

Frequently Asked Questions

October 2008

1. We want to use State Bar services for our meeting or event. Where do we start?

State Bar services include “save the date” postcard and flyer design, e-commerce registration, distribution of meeting and event notices, name badge preparation, electronic and hard-copy material duplication, on-site staff support, website notices, *Bar Journal* advertising, press releases, financial reports, and much more. Staff throughout the Bar organization perform individual services, but to assure that your event planners are aware of all services and that Bar staff has sufficient notice to help you, your request for help should begin with our coordinator, Heather Anderson.

2. We want to take a position on a current bill in the legislature. How can we do that?

Follow your section’s bylaws on how to adopt a position, which is typically entrusted to a vote of the section council. Once a valid vote is attained, the position should be reported to the State Bar within 10 days. Reporting is easy to do using the online template located at http://www.michbar.org/publicpolicy/report_public.cfm. The template prompts you to provide all of the required information.

State Bar staff will immediately receive your position from the online form and will respond as soon as possible in several ways:

- Return a copy of the position to the person who submitted the form and to the section chair.
- Return a “cover letter” that satisfies all of the requirements under Administrative Order 2004-01. The Order requires that before an advocacy, either written or oral, six pieces of information must be disclosed. The “cover letter” can be used as the front page of any written letter communicating the position or read during other advocacy.
- Post the position online to the State Bar’s searchable position database.
- Post the position online to the section’s website.
- Report the position in the next edition of the Public Policy Update.

3. We want to be active in other policy matters, including amicus briefs and letters to editors. What do we need to know before we embark on these activities?

When the Supreme Court invites sections to submit amicus briefs, the section will be alerted to the opportunity by State Bar staff. Sections can pursue other avenues to speak on public policy matters according to the discretion of the section. If the item involves a public policy position, it is imperative the position be reported before any other communication takes place. It must be clear that any communication is from the section, and not the State Bar of Michigan. It is also important that the guidelines of AO 2004-01 are met where applicable.

4. Can we use State Bar letterhead for our communications? How do we obtain it?

Written communications from the section should be on the section’s own letterhead, which can be provided to you by Heather Anderson.

A quick caution about letters: Before sending, please consider whether the communication might be construed as a policy position. It is important to remember if letterhead is being used to communicate a public policy position, that the position has been reported and the information required under AO 2004-01 is included. The “cover letter” that is provided by State Bar staff to assist with AO 2004-01 requirements is not provided on section letterhead. However, the Administrative Order requires that the information be provided before any other text and in a font larger than other text. If a section chooses to communicate public policy positions and elects not to use the “cover letter,” this information should be remembered.

5. We have questions about our finances and how to get reports, expense reimbursements, and bills paid. How does that work?

Finance reports are sent to the treasurer and chair by e-mail from Jim Horsch and Becky Hunter on or before the 15th of the month (except at year-end). You may go online and use the expense reimbursement form to submit reimbursement requests and mail or e-mail them to Patti Schafer at pschafer@mail.michbar.org. The treasurer or chair must approve payment requests. The Finance Department issues checks every Friday. Payment requests received by Thursday afternoon will be processed the same week unless further documentation or approval is required. For further financial transaction and reporting information, please visit our section treasurer FAQ site at <http://www.michbar.org/generalinfo/FAQ.cfm>. If you have questions, please feel free to contact Jim Horsch at extension 6324 or Becky Hunter at extension 6321.

6. Communication with our members is key to our success. What services does the State Bar offer to help sections with this?

The State Bar has a range of opportunities that sections can take advantage of:

