MICHIGAN
BAR JOURNAL
APRIL 2026

PROFESSIONALISM REIMAGINED

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- The marathon of professionalism
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OF INTEREST

MICHIGAN
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COLUMNS

NOTICES

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$ 9,000,000 Autistic child abuse settlement
$ 6,000,000 Boating accident death
$ 4,250,000 Carbon monoxide poisoning
$ 4,000,000 Construction accident settlement
$ 4,000,000 Police chase accident settlement
$ 3,850,000 Truck accident settlement
$ 2,000,000 Pedestrian death settlement
$ 1,990,000 Auto accident settlement
$ 1,400,000 Premises liability settlement
$ 1,750,000 Macomb County premises liability jury verdict
$ 1,000,000 Motorcycle accident settlement

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- Motorcycle Accidents
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- Nursing Home Neglect
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MONEY JUDGMENT INTEREST RATE

MCL 600.6013 governs how to calculate the interest on a money judgment in a Michigan state court. Interest is calculated at six-month intervals in January and July of each year from when the complaint was filed as is compounded annually.

For a complaint filed after Dec. 31, 1986, the rate as of January 1, 2025, is 4.083%. This rate includes the statutory 1%.

A different rule applies for a complaint filed after June 30, 2002, that is based on a written instrument with its own specific interest rate. The rate is the lesser of:

13% per year, compounded annually; or

The specified rate, if it is fixed — or if it is variable, the variable rate when the complaint was filed if that rate was legal.

For past rates, see https://www.michigan.gov/taxes/interest-rates-for-money-judgments.

As the application of MCL 600.6013 varies depending on the circumstances, you should review the statute carefully.

RECENTLY RELEASED

MICHIGAN LAND TITLE STANDARDS

6TH EDITION | 8TH SUPPLEMENT (2021)

The Eighth Supplement (2021) to the 6th Edition of the Michigan Land Title Standards prepared and published by the Land Title Standards Committee of the Real Property Law Section is now available for purchase.

Still need the 6th edition of the Michigan Land Title Standards and the previous supplements? They are also available for purchase.

DUTY TO REPORT AN ATTORNEY'S CRIMINAL CONVICTION

All Michigan attorneys are reminded of the reporting requirements of **MCR.9120(A)** when a lawyer is convicted of a crime

WHAT TO REPORT:
A lawyer's conviction of any crime, including misdemeanors. A conviction occurs upon the return of a verdict of guilty or upon the acceptance of a plea of guilty or no contest.

WHO MUST REPORT:
Notice must be given by all of the following:
1. The lawyer who was convicted;
2. The defense attorney who represented the lawyer; and
3. The prosecutor or other authority

WHEN TO REPORT:
Notice must be given by the lawyer, defense attorney, and prosecutor within 14 days after the conviction.

WHERE TO REPORT:
Written notice of a lawyer's conviction must be given to **both**:

Grievance Administrator
Attorney Grievance Commission
PNC Center
755 W. Big Beaver Road, Suite 2100
Troy, MI 48084

Attorney Discipline Board
333 W. Fort St., Suite 1700
Detroit, MI 48226

SBM
State Bar of Michigan

BOARD OF COMMISSIONERS MEETING SCHEDULE

APRIL 24, 2026
JUNE 12, 2026
JULY 24, 2026
SEPTEMBER 18, 2026

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State Bar of Michigan

MEMBER SUSPENSION FOR NONPAYMENT OF DUES

This list of active attorneys who are suspended for nonpayment of their State Bar of Michigan 2023-2024 dues is published on the State Bar's website at michbar.org/generalinfo/pdfs/suspension.pdf.

In accordance with Rule 4 of the Supreme Court's Rules Concerning the State Bar of Michigan, these attorneys are suspended from active membership effective Feb. 15, 2025, and are ineligible to practice law in the state.

For the most current status of each attorney, see our member directory at directory.michbar.org.

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April 25, 2026
September 18, 2026

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Christopher N. Moraitis

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Kellie E. Podolsky

CIRCUIT 38
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Katarina L. DuMont

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CIRCUIT 41
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CIRCUIT 42
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CIRCUIT 45
Keely A. Beemer

CIRCUIT 46
Angel K. Anderson

CIRCUIT 47
Dean Herioux

CIRCUIT 48
Michael J. Becker

CIRCUIT 49
Steven M. Balkema

CIRCUIT 50
Vacancy

CIRCUIT 51
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CIRCUIT 52
David B. Herrington

CIRCUIT 53
Anthony M. Juillet

CIRCUIT 54
Ashley K. Swick

CIRCUIT 55
Mark A. Toaz

CIRCUIT 56
Matthew R. Newburg
Vacancy

CIRCUIT 57
Christina L. DeMoore

IN MEMORIAM

MARIA P ALEXANDER, P25045, died in 2025. She was admitted to the Bar in 1975.

THEODORE S ANDRIS, P10206, of Southfield, died December 1, 2025. He was born in 1938, graduated from Wayne State University Law School, and was admitted to the Bar in 1964.

JILL J BABCOCK, P58681, of Detroit, died June 22, 2025. She was born in 1971, graduated from Detroit Mercy School of Law, and was admitted to the Bar in 1998.

FRANCIS X BERKEMEIER, P24205, of Jackson, died July 1, 2025. He was born in 1947 and was admitted to the Bar in 1974.

ROBERT G BORDUIN, P11009, of Jacksonville, Fla., died June 20, 2025. He was born in 1941, graduated from Detroit College of Law, and was admitted to the Bar in 1969.

RICHARD J CLARK, P11936, of Petoskey, died March 8, 2026. He was born in 1941 and was admitted to the Bar in 1968.

ROBERT G DAJNOWICZ, P35615, of Charlevoix, died August 6, 2025. He was born in 1941, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 1983.

MITCHELL DECHTER, P12604, of Toledo, Ohio, died March 5, 2026. He was born in 1943, graduated from Wayne State University Law School, and was admitted to the Bar in 1968.

JEFFREY K HAYNES, P25140, of Bloomfield Hills, died February 16, 2026. He was born in 1950, graduated from University of Michigan Law School, and was admitted to the Bar in 1975.

DEAN KOULOURAS, P16176, of Livonia, died February 3, 2026. He was born in 1947, graduated from Detroit College of Law, and was admitted to the Bar in 1973.

HAROLD A LARSON, P16433, of Rocklin, Calif., died March 26, 2025. He was born in 1936, graduated from Wayne State University Law School, and was admitted to the Bar in 1962.

SUSAN LESNEK, P38447, of Northville, died February 10, 2026. She was born in 1957, graduated from Wayne State University Law School, and was admitted to the Bar in 1985.

JAMES C LESZCZYNSKI, P16580, of Flint, died February 14, 2026. He was born in 1933, graduated from Detroit College of Law, and was admitted to the Bar in 1962.

PAUL S LEWANDOWSKI, P45470, of Holland, Ohio, died December 15, 2025. He was born in 1956 and was admitted to the Bar in 1991.

WILLIAM J MARCOUX, P17076, of Jackson, died February 12, 2020. He was born in 1927, graduated from University of Michigan Law School, and was admitted to the Bar in 1953

WILLIAM D MCMACHAN, P17512, of Bloomfield Hills, died November 1, 2025. He was born in 1941, graduated from University of Michigan Law School, and was admitted to the Bar in 1966.

PHILIP K MCNELIS, P38203, of Grosse Pointe Woods, died February 1, 2026. He was born in 1957, graduated from Wayne State University Law School, and was admitted to the Bar in 1985.

THOMAS L MULCAHY, P36618, of Rochester Hills, died April 20, 2025. He was born in 1959, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 1984.

CAY A NEWHOUSE, Jr, P18263, of Sterling Heights, died February 17, 2026. He was born in 1930, graduated from Wayne State University, and was admitted to the Bar in 1955.

JESSICA PARSONS, P85262, of Clarkston, died October 24, 2025. She was born in 1980 and was admitted to the Bar in 2021.

KENT A ROZYCKI, P33864, of Traverse City, died February 27, 2026. They were born in 1952, graduated from Thomas M. Cooley Law School, and were admitted to the Bar in 1982.

MATTHEW PATRICK SALGAT, P74144, of Ferndale, died June 29, 2025. He was born in 1985, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 2010.

SARA SEABORG, P77327, of Marinette, Wis., died May 12, 2025. She was born in 1968 and was admitted to the Bar in 2013.

JASON TIMOTHY SHIPP, P74004, died in 2025. He graduated from University of Pittsburgh School of Law and was admitted to the Bar in 2010.

WILLIAM R STILL, P21029, of Kingsport, Tenn., died April 8, 2025. He was born in 1930 and was admitted to the Bar in 1959.

JOHN M THOMAS, P31403, of Ann Arbor, died December 4, 2025. He was born in 1952 and was admitted to the Bar in 1980.

KEITH A VANDER WEYDEN, P21735, of Grand Rapids, died March 27, 2023. He was born in 1930 and was admitted to the Bar in 1956.

ANDREW C WAYNE, P59398, of Farmington Hills, died February 20, 2026. He was born in 1976, graduated from Wayne State University Law School, and was admitted to the Bar in 2001.

In Memoriam information is published as soon as possible after it is received. To notify us of the passing of a loved one or colleague, please email barjournal@michbar.org.

NEWS & MOVES

ARRIVALS & PROMOTIONS

KASTURI "KAS" BAGCHI has joined the Bloomfield Hills office of Honigman LLP as partner in the transactional and real estate finance practice group.

CHARLES L. BOGREN, MICHAEL D. HANCHETT, and **GREGORY A. STOUT,** with Plunkett Cooney, were named as its newest partners.

KERRY K. CAHILL has joined Bodman PLC as a member in the firm's workplace law practice group.

NICOLE COTE has joined Abdnour Weiker.

MICHAEL C. DECKER, with Butzel, has been appointed Practice Department Chair for Litigation.

NICK SPIGIEL of Kreis Enderle has been named leader of the firm's litigation practice group.

ADAM WALLACE started a new job as senior counsel with ITC Holdings Corp.

WARNER named eight attorneys as partners. They are Sarah R. Bileti, Daniel S. Brookins, Sarah Harper, Catherine H. Jacobs, Nina E. Lucido, Ashley E. Racette, Matthew E. Sierawski and Timothy H. Smith.

Five attorneys, with **DICKINSON WRIGHT,** have been elected as members in the Michigan offices.

CADE M. BUNTON, EMMA J. HAISER, JOSH HILL, HARSH D. PATEL, JOHN H. SCHULTE, EARLY L. STEPHENS and **ALEXIS N. TILLERY** have joined Warner Norcross & Judd.

HONIGMAN has elected eight attorneys to partner.

Seven attorneys with **KITCH ATTORNEYS AND COUNSELORS, PC** have been promoted.

RON SOLLISH, with Maddin Hauser, has been named their new president and CEO.

DANIELLE WALTON has joined the Genesee County Prosecutor's Office as bureau chief for the Appellate Division.

LINDA WATSON, with Clark Hill, has been appointed chief growth officer.

LEADERSHIP

DEBRA GEROUX, with Butzel, has been appointed to the International Association of Privacy Professionals Advisory Board.

ANNA KATZ has been promoted to partner with McGraw Morris.

