and how
 14 you do it are what's on the table, and I would
 15 recommend that you really take a close look and, as
 16 Dan said, think about how you can best represent the
 17 lawyers from your various circuits and how you can
 18 best do their work so that it does have credibility
 19 throughout the Bar and elsewhere and that that
 20 credibility resonates in everything that you do.

21 So please take it seriously. I think it's
 22 very important. It could be the foundation upon which
 23 the future direction of these decisions and this body
 24 are built. But what we don't want to do is backslide,
 25 I don't think, because too much hard work from these

27

1 folks that I have mentioned has been done, and you
 2 have seen the effects of that, as have I, in the work
 3 you have done in the past few years, it is excellent
 4 work, and I am proud now to be a part of it and have
 5 been ever since I got into the chairs here, and I want
 6 to carry that pride with me on into the future. You
 7 do good work, you can do great work, but I think you
 8 need to look at exactly what is the best way you can
 9 do that work for the people you represent.

10 I will echo what Dan had said. I have to say
 11 that the U.P. trip is a great experience. If you can
 12 have it, I would recommend it. If you can ever drop
 13 by when we -- speaking of venues up there, when the
 14 future officers do take that opportunity, it's great
 15 fun. Getting around the state has been an outstanding
 16 experience, meeting many folks, many of the officers
 17 from different Bar associations and learning just how
 18 right Dennis Archer is about what we do and how
 19 important what we do is in our society. Never forget
 20 that.

21 And as you go forward keep in mind, and I
 22 will recommend one way to do it is periodically go to
 23 your Bar Journal directory, look up the oath of office
 24 and read it over and take it again. If you read that,
 25 I think that will remind you of exactly what it is we

28

1 and you are about, and it will remind you what you
 2 swore to be when you became a lawyer.

3 Thank you for a great privilege. It's been
 4 an honor to serve, I appreciate it, and do good work
 5 in the future. Thank you very much.

6 (Applause.)
 7 CHAIRPERSON LEVY: Sort a symbolic passing of
 8 the gavel for what we will see for real not too long
 9 from now. Nancy, will you please make a few remarks.
 10 Incoming State Bar president, Nancy Diehl.

11 (Applause.)
 12 PRESIDENT-ELECT DIEHL: Good morning,
 13 everyone. What a fine looking group. He said a few

14 comments from me. He didn't say that for the others,
 15 did he? That's my friend, Dan, and I am so proud of Dan
 16 and am so pleased with the leadership that he has
 17 shown the Assembly this past year. He has just been
 18 terrific. I have appreciated Dan's leadership, not
 19 only of the Assembly, but his position on the
 20 Commissioner's Public Policy Committee and his
 21 position at our table. He always has thoughtful
 22 comments to make, and we appreciate it, and he has
 23 represented the Assembly extremely well, you can be
 24 sure of it.
 25 (Applause.)

29

1 PRESIDENT-ELECT DIEHL: And besides, he is a
 2 prosecutor. All right, all right.
 3 I am so looking forward to working with
 4 Elizabeth Jamieson and Lori and your soon to be
 5 elected clerk, and you know that everybody talks about
 6 the U.P. tour. They all talk about the U.P. tour.
 7 You hear different things, but I hear right now before
 8 I am about to go on the U.P. tour with Elizabeth, they
 9 are saying it's a great thing, so that's good, guys,
 10 you got me thinking it's a great thing, and we are
 11 actually looking forward to it, it's a wonderful
 12 opportunity. Do you know what that is? They keep
 13 saying go to the U.P. You think it's all fun and
 14 games? You did say it was going to be fun and games,
 15 didn't you, John? It's a wonderful opportunity to see
 16 the lawyers in the Upper Peninsula, and so we spend a
 17 week and we tour the whole Upper Peninsula, visiting
 18 with all the lawyers in the Bar associations there,
 19 and so we are really looking forward to it, and,
 20 Elizabeth, you are coming with me, right?

21 VICE CHAIRPERSON JAMIESON: Last I heard.
 22 PRESIDENT-ELECT DIEHL: She said she is
 23 looking on the weather report. But we are looking
 24 forward to it.
 25 Some of my firmest roots with the State Bar

30

1 of Michigan are right here in the Representative
 2 Assembly. I was trying to figure out, someone asked
 3 me the other day when it was that I started here, and
 4 I think I began my Assembly work in 1992, and I was
 5 here about 1996 when Victoria Roberts was a member,
 6 because she was president-elect of the State Bar of
 7 Michigan, and Victoria said to me, you know, Nancy,
 8 there is an open seat from Wayne County on the Board
 9 of Commissioners, and it really would be nice to have
 10 you on the Board when I serve my year as president.

11 And I said, wow, Board of Commissioners, that
 12 sounds pretty good. I like the Representative
 13 Assembly, but Board of Commissioners sounded pretty
 14 good, and I have long respected Victoria Roberts, so I
 15 did, and I joined the Board. Of course, I had to
 16 leave you for a short period of time, but when we end
 17 up now back on Executive Committee and as an officer
 18 of the State Bar we rejoin the Representative

19 Assembly. So I was only gone for a short time and
 20 have been able the last number of years to rejoin you.
 21 I love this group, and what I love about this
 22 group is the way that you debate issues, and, you
 23 know, speaking of debates, there was a debate. Was
 24 there a debate recently?
 25 But you have been debating important issues

31

1 for a long time, and think about it, you go up to the
 2 microphone, and you debate with respect. There is
 3 civility. I never heard people attack others in terms
 4 of their position. You come to the microphone and you
 5 make your position heard in an a respectful manner.
 6 And we have wonderful back and forth, and it's amazing
 7 with a group this size, think about how often we come
 8 to an agreement. Takes a little bit of work. Tom
 9 Rombach is running around the room working out
 10 compromises. Isn't that wonderful, once in a while
 11 you take that break, he goes out of the room -- I am
 12 not sure what magic Tom pulls, but he gets it together
 13 and comes back with an agreement. That's democracy in
 14 action, that's lawyers in action, that's folks trying
 15 to come together and come together with the best
 16 possible conclusion that you can.

17 Look what you did when you passed our
 18 strategic plan and put the proposal to the Supreme
 19 Court on the dues increase. Thank you. That was hard
 20 work. You said, yes, that's a good strategic plan, we
 21 are behind. Now, Supreme Court, give us the money
 22 that we need to proceed, help us. Well, we got part
 23 of it, and that's good. We didn't get all of it. But
 24 something else the Supreme Court did, they didn't
 25 listen to you, did they, about the senior lawyers.

32

1 But you didn't give up, and we went back, and the
 2 Supreme Court now has an emeritus status, and look
 3 what you are doing today.

4 This is an example of what you do time and
 5 time again. If you don't get everything you want, you
 6 come back, you work for maybe a compromise, and what
 7 you are doing today is giving more dignity and respect
 8 to our senior lawyers with the proposal you are going
 9 to be debating later. Keep up the good work, enjoy
 10 your group discussions today. I expect you to bring
 11 back good ideas and good information about the future
 12 direction of the Assembly, and I look forward to
 13 working with you next year. Thank you.

14 (Applause.)
 15 CHAIRPERSON LEVY: I am just taking a quick
 16 look at my time, and I think it's important that we
 17 have time to use the small groups. I would hear a
 18 motion that we ask Executive Director John Berry to
 19 speak to us at 2:30 this afternoon, move it on the
 20 calendar.

21 VOICE: So moved.
 22 VOICE: Support.
 23 CHAIRPERSON LEVY: All in favor.

24 Any opposed.
 25 Thank you, and thank you, John.

33

1 Terri Stangl here? Next item on our calendar
 2 is the consideration of the proposed amendment to add
 3 attorneys with emeritus status to the court rule that
 4 currently allows law students to practice. The
 5 initial proposal is being made by the Legal Aid
 6 Committee, the Standing Committee on Legal Aid, and
 7 Terri Stangl, chairperson, will address you.

8 MS. STANGL: Good morning. The proposal
 9 before you is in your materials on the tab on 8.120.
 10 This proposed resolution is offered by both the Legal
 11 Aid Committee and the Standing Committee on Justice
 12 Initiatives, and their proposal is in a resolution,
 13 and on the back page of the first page and the third
 14 page there.

15 This proposal would give a volunteer
 16 opportunity for attorneys who have elected the
 17 emeritus status. As you may recall, those are
 18 attorneys with either 30 years of practice or who are
 19 70 and older. They can elect that status and then not
 20 have to pay Bar dues, but they can continue to get
 21 some of the services and publications of the Bar.

22 These attorneys are a wealth of experience
 23 and of expertise within the Bar, and on occasion some
 24 of those attorneys would like to offer that on a
 25 pro bono basis to organizations that serve the

34

1 indigent, such as legal aid and defender
 2 organizations.

3 The proposed resolution would allow these
 4 attorneys to do so under the same Court Rule that we
 5 currently apply to law students who provide those
 6 services. However, they would work without
 7 compensation and their expenses could be reimbursed.

8 So we feel that this is a very good
 9 opportunity to recognize that resource within our Bar
 10 and to allow them to serve organizations that in turn
 11 serve many people in Michigan that are in need, and
 12 I would move for the adoption of the resolution that
 13 has been submitted.

14 CHAIRPERSON LEVY: Is there support for the
 15 motion?

16 VOICE: Support.

17 CHAIRPERSON LEVY: Any discussion? I believe
 18 that the prosecutors have asked somebody to make a
 19 motion on their behalf. Kim Eddie, also State Bar
 20 Commissioner.

21 MR. EDDIE: We as prosecutors, and I work
 22 with prosecuting attorneys coordinating counsel, also
 23 on the Board of Commissioners, and I have spent --

24 CHAIRPERSON LEVY: I am sorry, your circuit?

25 MR. EDDIE: I am sorry, do I need a circuit?

1 CHAIRPERSON LEVY: Parliamentarian says you
 2 should identify your circuit.

3 MR. EDDIE: Kim Eddie from the Board of
 4 Commissioners. Will that due? Thank you.

5 For a full disclosure, I have been a
 6 prosecutor for 31 years, and I come to you to
 7 hopefully amend it to add in the first line
 8 governmental offices in place of the words legal
 9 training programs, and in paragraph two to modify that
 10 to read law students, recent law graduates, and
 11 attorneys with emeritus status may work in the office
 12 of the county prosecuting attorneys, corporation
 13 counsel, city attorneys and attorney general.

14 As you go north in Michigan you will find
 15 many very small prosecutor's offices. This would
 16 certainly help them. Many of those offices are one
 17 and two people offices, and to have somebody -- to
 18 have a weekend off would be nice -- to come and assist
 19 you, and there are emeritus lawyers I think that would
 20 like to do that. I don't think it greatly impacts the
 21 programs. We currently have law students working in
 22 prosecutor's offices. I think it simply clarifies it,
 23 so I would like to move to amend the proposal to read
 24 as I have indicated.

25 CHAIRPERSON LEVY: Thank you. I guess there

1 is some question as to whether as a not present member
 2 of the executive board I can recognize you to speak
 3 but I can't, whether I can recognize you to make a
 4 motion, so fortunately Nancy just made the same
 5 motion. So I would ask if the original moving party
 6 would accept that as a friendly amendment.