- **Michigan Bar Journal:** There is a regular monthly feature in the *Michigan Bar Journal* entitled “Section Briefs.” Sections may include announcements or news up to 75 words free of charge. Several sections are highlighted each month on a rotating basis. Sections also may schedule theme issues by working with members of the Publications and Website Advisory Committee. Sections may also, for a fee, advertise their upcoming events in the *Michigan Bar Journal*.
- **e-Journal:** Section events can be highlighted in the *e-Journal's* Calendar section free of charge. Section news releases are also featured in the daily *e-Journal*.
- **Website:** www.michbar.org. Sections can post minutes, notices, council information, and much more on their own section of the State Bar of Michigan website. Website updates are free.
- **Press releases:** Releases sent by the State Bar concerning section activity are posted on the home page of the SBM website. Sections may also send photos/information for inclusion in the “Up Front” section of the *Michigan Bar Journal*. If timely, the information will also be forwarded to legal newspapers and the State Bar page in the *Michigan Lawyers Weekly*.
- **Section newsletters:** The State Bar offers in-house typesetting, design, and print services. We currently produce 25 section and local bar newsletters in-house. We also offer assistance with print directories, brochures, agenda packets, and meeting notices.
- **Electronic newsletters:** Many sections are using electronic newsletters to either supplement or replace their current printed newsletters. We can assist with the design, typesetting, and sending of these messages to your group.
- **Listserv:** Sections can request a listserv through “The Modern Firm” at a very nominal charge.
- **e-Commerce:** Sections may list their upcoming seminars through our website e-commerce system so members may register online for upcoming events.
- **Media opportunities:** Section leaders will be asked from time to time to participate in talk show or media interview opportunities.
- **Membership lists and mailing labels:** Sections are provided with up to three lists per month free of charge. These may be used as often as needed for newsletters, section directories, postcard mailings, etc. If additional lists are needed within the month, they may be purchased for 10 cents per name plus \$50 per order.

7. Can we hire and pay an editor to help us get our newsletter together?

Yes, but subject to Article VII, Section 4 of the bylaws of the State Bar of Michigan, which prohibits anyone from being paid for performing services that are the duty of a section officer, council member, or member at-large pursuant to the section's bylaws. If the services to be performed are not duties assigned to a section member and the section wishes to compensate a section member for performing the services, then the section shall first obtain two-thirds approval from its section council. The proposed editor cannot take part in that vote.

8. We would like to display our section name on print materials and gifts. What do we need to know, and can you help us?

The State Bar of Michigan is working hard to brand its image and identity through consistent and proper use of its logo and seal. As part of the State Bar, sections must follow the State Bar design standards to secure that identity. This is especially important when a section is partnering with other organizations or working with venues that have their own identity. A strong, clear identity benefits the section by strengthening credibility and visibility, and reinforcing your relationship with the State Bar.

Our graphic design staff is always available to help you place your section name on print materials and gifts in a way that reinforces the image and identity of the State Bar. In addition, we work with one vendor who has experience with correctly placing the State Bar logo and seal and section name on the imprintable area, and that vendor gives us an extremely competitive price.

Please be sure to contact Sarah Nussbaumer or Heather Anderson before approving printed materials and gifts that bear your section name.

9. We want to publicize our events in the legal and general press. What should we do?

The easiest way to contact newspapers is through e-mail. For an updated list of the major newspapers in Michigan, go to www.newspaperlinks.com. You can also look up weekly newspapers at this site. The legal press in Michigan is smaller; contact Naseem Stecker at extension 6428 or nstecker@mail.michbar.org if you need a list. We update our list each year, since there is always change. Before you send anything out to the newspapers, remember that their newsrooms are short staffed. Make sure that your event will appeal to the general public if you contact the general press. Always feel free to call Naseem Stecker, media and public relations manager, for advice or help on publicity matters.

10. We enter into contracts all the time. Why should we have them reviewed by the State Bar general counsel?

Generally, the GC's office does not need to see every contract of your section; however, for your section's protection and the Bar's, the GC's office should review all significant contracts. A \$500 threshold is a good starting place. Once the Bar reviews your section's contract, it does not need to review it again if your section sponsors the same event the following year and uses the same contract previously reviewed.

There are two primary reasons for the general counsel's office review. First, the Bar can assist you if your section is booking facility space or a block of rooms, as we can help negotiate the best deal while avoiding certain onerous terms that are frequently found in facility and room contracts. For example, a section recently booked a facility where the Bar had previously held an unrelated event and as part of its contract discussion, negotiated away unfavorable indemnification and arbitration clauses. We were able to amend the section's contract to include the same favorable terms. Similarly, because of our experience with so many contracts like these, we can help your section identify and avoid pitfalls of which it might be unaware.