DEREK G. MCBRIDE, PATRICK L. RAWSTHORNE, and **BARRETT R. H. YOUNG,** with Butzel, were elected shareholders.

LAURA L. BROWNFIELD, a partner with Plunkett Cooney, was named to the Catholic Foundation of Michigan's board of directors.

PAUL M. MERSINO, president and CEO with Butzel, has been appointed to the Board of Trustees for Walsh College.

Have a milestone to announce? Send your information to News & Moves at newsandmoves@michbar.org.

FROM THE PRESIDENT

LISA J. HAMAMEH

How we fight for Access to Justice

Access to justice is more than a theoretical, lofty ideal. It is boots-on-the-ground work being done every day by dedicated Michigan attorneys through pro-bono or reduced fee services, including our legal aid providers, and by judges and court staff incorporating administrative changes including providing computers for use by the public, revising court forms to make it more understandable for pro se litigants, and allowing for virtual participation when appropriate. It is also part of the State Bar of Michigan's core mission — and, for many of us, a driving aspirational force behind our own decision to become lawyers.

The Michigan Supreme Court's Justice for All Commission, which evolved from the Michigan Supreme Court's 2020 Justice for All Task Force, is focused on one clear yet very ambitious goal: ensuring that Michigan provides 100% access to our civil justice system. It brings together leaders and partners statewide to intentionally, collaboratively, expand access to justice. Stakeholders include the judiciary, legal aid providers, bar associations, community organizations, libraries, other public-serving institutions, and the State Bar of Michigan.

As part of the Justice for All Commission, I recently had the opportunity to travel to Washington, D.C., to talk with Michigan's congressional delegation about the important work being done through funding for the Legal Services Corporation (LSC), a nonpartisan organization created to protect the rights of all Americans by funding civil legal aid programs in every state, and why support for LSC funding is essential to address the nationwide justice gap (including Michigan).

Michigan's legal aid programs provide free advice and representation to those who can't afford to hire a lawyer when civil legal problems threaten basic living needs including access to safe housing, protection from domestic violence, and financial stability. Their clients are often families, seniors, veterans, people with disabilities, and those living in poverty.

The outcomes in Michigan speak for themselves: 99% of housing cases resolved successfully, 92% of family stability matters improved, and 97% of expungements achieved positive results. These are not just statistics — these numbers represent real people, real stability, and real opportunity.

The need for services far outpaces available resources. Nationally, LSC-funded organizations must turn away nearly half of the approximately 4 million requests for civil legal assistance each year.

In Michigan, the need is particularly stark. Only 7% of the civil legal problems faced by low-income residents receive adequate legal help. This is not a reflection of a lack of commitment — it is a reflection of insufficient resources. If we are serious about closing the justice gap, sustained and increased investment in civil legal aid, including LSC funding, is essential.

However, LSC is far from guaranteed. This year, LSC funding was cut by $20 million to $540 million to fund legal aid programs nationwide in FY 2026. While it represents a 3.6% decrease in funding, we are thankful that funding was largely maintained despite proposals to essentially eliminate funding for legal aid programs.

This is why I found myself in Washington, D.C., traveling with a non-partisan group of passionate advocates for access to justice, which also included Jennifer Bentley, executive director of the Michigan State Bar Foundation; Calhoun County Circuit Court Judge John Hallacy; Wendy Richards, principal and pro bono counsel at Miller Canfield; Nathan Triplett, SBM's director of government relations; and Michigan Supreme Court Justice Brian Zahra, chair of the Justice for All Commission.

It was a whirlwind three days in D.C. We arrived on Tuesday and those of us who had the time attended a forum on Increasing Access to Justice. Specifically, the topic was "Making America's Promise Real for Veterans and Survivors of Domestic Violence." Later, we had the privilege of attending a Justice for All Reception at the Supreme Court of the United States, hosted by LSC, where we had the opportunity to hear timely and motivating remarks by Justice Ketanji Brown Jackson. The second day began at 8 a.m. when we headed to our Headquarters on the Hill. We met with Michigan members of Congress and Senate and/or their staff, with the last of our 12 meetings taking us to 6 p.m., when we headed to a reception hosted by the American Bar Association. On our third, and final, day, our team attended a couple more meetings on Capitol Hill before returning home to Michigan.

The trip was a great success, and our group was able to share important information about why support for LSC is critical to upholding access to justice. As Texas Supreme Court Chief Justice Nathan Hecht said at one of the forums: "Judges can't simply be umpires when one team is forced to play without bats."

We greatly appreciate Congress' longstanding support for the Legal Services and for largely preserving this essential service — especially the nonpartisan support of Michigan's U.S. Senators and Representatives.

I want all my fellow attorneys to know how critical their support is as well. We need your help, both in words and in action:

Help us reinforce the message about how important LSC funding is by talking to your own local congressperson and our U.S. Senators. Boots on the ground are only part of the need.

A team of representatives from Michigan's Justice for All Commission went to Washington, D.C. in March to tell our Michigan Delegation why funding for legal aid is so important. Pictured (left to right) Jennifer Bentley, executive director of the Michigan State Bar Foundation; Nathan Triplett, SBM's director of government relations; Michigan Supreme Court Justice Brian Zahra, chair of the Justice for All Commission; U.S. Rep. Hillary Scholten, also a Michigan attorney; SBM President Lisa J. Hamameh; Wendy Richards, principal and pro bono counsel at Miller Canfield; and Calhoun County Circuit Court Judge John Hallacy.

And, help us fund legal aid services by contributing to the Access to Justice Campaign.

Administered by the Michigan State Bar Foundation in partnership with the State Bar of Michigan, 100% of donations to the Access to Justice Campaign goes directly to providing services. Just as importantly, it demonstrates our legal community's commitment to work for access to justice. It acts as our skin in the game to prove that we, too, are stepping up to the plate to support this important work.

In 2025, our legal community contributed $1,202,614 to help make a difference. This funding significantly increases the services available here in Michigan.

However, the recommended minimum donation for Michigan attorneys is $300, and $500 for those with financial means to give more. There are 35,000 active attorneys in Michigan; We can and should be giving more. Consider giving today at atjfund.org.

The promise of equal justice under law is one of the most enduring principles of our legal system, but it is not self-fulfilling. It depends on the structures we build, the resources we commit, and the collective will we bring to ensuring that justice is truly accessible to all.

Michigan has made a clear commitment to meeting this challenge. The goal of 100% access to justice is ambitious, but it is also achievable. Through the work of the Justice for All Commission, and with continued collaboration and sustained investment — particularly in critical funding streams like LSC and our own contributions to the Access to Justice Campaign — we can move closer to a system where access to justice is not determined by circumstance but guaranteed as a matter of right.

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LEGAL NOTICE

NOTICE OF APPOINTMENT OF INTERIM ADMINISTRATOR

The 33rd Circuit Court has ordered that:

Attorney **Jodi J. Doak ,** P64648
219 E. Main Street
Boyne City, MI 49712
231.582.0712

is hereby appointed Interim Administrator to serve on behalf of:

Attorney **Wanda S. Losher**, P78464
117 S. Lake Street
East Jordan, MI 49727
734.255.1523

Ordered by 33rd Circuit Court on March 24, 2026.
Case no. 26-0168-29-PZ

NOTICE OF APPOINTMENT OF INTERIM ADMINISTRATOR

The 24th Circuit Court has ordered that:

Attorney **Dennis W. Reed ,** P37363
42 Lexington Street, PO Box 127
Sandusky, MI 48471
810.648.2311

is hereby appointed Interim Administrator to serve on behalf of:

Attorney **John S. Paterson**, P18693
35 S. Elk Street
Sandusky, MI 48471
810.648.2414

Ordered by 24th Circuit Court on April 2, 2026.
Case no. 26-41291-CZ

NOTICE OF APPOINTMENT OF INTERIM ADMINISTRATOR

The 6th Circuit Court has ordered that:

State Bar of Michigan by April J. Alleman , P81156
306 Townsend Street
Lansing, MI 48933
517/346.6392

is hereby appointed Interim Administrator to serve on behalf of:

Attorney **Michael A. Schwartz**, P30938
30300 Northwestern Hwy., Ste 113
Farmington Hills, MI 48334-3217
248.932.0100

Ordered by 6th Circuit Court on April 6, 2026.
Case no. 2026-222072-PZ

IN BRIEF

INSTITUTE OF CONTINUING LEGAL EDUCATION EXECUTIVE COMMITTEE AND MICHIGAN INDIAN LEGAL SERVICES BOARD OF TRUSTEES ANNOUNCE VACANCIES

The State Bar Board of Commissioners is seeking applications for three upcoming appointments. The deadline for applications is Friday, June 26, 2026.

Institute of Continuing Legal Education Executive Committee: One vacancy for a four-year term beginning October 1, 2026. The Role of Committee Members is to assist with the development and approval of institute education policies; formulate and promulgate necessary rules and regulations for the administration and coordination of the institute's work; review and approve the institute's annual budget and the activities contemplated to support the budget; and promote the activities of the institute whenever possible. The board meets three times a year, usually in February, June, and October.

Michigan Indian Legal Services Board of Trustees: Two vacancies for three-year terms beginning October 1, 2026. The MILS bylaws require that a majority of the board be American Indians. The board sets policy for a legal staff that provides specialized Indian law services to Indian communities statewide. The board hires an executive director and is responsible for operating the corporation in compliance with applicable law and grant requirements. Board members should have an understanding and appreciation for the unique legal problems faced by American Indians. Board members are responsible for setting priorities for the allocation of the scarce resources of the program. The board is accountable to its funding sources. The board meets on Saturdays, on a minimum quarterly basis, in Traverse City.

Applicants should submit a resume and a letter outlining their background and interest in the position to aowens@michbar.org. Applications received after the deadline indicated will not be considered.

BUSINESS LAW SEMINAR

A Business Law Section Seminar featuring 10 business court judges will occur on Thursday, May 7, 2026, 3:30 PM to 7:30 PM, at Troy Marriott. To register, contact Gerard Mantese, Chair of the In-House Counsel Committee of the BLS. Topics include Litigating in the Business Courts, Drafting Governance Documents, Employment Law, Artificial Intelligence, and Internal Investigations.

LEGAL SERVICES CORPORATION NOTICE OF GRANT FUNDS AVAILABLE FOR CALENDAR YEAR 2027

The Legal Services Corporation (LSC) announces the availability of grant funds to provide civil legal services to eligible clients during calendar year 2027. In accordance with LSC's multiyear funding policy, grants are available for only specified service areas. The list of service areas (and their descriptions) where grant opportunities are open are available at https://www.lsc.gov/grants/basic-field-grant/lsc-service-areas/2027-service-areas-subject-competition. The Request for Proposals (RFP), which includes instructions for preparing the grant proposal, will be published at https://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant on or around April 13, 2026. Applicants must file a Pre-Application and the grant application through GrantEase: LSC's grants management system.

Please visit https://www.lsc.gov/grants/basic-field-grant for filing dates, applicant eligibility, submission requirements, and updates regarding the LSC grants process. Please email inquiries pertaining to the LSC grants process to LSCGrants@lsc.gov.