7 MS. STANGL: The Legal Aid Committee does.
 8 The Standing Committee on Justice Initiatives did not
 9 have an opportunity to take a position on this.

10 CHAIRPERSON LEVY: And if that looks like it
 11 was prearranged, it's because it was prearranged. The
 12 point being that both sides would like to be included
 13 on this matter, both sides wanted to represent
 14 themselves, and we asked them to do so. There is now
 15 a motion on the floor, there is an amendment to it.
 16 I believe there has been support expressed, so I would
 17 call upon discussions.

18 Is there support for the motion as amended?
 19 VOICE: Support.

20 CHAIRPERSON LEVY: Thank you. Is there any
 21 discussion on it?

22 The exact language is not there, and it's
 23 lengthy, but it is in Appendix A of the calendar, so
 24 it has been published to all members. You have the
 25 initial motion before you in the calendar under the

1 tab, and immediately following that is the amended
 2 language which adds the prosecutors to the same, so it
 3 has been submitted in writing in a timely fashion and

4 is before you.
 5 VOICE: Call the question.
 6 CHAIRPERSON LEVY: Before I move to call the
 7 question on the amendment, I am being told that if you
 8 look at Appendix A under Section B, the first two
 9 words being legal training, it being legal training
 10 programs, the word government was substituted for
 11 legal training, so it's government programs.
 12 VOICE: Government offices.
 13 CHAIRPERSON LEVY: Government offices. If
 14 you would just pass up a little bit more at the letter
 15 B, instead of legal training programs it's government
 16 offices. Just government offices, period, no
 17 programs.
 18 Am I understanding, Kim?
 19 MR. EDDIE: That's correct.
 20 CHAIRPERSON LEVY: That was the way you were
 21 moving it?
 22 With that clarification, I would call the
 23 question on whether -- on the amendment. Would all
 24 those in favor of adding the amendment --
 25 MR. ROMANO: How about the title, the title

38

1 of the rule, it also references --
 2 CHAIRPERSON LEVY: You need to identify
 3 yourself at a microphone.
 4 MR. ROMANO: Vince Romano, 3rd circuit. The
 5 title of the rule also references legal training
 6 programs. Is that to be changed as well?
 7 MR. EDDIE: Yes.
 8 CHAIRPERSON LEVY: Yes, and that is an
 9 amendment also accepted as friendly. So, again, with
 10 those clarifications having been made, the amendment
 11 is before the body. Would all those in favor of the
 12 amendment as presented please indicate by saying aye.
 13 Any opposed.
 14 Thank you. That leaves us with the now
 15 amended proposal as a whole. Is there any discussion
 16 on the proposal?
 17 Hearing no discussion on the proposal, would
 18 all those in favor indicate by saying aye.
 19 All those opposed.
 20 I would like the record to reflect the fact
 21 that that was an unanimous vote in favor.
 22 With that we will break up quickly into small
 23 groups. Let me just do a little bit of logistics here
 24 quickly to make this hopefully run smoothly, but I
 25 want to give you as much time as possible.

39

1 You will see that in your packet that you
 2 have identified what group that you are in. Find your
 3 name, it's the blue sheet. Each of you has a blue
 4 sheet in your packet. It will identify which group
 5 you are in. I am going to have the facilitators stand
 6 in a second and introduce themselves, but even without
 7 knowing their faces immediately, the first group is
 8 going to meet against the wall. In this section here

9 we'll have groups two, three, and four, two in the
 10 front, three in the middle, four in the back. From
 11 the center section, five, six, seven, five in the
 12 front, six. And seven in the rear. In this section,
 13 eight, nine, and ten, eight being in the front, ten
 14 being in the rear. And then against the wall over
 15 here would be the 11th group.

16 Robert Buchanan, would you stand and wave, is
 17 the facilitator for group one. For group two is
 18 Teresa Bingman, over here. For group three is Tom
 19 Evans.

20 As I announce the facilitators, if you want
 21 to start walking towards your section so people know
 22 where you are going. Everybody else, if you just hold
 23 on in your seats for a second so that people can spot
 24 the facilitators as they are moving.

25 Susan Haroutunian is over here will be group

40

1 number four. Katherine Kakish, Kathy right here, is
 2 five in the center. Bill Knight is group six, just be
 3 moving back a little bit. Lynn Moon is group seven,
 4 right up front here.

5 Moving over to the section here, Fred Neumark
 6 is all the way to the back, will be in the center of
 7 this section, group eight. Group nine is Vince
 8 Romano, in the back of this far section -- I am sorry,
 9 the middle. In the back, Mike Riordan is right over
 10 here, and then against the wall is Laurin' Thomas
 11 Roberts right here. If you could please enter your
 12 groups and then begin your conversations.

13 As you are moving to those sections, if
 14 somebody can just make a quick motion that we not
 15 transcribe each of the 11 groups.

16 VOICE: So moved.

17 CHAIRPERSON LEVY: I here it moved. Do I
 18 hear a second?

19 VOICE: Second.

20 CHAIRPERSON LEVY: All those in favor of not
 21 reporting that, please say aye.

22 Any opposed.

23 Thank you. We are off the record.

24 (Small group breakout sessions.)

25 (Lunch break taken.)

41

1 CHAIRPERSON LEVY: I hope at least some of
 2 you enjoyed listening to Nancy even half as much as I
 3 did. It was a treat for me, somebody I think highly
 4 of, and just between the things she said and the way
 5 her family, her friends supported her, and I just
 6 thought that was a great lunch.

7 Couple very quick things. One is, again,
 8 reminder that we are going to have attendance slips at
 9 the end. The attendance slips have on them a place
 10 for you to express your interest in serving as
 11 liaisons to Bar committees or Bar sections or serving
 12 on one of the Assembly committees. Please take a look
 13 at that, take it seriously, and I get a sense that

14 there is a possibility that if you don't check
 15 anything somebody will figure out what it is that you
 16 are interested in for you, so that pick the ones that
 17 you are kind of interested in to avoid getting
 18 something you are really not at all interested in.

19 Also, just note at the very end, and I
 20 promise we will get there sooner rather than later.
 21 After adjournment it says refreshments. We are going
 22 to have nothing real extreme or fancy but a small sort
 23 of reception afterward where you can come and
 24 congratulate our new chair and talk to each other on
 25 the way out.

42

1 The way I want to handle the small group
 2 presentations is if the people who are going to be
 3 speakers would, two or three groups before them,
 4 they're up -- if you are number four, when one or two
 5 is presenting sort of gravitate over towards the
 6 overhead projector. I'll meet you down there. I am
 7 going to ask the people that are doing the presenting
 8 to come up to this microphone, and we are going to
 9 begin with those.

10 So if the groups one, two, three want to sort
 11 of meet me there, and as your group is coming up
 12 close, come on down and meet me.

13 MR. ADELE: Our group is group one, and
 14 basically regarding our response to question number
 15 one, which is based upon the personal observations and
 16 the Keller guidelines what types of
 17 issues/resolutions/items does the Representative
 18 Assembly handle well, and our view was addressing the
 19 philosophical issues, i.e., moral compass of the
 20 collective Bar. We gave some examples, the emeritus
 21 status, which is just an issue that just passed
 22 through, also the Access to Justice program for
 23 underprivileged citizens.

24 And number two is providing direction plus
 25 input on ethical issues, expressing the practical

43

1 implications to those who decide. Basically getting
 2 information from those who are actually out there
 3 practicing and getting that information and passing
 4 the information on to the decision makers. That's
 5 what we had for number two.

6 CHAIRPERSON LEVY: As I am sliding this
 7 down, could I ask you to state your name and circuit
 8 on the record.

9 MR. ADELE: Goldie Adele, 30th circuit.
 10 Sorry.

11 And number two question, our response was
 12 pace of action is slow, and an example of that is
 13 drafting and work written by entire Assembly should be
 14 delegated or positions anticipated before meetings.

15 Basically we are talking about the fact that
 16 issues keep on being dragged on because of one word or
 17 one phrase and all of that, and we feel that those
 18 issues should be taken care of at the committee level

19 before it's actually presented to the entire Assembly.
 20 Issue number two, our response is weighting
 21 of votes not representative of the entire Bar, and in
 22 such a case our example is the fact that some
 23 districts have, for example, 3,000 members, some
 24 districts have about 200 members, and both districts
 25 have one vote, and so the observation was that

44

1 district with 3,000 should basically have more say or
 2 like more options compared to a district that has 200
 3 members.

4 Our response to the next issue is yes. We
 5 need to effectively and persuasively voice our piece
 6 with solid reasoning to have an impact on the moral
 7 code that impacts everyone, otherwise we allow the
 8 Supreme Court to unilaterally select our rules, rules
 9 that impact us.

10 Basically we have to be able to have solid
 11 reasoning behind our rules and our presentations to
 12 the Supreme Court and kind of have a very substantial
 13 input in whatever the decisions are that affect your
 14 profession. And so we have to basically create or get
 15 solid reasoning behind our suggestions to them
 16 regarding the changes in rules.

17 And the last one is, keeping in mind the
 18 Keller guidelines, what issue/issues would you like to
 19 see the Assembly address in the future, and we talked
 20 about judicial debates, basically candidates coming up
 21 and having debates on what their stand is on issues.
 22 Basically they have to follow the ethical guidelines
 23 when they are discussing that, but just to present the
 24 candidates to the public.

25 Another issue which we discussed was local

45

1 districts through model that we actually formulate.
 2 Number two, undertake programs in which we present and
 3 not rely on others to approve and reject. The third
 4 issue is regarding legal training, and basically
 5 focus on legal training, not just in the law schools
 6 but eventually when they become lawyers to create some
 7 kind of resident program which is seen in the medical
 8 profession whereby new lawyers are trained and given
 9 the right guidance to basically get into the
 10 profession. And that was our response to the last
 11 question.

12 CHAIRPERSON LEVY: Thank you.

13 MS. CULLITAN: Hello, I am Colleen Cullitan
 14 from the 2nd circuit. I was the reporter for group
 15 two.

16 For the issues that the Representative
 17 Assembly has handled well, we had a nice mix in our
 18 group of people who had been on for a while, people
 19 who had only been on for a few meetings. Of those
 20 they decided that they thought that at one point
 21 selection of judges, appointment, election had been
 22 discussed, they thought that was handled well. The
 23 meeting where we discussed the proposed Michigan Rules

24 of Professional Conduct, and we think that the
 25 Assembly has been good at handling amendments to

46

1 Michigan Court Rules in general.

2 We had a discussion about some procedure
 3 problems and possibly problems with Roberts Rules of
 4 Order and that not everyone is as well versed in it as
 5 perhaps they should be. Some people constrained when
 6 they might want to make a comment. It was suggested
 7 that possibly there is a shortened version or a cliff
 8 note on the Robert's Rules of Order that could be
 9 given to Assembly members so they would be a little
 10 bit better prepared.

11 Also, we have appreciated at some points when
 12 there have been some suspensions of the rules or some
 13 moderations of the rules to allow for a fuller
 14 discovery, we thought that might be helpful.