Second, because your section members are a part of the State Bar of Michigan, they are covered by the Bar's indemnification policy and by its insurance policy. In the event of a lawsuit, their conduct may subject the Bar to liability. If the Bar is going to insure and indemnify your section's conduct and, in the process, potentially subject itself and its members to liability for your section's conduct, it needs to be apprised of any conduct that might give rise to legal liability. That includes section contracts.

11. We want our section promoted in the *Michigan Bar Journal* through articles, announcements, and advertisements. How do we make that happen?

For information about submitting articles to the *Bar Journal*, everything you need to know is available online at http://www.michbar.org/publications/bar_journal.cfm#1 under "Article Submission Process." All members are welcome and encouraged to submit articles for consideration at any time.

For the *Bar Journal's* "Section Briefs," we ask section chairs or liaisons to submit approximately 75-word submissions about anything newsworthy concerning their section, e.g., recent or upcoming seminars and meetings, publications, legislative efforts, section leadership, etc. Linda Novak, *Bar Journal* editor, will send monthly reminders to you.

Anyone interested in advertising in the *Bar Journal* should see <http://www.michbar.org/publications/advertising.cfm> or contact Stacy Sage, ext. 6315.

12. We want to change our section's name or our bylaws. What do we do?

Your own bylaws tell you the procedure to follow. While section bylaws are all different, it is common that significant advance notice, publication in the *Michigan Bar Journal*, or presentation at your annual meeting is required.

No bylaws changes are effective until approved by the Board of Commissioners. Staff will help you get the matter before the Board. We suggest you talk with staff to get a preliminary opinion before undertaking a bylaws change. Contact Candace Crowley with questions about name or bylaws changes.

13. We want to increase our membership. What's your advice?

A healthy section with lots of attractive substantive and networking events, plenty of reading materials, an up-to-date website, an informative annual report, an energized council, and a clear focus for future activities will garner plenty of members without much recruitment. To recruit new members, some sections use ads in the *Michigan Bar Journal*, host tables at Bar meetings, partner with law schools, or work with local bar associations that have a similar section or committee. A letter mailing is frequently used as a recruitment tool.

Be careful about recruiting new members later in the Bar year. Unless you have the majority of your services available after April or May, a new member may question the value of renewing a membership that held few programs or services. One final note: Bar staff appreciates knowing when a letter recruitment effort is underway and whom to contact when calls about the mailing are received.

14. Our section is charitable and community-minded. Can we award scholarships or make charitable contributions?

Sections may and do sponsor scholarships and writing contests. Sections should, however, be careful when considering a charitable contribution. The section's proceeds represent dues contributions of many, many members, some of whom have strong opinions and may not share the section leadership's idea of what constitutes a permissible contribution. If your section is considering a contribution, be sure it is for a cause that your general membership supports and that is consistent with your section's purposes as stated in its bylaws.

In setting up a scholarship or contest, there are a number of requirements to note. First, the purpose of the scholarship or contest must be consistent with the section's purposes as stated in its bylaws and must also comport with the Rules of the Supreme Court and of the State Bar regarding ideological activities. Second, the section should take care to establish appropriate requirements and procedures for the scholarship or contest. For example, your section should provide that submissions not timely received will be ignored or returned and that your section has the right to publish any and all submissions in any forum of its choice, etc. Your section should also require some sort of attesting language where the applicant confirms that his or her work is original. The Bar can assist you with your efforts.

15. I want to have a successful year as chair of my section. Do you have any advice?

By the time you are ready for the chair, you will know whether your job is to carry on the success of your predecessors, or whether you need to recruit more members, strengthen the leadership team, or use strategic planning or other methods to find a new focus or build interest and enthusiasm. Use the State Bar staff to help you in either situation. No-charge services like negotiating contracts, keeping your website up-to-date, and making sure that your council membership meets your bylaws requirements will help.

Don't hesitate to spend money on getting help with routine matters like designing event flyers, creating e-commerce registrations, duplicating materials, or staffing the actual event. Your time is very limited and must be strategically used; bar services will help you succeed, and you'll be surprised at how little it costs to get help.

Advice from past chairs includes setting manageable goals, getting others involved, delegating work, managing your scarce time well, finding a mentor, and mentoring your own chair-elect. Advice from Bar staff includes plan ahead, use our services, respond to our requests for information or advice, and have fun!