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- Family Law Update
- Trust in the Legal Profession and its Membership: The Importance of Civility and Professionalism
- Criminal Law Update—You Can't Win If You Don't Know the Law
- Storytelling in the Law
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ACCESS TO JUSTICE CAMPAIGN

2025 CAMPAIGN RESULTS & RECOGNITION LISTS

The Access to Justice (ATJ) Campaign provides an annual opportunity for the legal community to support equal access to civil justice across Michigan. The generous gifts to the ATJ Campaign increase the resources available for 14 regional and statewide civil legal aid organizations serving low-income households.

We are deeply grateful to the law firms, corporations, and individual donors whose commitment helps ensure that vulnerable Michiganders receive legal assistance when they need it most. Funding raised through the Campaign remains vital to increasing the capacity of the services legal aid programs provide to their clients.

In 2025, the legal community contributed a total of $1.2 million to the ATJ Campaign. Forty-seven law firms of two or more attorneys also earned recognition as ATJ Campaign Leadership Firms by giving a minimum of $300 per attorney. This year, we are pleased to introduce a new giving initiative—Champions of Impact. These donors made contributions of $10,000 or more, helping set the pace for continued growth. We applaud their significant leadership in inspiring others to make transformational investments.

Thank you to all the ATJ Campaign donors. For the entire 2025 ATJ Campaign recognition list visit atjfund.org

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PROFESSIONALISM REIMAGINED

Making professional expectations explicit in a hybrid legal world

BY IEISHA HUMPHREY

Legal education is no longer confined to lecture halls and library stacks. It unfolds across hybrid classrooms, digital research and teaching platforms, remote internships, and constant electronic communication. As legal education continues to adapt to these technological and cultural shifts, the concept of professionalism must also adapt.

Generational differences shape how we view success, career trajectory, and satisfaction. Today's law students are expected to exercise professional judgment in environments defined by remote interaction, rapid communication, and heightened attention to mental health — often without clear guidance on how professionalism operates in these spaces. As students bring diverse backgrounds and expectations to legal education, they confront questions about authenticity, boundaries, and success. The traditional image of professionalism rooted in uniformity, hierarchy, and formality is giving way to a more inclusive and dynamic model.

Michigan law schools prepare students for practice across a wide range of professional settings, including large urban firms, rural solo and small-firm practices, public-sector and government work, and nonprofit and access-to-justice roles.

Expectations regarding communication style, availability, mentorship, and professional demeanor often vary across these environments, yet students are rarely offered explicit guidance on how to navigate those differences prior to entering practice. When expectations remain implicit, students who lack prior exposure to legal professional environments are placed at a structural disadvantage. Technical standards provide a common baseline of professional competencies — such as judgment, adaptability, and boundary setting — that transcend practice settings without prescribing a single model of professional identity.

By articulating shared expectations while leaving room for contextual application, Michigan law schools can better equip graduates to transition responsibly into the varied communities and clients they will serve, strengthening both professional formation and public confidence in the legal profession. For employers supervising new attorneys, clearer professional expectations will reduce the need for corrective mentoring and help prevent avoidable professional missteps.

This article argues that professionalism in legal education must be redefined to reflect these realities and that law schools bear responsibility for making professional expectations explicit, teachable, and aligned with the demands of modern legal practice.

HYBRID LEARNING AND THE LIMITS OF IMPLICIT PROFESSIONALISM

The pandemic accelerated the adoption of hybrid and remote learning models, and many law schools have retained these formats to increase accessibility and flexibility. Students now attend

classes from across the country, participate in virtual internships, and network through LinkedIn and Zoom rather than in person.

While these changes offer new opportunities, such as exposure to diverse mentors and the ability to balance school with other responsibilities, they also present challenges. The informal learning that occurs through hallway conversations, office visits, and courtroom observations is harder to replicate online. Students may struggle to observe and internalize professional norms when interactions are mediated by screens.[1]

Tradition has indicated that high-stakes issues are better navigated in person, where tone and body language can be considered. However, handling a delicate matter via email may not give a law student pause. Even if the matter is not necessarily high stakes, sole communication via email minimizes opportunities for learning tone and body language.

Imagine a second-year law student is working an internship at a mid-sized law firm. The student receives an email from a supervising attorney asking for input on a sensitive client matter involving potential litigation strategy. The student drafts a detailed response and sends it back promptly, believing they have demonstrated initiative and professionalism.

However, what the student doesn't realize is that the direct and somewhat informal tone of their email comes across as overly confident and dismissive of the attorney's concerns. In a traditional in-person setting, the student would have picked up on the attorney's cautious tone, body language, and hesitations during a conversation, adjusting their approach accordingly. They might have asked clarifying questions or expressed deference before offering suggestions.

Because the interaction occurred entirely via email, those subtle cues were lost. The attorney perceives the student as lacking judgment, and the student misses an opportunity to learn the nuanced communication norms that are critical in high-stakes legal contexts.

Similarly, a Michigan law student participating in a remote internship with a rural solo practitioner based in the Upper Peninsula may never enter a courthouse or observe client interactions in person. While the student completes assignments competently, they miss informal exposure to a solo practitioner managing client expectations, court scheduling, and professional demeanor in a close-knit legal community where reputations are quickly established and long-lasting. Without explicit instruction on professional judgment in these settings, students may enter rural practice unaware that norms around responsiveness, tone, and community relationships differ significantly from those in larger urban firms.

Michigan law schools prepare students for clerkships, state agencies, and prosecutor or defender offices where professionalism is shaped by public accountability, bureaucratic hierarchy, and statutory deadlines. A student who has interacted with supervisors only through informal digital platforms may not appreciate the formality expected in written communication with agency leadership or courts. When those expectations remain implicit, missteps are more likely to occur once the student enters practice — often in settings where mistakes are highly visible and difficult to remediate.

Law schools should intentionally teach professionalism in digital spaces by modeling effective virtual communication, creating structured mentorship opportunities, and using simulations or recorded proceedings to help students practice judgment when nonverbal cues are absent.[2]

The State Bar of Michigan's Faces of Justice[3] program is one example of how structured virtual mentoring can expand access to professional networks while reinforcing expectations for digital judgment and engagement, all without geographic limitations.

DIGITAL PROFESSIONALISM AND BOUNDARY SETTING

The risks of implicit professionalism are most visible in digital communication, where tone, hierarchy, and judgment cues are easily misread or missed altogether.

Alongside the shift to hybrid education is a growing awareness of the mental health challenges including stress, anxiety, and burnout, facing law students and lawyers.[4] There is little reprieve once law students become practitioners. Attorneys are experiencing similar feelings while navigating changing work expectations. Many are surprised and dismayed by new attorneys' lack of loyalty to one workspace and their lack of desire to work countless hours as they once did.

Smartphones, email, and social media have contributed to an "always on" culture where students feel compelled to respond instantly, remain constantly available, and curate a professional persona online. This blurring of boundaries between personal and professional life can erode well-being and make it difficult to disconnect.[5]

Imagine that a new associate works at a midsized private law firm. Late one evening, the associate receives an email from a senior partner asking whether a research memo has been finalized for a client matter scheduled for discussion the following afternoon. Although the request is not marked urgent and the deadline is not immediate, the associate responds within minutes, apologizing for the timing and assuring the partner they are available if further revisions are needed.

Over the course of their employment, the associate continues this pattern — monitoring email late into the night, responding immediately to weekend messages, and volunteering availability outside standard working hours. Supervising attorneys begin to assume that the associate is always reachable, while the associate experiences increasing fatigue and anxiety about missing messages. Rather than demonstrating professionalism, the associate's behav-

ior normalizes constant availability and obscures the distinction between responsiveness and sound professional judgment.

In small firms without formal management, new lawyers' constant availability can create unsustainable expectations: late-night or weekend replies can become the norm, and later boundary-setting may be misread as disengagement. Clients want prompt communication, but they also value thoughtful advice; instant responses can suggest that speed matters more than careful analysis. Teaching students to balance responsiveness with judgment helps them serve Michigan clients and sustain their careers. Ultimately, professionalism is sound judgment, not perpetual availability.

One way to address this ambiguity is for law schools to adopt technical standards — clear, nonacademic criteria that define the professional competencies that students are expected to develop before entering practice. Law schools can better prepare students for practice by explicitly teaching that professionalism includes managing availability and setting appropriate boundaries. Instruction should emphasize that effective lawyering requires judgment about timing, urgency, and sustainability — not merely speed of response. Students should learn to acknowledge messages professionally during business hours, clarify turnaround expectations, and communicate proactively about deadlines without defaulting to constant accessibility.

By framing boundary setting, digital self-management, and wellness as professional competencies rather than personal preferences, law schools help students enter private practice with tools for long-term effectiveness. Making these expectations explicit reduces ambiguity, supports ethical client service, and reinforces that professionalism in practice is measured by judgment, reliability, and quality of work, not perpetual availability.

The legal profession increasingly promotes wellness, highlighted during May's Well-Being Week in Law by the Institute for Well-Being in the Law. But a single week is not enough to build lasting habits, so law schools can partner with bar associations and expand mentoring with successful attorneys to reinforce sustainable practices. Law firms should also set clear expectations and value skills that support incoming associates.

Professionalism is evolving to include wellness and boundaries. New attorneys seek workplaces supporting healthy lifestyles and job satisfaction. Employers focusing on wellness can attract and retain talent more effectively.

REDEFINING PROFESSIONALISM FOR A NEW GENERATION

As law students bring increasingly diverse backgrounds to legal education, they encounter professional environments shaped by varying expectations about communication, adaptability, and hierarchy. Consistent with the American Bar Association's cross-cultural competency requirement,[6] professionalism today requires the ability to navigate professional differences while maintaining ethical judgment and professional respect.

While isolated lessons on professionalism, such as mentoring, wellness initiatives, or faculty guidance, support law student development, they alone are not enough. Law schools and bar organizations offer valuable opportunities for students to observe, discuss, and reflect on professional conduct, but these efforts must be supplemented to address ongoing structural changes in legal professionalism.

When expectations remain implicit, students must infer norms through uneven experiences and trial and error. In a hybrid environment, students can receive vastly different messages about tone, availability, or judgment depending on supervisor, practice setting, or medium, placing those without prior workplace exposure at greater risk of being evaluated only after a misstep.

Instead of more aspirational advice, law schools need a clear framework that defines professional expectations and is easy to teach and assess. Without this, professionalism education stays fragmented, albeit well intentioned, and inconsistent.

TECHNICAL STANDARDS AS A FRAMEWORK FOR PROFESSIONAL COMPETENCE

Technical standards offer a practical and underutilized mechanism for addressing these challenges. In legal education, technical standards[7] are non-academic criteria that identify the core functional and professional capacities that students are expected to develop in order to participate meaningfully in the educational program and prepare for the practice of law. They are distinct from bar admission requirements and do not measure mastery of legal doctrine. Instead, they articulate foundational competencies that are necessary for professional formation. Some technical standards adopted by other law schools include the ability to work under changing circumstances, tolerate competing demands, practice strategic time management including setting short- and long-term task planning, and give and receive feedback respectfully to facilitate learning and professional identity development.[8]

Michigan employers frequently report that new lawyers possess strong doctrinal knowledge but struggle with professional judgment — particularly in areas such as managing competing deadlines, receiving corrective feedback, or calibrating tone with senior attorneys and clients. Technical standards offer law schools a mechanism to address these gaps before students enter practice, reducing the need for informal correction and minimizing the risk that professionalism is evaluated only after a misstep has occurred.