15 Obviously amendments from the floor and group
 16 editing is difficult, and we appreciate the fact that
 17 the language has to be right. Sometimes it takes too
 18 long, and we noted that it was I think the last
 19 meeting we sent something away to the Assembly
 20 Drafting Subcommittee to fine tune the grammar and the
 21 wording. We thought that was a good use of time.

22 We felt very strongly that the Assembly
 23 should look at the Michigan Rules of Professional
 24 Conduct again, thought that it was a beneficial
 25 discussion and that we need to be very proactive then

47

1 in representing the lawyers in the state, because it's
 2 very important to all the lawyers and that we make our
 3 opinions known to the Supreme Court.

4 We thought that selection of judges is
 5 something that probably is going to come up again. We
 6 thought some standardizing rules regarding court
 7 appointments and then also payment for court-appointed
 8 attorneys, that people are finding in their practices
 9 that those rules vary so much across the state, people
 10 are licensed to practice all over the state but the
 11 rules vary so much.

12 Also, there were some comments made about the
 13 recent rules for attorneys and guardian ad litem that
 14 people thought should be addressed at some point.
 15 Thank you.

16 CHAIRPERSON LEVY: Did you put your name and
 17 circuit? I am sorry.

18 MR. EVANS: I am Tom Evans from group number
 19 three. I represent the 5th circuit. Our recorder was
 20 Steven Drakos from the 6th circuit. We had a very
 21 enjoyable and cerebral discussion. Even if the notes
 22 burn to the ground, I think we are all the better for
 23 it.

24 As to question one, we talked about what
 25 items is the Assembly handling well already. Voice

1 for defense and other minority positions. Basically
 2 we felt that anyone can step to the floor here with
 3 any proposal and get a fair shot of some people who
 4 are willing to listen and give their proposals a shot.
 5 A good self-policing organization and that the members
 6 of this Assembly have dedicated a fair amount of time
 7 to regulating the conduct of lawyers successfully, and
 8 that I think goes hand in hand with protecting the
 9 profession of law standards of professionalism.

10 Some things that we felt that the Assembly
 11 has not handled well, let's see, recommendations not
 12 given significant weight, no teeth in that ultimately,
 13 and maybe it's just the nature of the bylaws of the
 14 Assembly, but our resolutions don't always become the
 15 rules or the law. We felt that in some way a lack of
 16 publicity is possible, public relations that could be
 17 used in maybe leverage and publicity, I guess both to
 18 the Bar and to the public in that, number one, there
 19 was a feeling among our group that not all members of
 20 the Bar understand the positions that the Assembly is
 21 taking and the efforts that we are making, and also
 22 the medium hold does not do that, and it might be a
 23 great and a useful tool to us should we be able to
 24 reach more people and say, hey, the lawyers are trying
 25 to regulate themselves. They are trying to get rid of

1 the bad lawyers and let you know who those bad lawyers
 2 are, things like that, and people don't recognize
 3 that.

4 Should the Assembly further address the
 5 proposed Michigan Rules of Professional Conduct, and
 6 if so on what issues or rules. No, the people in my
 7 group thought that basically those issues have been
 8 hashed out fairly recently and no further discussion
 9 was needed by this body at that time.

10 Keeping in mind the Keller guidelines, what
 11 issue should the Assembly address? Big thing was the
 12 depoliticization of judicial races, prosecutors,
 13 sheriff, AG, drain commissioner. All those races kind
 14 of can get bogged down in unnecessary politics. To
 15 the extent this Assembly is isolated from the wackos
 16 pursuant to Keller, a lot of attorneys think that
 17 would be great if we could minimize that in some
 18 extent. Some people said it's an incredible burden
 19 when it says Joe Schmoe versus Jane Schmoe, judge of
 20 the circuit court, things like that.

21 Another suggestion was some type of regional
 22 orientation in that members from various circuits that
 23 are nearby might meet in between full Assembly
 24 meetings or there may even be a regional spokesperson
 25 or wit as needed to spread news about the Assembly to

1 local members of the Bar and media groups. Another
 2 suggestion was that we look into CLE for both
 3 attorneys and judges. Thank you.

4 MS. GRAMZOW: Kirsten Gramzow from the 6th
 5 circuit.

6 Based on your personal observations and
 7 Keller guidelines, what do we handle well in the
 8 Representative Assembly? We also, as with other
 9 groups, had a mix as to members that have been around
 10 for quite a while and members that were new.

11 Some issues that we thought handled well were
 12 the debate of the Rules of Professional Conduct, the
 13 dues debate recently, discussion on budget matters, as
 14 well as that my group wanted to point out that they
 15 thought it was essential that we continue to meet
 16 face to face, especially in light of in today's day
 17 and age we are able to speak to one another by e-mail,
 18 fax, and other correspondence, but our group was
 19 adamant about continuing to be able to come together
 20 as a group because you can better understand one
 21 another and better get an idea as to where our
 22 viewpoints, what our viewpoints are and where we come
 23 from.

24 With regard to the second question, what
 25 don't we handle well? On the scheduling issues, as

51

1 far as the time constraints are concerned, my group is
 2 concerned with the fact that the Rep Assembly meeting
 3 is at the same time as the section meetings. This
 4 doesn't give an opportunity for the people who want
 5 to go to section meetings to be able to do so if they
 6 are on the Rep Assembly, and also it doesn't allow for
 7 discussion with some section meeting members with the
 8 Rep Assembly.

9 As far as the structuring is concerned, my
 10 group wants to put forth maybe that those issues which
 11 require no debate could maybe be conveyed in writing
 12 to the members. This would allow for issues requiring
 13 significant debate to be given more time in the Rep
 14 Assembly meetings.

15 With regard to communication, communication
 16 was a big issue you will see not only on the second
 17 question here but also on three and four. My group is
 18 very into making sure that the communication vehicle
 19 is strengthened between the Rep Assembly and State Bar
 20 members. For instance, some just suggestions were
 21 made that, although it's been changed recently, that
 22 the e-journal return to a one-page format and/or that
 23 there be fewer links. They would like to add a
 24 Representative Assembly section to the e-journal with
 25 a link for comments by members to upcoming issues.

52

1 Within the Bar Journal suggestions were made
 2 to have a tentative agenda for the Rep Assembly so
 3 that members of the State Bar are able to know what's
 4 going on with the Rep Assembly and be able to
 5 communicate to the constituents within the member of
 6 the representative area as to how they feel on issues
 7 that the Representative Assembly will be discussing.

8 Also what's happened in the Representative

9 Assembly after we have had a meeting to allow members
 10 of the State Bar to know what's been voiced or decided
 11 or recommended, whatever the issue is.

12 And, finally, listing the Representative
 13 Assembly members in the State Bar Journal with an
 14 e-mail and/or a link, or excuse me an e-mail and/or
 15 phone number so that members know who you are and also
 16 how they can contact you, whether they are able to
 17 contact you by e-mail or not.

18 On the third question the answer was yes.
 19 However, we didn't really go into what specific issues
 20 or rules needed to be discussed, instead we kind of
 21 looked at the fact that there needs to be a longer
 22 lead time before debate on issues, that the
 23 Representative Assembly members need to be able to
 24 have the information a lot sooner than it actually
 25 does in order to make our meetings more productive.

53

1 In addition, that goes hand in hand with
 2 allowing members and section committees to know what
 3 exactly is going on and what will be discussed with
 4 regard to Rules of Professional Conduct so that they
 5 may voice their opinions, concerns, or issues to the
 6 Representative Assembly members so those could be
 7 discussed at our meetings.

8 On the fourth issue, what could be done in
 9 the future, our group felt very strongly about
 10 reexamining the term limits, especially in light of
 11 recent or ongoing vacancies.

12 New member orientation, even if it's just a
 13 half hour before the first meeting, an orientation
 14 book or cheat sheet, as someone has previously
 15 addressed with regard to the Robert's Rules of Order,
 16 maybe even a discussion or a little introduction with
 17 the chairperson so that they get an idea what a
 18 Representative Assembly meeting is all about.

19 A third issue is identification of the
 20 Rep Assembly members at the annual meeting with a
 21 ribbon. Apparently this has been done in the past but
 22 for whatever reason it is not being done now. This
 23 would allow State Bar members the opportunity to see,
 24 recognize you as a Representative Assembly member, to
 25 know who it is in their district, and to allow them to

54

1 bring issues to your attention that they either, A,
 2 don't know who you are or they -- you being here would
 3 give them a better opportunity of speaking with you.
 4 They may not want to take up the time and effort to
 5 look up who you are and then seek you out.

6 As far as the fourth one is concerned,
 7 communication between the Representative Assembly and
 8 State Bar members as well as committee/sections. As
 9 with the other questions, communication and the lack
 10 thereof between the Rep Assembly and State Bar members
 11 as well as committee sections/meetings is a strong
 12 point and should be continued to be looked into in the
 13 future in strengthening in order to have better ideas

14 to what issues and concerns are with the members and
 15 how we can help them.
 16 MS. KIRSCH-SATAWA: I am Lisa Kirsch-Satawa,
 17 6th circuit. In group five with our observations
 18 about the Representative Assembly I think are
 19 attributed to all of you and that we thought that one
 20 thing that this group did the best was that we were
 21 able to look at different policies, vetting policy
 22 that impacts the profession and the public and the
 23 Rules of Professional Conduct, and in doing that we
 24 were able to look at each other, respect everyone's
 25 opinions, learn from each other and recognize our

55

1 diversity and really use it as a tool to maximize what
 2 we were doing in this room.

3 We felt that the Representative Assembly
 4 serves and gives voice to all circuits in Michigan,
 5 all sides of the Bar and every aspect of law and that
 6 for the most part that the large scale debates on
 7 important issues were done very well by this group to
 8 keep our direction.

9 On the flip side, it was very frustrating to
 10 our group the amount of time that is spent doing
 11 amendments from the floor, and so we -- our thing that
 12 this group needs to do better is to properly follow
 13 the Representative Assembly's rules and Robert's Rules
 14 when making amendments by submitting them in writing
 15 in advance, perhaps the drafters might do their own
 16 friendly amendments with other amendments if they are
 17 done in the proper manner.

18 They also thought that there were too many
 19 topics being covered in one meeting and too much
 20 information being considered in one meeting to be
 21 fully effective, and that makes more issues have to be
 22 tabled and trying to eliminate that delay in getting
 23 things resolved.

24 Speeches and thank-yous being too lengthy and
 25 then out of courtesy and respect when we are thanking

56

1 people we have always given an opportunity to then
 2 respond and make a little speech. Group five thought
 3 that the gracious thank-you is enough.

4 (Laughter.)

5 I am sorry, I didn't want to be the speaker.
 6 I told them I would write if I didn't have to speak,
 7 and here I am.

8 And then we thought that it would be very
 9 effective and something that this group could do
 10 better if everyone understood the source or the
 11 background of issues that were being brought to the
 12 floor. So we knew if a, you know, educated group of
 13 people who work in that area, that whatever we were
 14 going to discuss affects has thoroughly contemplated
 15 it and evaluated or are we just having, you know, one
 16 individual from here who thinks -- here being
 17 wherever -- thinking it's important. We thought that
 18 that would help everyone to understand and maybe

19 adjust their level of scrutiny if we had more
 20 information about the source.