Technical standards are not about academic achievement but focus on the essential professional skills needed for legal education and practice. While expectations around skills like communication and self-management are often conveyed informally, this can disadvantage students unfamiliar with legal environments. Clearly defined tech-

nical standards improve transparency, consistency, and early support, creating a shared framework that reflects real-world legal practice.

Technical standards reflect the key skills needed for new lawyers: The ability to give and receive feedback respectfully is central to associate–partner relationships, supervisory structures, and professional development throughout a legal career. Working effectively under changing circumstances mirrors the realities of legal practice, where deadlines shift, clients encounter emergent crises, and strategic decisions must be recalibrated in response to new information. Likewise, tolerating competing demands and practicing strategic time management are not merely academic skills. They are foundational to ethical lawyering, client service, and professional sustainability. When new lawyers struggle in these areas, the consequences affect colleagues, clients, and public trust.

RECOMMENDATIONS

Michigan law schools should adopt technical standards that clearly state professional expectations for practice. Embedding these competencies in the curriculum signals that professionalism includes judgment, adaptability, and self-management, not just decorum, across practice settings. This approach prepares graduates for practice rather than leaving these lessons to be learned through avoidable missteps.

A new lawyer entering a Detroit-based firm, a Lansing policy office, or a Northern Michigan solo practice may encounter different professional cultures. Technical standards do not erase those differences; instead, they provide a shared baseline, clarifying expectations around judgment, adaptability, and communication so that new lawyers can adjust once they understand the context. This consistency supports mobility, inclusion, and professionalism without imposing a single model of practice.

Michigan bar organizations are uniquely positioned to bridge the gap between legal education and practice by helping articulate shared professional expectations across settings. Programs connecting students, new lawyers, and practitioners can show how professionalism adapts across practice types, regions, and career stages. Starting these conversations earlier and consistently reinforces professionalism as a collective responsibility, not an individual guessing game.

The effectiveness of technical standards in promoting professionalism relies on both law school adoption and integration within the wider legal community. Sharing expectations with Michigan employers and externship sites creates consistent feedback as students move from classroom to workplace. This partnership supports students' development and ensures that new attorneys possess essential qualities for ethical legal practice, enhancing both student outcomes and the reputation of Michigan's legal profession.

In a profession built on judgment, trust, and public service, professionalism cannot remain an unwritten code passed informally from one generation of lawyers to the next. By making professional expectations explicit through technical standards, law schools and the Michigan legal community can better prepare new lawyers to practice with competence and integrity in an increasingly complex legal environment.

Ieisha Humphrey is an assistant dean at Michigan State University College of Law, where she works in the dean's office with a focus on student success, professional development, and academic support. Her work centers on law student professional identity formation, bar readiness, and the integration of wellness-informed practices into legal education. She works closely with students, faculty, and administrators on issues related to professionalism, mentoring, and preparation for legal practice.

ENDNOTES

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The marathon of professionalism

BY KRISTIN L. KASS

The Department of Labor states that "professionalism does not mean wearing a suit or carrying a briefcase."[1] Yet as attorneys, we are immediately looked to as professionals, in part because we do in fact wear suits and carry briefcases. It is incumbent upon all attorneys to ensure that we are professionals. The Department of Labor goes on to define professionalism as "conducting oneself with responsibility, integrity, accountability, and excellence. It means communicating effectively and appropriately and always finding a way to be productive."[2] This definition perfectly describes how attorneys should and, indeed how we are required to, act. We are given guidance in the Preamble: A Lawyer's Responsibilities in Rule 1.0 of the Michigan Rules of Professional Conduct: "A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers, and public officials."[3] Consider how much better our profession would be if we regarded that comment as a "shall" and not a "should."

As a prosecutor, rarely does a day go by where I am not in a courtroom and have the opportunity to observe many different law-

yers. What is, and what is not, considered professional is on full display in that setting. Criminal cases can carry a lot of emotions, and it is the attorneys and judge who must keep it professional. A prosecutor's words toward the accused must be made with respect and dignity. The same is true for how a defense attorney references a victim. I have had conversations years after a case concluded where the people involved still remembered what was said in the courtroom. But the work necessary to be a professional is done before the day in court. When running a marathon, the work is done in all of the time spent training before the race. Just like a marathon, the work of professionalism is done long before you step into a courtroom or have a meeting with a client.

What is our training for this marathon? We train to be professionals from the moment we begin law school. There, in addition to learning the rules of ethics, hopefully we learn how to respectfully communicate with each other and learn to have respect — even for those we disagree with. The Michigan Rules of Professional Conduct and the accompanying notes give guidance regarding what is expected of us in this long race of a legal career. But the training does not end there, and hopefully, it never ends. Throughout our careers, but especially early on, we should seek out good role models and pay attention to how other lawyers act. We should emulate their good behaviors as well as familiarize ourselves with our ethical obligations. Having spent the majority of my career in a small-town prosecutor's office in the Upper Peninsula, I learned early on about the need for good role models. I had to learn how to navigate this area of the law where, at times, the victims I was trying to help only wanted to be left alone. I had to learn how frustration with an attorney in a courtroom had to be left in the courtroom. The attorneys I have worked under and learned from taught me lessons I still use to this day.

The Department of Labor also gives guidance in its definition for how to train, starting with conducting oneself with responsibility. Words matter, maybe no more than in our profession. Lawyers must be responsible and thoughtful with their words. As officers of the court, our words must be truthful, but they also must be genuine. We know how to say something without saying anything. We have a professional responsibility to say things that are helpful to those we encounter. Indeed, we are ethically obligated to be truthful.[4] We also must act with decorum and must treat people in the legal system with dignity and respect.[5]

We also must conduct ourselves with integrity. A lawyer's integrity is something within his or her own control and can often be established and maintained through proper preparation. Preparation is key for a race or a case, but in both, there are hurdles. Workload and procrastination can be the biggest hurdles that lawyers face in the pursuit of professionalism. Procrastination alone may be the most widely resented professional shortcoming.[6] Fortunately, these can be remedied by the lawyer by managing workload, setting appropriate reminders, and when necessary, declining more work than they can handle. It may not be easy, but we owe it to clients and to the profession. Attorneys should never allow themselves to be overburdened to the point that they violate duties owed to their clients, such as the duties of competence (MRPC 1.1), diligence (MRPC 1.3), and communication (MRPC 1.4). Likewise, attorneys cannot use their workload as an excuse for missing court deadlines or violating discovery obligations.

We should conduct ourselves with accountability. After all, we are a self-governing profession. That means it is on every lawyer to ensure that our profession is accountable. Accountability should come from within. We are often in the best position to know what we are doing wrong and to hold ourselves accountable. But accountability cannot be accomplished on an island. To be professional is to help our colleagues. In a long race, other racers check on the injured. We must do the same. We must check on each other. We should mentor newer attorneys. We also should ensure that our colleagues are doing ok, both in terms of managing their practices and in terms of their professional lives. We should encourage each other to care for our mental and physical well-being. At times, we may have to have difficult conversations if someone is not holding themselves to the standard that the profession demands. At times, it may even become necessary to report a fellow attorney to disciplinary authorities, which, under certain circumstances, is our ethical obligation.[7] Accountability is not easy, but it is vital.

Lastly, if we pursue the training properly, we will conduct ourselves with excellence and fulfill our obligations to our clients, to our colleagues, and to our community. Excellence is a finish line for a professional. Part of my job involves going into schools, and there is always a lot of interest from students in the work we do. It is also a chance to be with colleagues and judges in a different setting. Students like asking about your most difficult case or what a trial is like. Hearing how colleagues and our judges answer those questions reminds me how, no matter what side you are on, we have similar pressures and goals. We cannot lose sight that winning at any cost is not a viable trial strategy, and it will often lead attorneys down a perilous path of ethical and professional missteps. We cannot control the outcomes of our cases, but we can control how we conduct ourselves.

Professionalism is a constant in our careers, and yet it changes. What is acceptable now may not have been acceptable when you started. That is not always a good thing. Our President, Lisa J. Hamameh, outlined in her inauguration that one of her top priorities is to urge attorneys to remember why they chose their path and to recommit to their role as defenders of the rule of law.[8] We cannot defend the rule of law without professionalism. We are to be the example not only for the public but the bar as well. One way to defend the rule of law may be to recommit to professionalism.

Marathon training culminates in a race. For attorneys, that day is how a matter resolves. Whether it is a transaction or trial, each case we take on will eventually have an end. The end will be a result of the choices we make along the way. How we treat oppos-

ing counsel is an important choice. And it's not only the ones we get along with or who are easy to work with. We are to treat all persons involved in the legal process with courtesy and respect and proceed only by means that are truthful and honorable.[9] In a small town, it is not uncommon to have a difficult court hearing only to see the opposing counsel days later out with his or her family. Yet nothing reminds you to always treat others with respect more than that moment when you see each other outside of a case.

Professionalism is how we conduct ourselves even when we do not agree with what is happening. The law is not a weapon. It does not choose sides. It does not play favorites. When it is followed, it brings order to chaos. To be professional is to follow the law. To be professional is to not make it about the one on the other side but to make it about the greater good.

A career in the law is truly the ultimate marathon. There will be peaks so high because you have changed the life of another for the better. There will be valleys so low because rarely does someone seek out an attorney when life is going great. As a career continues through the years, the only victory we can guarantee is if we uphold professionalism. We will all fall short of it at times, but it is what we do next that matters. If that is done right, we have succeeded. Because at the end of the race, whether it be in the race of one's legal career or life, are we not all just hoping to be told, "Well done, good and faithful servant"?[10]

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ENDNOTES

1. *Skills to Pay the Bills: Mastering Soft Skills for Workplace Success*, United States Department of Labor Office of Disability Employment Policy <https://pueblo.gpo.gov/CAARNG/ODEP/PDF/ODEP013.pdf>, p106 (all websites accessed April 9, 2026).
2. *Id.* at p 106.
3. MRPC 1.0.
4. See e.g. MRPC 3.1, 3.3, 3.4, and 4.1.
5. MRPC 3.5 and 6.5.
6. MRPC 1.3, Comment.
7. MRPC 8.3.
8. Raymer, *It's About Giving Back*, Michigan Bar Journal (Oct 2025) <https://www.michbar.org/journal/Details/Lisa-J-Hamameh-91st-President-of-the-State-Bar-of-Michigan-Its-about-giving-back?ArticleID=5172>.
9. MRPC 6.5.
10. Matthew 25:2.

LEGAL PROFESSIONALISM IN 2026

Professionalism is not a spectator sport[1]

BY MICHAEL S. LEIB

Legal professionalism is not new. Supreme Court justices and bar leaders have written and spoken about it for years. When I speak and write about legal professionalism, I describe the role of lawyers in our justice system and how lawyers should, at their best, behave.

Many use the terms professionalism and civility interchangeably. However, civility is a subset of legal professionalism. It is true that uncivil behavior garners the most attention for reasons I think are obvious. And it's an important part of legal professionalism. But it is not the equivalent of legal professionalism. Legal professionalism includes the competence of our work product, how we present ourselves to the legal system, wellness, respect for those involved in the justice system, and respect for integrity.

At this time in my legal career, I have had the luxury of thinking and writing about legal professionalism. Also, I've had the luxury of looking back and thinking about the lawyers whom I have had the good fortune to have worked with and observed. If you have

done that, I think you will agree that the lawyers whom you can recall as "professional" were something more than civil. Yes, they treated others well, but there was something else. They cared. They understood their place in the justice system. Their preparation and work product were top notch. They were involved in local, state, and maybe national bar associations.

Let's not kid ourselves. We live in difficult times. Instilling confidence in our justice system is critical. We can do that by refocusing on our role as lawyers in our system of justice, how we should behave, and what we can do to improve professionalism. I focus on lawyers here, acknowledging that judges are partners in professionalism, as I discuss later.

THE PROFESSIONALISM PRINCIPLES FOR LAWYERS AND JUDGES

The Michigan Supreme Court enacted the Professionalism Principles for Lawyers and Judges by Administrative Order 2020-23[2] ("the Principles"). The Principles are the result of a work group formed by former State Bar President Jennifer Grieco. The workgroup, under the leadership of Ed Pappas, also a former state bar president, drafted the Principles. Ed Pappas then presented them to the State Bar Representative Assembly in 2019. After approval, the Principles were presented to the Michigan Supreme Court and adopted in December 2020.

To continue the promotion of the Principles, the State Bar created the Special Committee on Professionalism and Civility. Members of the Committee are fulfilling the Committee's mission by actively speaking about professionalism to lawyers and judges.

THE ROLE OF LAWYERS IN OUR JUSTICE SYSTEM

We are not potted plants in a functioning democracy. The Principles remind us of the following:

> In fulfilling our professional responsibilities, we as attorneys, officers of the court, and *custodians* of our legal system, must remain ever-mindful of our obligations of civility in pursuit of justice, the rule of law, and the fair and peaceable resolution of disputes and controversies. (Emphasis added)[3]

Given that we are the "custodians of our legal system," the heightened responsibility we hold is evident. The critical nature of our responsibility is made more obvious by those who attack us. *Perkins Coie LLP v Department of Justice* well describes our importance in the justice system: "The importance of lawyers to ensuring the American judicial system's fair and impartial administration of justice has been recognized in this country since its founding era," and "[e]liminating lawyers as the guardians of the rule of law removes a major impediment to the path to more power."[4]

We are both custodians and guardians of the rule of law — we guard and protect the rule of law. And we are entrusted with that duty. As part of that responsibility, we agreed to support the Constitution of the United States and the Constitution of the State of Michigan.[5]

We are not merely bystanders in our democracy. Professionalism requires an active role in our justice system.

THE CHALLENGES OF PROFESSIONALISM IN TODAY'S REMOTE ENVIRONMENTS

When the COVID pandemic caused our profession to move to remote proceedings, we did so willingly. We had little choice if we were going to have an active, functioning legal system. Zoom and other remote platforms saved us. We could conduct hearings and discovery by remote means. Because some were so excited and enthusiastic, the Michigan Court Rules were amended effective September 9, 2022, to provide a presumption that video conferencing of most court proceedings in the circuit courts is presumed, subject to the court's determination that such remote means are inappropriate for a particular case.[6] It is well worth pointing out that the Administrative Order requiring the presumption was met with a vigorous dissent. Chief Justice McCormack observed in her concurrence to the Administrative Order that remote proceedings "vastly improved access to the courts, and thus access to justice"[7] and, later in her opinion, stated, "Equal access to justice is the most critical problem for the fair administration of our courts."[8]

There is little disagreement that access to justice and equal justice are significant issues. Yet, they are not the only issues when considering a default provision that makes remote proceedings the preference.

Justices Zahra and Viviano opposed the amended court rule. Justice Viviano said the following:

> Today's order will ensure that the participants in court hearings are less engaged and the hearings less meaningful… As a former trial judge who values human interaction and knows the court system cannot function without it, I am greatly saddened by the majority's profound error in judgment and what it portends for the future of our courts.[9]

For the purposes of this article, it is important to note the discussion of lack of decorum that remote proceedings have engendered and the inability of judges to control proceedings. And the disadvantages of remote work have become a much-discussed topic among professional law firms and accounting firms. It takes little imagination to understand the difficulty of collaboration in a professional firm when the staff is working remotely. I agree it is not impossible, but it cannot be challenged that there is little opportunity for "water cooler" discussions or walking down the hall to knock on a col-

league's door to discuss a legal or ethical issue or even find out what happened over the weekend.

Footnote 10 in the Administrative Order 2020-08 describes empirical evidence that firm-wide remote work "caused the collaboration of workers to become more static and siloed…making it harder for employees to acquire and share new information across the network"[10]

Former State Bar President Daniel Quick discussed the impact of the "Zoom court" on civility, noting that this practice has resulted in sharper practices amongst counsel because they know they can get away with more.[11]

And,

> Notably, the Principles of Professionalism recognize the need for judges to set norms: judges do not condone incivility by one lawyer to another or to another's clients and we call such conduct to the attention of the offending lawyer on our own initiative and in appropriate ways. Former State Bar of Michigan President Edward Pappas said it best during a 2020 public hearing on the principles: Civility starts at the top and at the top of our profession are the judges. Judges set the tone for civility[.] (quotation marks and citation omitted).[12]

There is a wonderful example of a deft handling of a refusal to stipulate to an extension of time to respond to a complaint filed just before Thanksgiving. In *McCullers v Koch Foods of Alabama,* Chief Judge R. David Proctor, Chief U.S. District Judge, addressed the dispute.[13] Plaintiff conditioned her consent on an agreement not to file a motion to dismiss.

The Order states,

> There is generally no good reason that an extension such as this should be opposed, let alone denied. The Golden Rule — do unto others as you would have them do unto you — is not just a good rule of thumb for everyday life. It is a critical component of legal professionalism. Sadly, in recent years compliance with the rule is becoming rarer and rarer in the litigation arena. It is time to reverse that trend, even if it is only in this case.[14]

The Order goes on to note the looming Thanksgiving holiday, describing the lawyer's conduct as withholding consent or conditioning it as "nonsense" and as "fiddle faddle."

The court then grants the motion for extension and then further requires the lawyers to meet in person

> Further, the court **ORDERS** that**, on or before December 31, 2024**, counsel for both Plaintiff and Defendant are to go to lunch together. Plaintiff's counsel will pay the bill: Defendant's counsel will leave the tip. The parties will discuss how they can act professionally throughout the rest of this case. **Within ten (10) days** of the lunch, the parties **SHALL** file a joint report describing the conversation that occurred at *lunch and the amount of the tip."*[15]

Hence, the in-person meeting was the solution to uncivil conduct.

We should note that there are a significant number of new lawyers who began their practice after March 2020, when the COVID pandemic led to remote court matters and civil discovery. They don't know what they are missing.

Those who have practiced for a significant period of time can usually point to the relationships they developed as a result of litigating cases together. For each case, there are usually numerous opportunities for seeing each other in court, whether at a status conference, settlement conference, scheduling conference, motion hearing, or trial. The litigants often became professional friends. And they developed three-dimensional relationships — not the two-dimensional relationships that form through a computer screen. They could talk in the hall before or after a hearing of court conference; they could catch up on each other's lives.

I can say without a doubt that the most enjoyable moments and memories of my practice result from developing the relationships that can come almost only from in-person encounters. It is so much easier to communicate with someone when you have met them in person. That can only benefit the client and the court system.

And, it is much harder to be a jerk to someone whom one has met in person and with whom they have developed a personal relationship. Hence, the Golden Rule just makes sense in that context.

What about the less experienced lawyers among us? I treasured the opportunity to be in court and observe good lawyers. I would check court dockets and find out when certain lawyers were scheduled to present arguments. And sometimes, I would simply show up at the court and watch all the lawyers arguing. It wasn't difficult to determine who were the better lawyers and the more respected lawyers — who were the professionals. At a motion hearing, we could observe the judge's demeanor.

We often learn by example, and there is only so much that law school can prepare us for. Lawyers need to be in the courtroom experiencing the power of the court, what it feels like to stand up in

front of legal peers and make good arguments, and what it looks and feels like when a lawyer makes bad arguments or misbehaves.

SPEAKING UP AND OUT

1. What can we do to promote professionalism?
2. Read the Professionalism Principles and talk about them in your firm and bar association meetings.
3. Be the professional — improve your work product, make sure you dress as a professional, practice wellbeing, and practice the Golden Rule.
4. Participate in civic activities that address the rule of law and civil discourse — there are many that are offered to schools and other organizations.
5. Join the Speakers Bureau of the State Bar of Michigan Special Committee on Professionalism and Civility — you will be trained on professionalism and prepared to speak to others.
6. Speak up and out when you see organizations that are acting to weaken the rule of law and the justice system — write a letter to the editor.
7. Reread the Lawyer's Oath we took when we were admitted to the State Bar. It is still relevant.
8. Reread MRPC 1.0 and the Comments.
9. Reread MRPC 1.1, Competence, and the Comments, particularly "Thoroughness and Preparation"; 3.1, Meritorious Claims and Contentions, and the Comments, 3.3, Candor Toward the Tribunal, and the Comments; 3.4, Fairness to Opposing Party and Counsel, and related Comments; and 3.5, Impartiality and Decorum of the Tribunal.
10. Reread MRPC 6.5, Respect for those involved in the legal system.
11. Reread MCR 1.105 (rules to be construed to "secure just, speedy, and economical determination of every action…").
12. Do not accept unprofessional behavior from colleagues, and understand that being unprofessional may also be unethical.
13. Look for opportunities to meet, personally, your adversary.

CONCLUSION

We do not have the luxury of being silent in the face of attacks on the rule of law and our legal profession. Be the professional and speak up and out.