21 As far the Rules of Professional Conduct, my
 22 group was very adamant that we need to be involved in
 23 the Rules of Professional Conduct and it's very
 24 important to debate and decide them, and our group
 25 thought that there should be a committee of this

57

1 Assembly that deals specifically with reviewing the
 2 rules, making sure they are updated and that they are
 3 in conformity with policy.

4 In addition to that, we would like to see the
 5 Assembly address the public perception of attorneys
 6 and, coupled with that, sending a message of what
 7 exactly this group does and what we are working on and
 8 how we are spending our long meetings.

9 And then we felt very strongly -- so hold on
 10 to your seats -- that this Assembly should have the
 11 power to approve the budget after it goes through the
 12 Board of Commissioners. And the reason that they felt
 13 this was important was because when this Assembly has
 14 been asked to review raising dues, has actually
 15 certain members of this Assembly have been involved in
 16 going around the state and soliciting funds for
 17 various purposes, and they felt frustrated that when
 18 they were soliciting these funds or going to these
 19 other Bar associations or individual groups they would
 20 say, well, where does the money go, and nobody really
 21 had an answer. And so they -- group five believes
 22 that we should all have the approval and veto power
 23 over the State Bar budget so that we never have a cost
 24 overrun on building a building again.

25 MS. LIEM: Veronique Liem, 22nd circuit, and

58

1 I try to keep this short, two minutes, no more, just
 2 like last night.

3 What we thought the Representative Assembly
 4 does well, as other groups have found, are the
 5 handling of Court Rule issues, Rules of Professional
 6 Conduct, issues concerning our dues. We also feel
 7 like the Representative Assembly has an important role
 8 on issues of civil rights, separation of power issues,
 9 preserving the separation of power.

10 In terms of areas for improvement, we don't
 11 think we do too well with legislative issues because
 12 of time constraints, and there were some similar
 13 concerns about how to deal with the Rules of
 14 Professional Conduct.

15 Same problem with the efficiency of the
 16 meeting as was previously mentioned, the speeches may
 17 be a bit long. Sometimes the agenda, there is an
 18 issue about how the agenda gets defined. We would
 19 like to see a little more efficiency there.

20 In terms of what we do, we don't exactly --
 21 this is still on what we can do better, but we don't
 22 always know what happens with our resolutions or the
 23 follow-up. It would be nice to have some feedback,

24 like we did this morning. We had a couple items of
 25 feedback about the dues and, you know, that we made a

59

1 difference, but we don't always know that we make a
 2 difference, so it would be helpful to know that, as
 3 well as being able to recruit new Assembly members by
 4 telling them that we do accomplish quite a bit. So
 5 maybe at the meeting, at some of the meeting or all of
 6 them we could find out what's been accomplished in the
 7 recent past.

8 I think there was one more. Yeah, reactive
 9 rather than proactive. We tend to be reactive because
 10 our frequency of meeting is limited. We feel maybe
 11 there could be a way to deal with meetings so that we
 12 can be more proactive, maybe have more e-mail kind of
 13 communication or decision making.

14 We do think we should address the Rules of
 15 Professional Conduct, it's a very important area of
 16 concern to lawyers. And in terms of the ones to focus
 17 on next would be the ones when at the previous meeting
 18 we didn't have a consensus, maybe we could retackle
 19 them.

20 And then in terms of what we would like to
 21 see the Assembly address, whether or not we should
 22 have an integrated Bar, whether we should be mandatory
 23 members. The way the judicial elections are funded we
 24 think should be addressed. It's a more narrow topic
 25 related to judicial elections.

60

1 The use of sanctions in litigation, the
 2 balance between trying to discourage frivolous lawsuit
 3 versus the abuse of deep pocket power in claiming that
 4 the lawsuit is frivolous and trying to discourage the
 5 lawsuit, and then we would like to see us involved in
 6 promoting funding to prosecute UPL.

7 MR. MILLER: Randall Miller, 6th circuit,
 8 group number seven.

9 With regard to issue number one, what is it
 10 we think we do well, our group felt very comfortable
 11 with the intra-Bar regulatory activities. We found
 12 that most resolutions are well researched, well
 13 presented, that the committees behind the scenes
 14 really do a lot of work for us. I think this morning
 15 was a great example where there really was no
 16 commentary necessary, and those of us that read the
 17 materials, which was most of us, were really prepared
 18 for the issues, that those that did the background
 19 work were very strong in that respect, and that goes
 20 for the sections as well.

21 We also felt that the Rep Assembly is the
 22 best group to identify policy positions affecting
 23 public legal issues, and that would include the debate,
 24 for example, between judicial appointments and
 25 elections. That was one example we came up with, and

1 we felt that since the public really isn't in a
 2 position to comment on that one way or another,
 3 because they don't know, we should be the ones to take
 4 care of that kind of an issue.

5 Now that he is gone he doesn't want to know
 6 what we don't do well.

7 What we thought we didn't handle well, for
 8 example, was strategic planning. While we were
 9 complimented earlier on the strategic plan that we
 10 have passed, what we discussed within our group was we
 11 really didn't have any input into the strategic plan.
 12 It was something that was well laid out with pie
 13 charts and graphs, but we were not involved in the
 14 actual compilation of any of those plans.

15 Other things we felt that we were weak were
 16 Bench/Bar relations and Bench public relations, and we
 17 will talk about that more in a minute. And then
 18 really the most important of those, and you can take
 19 it away because I am familiar with it, is the
 20 communication of the Rep Assembly to both the people
 21 that we represent and to the State Bar itself, and,
 22 like I said, we will get to that in a moment.

23 With regard to the Rules of Professional
 24 Conduct, there was an absolute yes, hence the
 25 exclamation point.

1 Stricter reporting and penalties for
 2 wrongdoers, and this again comes up with regard to
 3 number four, how do we improve the image of our
 4 profession, and one way was to implement stricter
 5 regulation on compelling, turning in people that are
 6 wrongdoers, not on the minor stuff as much as the
 7 important elements that really are the things that
 8 make the news and make lawyers look as bad as we do in
 9 the media these days.

10 Another point was strong efforts to compel
 11 Bar members to increase the Access to Justice, whether
 12 it be through pro bono work or through funding of that
 13 kind of program.

14 And the last was increase public service
 15 efforts, and, again, this came down to trying to get
 16 lawyers out and into the community, letting people
 17 know that we really are good people, that, you know,
 18 there are a few bad eggs that ruin the name of the
 19 profession but most of us really are good people and
 20 have our hearts in the right place.

21 With regard to the last issue, issues that we
 22 would like to address in the near future. The first
 23 is more RA involvement in the development of the
 24 strategic plan, which we talked about a moment ago.
 25 That kind of goes along with the state budget type of

1 thing, really having more involvement in the actual
 2 details.

3 Increase communication between Bar members

4 and the Rep Assembly and Bar and the members
 5 themselves, both to disseminate information and obtain
 6 input for Assembly business. I think our group found
 7 that there was very little communication between the
 8 State Bar and the members that are here in this body
 9 that typically were voting on behalf of ourselves and
 10 our own thoughts, but we are really not communicating
 11 with the people that are in our districts.

12 Improving the image of lawyers was an issue,
 13 we would like to address ethical issues, and improving
 14 Bench/Bar relations.

15 MR. NEUMARK: I am Fred Neumark, of course,
 16 from the 6th circuit, and I was the facilitator of our
 17 group number eight. I want to thank my group and also
 18 Julie who did the recording, but, unfortunately, I
 19 couldn't get her up to be the reporter.

20 So I can't read anything here. All right.
 21 You guys can see what we talked about.

22 (Laughter.)

23 I am going to try anyway. What do we handle
 24 well. Debate about or discussion of rules and other
 25 matters that came before the Assembly. We seem to

64

1 have a good debating society here, for sure.

2 Jeez, this is terrible. Who wrote this?
 3 Handling continuing education -- I have got a staff
 4 here -- handling continuing education well, which was
 5 in the past that we did this, and we give the Assembly
 6 kudos for the way it was handled. And also we felt
 7 that the Assembly also handles pro bono services well
 8 or could handle them well.

9 The things that we didn't feel were done as
 10 well as we could were disseminating information
 11 regarding our function as a Representative Assembly.
 12 We feel that we seem to be a body without teeth as far
 13 as we are looked at by people, our constituents.

14 Promoting ourselves to the rest of the Bar
 15 goes along with that. We don't seem to be able to let
 16 the rest of the Bar know what we are doing here. And,
 17 again, how can we be heard by more lawyers, it goes
 18 along with promoting ourselves to the Bar.

19 This is something that people are saying that
 20 we should have here, and that's an orientation for new
 21 members. I heard that once before already, perhaps a
 22 half day session or a couple hours before a meeting to
 23 tell the new members how we work and to get them eased
 24 into the program.

25 As far as the continuing on with the Rules of

65

1 Professional Conduct, we believe that that's necessary
 2 for us to do, but we need more lead time. It's great
 3 to have somebody here who can read. We need more lead
 4 time. We are just not getting enough time to get into
 5 a good discussion over something that's vital.

6 Rule promulgators. Yes, in other words, we
 7 feel that we do serve a good, a good job promulgating
 8 the rules not just reacting to them.

9 Implementing disciplinary rules, for
 10 example -- you guys can read this thing. I can't read
 11 it, but you guys can. And, oh, jeez.

12 (Laughter.)

13 They have got a whole lot of things, you
 14 know, what we would like to see the Assembly address
 15 in the near future. Is there anybody that can't hear
 16 me? Okay. Representative Assembly -- I still can't
 17 read.

18 (Laughter.)

19 Pro bono work, discussion the State Bar,
 20 should we only be concerned with rules of conduct and
 21 discipline or should we be concerned with all of the
 22 structures of the State Bar.

23 Dealing with part-time practitioners. This
 24 was an important discussion area that we got into.
 25 There are a lot of part-time practitioners who we need

66

1 to communicate better with because they are not into
 2 it on a full basis and they have got their own needs.

3 Long-term strategic planning and a couple
 4 more issues and thank you for putting up with me.

5 (Applause.)

6 MR. ROMANO: Good afternoon. I am Vince
 7 Romano from the 3rd judicial circuit. It's
 8 interesting to me that as we are hearing these that
 9 some common themes now are starting to emerge and be
 10 identified.

11 Our group was very well representative
 12 geographically, I think, of the Bar. We had people
 13 from metropolitan area, western Michigan, the Upper
 14 Peninsula of. Most of our members were experienced
 15 Representative Assembly members. I served as the
 16 facilitator of the group. Victoria Radke was our
 17 reporter, and I drew this straw.

18 We felt, frankly, that we handle our core
 19 mission, that is policy issues and matters, very well,
 20 and any of us could conjure up, you know, the rules
 21 debate we had or the strategic plan and dues increase
 22 debate that we had to see how well we do that, and we
 23 point to we think that's quality leadership and the
 24 leadership functions that the Bar staff helps us
 25 provide, we are always well prepared for these things.