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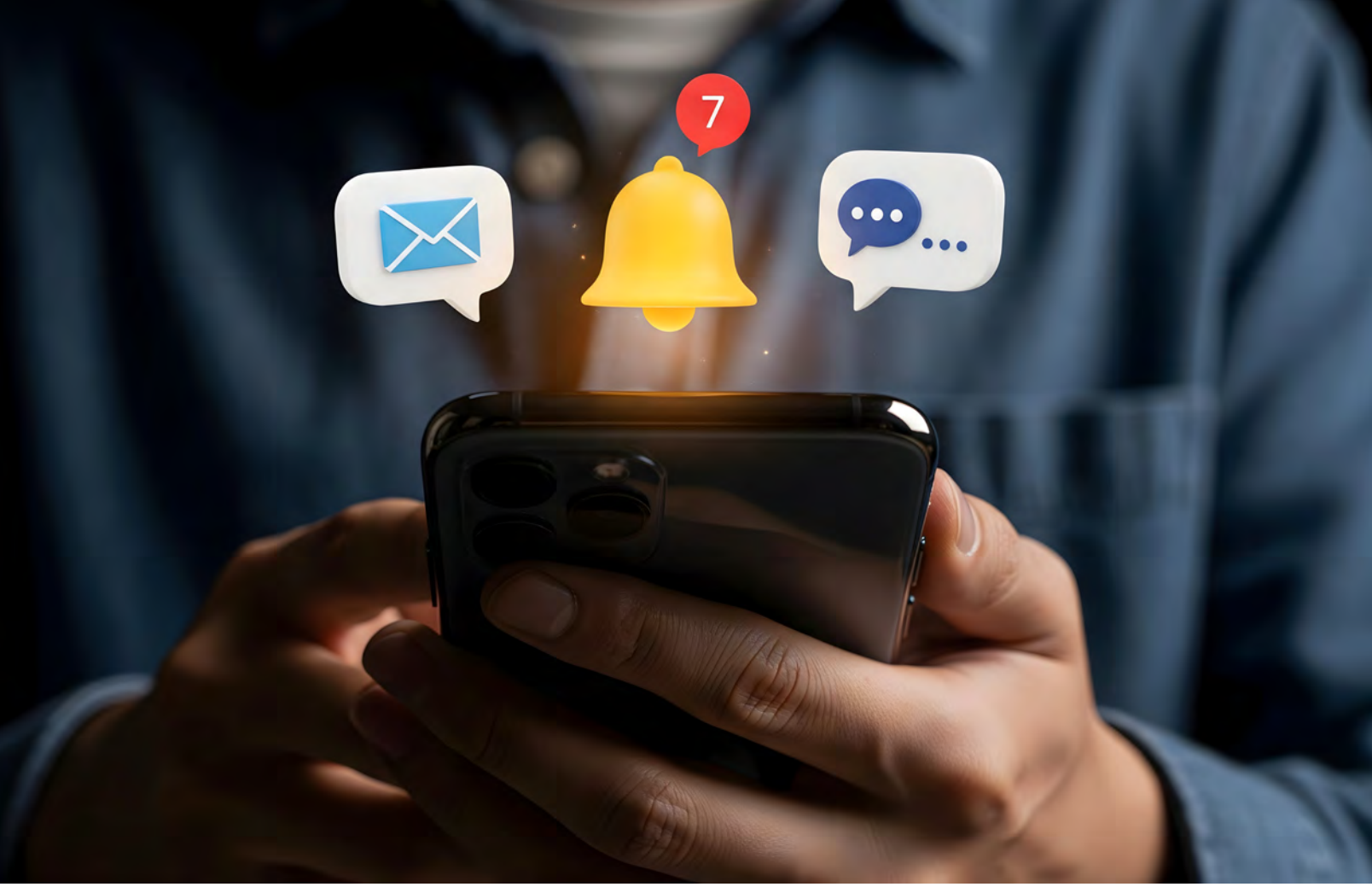
ENDNOTES

1. The author thanks Trent Collier, a member of the Special Committee on Professionalism and Civility and a shareholder at Collins Einhorn Farrell PC, and Barbara A. Wislinski, all world assistant, for their assistance in editing the article.
2. Administrative Order No. 2020-23 (2020).
3. *Id.*
4. *Perkins Coie LLP v Dep't of Justice*, opinion of the United States District Court for the District of Columbia, issued May 2, 2025 (Case No. 25-716), p 1.(CHECK QUOTE)
5. See *Lawyer's Oath*, State Bar of Michigan <https://www.michbar.org/generalinfo/lawyersoath> (all websites accessed March 23, 2026).
6. See Administrative Order 2020-08 (2020) and MCR 2.408(B).
7. Administrative Order 2020-08, Comment by McCormack, C.J. (*concurring*) <https://www.courts.michigan.gov/siteassets/rules-instructions-administrative-orders/proposed-and-recently-adopted-orders-on-admin-matters/adopted-orders/2020-08_2022-08-10_formor_pandemicamdts.pdf>, p 16.
8. *Id.* at p 18.
9. *Id.* at p 24, Viviano, J. (*dissenting*).
10. *Id.* at p 30.
11. Quick, *From the President: Civility in a post-COVID world: The value of being in court*, 102 Mich B J 12-13 (Dec 2023).
12. *Id.*
13. *McCullers v Koch Foods of Alabama, LLC et al*, unpublished order of the United States District Court for the Northern District of Alabama, issued November 26, 2024 (Case No. 1:24-cv-01496-RDP).
14. *Id.* at p 1.
15. *Id.* at p 2.



An informed client is a happy client: And a happy lawyer[1]

BY ANDREW KRYDER

Sometimes as a lawyer, it's easy to fall into the routine of focusing on the work: going to court, legal drafting, filing documents, arguing motions, etc. It can become easy to put client communication on the back burner. However, this must be avoided. As lawyers, we may know that a case is advancing appropriately, but if we do not communicate updates to our clients, they are left to wonder what is going on. In the eyes of the client, silence doesn't signal diligence. It signals neglect and incompetence.

Let's take a closer look at what the Michigan Rules of Professional Conduct require and what can happen when lawyers fail to communicate with their clients. Then let's review some practical strategies to keep clients informed. Lastly, let's reshape the way we view client communications. Regular client communication should not feel like a chore. You should view it as an opportunity. When done right, it can be easy, it can keep you out of sticky ethical situations, it can improve your client relationships, and it can help your business grow.

THE DUTY TO COMMUNICATE UNDER MRPC 1.4

The Michigan Rules of Professional Conduct make client communication a professional responsibility, not an optional courtesy. MRPC 1.4(a) the following:

> A lawyer shall keep a client reasonably informed about the status of a matter and comply promptly with reasonable

> requests for information. A lawyer shall notify the client promptly of all settlement offers, case evaluations, and proposed plea bargains.

Additionally, MRPC 1.4(b) states that "[a] lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." To summarize, lawyers must do the following:

1. **Promptly inform the client** of any decision or circumstance requiring the client's informed consent;
2. **Reasonably consult** with the client about the means by which the client's objectives are to be accomplished;
3. **Keep the client reasonably informed** about the status of the matter;
4. **Promptly comply with reasonable requests** for information; and
5. **Consult with the client** about any relevant limitation on the lawyer's conduct.

This can require you to explain complex legal issues in an easy-to-understand way. As lawyers, we are communicators. A major part of our job is to advise our clients and communicate with them about their legal options. This is why clients hire us: for our expertise and guidance. Communicating that advice and guidance should always be a priority at every stage of the case. You should think about communication with clients at each stage of the representation. How are you currently communicating with clients when they are welcomed as new clients, during the representation process, and when you conclude their legal matters? For each stage, craftstandard communications that can be easily modified.

Your clients shouldn't be left guessing about their legal matters. Whether it's a status update on discovery, the outcome of a motion, or the implications of a legal strategy, MRPC 1.4 requires timely, clear, and consistent communication during the entire course of representation.

WHEN SILENCE BECOMES A PROBLEM

When lawyers fail to communicate, there can be severe consequences ethically, professionally, and financially. Common problems that arise from poor client communication include the following:

DISCIPLINARY COMPLAINTS

Lack of communication is one of the most common reasons why clients file grievances, and it is one of the most common types of misconduct that results in public discipline. In fact, the 2022 State of Michigan Attorney Discipline Board Annual Report identified client neglect, which includes violations of MRPC 1.4, as the largest category of attorney misconduct.[2] Of formal complaints that resulted in some form of discipline, 39 involved violations of MRPC 1.4(a) or MRPC1.4(b).[3]

LOSS OF CLIENT TRUST

Even when a grievance is not filed, lack of communication diminishes client trust and confidence. Clients often equate silence with neglect. Clients hire lawyers to help with sensitive legal matters: divorce, personal injury, real estate matters, criminal defense, and business disputes. The client is relying on you as a lawyer to guide them through a difficult, often complex, situation. Without regular communication, clients are left to wonder if their legal matter is being neglected and whether their interests are being protected.

NEGATIVE FINANCIAL CONSEQUENCES

Have you ever lost a client due to poor communication? Clients who feel ignored may seek other counsel or refuse to pay legal bills, and these factors impact your firm's bottom line. Think about how much time, energy, and resources you invest in acquiring new clients. Don't squander your efforts because you have not thought through how to deliver regular updates. A client lost because of poor communication is almost always preventable.

BAD REVIEWS

Have you ever received a bad review that mentions poor communication? Dissatisfied clients are often the most vocal. Once the review is posted, your reputation is tarnished, and this can impact your law firm's revenue. A recent study showed that as many as 98% of consumers rely on reviews to inform their purchase decision, with some consumers listing them as the number one factor.[4] As a lawyer, you have an ethical duty to keep your clients informed. But also, as a law firm owner, you can't afford to have your law firm branded negatively by dissatisfied clients. You can't prevent every bad review, but you can minimize certain types of bad reviews through regular communication. As a reminder, in general, it is permissible to respond to negative reviews online, but you generally cannot disclose confidential information in response to online reviews and, therefore, must be extremely careful in responding.[5]

TIPS TO COMPLY WITH ETHICAL RULES AND KEEP YOU, YOUR STAFF, AND YOUR CLIENTS HAPPY

Failing to properly communicate with our clients can have many negative consequences. The good news is that good communication, when done correctly, can lead to many positive things in your practice. Here are some practical solutions to improve client communication in your practice.

SET EXPECTATIONS EARLY

Start by establishing a communication policy at the very beginning of your representation. Let clients know you will contact them and how often they can expect updates. Establish what types of communications are billable and how clients can reach you in emergen-

cies. Putting these things in your engagement letter or discussing the communication schedule helps avoid misunderstandings. The best practice is to communicate these policies in writing to avoid confusion and to allow you to reference them later if a dispute arises. Discussing the fee arrangement may also be necessary to fulfill your obligations under MRPC 1.5(b), which states that "[w]hen the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation."

USE TEMPLATES FOR ROUTINE UPDATES

Not every update needs to be crafted from scratch. Create email templates for common milestones like "Complaint Filed," "Discovery in Progress," or "Mediation Scheduled." These can be customized swiftly and go a long way toward keeping clients updated. Or consider using AI tools to help you craft first drafts of communications. If you do choose to utilize AI, be sure to proofread the draft thoroughly to ensure accuracy, and also make sure that your usage of AI complies with your other ethical obligations like your duty of confidentiality.[6]

DELEGATE STRATEGICALLY AND THOUGHTFULLY

Train paralegals or support staff to provide certain types of updates under your supervision. Clients often just want reassurance that something is happening. A five-minute call from your assistant may make all the difference and save you the time of a much longer call at some point in the future. Just make sure you fulfill your ethical obligations as a supervising attorney and that you avoid any unauthorized practice of law concerns.[7]

SCHEDULE COMMUNICATION AS A TASK

Use your case management system or calendar to set reminders for regular check-ins with each client, even if there's no major development. A simple "just checking in" message every so often can maintain rapport and prevent grievances. A simple phone call or email demonstrates to the client that you are attentive. Moreover, proactive communications are often better received than reactive communications.

SET ASIDE TIME EXCLUSIVELY DEDICATED TO CLIENT COMMUNICATION

Sometimes, lawyers postpone call backs because they feel that other things take priority. Scheduling time each week for calls and correspondence can help manage your time and improve the level of communication provided. For example, let clients know that you schedule 10-15 minute status calls each Wednesday afternoon. This conditions you to make calls during this timeframe and conditions the client to know when they can schedule time with you. You can even send clients a link to your calendar, making the scheduling process effortless. This manages your time efficiently and makes your clients feel that you are accessible. Software such as Calendly is affordable and easy to implement. If you are sending access to your calendar for scheduling purposes, make sure you and your staff do not inadvertently share the names of other clients or legal matters you may be handling.