67

1 We think issues and resolutions are pretty
 2 well. We did identify some items that we thought we
 3 could do better, and here is the commonality of theme
 4 that we are starting to see. We don't disseminate our
 5 information and our actions back to our
 6 constituencies very well. I am from the 3rd judicial
 7 district, and I have no way to really get feedback
 8 from or to my constituents, and I really wish that I
 9 could.

10 Also, we think some kind of a discussion
 11 forum for the body's membership prior to meetings
 12 would be helpful. We think that it might facilitate
 13 the debate in the proceedings that we have here, and

14 suggestions with both of those involve a better use or
 15 adaptation perhaps of existing resources because, you
 16 know, we are certainly not advocating that we put a
 17 lot more money into doing these things, but still we
 18 have some existing resources that perhaps we could use
 19 better or adapt better.

20 No, the short answer. We thought that we had
 21 a very, a thorough and extensive discussion of the
 22 rules as they were before us. We also -- there was a
 23 mention, and all of you would agree with this I am
 24 sure, that there is a great diversity here. When we
 25 started debating those Rules of Professional Conduct

68

1 we had expertise throughout this room that we could
 2 rely on for every bit of minutia that might be in
 3 those rules. Someone here could stand up and speak to
 4 it from experience and so forth, have reference to it,
 5 and we think that that's the kind of thing that will
 6 play out into the future. If the rules need further
 7 tweaking or further changes, we will see those things
 8 brought before us, but, frankly, we don't think we
 9 should just embark on some kind of a general review.

10 Looking at the, looking at things in the near
 11 future, it struck us that that's one of the few
 12 mechanisms that this body really doesn't have, that is
 13 a visionary, a futuring kind of function where we can
 14 get a heads up, you know, allow -- again, we are
 15 looking at this like some of the other groups, looking
 16 at this proactive/reactive continuum. We would like
 17 the opportunity to be proactive, but, frankly, somebody
 18 has got to give us some guidance as to, you know, what
 19 those issues are, where, how can we identify them and
 20 how can we take some kind of action, but we really
 21 need to maintain this, what we deemed our efficient
 22 reactivity to issues, and then, again, addressing
 23 unauthorized practice. Many of our group members, it
 24 was just about unanimous, that we do need to spend
 25 some more attention to that. Thank you.

69

1 MR. TAUBITZ Dennis Taubitz, 3rd circuit,
 2 drafted by group ten. We believe that the
 3 Representative Assembly handles multiple matters well,
 4 including the guiding the body on broad policy
 5 matters. We feel that that's an area where this
 6 Assembly has some expertise and we do that well.

7 We also believe that because of the broad
 8 range that this group encompasses we facilitate a wide
 9 range of practice areas and we are able to understand
 10 and relate to different practice areas.

11 The final point is, and apparently our person
 12 who wrote this down had a few problems. It wasn't me.
 13 I told them I couldn't write or spell.

14 We believe that we have excellent committees
 15 which we can place a great deal of trust in, and we
 16 do.

17 The problems are -- and there is, with our
 18 group, an overriding or overarching theme, and it's

19 communication, and that's what we are going to speak
 20 about now, what we don't handle well.

21 We believe that there is poor follow-up, and
 22 by that we mean this body goes and passes resolutions,
 23 we take positions, but we never know what happens
 24 afterwards. We would like to be able to find out
 25 where things go after that.

70

1 We believe there is a lack of historical
 2 background, that this body has been in existence for
 3 decades, and that we need to be more cognizant of
 4 what's been done in the past and be able to take that
 5 into consideration.

6 And our final point here, although we believe
 7 we have excellent committees that we trust, we believe
 8 that the committees need to be given more authority
 9 and be given time lines that are reasonable to allow
 10 them to be able to do their job.

11 Our third point is, yes, absolutely, we
 12 believe this issue needs to be readdressed, but what
 13 we are talking about here is our belief that there are
 14 differences with the positions we have adopted with
 15 what the Supreme Court is proposing, and that's what
 16 we believe should be looked at. And, again,
 17 continuing the communication theme, we believe that a
 18 resolution of those differences with the Supreme Court
 19 in an open forum, and what the members are talking
 20 about there is to bring the Supreme Court Justices in
 21 front of this body and allow us to have a discussion
 22 regarding these rules and procedures.

23 And, finally, where do we want to go in the
 24 near future? We would like to see this Representative
 25 Assembly be more active in the rule making process

71

1 earlier, again communication, and, again, you will see
 2 we say it, better communication, and we are thinking
 3 of examples of a bulletin board or chat room. We need
 4 to be able to converse with the people we represent,
 5 we need for the Bar to be able to converse with us.

6 And, again, continuing our communication
 7 theme, we need to follow-up, have some follow-up on
 8 our recommendations, what the Representative Assembly
 9 has said and considered, and that's where we would
 10 like to see things go. Thank you.

11 MS. WIDENER: Linda Widener, 30th circuit.

12 Our group had a pretty lively discussion, and
 13 we certainly appreciated our facilitator, Laurin', who
 14 was very helpful to us in kind of keeping on track
 15 of what we were talking about. And, like Lisa
 16 Kirsch-Satawa, I also thought by agreeing to write
 17 everything and be the recorder I would not have be the
 18 reporter, but the group felt otherwise.

19 A lot of what I have been hearing are going
 20 to be echoed in what we discussed as well. We felt
 21 that the Representative Assembly does, handles
 22 discussions very well with the Rules of Professional
 23 Conduct and other issues that come before this body.

24 We are very pleased that minority views are able to be
 25 heard. In fact, I think one of our members mentioned,

72

1 Attorney Abel, who would come up and give his
 2 viewpoint, no matter what kind of a discussion that
 3 that would result in, and it is very appreciative to
 4 be able to hear those viewpoints.

5 And we had -- this was interesting. We had
 6 members who felt that we represent the constituents
 7 well, but you are going to see down below that we also
 8 felt that that was something that maybe wasn't done as
 9 well as it should be. Down at the bottom, the
 10 communication with constituents could probably be
 11 better.

12 We also felt that we had a problem with
 13 feedback. Basically, what happens after the
 14 Representative Assembly acts? Once we do something,
 15 where does it go? There is a feeling of are we really
 16 being effective in anything.

17 One member felt that the meetings were not
 18 exciting, I think the word boring was used, but it was
 19 not -- I didn't feel that we got the blood boiling
 20 enough in our discussions, and so it simply wasn't an
 21 exciting process. And that person I believe has been
 22 on the Representative Assembly for many years.

23 The scheduling of meetings during the first
 24 day of hunting season. This is bow season today, and
 25 apparently some of our northern communities, this is

73

1 like a holiday and they don't have school and things
 2 like that, so it was very strongly expressed that we
 3 should not be having meetings the day before or the
 4 day of the opening of our various hunting seasons.

5 And then, again, the communication with
 6 constituents we thought could be improved.

7 We also had a resounding yes for this
 8 particular issue, and not simply when there are
 9 amendments to be discussed. We felt that since the
 10 Rules of Professional Conduct are what basically
 11 govern all of us in our practice of law, that that is
 12 something that is very important, it affects all of
 13 our constituents in the state of Michigan and should
 14 continually be reviewed and discussed as needed, and
 15 that also would apply to the disciplinary rules as
 16 well.

17 With respect to the things that we would like
 18 to see in the near future, this was interesting,
 19 because some of the things we discussed we weren't
 20 really sure if this was the appropriate body to do
 21 that. We had a very lengthy discussion involving the
 22 fact that apparently Cooley Law School is going to be
 23 opening two new branches and just pouring out the
 24 attorneys and is that not a good thing for us, on many
 25 different levels. Touching upon the competency of

1 attorneys, should we have something that will help us
 2 maintain the level of integrity and competency in the
 3 attorneys who are practicing before our courts and
 4 representing members of the public?

5 We talked also about the training of new
 6 lawyers, and there was an expression made by one of
 7 our members that it would be nice if when law students
 8 got out of law school there was some kind of mandatory
 9 training where they were hooked up with somebody who
 10 had experience to actually gain some experience and
 11 actually practicing law and not simply coming out and
 12 understanding the black and white letter of the law
 13 but understanding what it means to actually be a
 14 practicing attorney, and that too often you have
 15 attorneys who, they are out of law school, they hang
 16 up a shingle, and they really don't know what to do.
 17 So we discussed that perhaps that is something that we
 18 could look to in future meetings. Thank you.

19 (Applause.)

20 CHAIRPERSON LEVY: Just five or six points in
 21 rebuttal. No, I am sorry. In poor taste I believe.

22 I would like to recognize Rachel Drenovsky,
 23 pretty close, who is with the Michigan Supreme Court
 24 Learning Center. We asked her to speak to us about
 25 the Learning Center, about opportunities that it

1 offers, not so much directly to us as an Assembly that
 2 we want the Assembly involved, but because we as
 3 lawyers and we as community people should know that
 4 this is a resource that's being offered and one that
 5 reflects positively on the profession, and I would
 6 recognize her.

7 MS. DRENOVSKY: Thank you for letting me
 8 address you today. Now that I have heard all of your
 9 what you think you do well and don't do well, I am
 10 kind of frightened to address you all. I hope I am
 11 exciting.

12 When I was told I was going to speak at 2:30
 13 in the afternoon, someone in my office said, oh, no,
 14 that's deadly, so I promise I am going to cover three
 15 points; that is, I am going to introduce you to the
 16 Learning Center, I am going to talk a little bit about
 17 what we can do for State Bar members. I am also going
 18 to talk a little bit about what State Bar members can
 19 do for the Learning Center.

20 I was told I have about ten minutes to speak.
 21 I have my watch here. I plan to take about eight
 22 minutes and reserve two minutes for questions or
 23 comments.

24 You should have received a brochure about the
 25 Learning Center. I see you do have it there, so I am

1 going to refer to that a little bit during my talk.
 2 You can see on the overhead, that's a photo
 3 of the Learning Center. We are located in the Hall of

4 Justice. How many have been to the Learning Center?
 5 Oh, good. Some of you are introduced to it. If you
 6 haven't been there, it's a wonderful facility. We are
 7 on the first floor of the Hall of Justice. It was put
 8 in there for the public education of our citizens and
 9 our state.

10 We want everyone to know how the court system
 11 and the law affects their everyday lives, and when it
 12 was conceived of the idea was that there are many ways
 13 that the law affects everyone. It's very broad, it's
 14 very deep, and it's not all necessarily throwing
 15 someone in jail.

16 When you come to the Learning Center -- we
 17 have a lot of school groups that come through, and
 18 their two things are they know that some of the
 19 consequences are you go to jail and the other is
 20 Judge Judy. We try to dispel both those.

21 Another point I want to make is the Learning
 22 Center is unique. We are the only state in the
 23 continental 48 states that has a public facility of
 24 such height. Hawaii is the other one. I haven't
 25 gotten a junket to go see it yet. And, in fact, the

77

1 Learning Center is a model. There are other states
 2 who really, really, really want to have a public
 3 education center of this type. I know that Florida
 4 has contacted us, and Ohio is currently building a
 5 Learning Center after they have come to visit ours.
 6 In about a year and a half we'll have a partner
 7 nearby, but right now we are the only ones in the 48
 8 continental United States.

9 The good news about the Learning Center, it's
 10 free and open to the public. We are open Monday
 11 through Friday, 9 until 4. If you happen to be in the
 12 Hall of Justice, please stop by. You can take a look
 13 around on your own. We also offer guided tours with
 14 reservations. So if you happen to know of a school
 15 group who wants to come and visit us or if you have
 16 perhaps a rotary club, or we have also had law
 17 students come and visit us, please give us a call.
 18 There is information on the back side of your
 19 brochures that tells you how to do that. Just give us
 20 a call, and we will be able to schedule a tour. We
 21 have guided tours.

22 Now that I have introduced you to the
 23 Learning Center a little bit, what can the Learning
 24 Center do for State Bar members. First of all, as I
 25 mentioned, we have guided tours, and you can come and

78

1 visit us. We have thousands of people who visit us
 2 during the year, but we can have more.

3 In addition, we can assist with public
 4 education. I know that a lot of people are here that
 5 do get out in the community and talk about the law, go
 6 to schools or go other venues. I do this all the
 7 time, and I am in contact -- I am actually part of the
 8 Michigan Judicial Institute, so I have a lot of

9 contacts that way. We also have materials that are
 10 available. I know some of you stopped by the exhibit
 11 group that we had in the exhibitors hall. We have
 12 information on the Hall of Justice, on careers in the
 13 court system that's aimed at student level. We have
 14 other items that are on our website that's for
 15 educators and for the general public, and you can go
 16 and visit us and send other people there if they have
 17 questions about that.

18 Finally, how can members of the State Bar
 19 help the Learning Center? Number one, come and
 20 visit us and spread the word. We are kind of a quiet
 21 gem over there in the Hall of Justice. It's kind of
 22 hard to get to us right now because we are under
 23 construction all over the place and not everyone knows
 24 we exist. We are working very hard at marketing
 25 efforts, but word of mouth is going to be one of our

79

1 greatest efforts. And, strangely, I work for the
 2 State, and we don't necessarily have the same budget
 3 as someone in a large corporation would have for
 4 marketing.

5 In addition, one of your groups talked about
 6 needing to do public service. I have a public service
 7 opportunity for you. Our guides are volunteers. We
 8 have a number of people who work for us as tour guides
 9 who have some connection to the law, either future,
 10 present, or past. We have several students from
 11 Cooley and Michigan State Law School who do touring
 12 for us. We also have one practicing attorney. I am
 13 not sure how he does it, but he does. We also have
 14 some people who used to practice law and now are doing
 15 that, and they are excellent at explaining the law to
 16 people.

17 In addition, if you are not ready to give us
 18 eight hours a month, we are always looking for
 19 partnerships and people who would be willing to give
 20 us expert assistance. In addition to tours, we do
 21 offer materials, as I mentioned, and we offer programs
 22 during the year. If you would like to help us out
 23 either doing research or planning or writing or
 24 anything of the like or know someone else who does,
 25 please contact the Learning Center.

80

1 This year, I want to let you know, Law Day,
 2 we are going to celebrate on May 3rd, so if anybody
 3 wants to tell people about the jury system, come and
 4 see me.

5 I am ahead of schedule here.

6 And, finally, I want to point on the back of
 7 this, the Learning Center is supported by the Michigan
 8 Supreme Court, and they support our operational
 9 budgets. They turn the lights on and give us heat and
 10 things like that, but we also, as we try and expand
 11 our offerings, we do have a partnership with the
 12 Michigan Supreme Court Historical Society. If you are
 13 interested in helping us financially by making a

14 donation to that, you can contact the Supreme Court
 15 Historical Society about that. They are the fiscal
 16 agent.

17 So, in conclusion, I am at the end of this.
 18 Number one, the Learning Center is a unique resource,
 19 it is a beautiful facility, and I think you all need
 20 to come in and enjoy it, as well as everyone you know.
 21 Number two, we have a lot to offer members as far as
 22 resources, and, number three, we need you if we are
 23 going to be able to continue to expand and make our
 24 offerings better.

25 So thank you for let me letting me address

81

1 you.

2 (Applause.)

3 Does anyone have any comments or questions
 4 about the Learning Center? Thank you again.

5 CHAIRPERSON LEVY: Thank you very much. And
 6 I don't want to take up any time. I know we are
 7 running late. I just want to echo that it's a
 8 wonderful resource. If any of you lead a scouting
 9 group, boy scouts, girl scouts, whatever scouts, if
 10 you have kids who are in those programs this is
 11 something that should be checked out. If you know a
 12 teacher, let them know that it's a resource that's
 13 available for tours. They don't all know, and it
 14 really is a valuable resource.

15 Thank you, Rachel, for presenting. I also
 16 want to thank Nancy Brown who is next on the agenda
 17 for agreeing not to present this time. We have asked
 18 that she come back at the January meeting and talk
 19 about the redesign of the website, and she has agreed
 20 to do so, and I do thank her for agreeing to that;
 21 however, I do urge people to go check out the new web
 22 design. Doesn't take a lot of explanation, which is
 23 one of the beauties of it, and it really is a huge
 24 improvement and a very sharp looking, very clear, very
 25 user friendly process now.

82

1 Which brings us up to Nominating and Awards
 2 Committee. Tom Rombach, I believe you have a
 3 resolution to propose based upon observations made
 4 earlier.

5 MR. ROMBACH: At this juncture, in order to
 6 avoid the debacle that we suffered this morning having
 7 already given out awards that we only retroactively
 8 approved, the committee that I chair, the Nominating
 9 and Awards Committee, is proposing the resolution that
 10 is hidden under the nominating awards resolution tab,
 11 and I would like to thank the members of the
 12 committee, Shawn Davis, Tom Evans, Gary Giguere,
 13 Dennis Grenkowicz, and Steve Taratuta, both for their
 14 consideration in coming up with these awards and also
 15 in their help in endeavoring to try to do this
 16 resolution, and, quite frankly, this is ghost written
 17 by our chair, Dan Levy, who helped me struggle with
 18 the English language to put together the resolution

19 and the supporting criterion.
 20 In order to avoid one of the most boring
 21 moments in Representative Assembly history, I will not
 22 read this. I pray that you had a chance to review
 23 this in its infinite wisdom, and at this point I move
 24 for its adoption as, again, stated in the
 25 Representative Assembly agenda.

83

1 VOICE: Support.
 2 CHAIRPERSON LEVY: And I do hear support. Is
 3 there any discussion?
 4 Hearing no discussion, all in favor please
 5 say aye.
 6 Any opposed.
 7 Thank you, the motion passes.
 8 I have been asked, and if I hear a motion we
 9 will be switching items 14 and -- I am sorry, items 15
 10 and 17, because Elizabeth has family members here, one
 11 of whom needs to take off, and we would very much like
 12 him to see her swearing in. So if I hear a motion.
 13 VOICE: Move to switch.
 14 CHAIRPERSON LEVY: Any support?
 15 VOICE: Aye.
 16 CHAIRPERSON LEVY: All in favor.
 17 Any opposed.
 18 Thank you.
 19 Elizabeth's swearing in is going to be
 20 conducted by her father -- I am trying to find my spot
 21 here -- William G. Jamieson, Esquire. If you would
 22 please come up.
 23 VICE CHAIRPERSON JAMIESON: This stage is
 24 really small, but this is going to be the start of our
 25 exciting new year. I want my husband and my uncle to

84

1 come up on this little, bitty stage and stand beside
 2 me, and I will tell you why in a minute.
 3 MR. JAMIESON: Elizabeth faxed or e-mailed
 4 this to me that I was competent enough to get off the
 5 e-mail, but my age shows when my daughter is being
 6 sworn in to this office and then she hands me this so
 7 that I can read the oath of office in gigantic type.
 8 I do solemnly swear --
 9 VICE CHAIRPERSON JAMIESON: I do solemnly
 10 swear --
 11 MR. JAMIESON: -- that I will support the
 12 Constitution of the United States --
 13 VICE CHAIRPERSON JAMIESON: -- that I will
 14 support the Constitution of the United States.
 15 MR. JAMIESON: -- and the Constitution of
 16 this state --
 17 VICE CHAIRPERSON JAMIESON: -- and the
 18 Constitution of this state --
 19 MR. JAMIESON: -- and the Supreme Court Rules
 20 concerning the State Bar of Michigan --
 21 VICE CHAIRPERSON JAMIESON: -- and the
 22 Supreme Court Rules concerning the State Bar of
 23 Michigan --

24 MR. JAMIESON: -- and that I will faithfully
 25 discharge the duties --

85

1 VICE CHAIRPERSON JAMIESON: -- and that I
 2 will faithfully discharge the duties --
 3 MR. JAMIESON: -- as chair of the
 4 Representative Assembly of the State Bar of
 5 Michigan --
 6 VICE CHAIRPERSON JAMIESON: -- as chair of
 7 the Representative Assembly of the State Bar of
 8 Michigan --
 9 MR. JAMIESON: -- according to the best of my
 10 ability --
 11 VICE CHAIRPERSON JAMIESON: -- according to
 12 the best of my ability --
 13 MR. JAMIESON: -- so help me God.
 14 VICE CHAIRPERSON JAMIESON: -- so help me
 15 God.
 16 Thanks, dad.
 17 (Applause.)
 18 VICE CHAIRPERSON JAMIESON: The reason why I
 19 wanted them to be up here is I feel that I have a
 20 legacy of law within my family. My grandfather was an
 21 attorney, which is significant enough, which makes me
 22 third generation, but what's even more important is
 23 that both my father and my uncle have served on the
 24 Representative Assembly, and so I am second generation
 25 with regard to serving the Assembly, and I think

86

1 that's pretty important as well, so I wanted them to
 2 share in this moment with me. And my husband, of
 3 course, who has been my partner, my best friend for 20
 4 years who has supported me every time I said I
 5 volunteered for something else, with a little bit of a
 6 roll of the eye, but still tremendous support, and I
 7 say thank you to all three of you, because I have
 8 tremendous role models, and that's where I am where I
 9 am right now, so thank you all.

10 (Applause.)
 11 CHAIRPERSON LEVY: I do promise to pass the
 12 gavel to you shortly.

13 Item 15 is the proposed amendment, the
 14 proposed amendment to Rule 2.2(7) regarding a State
 15 Bar of Michigan hosted forum. The proponent is
 16 Matthew Abel. If you would make your motion, please.

17 MR. ABEL: Sorry, things are just moving too
 18 fast for me. The reason I wanted to be a proponent
 19 was so I could come up in front and speak from here
 20 rather than my usual spot on the floor.

21 Good afternoon. I am Matthew Abel from the
 22 3rd circuit, also known as Wayne County, and I, along
 23 with some nameless others, put together a proposal
 24 before you now which I hope will be a no-brainer and
 25 pass regarding the State Bar of Michigan sponsoring a

1 forum of judicial candidates for the Supreme Court.
 2

3 As you know, we have elections for Supreme
 4 Court Justices every two years. I was a candidate in
 5 1998, and I can tell you that I participated in forums
 6 sponsored by the League of Women Voters and sponsored
 7 by some television and public stations, and one
 8 sponsored by the Michigan State Medical Society in
 9 Detroit, but there were no debates sponsored by the
 State Bar of Michigan and/or forums, if you will.