CONSIDER USING ZOOM CALLS

Video conference calls create a scheduled beginning and end to the meeting. This way, you do not get "stuck" on a call. The Zoom call also allows you to have a better read on your client's understanding of the conversation. You may be explaining complicated legal issues. Having the ability to see your client's reactions can help you gauge their level of understanding and whether additional explanation is warranted. Even if you do the majority of the updates via phone or Zoom, it is advisable to also send a summary email, especially for major developments. That way, clients have a written record of major details they can look back to, and you have proof that you provided an update if the client later claims that you did not.

TAKE CREDIT FOR WHAT YOU HAVE DONE

Being a lawyer can sometimes be a thankless job. You know how hard you are working for clients. Why not let them know, too? When you complete something on a client's case, call and tell them. By doing so, you are fulfilling your ethical responsibility, and they will likely be grateful for the update. You may even get a thank you.

ONE OUTBOUND CALL CAN PREVENT TWO INCOMING CALLS

Sometimes, returning calls can feel like a chore, especially when it interrupts your day. Reducing unplanned calls can reduce your reluctance to promptly return a client call. We have all experienced the client who calls multiple times a day. Each time they call, their level of frustration increases. By the time you are finally able to take or return the call, tempers have heightened. Regularly scheduled, outbound or status calls to your clients can eliminate, or drastically reduce, this type of occurrence. Avoiding these situations saves time and frustration for you and your staff.

JUST MAKE THE CALL, EVEN WHEN IT IS BAD NEWS

Delivering bad news is never easy. As attorneys, we sometimes have to relay disappointing news. Perhaps there was an adverse ruling, or a deposition did not go as planned. A natural reaction may be to delay reporting unfortunate outcomes. However, postponing these types of conversations never makes it easier. Just make the call. Be even and direct. Most times, the call will go better than what you had envisioned.

CONCLUSION: COMMUNICATION AS A CORNERSTONE OF PRACTICE

All too often, attorneys view communication as a secondary task or a chore. View regular communication with your clients as an opportunity to build relationships. Regular communication builds trust, pre-

vents complaints, and benefits your bottom line. Plus, you will be surprised how grateful most clients are when you keep them informed.

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ENDNOTES

1. A modified version of this article first appeared in the December 2025 issue of the Illinois Bar Journal. *An informed Client is a Happy Client*, 113 Ill Bar J 32 (2025).
2. *2022 State of Michigan Attorney Discipline Board Annual Report*, Attorney Discipline Board <https://adbmich.org/getattachment/About-Us/Annual-Reports/2022_ADB-Annual-Report.pdf.aspx?lang=en-US> p 5 (all websites accessed April 9, 2026).
3. *Id.* at p 11.
4. Jha, Biswas, & Ravula, *Research: What Consumers Find Persuasive in Online Reviews*, Harvard Business Review (Feb 18, 2025) <https://hbr.org/2025/02/research-what-consumers-find-persuasive-in-online-reviews>.
5. MRPC 1.6; Ethics Opinion RI-26, State Bar of Michigan (July 19, 1989) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-026> (provides examples of responses that could be permissible).
6. *Artificial Intelligence for Attorneys—Frequently Asked Questions*, State Bar of Michigan <https://www.michbar.org/opinions/ethics/AIFAQs>.
7. See generally MRPC 5.1, 5.3, & 5.5.f

BEST PRACTICES

Michigan Supreme Court supports assurance of just-cause employment doctrine

BY LEE HORNBERGER

In *Paremsky v. Ingham Co.*,[1] the Michigan Supreme Court, in lieu of granting leave to appeal, partially reversed the judgment in *Paremsky v. Ingham Co.*[2] In the six-to-one Order, Chief Justice Clement stated,

> ... we reverse the Court of Appeals' holding that, as a matter of law, [former administrator SS]'s statement that the plaintiff "**was not to be terminated other than for a proper cause**" fell short of describing an unequivocal and enforceable institutional commitment to guaranteeing the plaintiff employment but for just cause. To the contrary, we conclude that **a reasonable jury could find that [SS]'s statement constituted a clear and unequivocal assurance of just-cause employment**. See *Rood v Gen Dynamics Corp.*, 444 Mich 107, 119 (1993). ... [Emphasis added] [3]

Justice Zahra would have denied leave to appeal.

On the "just-cause" issue, the now reversed Court of Appeals language said,

> Plaintiff suggests that these sworn statements create an evidentiary conflict, which the trial court erroneously resolved while failing to view the evidence in the light most favorable to plaintiff, as the nonmoving party. We conclude, however, that the trial court correctly held, as a matter of law, that [SS]'s first statement fell short of describing an unequivocal and enforceable institutional commitment to guaranteeing plaintiff employment but for just cause. We also disagree that [SS]'s two affidavits created an evidentiary conflict, but rather cannot reasonably be interpreted other than as the trial court did.[4]

CIRCUIT COURT

Plaintiff was employed by the employer from 1997 to October 5, 2020, when he was discharged. He then sued the employer alleging, in part, a breach of plaintiff's employment agreement with the employer on the grounds that he was terminated without cause, despite having for-cause status. He alleged that the employer's former administrator SS stated in an affidavit that, when plaintiff was hired, she told him that he would not be treated unfairly or terminated without cause but that his discharge was without just cause. Plaintiff sought lost pay from when he was discharged until his planned retirement in 2032.

In response to the employer's motion for summary disposition, the Circuit Court dismissed plaintiff's wrongful discharge claim. The Circuit Court concluded, as a matter of law, that plaintiff's allega-

"Best Practices" is a regular column of the *Michigan Bar Journal* edited by George Strander of the Michigan Bar Journal Committee. To contribute an article, contact Mr. Strander at gstrander@yahoo.com.

tions did not establish an enforceable promise that he would be terminated only for just-cause. The Circuit Court held that SS's alleged representation that plaintiff would be treated "fairly" did not establish a just cause employment contract, especially in light of an affidavit that defendants obtained from SS "clarifying" that she did not tell plaintiff that he was other than an at-will employee.

The Circuit Court stated,

> The motion was based on … alleged representation by former employee [SS] as to saying that [plaintiff] would be fairly treated.
>
> I think under the case law that does not establish a just-cause contract and, in fact, the . . . clarification affidavit by [SS] indicates that her statements went no further than to say fair treatment as any other employee would be fairly treated. So she did not distinguish a particular agreement between the Defendant and the Plaintiff.[5]

COURT OF APPEALS

Plaintiff appealed the Circuit Court's order granting summary disposition to the employer to the Court of Appeals. The Court of Appeals affirmed in a per curiam opinion (Letica, P.J., Cavanagh, and Swartzle).

Plaintiff argued to the Court of Appeals that the Circuit Court erred by dismissing his claims based on an alleged violation of a guarantee of job security but for just cause. Plaintiff contended that the evidence established the existence of an oral and implied agreement for just-cause status. The Court of Appeals disagreed with the plaintiff and affirmed the Circuit Court dismissal.

The Court of Appeals indicated the following:

> Generally, and under Michigan law by presumption, employment relationships are terminable at the will of either party." *Lytle v Malady* (On Rehearing), 458 Mich 153, 163; 579 NW2d 906 (1998). To rebut the presumption, an employee must show "a contract provision for a definite term of employment, or one that forbids discharge absent just cause," which requires:
>
> (1) proof of a contractual provision for a definite term of employment or a provision forbidding discharge absent just cause; (2) an express agreement, either written or oral, regarding job security that is clear and unequivocal; or (3) a contractual provision, implied at law, where an employer's policies and procedures instill a legitimate expectation of job security in the employee. [*Id.* at 164 (quotation marks and citations omitted).]

> Plaintiff attached to his amended complaint a sworn statement from former administrator [SS], dated September 2, 2021, which said,
>
> 14. I assured [plaintiff] that no one at the facility would unfairly treat him or unfairly terminate his employment, as long as he continued to provide maintenance services and oversee the facility's building and equipment.
>
> * * *
>
> 16. The employment of [plaintiff], a key management employee, on whom the facility's proper operation depended, and whom I requested to head the Maintenance Department, **was not to be terminated other than for a proper cause**.
>
> Based on [plaintiff's] skills, character, and dedication, this was highly unlikely. This understanding was made clear during our meetings. [Emphasis added] [6]

The employer filed its own affidavit from SS, dated October 13, 2021, which included the following:

> 8. [Plaintiff] remained an at-will employee at all times after leaving the bargaining unit and becoming Lead Maintenance Technician and later Director of Maintenance — including after 2007 and up to the time of my retirement.
>
> 9. I did not promise [plaintiff] that he would only be terminated "for cause," which was the employment status of our bargaining unit members. Rather, I reminded him that he would be treated fairly, just as I treated all other employees.
>
> 10. My promises of fair treatment are what I was referring to in paragraph 16 of my sworn statement drafted by [plaintiff's wife], and at no time did I make any promises to change the legal status of [plaintiff's] at-will employment.[7]

Plaintiff argued to the Court of Appeals that these affidavits created an evidentiary issue, which the Circuit Court erroneously resolved while not viewing the evidence in the light most favorable to plaintiff. The Court of Appeals concluded that the Circuit Court correctly held, as a matter of law, that SS's first affidavit did not articulate an unequivocal and enforceable institutional commitment to guaranteeing plaintiff employment but for just cause. The Court of Appeals stated that the two affidavits did not create an evidentiary issue.

The Court of Appeals held that the Circuit Court did not err by dismissing plaintiff's claims predicated on a violation of a guarantee that he would be subject to termination only for just cause.

MICHIGAN SUPREME COURT

Based on *Rood v General Dynamics Corp*,[8] the Supreme Court reversed the Court of Appeals on the legitimate expectation of just-cause employment issue.

Rood examined employer oral representations and written policy statements to determine the existence of alleged employment agreements terminable only for cause. *Rood* held that the employer's written policy statements were sufficiently clear and definite to create a jury question regarding the existence of a just-cause employment relationship. The rationale for enforcement of employer policies and procedures relating to employee discharge is the intuitive recognition that such policies and procedures tend to enhance the employment relationship and encourage an orderly, cooperative, and loyal workforce. *Toussaint v Blue Cross & Blue Shield of Michigan*.[9]

Rood held that a reasonable jury could find that the employer's written policies and procedures could have instilled a legitimate expectation of just-cause employment in plaintiff Rood.

Rood stated,

> … [W]hen all of the [Employer] policies are considered together …, … a reasonable juror could find that the overall employee policies could **reasonably instill a legitimate expectation of just-cause employment** in … .
>
> SP 2-415 clearly states that its purpose is "[t]o establish a uniform method of coordinating and effecting the layoff or involuntary termination of Management and Management Support employees." The phrase "involuntary termination" is specifically defined, as "[d]ischarge for reasons of misconduct or unacceptable performance." Further, SP 2-415 purports to require "[t]he highest level review of events leading to a Management or Management Support involuntary termination … before taking action." These statements are sufficiently clear to warrant a reasonable employee to expect that the company had elected, at least temporarily, to limit its involuntary termination discretion with respect to management and management support personnel to misconduct or unacceptable performance. [Emphasis added] [10]

Rood found that a reasonable jury could find that employer's written policies and procedures could have instilled a legitimate expectation of just-cause employment in the plaintiff. *Rood* was followed by the Supreme Court in *Paremsky*.