10 I guess that's a more politically appropriate
 11 term, because we don't want our justices, our
 12 candidates for justice to debate, because then they
 13 might have to state their positions on issues leading
 14 to their disqualifying themselves later when those
 15 issues come before the court. We certainly wouldn't
 16 want to see that happen. But we could at least ask
 17 them to identify themselves.

18 We all know that because we have elections in
 19 Michigan and because the public is not well versed in
 20 who the candidates are that it's mostly a name game.
 21 This proposal that you have before you would allow the
 22 public to put a face with the name. It may not do
 23 much beyond that, but that depends on who participates
 24 and what type of publicity it receives.

25 I think if this Representative Assembly is

1 intended to promote justice and if we are going to
 2 have elected judges, like it or not we do, elected
 3 justices, that certainly the State Bar should take an
 4 active role in informing the public who the candidates
 5 are and letting the public know a little bit about the
 6 candidates. That is what it would do, and if the
 7 State Bar won't do this, I don't know who will or who
 8 should. This should be our role. Again, I think it's
 9 very clear.

10 Yes, it will cost some money, it will take
 11 some organization, and some of you may know that one
 12 of the judicial sections this morning sponsored an
 13 event, but it really was not well publicized, it was
 14 not open to the public, and it was not done at a time
 15 that's convenient for the public to attend and to get
 16 to know the candidates.

17 I had much more that I planned to say, but I
 18 think I won't. I think the proposal pretty well
 19 speaks for itself. It's a beautiful day. I would
 20 like to get this passed and move on. I know there has
 21 been some discussion about sending it to committee. I
 22 don't think that's necessary. One of the criticisms
 23 of the Assembly has been that while we are a
 24 deliberative body we sometimes are too much of a
 25 deliberative body and are not active enough.

1 This is something that we can take action on.
 2 We would have a full two years to plan the first
 3 event, because I don't foresee this happening for this

4 election cycle, then by then the Bar can move forward
 5 to publicize the event, to have it at an appropriate
 6 venue, perhaps during the State Bar convention,
 7 perhaps not, but if it is, I would suggest it be an
 8 evening event or perhaps the evening before the
 9 convention starts, something like that, certainly some
 10 time after filing deadline. Once the filing deadline
 11 has passed, we know who all the candidates are going
 12 to be, and thank you all very much. I think this
 13 would be a small step for a big improvement. Thank
 14 you.

15 (Applause.)

16 CHAIRPERSON LEVY: I hear applause. Do I
 17 hear support?

18 VOICE: Support.

19 CHAIRPERSON LEVY: The motion is on the
 20 floor. Is there any discussion?

21 VOICE: Call the question.

22 CHAIRPERSON LEVY: The question has been
 23 called. No discussion.

24 All those in favor of the amendment, please
 25 say aye.

90

1 Any opposed.
 2 The motion does carry.
 3 That brings us to item 16, nominations and
 4 election of the Assembly clerk. I would open
 5 nominations at this time for Assembly clerk and direct
 6 people's attention also to the portion of their
 7 calendar.

8 MS. JOHNSON: Elizabeth Johnson of the 3rd
 9 circuit. I stand today to move the nomination of
 10 Edward L. Haroutunian of the 6th circuit for the
 11 position of clerk of the Assembly.

12 Ed has served unselfishly for this body and
 13 the State Bar of Michigan for many years. He has
 14 served on the Assembly Review Committee, and he has
 15 been the chair of the Special Issues Committee. He
 16 would be a fine addition to our Executive Board, and I
 17 am honored to nominate Ed for the position of clerk.

18 VOICE: Support.

19 CHAIRPERSON LEVY: I do hear support. Are
 20 there any other nominations -- I am sorry. I would
 21 recognize that support. Are there any other
 22 nominations from the floor? Hearing none, the
 23 nominations are closed.

24 All those in favor of Ed Haroutunian as our
 25 next clerk, please signify aye.

91

1 Any opposed.
 2 I would like the record to reflect that that
 3 vote was also unanimous.

4 (Applause.)

5 MR. HAROUTUNIAN: Mr. Chairman, point of
 6 personal privilege, and ladies and gentleman, per
 7 group five's efforts with regard to brevity, thank you
 8 very much.

9 (Applause.)
10 CHAIRPERSON LEVY: I have been asked to
11 clarify something on item number 15, which was -- I am
12 sorry, item number 14, which was the change to the
13 Nominating Awards Committee. The actual printed rule
14 that's in the calendar has a typo in it. The last
15 three words -- I am sorry, the last five words under
16 8.8 for vote by the Assembly were supposed to be
17 stricken from the old. Somehow or another they show
18 in a light print rather than crossed out, and the word
19 "as" after and determine, and determine the. The "as" was
20 also stricken, so it's determined the recipients -- I
21 want to clarify that. I don't think we need to take
22 any new votes unless somebody disagrees that was their
23 intent, but I want to make sure we are in agreement
24 that that was what was presented.

VOICE: I agree.

92

1 CHAIRPERSON LEVY: Which then, I believe, gives
2 me the privilege to call Elizabeth back up and to
3 formally pass the gavel. I said my thank-yous to most
4 people earlier, but I want to again say them.

To you, Elizabeth, a wise person once said to me that it was amazing how in the last five years, last ten years as the Assembly has been reasserting itself we seem to have had the right person in leadership at the right time each time there was a crisis, and you were right then when you said it. I hope you believe as strongly as I do that you are just as right now and that we do have the right person taking over, that you are the right person to be doing this, this is the right time and it's my honor and my privilege to pass this along to you.

16 VICE CHAIRPERSON JAMIESON: Thank you very
17 much.

18 (Applause.)

19 VICE CHAIRPERSON JAMIESON: I have a tendency
20 to speak really fast, and in light of all of those
21 comments I kind of want to, except for it's being
22 recorded, and so I promised that I would not speak
23 quickly, but I will go through the last couple of
24 items that we need to address, which is retiring
25 Assembly members, and Dan is going to give the

93

certificates, and when I call your name if you would
please come up to accept your certificate from us in
appreciation for your years of dedication to the
Assembly, to the members of the Bar Association. We
will miss you and we appreciate your efforts here.

Richard Bahls, 40th circuit, Lapeer. Bruce
Barton, 4th circuit, Jackson. Mark Brissette, 18th
circuit, Bay City. James Dyer, 37th circuit,
Marshall. James Hanson, 42nd circuit, Midland.
Richard Hohenstein, 7th circuit, Flint. William
Knight, 16th circuit, Clinton Township. Cynthia Lane,
31st circuit, Port Huron. Jennifer Mazzuchi, 25th
circuit, Marquette. Lynn Moon, 25th circuit,

14 Marquette. Timothy Morris, 31st circuit, Port Huron.
 15 Erin O'Brien, 6th circuit, Pontiac. Dustin Ordway,
 16 17th circuit, Grand Rapids. Frederick Neumark, 6th
 17 circuit, Clarkston. Barry Powers, 6th circuit,
 18 Southfield. And John Reddy, 38th circuit, Monroe.

19 (Applause.)

20 VICE CHAIRPERSON JAMIESON: As a personal
 21 thank you, I would like to thank both Lynn and
 22 Jennifer from Marquette. I understand that we all
 23 take time out of our schedules to come in here, but
 24 especially from Marquette it's a huge endeavor and
 25 it's a tremendous -- oh, we have some more.

94

1 Anyway, it's a tremendous undertaking to come all the
 2 way down here from Marquette, and I very much
 3 appreciate your efforts. So thank you.

4 MS. MAZZUCHI: We'll see you there soon.

5 VICE CHAIRPERSON JAMIESON: There you go.
 6 Jennifer Schrand, 37th circuit. Tonya Schuitmaker and
 7 Stephen Woods. Okay.

8 Two more points of order. First is
 9 appreciation to outgoing chairs of Assembly
 10 committees. Over the past couple of years these
 11 committees have been reactivated, and we have used
 12 them significantly, not just as committees but almost
 13 as executive committee. Each of these chairpersons
 14 have helped out leadership tremendously as we have
 15 gotten together to address some of these very large
 16 issues, including the Rules of Professional Conduct.

17 So if -- I think Terri Stangl had to leave
 18 earlier. She was chair of the Assembly Review
 19 Committee from the 10th circuit, Saginaw. Randall
 20 Miller from the 6th circuit, Bloomfield Hills, for
 21 Drafting Committee. William Knight from the 16th
 22 circuit, Clinton Township for the Hearings Committee.

23 Thomas Rombach from the 16th circuit,
 24 New Baltimore, who couldn't get enough of the Assembly
 25 work as chair so came back as our fearless Nominating

95

1 and Awards Committee chair. Lynn Moon, 25th circuit,
 2 Marquette, for Rules and Calendar Committee. And
 3 Ed Haroutunian, 6th circuit, Bingham Farms, for the
 4 Special Issues Committee.

5 (Applause.)

6 VICE CHAIRPERSON JAMIESON: Bear with me for
 7 a couple of what I would consider to be very important
 8 things. First of all, I have an award or a thank you
 9 plaque to give to Dan in appreciation for his year.
 10 This is three things I need to do. Part A, this
 11 beautiful plaque that recognizes Dan.

12 VOICES: Ooooooh, aaaaaah.

13 VICE CHAIRPERSON JAMIESON: The State Bar of
 14 Michigan honors Daniel M. Levy, Representative
 15 Assembly Chairperson 2003/2004, Vice-chairperson
 16 2002/2003, Clerk 2001/2002 in appreciation for
 17 distinguished service to the Assembly, the State Bar,
 18 and all Michigan lawyers, October 1, 2004.

19 (Applause.)
20 CHAIRPERSON JAMIESON: Part B. The Board of
21 Commissioners has a long-standing tradition with
22 regard to retiring board members, resolutions that are
23 passed in their honor. We have never shared these
24 resolutions with the Assembly, and I am not sure why,
25 because it's a wonderful opportunity to learn a little

96

1 bit more about these distinguished people.

2 While we serve as leaders of the
3 Representative Assembly, we sit on the Board of
4 Commissioners for the Representative Assembly
5 representing the Representative Assembly, and Dan did
6 that wonderfully, and so I wanted to share with you
7 the resolution that was passed yesterday honoring him
8 as a retiring commissioner.

Real integrity is doing the right thing
knowing that nobody is going to know whether you did
it or not, Oprah Winfrey. This is the description
that started Dan's year as chairperson of the
Representative Assembly quoted by his wife Debra
Pelton Levy in the October 2003 issue of the State Bar
Journal. This quote also eloquently and accurately
describes Dan's leadership throughout this past year
as our 29th Assembly chairperson. He is truly a man
who maintains and exemplifies the highest standards
and principles, but Dan stands before us today not
just as a pillar of society but a man of humility and
humor, maintaining quiet yet skillful comedic timing
timing and a penchant for pens, penguins and Pooh,
Winnie the Pooh that is.

Sharing his father's birthday, Dan was born on Halloween in Milwaukee. He moved to Michigan as a

97

1 young teenager and ultimately attended
2 Southfield/Lathrop High School where he met Debra.
3 They were friends, dated each other's friends, but
4 never each other.

The clean-cut Dan we know did not yet exist. He questioned the establishment, wore his hair long and wore out his favorite army jacket. After high school Dan spent a year in Israel to work on a kibbutz, a family -- did do I that right -- a family community where Dan learned to milk cows, work on a production line, and carry -- I said an oozie, but what was it? An M-1.

He ultimately returned to Michigan, but his parents decided to move back to Milwaukee. Dan remained in Michigan to attend U of M and to explain a kitchen fire to his parents who left him in charge while house hunting in Milwaukee. As a future prosecutor, Dan learned the importance of understanding both sides of the story.

Despite prodding to proceed to law school and most likely due to his lingering fear of becoming a part of the establishment, Dan worked for a kosher catering company. Dan traded his army jacket for a

24 baker's hat, learning how to make his famous
 25 industrial-sized tzimmes, a traditional passover dish

98

1 of carrots, beef and honey.

2 Refusing to acknowledge his destiny, Dan
 3 moved on to a career in air conditioning and cooling
 4 and pouring tar on roofs.

5 Reluctantly, but finally, Dan entered Wayne
 6 State Law School and found that he enjoyed oral
 7 advocacy. He received a special recognition award
 8 from the Moot Court Board for his involvement in a
 9 Jessup International Law Competition, and then
 10 participated in the Prosecuting Attorneys Association
 11 of Michigan internship program. A prosecutor was
 12 born.

13 Dan joined the prosecutor's office in Berrien
 14 County. So much for fighting the establishment, he
 15 now represented it. Some might argue that Dan was
 16 living on the edge of his liberal leanings. To the
 17 contrary, and quite literally, Dan was living on the
 18 edge of Lake Michigan. He rented a home in St. Joseph
 19 that was practically falling off the cliff into the
 20 water, but in typical Dan fashion he focused not on
 21 the risk of erosion but on the gorgeous view and the
 22 ability to watch spectacular lightning shows and
 23 passing storms.

24 Dan certainly did not shy away from
 25 experiences, and that held true in the prosecutor's

99

1 office as an assistant prosecutor. Dan accompanied
 2 police on drug raids and ultimately worked with now
 3 retired Judge Ronald Taylor to establish the Berrien
 4 County Drug Court.

5 Dan was even interviewed for his involvement
 6 in a famous criminal case documented in a book
 7 entitled, *The Other Side of the River*, a story of two
 8 towns, a death, and America's dilemma by Alex
 9 Kotlowitz.

10 Similar to his long journey into law, it took
 11 Dan ten years to start dating Debra, almost another
 12 ten to propose, followed by a two-month engagement and
 13 ultimately a move back to the Detroit area.

14 Dan found yet another job representing the
 15 establishment as an assistant attorney general in the
 16 criminal division. Dan has continued his plight for
 17 justice, working in the areas of tax evasion,
 18 cigarette smuggling, and casino fraud.

19 He has successfully argued several cases
 20 before the Michigan Supreme Court. No doubt partial
 21 credit should be given to Dr. Suess. Dan, a voracious
 22 reader, is known to use favorite Dr. Suess books to
 23 hone his oral advocacy skills. He worked with then
 24 Attorney General Granholm and the Michigan Alliance
 25 Against Hate Crimes to combat bias motivated crimes.

1 He received a certificate of tribute from
 2 Governor Granholm for his wide influence over
 3 organizations of which he has been an active member,
 4 including the Anti-Defamation League, Michigan
 5 Alliance Against Hate Crimes, Midwest Gang
 6 Investigators Association, the Bias Crime Response
 7 Task Force, City of Oak Park Blue Ribbon Committee,
 8 president of Oak Park Lion's Club, and member of
 9 Fraternal Order of Police. Dan also received the
 10 Daniel M. Ginsberg Leadership Award from the
 11 Anti-Defamation League.

12 Dan was appointed to the Representative
 13 Assembly in 1995 and then he served six years as an
 14 elected member. State Bar records reflect that Dan
 15 has not missed an Assembly meeting dating back to
 16 November 1999. Not surprising, considering Dan once
 17 participated in a Board of Commissioners executive
 18 committee telephone conference while sitting in a
 19 dental chair getting his teeth cleaned.

20 Known as the Tim Russert of the Bar
 21 Association, Dan has been the political conscience of
 22 the Bar, addressing redistricting issues with map in
 23 hand.

24 Some know him as Dan the gadget man, carrying
 25 his leather bound Franklin planner, referring to his

1 cutting edge organizational tools, and using an array
 2 of special pens and quills, yet others appreciate
 3 Dan's dry sense of humor and ability to share pointed
 4 e-mails from law man Dan, and then there are others
 5 who don't even know they have been touched by the
 6 trouble maker in cognito.

7 For example, how about that time in Lake of
 8 the Clouds in the Upper Peninsula when John Berry's
 9 cell phone rang loud and clear breaking the silence of
 10 nature, coincidentally for a second year in a row,
 11 drawing attention to the CIA look-alike State Bar
 12 leadership. For more questions see John or Dan.

13 Despite his talent and accomplishments, Dan
 14 will never brag or boast. He is a consummate
 15 professional, a calm and steady leader, an advocate of
 16 justice, protector of rights, and a silent prankster
 17 under the radar with impeccable timing.

18 The State Bar of Michigan, its members and
 19 leaders, have benefited from Dan's passion for doing
 20 the right thing for the right reason, and for that we
 21 will be eternally grateful, and I wanted to share that
 22 with you, because I think that gives you a little
 23 insight into the Dan that we don't necessarily see up
 24 here in front of us.

25 (APPLAUSE.)

1 VICE CHAIRPERSON JAMIESON: And for the
 2 person or people who said that they wanted some more
 3 excitement, entertainment, didn't want it to be

4 boring, I would like to share with you Dan's year.
 5 Starting off with Dan, the 29th Chair,
 6 Representative Assembly, speaking to the Assembly, and
 7 the Assembly attentively listening. But you are
 8 probably wondering what kept him busy all year, and
 9 this is what I want to let you know what he has been
 10 doing all year.

11 In addition to all of the Representative
 12 Assembly things he has been scuba diving, skiing,
 13 hanging out in Door County, Wisconsin, literally.
 14 Riding scooters, hiking, fishing in St. Joseph
 15 Michigan, breaking ground in Santa Fe, checking out
 16 World War II monuments in Washington, D.C., attending
 17 weddings in St. Joseph, fighting drugs, fighting
 18 against drugs and gangs, celebrating his birthday, or
 19 just hanging out.

20 And thanks to Debra, who shared a bit of
 21 Dan's history with us, it shows that Dan is a true
 22 family man. Dan, Debra, and daughter Michelle. Dan
 23 and the love of his life, Debra. Again, Dan and
 24 Debra, his wife. Again, his parents, who were here
 25 the day that he was installed as chair of the

103

1 Representative Assembly, who are very proud of him.
 2 His dog Gizmo, who also is very, very proud, and the
 3 rest of his family, including, Nisasha (sp). Notice
 4 the Winnie the Pooh outfit. Nisasha again. Another
 5 niece and nephew. Notice the Dr. Suess hat. Nephew
 6 again. I think this is a niece -- daughter? Oh, is
 7 this Michelle? Michelle, this is with his parents,
 8 grandmother, and Debra in Milwaukee. His dad and
 9 cousin, and, of course, there is always the political
 10 side of Dan. He didn't leave his left leanings. He
 11 and Debra with Wolpe, Jennifer Granholm, and back to
 12 the Dan we know.

13 (Applause.)

14 VICE CHAIRPERSON JAMIESON: I will give you
 15 one minute.

16 CHAIRPERSON LEVY: One minute, and I was wise
 17 enough to say my thank-yous this morning when I was
 18 nervous enough about whether or not the small groups
 19 were a good idea -- they were -- whether or not the
 20 small groups were a good idea that I couldn't focus on
 21 exactly how strongly I felt about what I was saying,
 22 but there was one thank-you I left out this morning
 23 because she wasn't here yet. To my love, to my
 24 friend, to my partner, to my wife who supplied all
 25 those wonderful pictures, to Deb, who is about to

104

1 stand towards the back of the room, just I want to say
 2 thank you for putting up with me and in terms of the
 3 Assembly for putting up without me. I owe more than I
 4 can now begin to say to you, and to the rest of you,
 5 let me just say remember what I said this morning,
 6 please.

7 (Applause.)

8 VICE CHAIRPERSON JAMIESON: So I thank my

9 family. I want to thank Dan and Lori and Ed, who you
 10 should know as soon as he submitted his name as clerk
 11 we pulled him in and got him working on the Assembly,
 12 and he has been very helpful to prepare us today for
 13 the small groups.

14 I want to thank the State Bar staff,
 15 especially John, Glenna, Anne, and Nancy. And I
 16 thought that Dale LeFever's talk today was rather
 17 instructive. He talked about purpose, passion,
 18 persistence. I think we all have those things, those
 19 qualities, and I think we all recognize that it's not
 20 about us but the people we serve, and that's why we
 21 take time out of our schedules to be here.

22 I want to applaud all of you for the way that
 23 you worked on the Michigan Rules of Professional
 24 Conduct and the fact you recognized how important it
 25 was and that we did make a big difference in that

105

1 regard.

2 I applaud you for your effort today with
 3 regard to small group breakouts. Dan and I were
 4 talking and commented how quickly everybody got into
 5 the small groups and got right down to business and
 6 how quiet this room was. You took that task at hand,
 7 and we very much appreciate the seriousness with which
 8 you did it.

9 I want you to know that I was listening, and
 10 I think you want longer and more frequent meetings
 11 now. I am just kidding, but I did hear you say you
 12 wanted excitement, energy. I think I have that to
 13 bring to you. I hope that I make you all proud, and I
 14 say that you should all hang onto your seats, because
 15 it's going to be an exciting year, and I want to also
 16 note that I really encourage you all to go to the
 17 State Bar website. Nancy is very kind for waiting
 18 until January to give us the presentation, but if you
 19 go to the website, click on the Representative
 20 Assembly, I think there is a wealth of information
 21 there, including who all the Representative Assembly
 22 members are, the circuits that you represent, and it's
 23 a tremendous amount of information there, and it would
 24 behoove all of you to go to the website and take a
 25 look at it before our next meeting.

106

1 And with that I believe our business is over.
 2 We are adjourned. Have a wonderful rest of the
 3 weekend. Thank you.
 4 (Proceedings adjourned at 4:09 p.m.)

5
 6
 7 STATE OF MICHIGAN)
 8 COUNTY OF CLINTON)

9 I certify that this transcript, consisting
 10 of 106 pages, is a complete, true, and correct transcript
 11 of the proceedings of the Representative Assembly taken on
 12 Friday, October 1, 2004.

13
October 25, 2004

14 _____
15 Connie S. Coon, CSR-2709
16 5021 West St. Joseph, Suite 3
17 Lansing, Michigan 48917
18
19
20
21
22
23
24
25