BEST PRACTICES

The foregoing suggests several best practices for counsel working with employment-related issues.

- Counsel should exercise care when interviewing former management employees.[11] Counsel should review *Smith v Kalamazoo Ophthalmology* for guidelines on how to appropriately do this.[12] This includes making sure that counsel is not talking with a former employee who is already represented concerning the situation.
- Counsel representing employers may wish to consider having pre-dispute mandatory arbitration provisions in their job applications, employee handbooks, and related documents.[13]
- Employer counsel should also educate management and human resource employees of the ramifications and risks of making employment-related promises to prospective employees.
- Since many employment-related matters at the Supreme Court are disposed of in orders and without a full court opinion, counsel on both sides should be familiar with this shadow docket of orders to get as full a sense of the Court's position on such promises of employment and other attendant issues.[14]
- From the counsel for the employee perspective, *Paremsky* shows what persistence, professionalism, and competence can do. This includes getting appropriate affidavits and being prepared to go all the way to the Michigan Supreme Court.[15]

CONCLUSION

As evidenced by *Paremsky*, *Rood*'s legitimate expectation of just-cause employment exception to the employment-at-will doctrine is alive and well in Michigan. Counsel working with such issues would be well to implement best practices in keeping with the doctrine.

Lee Hornberger is an arbitrator based in Traverse City. He is a member of the National Academy of Arbitrators, former chair of the SBM Alternative Dispute Resolution Section and the Traverse City Human Rights Commission, editor emeritus of the Michigan Dispute Resolution Journal, and former president of the Grand Traverse-Leelanau-Antrim Bar Association. He is a member of Professional Resolution Experts of Michigan and a diplomate member of the National Academy of Distinguished Neutrals.

ENDNOTES

1. ___ Mich ___; ___ NW2d ___ (MSC 167057)(March 26, 2025). https://www.courts.michigan.gov/495e36/siteassets/case-documents/uploads/sct/public/orders/167057_51_01.pdf

2. Unpublished per curiam opinion of the Court of Appeals, issued February 15, 2024, Docket No. 364046. Justice Zahra would have denied leave to appeal. https://www.courts.michigan.gov/495e35/siteassets/case-documents/uploads/opinions/final/coa/20240215_c364046_38_364046.opn.pdf
3. *Id.*
4. *Id.* at 13.
5. *Id.*
6. *Id.*
7. *Id.*
8. 444 Mich. 107; 507 NW2d 591 (1993).
9. 579 Mich. 570, 613; 292 NW2d 880 (1980).
10. 444 Mich. 107 at 143.
11. Spitzer, "Interviewing Former Corporate Employees: How to Avoid Risking Disqualification or Sanctions," *Michigan Bar Journal* (July 2005), p 40 (" [First,] Attorneys representing employees should take the initiative in seeking court approval before interviewing former employees who possess confidential information. Second, at the very least, the employee's attorney should give opposing counsel written notification that he or she plans to conduct ex parte interviews of former employees. Lastly, before interviewing former employees, counsel must determine whether those employees are subject to any confidentiality, nondisparagement, nondisclosure, or other employment agreements." *Id.* at 42.)
12. *Smith v Kalamazoo Ophthalmology*, 322 F Supp 2d 883 (WD Mich 2004), *US v Beiersdorf-Jobst*, 980 F Supp 257 (ND Ohio 1997), *Kitchen v Aristech Chemical*, 769 F Supp 254 (SD Ohio 1991), and *Upjohn Co v Aetna Casualty and Surety Co*, 768 F Supp 1186 (WD Mich 1991).
13. Howlett and McDonald, "Mandatory Arbitration of Employment Claims: An Update," *Michigan Bar Journal* (September 2013), p 38. https://www.michbar.org/file/journal/pdf/pdf4article2261.pdf?_gl=1*lqawx3*_ga*MTUyMDE4NjA3OC4xNjA0NjE0ODY2*_ga_JVJ5HJZB9V*czE3NDY4Nzg5NzgkbzE4ODMkZzEkdDE3NDY4NzkwMDQkajAkbDAkaDA.
14. Justice Welch concurring in denial of leave to appeal, ___ Mich ___, MSC 164435 and 164436 (May 3, 2024), from *Michigan AFSCME Council 25 v. Wayne Co*, unpublished opinion of the Court of Appeals, issued April 21, 2022, Docket Nos 356320 and 356322, concerning applicability of Michigan Uniform Arbitration Act, MCL 691.1681 *et seq*; the *Steelworkers' Trilogy* [*United Steelworkers of America v American Mfg Co*, 363 US 564 (1960); *United Steelworkers v Warrior & Gulf Navigation Co*, 363 US 574 (1960); and *United Steelworkers v Enterprise Wheel & Car Corp*, 363 US 593 (1960)]; and *Detroit Auto Inter-Ins Exch v Gavin*, 416 Mich 407 (1982), in reviewing public sector labor arbitration awards.
15. Runyan, "Summary Judgment: Defeating the Employer's Inevitable Motion (Part I), *Labor and Employment Lawnotes* (Summer 2016), p 1.

ETHICAL PERSPECTIVE

Attorney fee agreements: A brief overview of effective drafting

BY ALECIA CHANDLER

Few documents shape the attorney-client relationship more directly than the fee agreement does. If properly drafted, it sets expectations, reduces disputes, and reinforces trust. If poorly drafted, it can become the source of disciplinary complaints and malpractice exposure. Although fee agreements are contracts, they are also professional instruments governed by the Michigan Rules of Professional Conduct (MRPC) and ethics opinions that impose duties beyond ordinary contract law.

THE RULES

MRPC 1.5 establishes the foundational principle that a lawyer "shall not enter into an agreement for, charge, or collect an illegal or excessive fee."

MRPC 1.5(c) requires written fee agreements for contingent fee agreements. Written agreements are strongly recommended for all matters and can be beneficial to demonstrate ethical compliance.

Equally important is MRPC 1.4, which requires lawyers to "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." Fee provisions that are technically permissible but poorly explained may still violate this duty.

Additional constraints arise under MRPC 1.8, 1.15, 5.4(c), and 1.16 when fees intersect with third-party payors, liens, and withdrawal.

DRAFTING THE FEE AGREEMENT[1]

Clear, plain language

Fee agreements are interpreted according to their plain meaning, and Michigan courts construe ambiguities against the lawyer.[2] Ethics Opinion RI-10 cautions that ambiguous fee agreements should be interpreted in favor of the client. Avoid legalese, and write for the intended audience.[3]

Be thorough and matter-specific

Effective fee agreements address all material aspects of fees and expenses and are tailored to the particular representation. Boilerplate provisions should be reviewed and modified as needed.

Identify the client

Identifying the client is critical, particularly in representations involving families, businesses, or fiduciaries. MRPC 1.13 governs organizational clients, and Ethics Opinion RI-350[4] provides guidance in fiduciary contexts. Failure to clearly identify the client invites conflicts of interest and fee disputes.

Scope of representation

The scope of representation must also be clearly defined. Often, lawyers exclude appeals,[5] probate,[6] Qualified Domestic Relationship Orders, and tax advice.

Limited-scope representation is permissible only when the limitations are clearly explained and agreed upon.[7]

Nature, basis, and rate of the fee

The fee agreement should clearly establish the type of fee agreement, whether it be hourly, hybrid, contingent, flat fee, etc. Further, it should explain how the fee will be determined, for example, hourly rates, based upon completion of stated tasks, or contingent based upon a specific outcome.

"Ethical Perspective" is a regular column providing the drafter's opinion regarding the application of the Michigan Rules of Professional Conduct. It is not legal advice. To contribute an article, please contact SBM Ethics at ethics@michbar.org.

For hourly fee agreements, a well-drafted agreement clearly identifies hourly rates for partners, associates, paralegals, and administrative staff, along with a description of billing practices. Minimum billable increments, such as .1 or .2, should be disclosed and must not be excessive.

Billing practices and frequency

The fee agreement should address how frequently bills will be provided to the client. For example, some lawyers send bills monthly, while others send bills only when work is completed. Regardless of the frequency with which bills are sent, the client should be informed of the billing practices to set reasonable expectations.

Court-ordered fees and sanctions

Ethics Opinion RI-303 specifically recommends that "the issue of court-awarded sanctions should be spelled out in advance of undertaking representation."[8] Failure to do so can result in disputes over whether such awards belong to the lawyer, the client, or both.

Costs and expenses

Fee agreements should specify which costs will be charged to the client. Ethics Opinion RI-364 prohibits surcharges above actual costs,[9] and Ethics Opinion RI-363 limits administrative charges in contingent fee matters.[10]

Interest and late fees

Interest and late fees must be expressly included in the agreement, or they are waived, and may not be illegal or usurious.[11] Ethics Opinion RI-40 provides guidance on permissible interest provisions.

Termination

Clients have the right to terminate representation at any time. Lawyers may withdraw only in accordance with MRPC 1.16. Fee agreements should address compensation if representation ends prematurely.[12]

File retention

File retention policies should be disclosed at the outset, either in the fee agreement or a separate document, and should specify what materials will be provided to the client upon request.[13]

Effective date and end date

Establishing an effective date and end date in the fee agreement provides reasonable expectations for the client and can set a baseline for later disputes. The fee agreement should include whether it becomes effective upon execution, receipt of an engagement fee or advance payment of fees, when certain necessary documents are received, or otherwise.

Under MCR 2.117(C), representation ends when the "final judgment or final order is entered disposing of all claims by or against the party whom the attorney represents and the time for appeal of right has passed."

OPTIONAL PROVISIONS WHEN PROPERLY DRAFTED

Referral fees and fee splitting

Referral fees are allowed pursuant to MRPC 1.5(e) if the client is advised and does not object and if the total fee is not excessive. Ethics Opinion RI-234 underscores that fee-splitting arrangements must be transparent and may not increase the client's financial burden merely to accommodate referral compensation.[14] Including the referral fee in the fee agreement is recommended.

Third-party payor arrangements

Often, a client's fees are paid by a third-party. MRPC 1.8(f) and MRPC 5.4(c) permit third-party payment only if the client agrees and if "there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship."[15] Michigan Ethics Opinion RI-293 emphasizes that the payor does not become the client and that confidentiality and loyalty remain owed exclusively to the client.[16] Best practices include identifying the client expressly, clarifying that the payor has no authority over the representation, and specifying the disposition of unused funds.

Arbitration of fee disputes

Fee agreements may include arbitration provisions, subject to the requirements set forth in MRPC 1.19 and Ethics Opinion R-23.[17]

Limitations on malpractice liability

Fee agreements may not prospectively limit a lawyer's liability for malpractice unless the client is independently represented in making the agreement. Ethics Opinion RI-319 prohibits offering reduced fees in exchange for malpractice waivers, emphasizing that such provisions undermine public confidence and client protection.[18] Moreover, Formal Ethics Opinion R-24 provides the requirements for agreements to limit malpractice.[19]

Attorney liens

Fee agreements may include statutory or common-law attorney liens when the language is accurate and not misleading. Ethics Opinion RI-040[20] cautions that lawyers may not use lien provisions to coerce payment or overstate their legal rights. Any reference to a lien should be narrowly drafted and clearly explained to the client.

Multiple representation and conflict disclosures

Where multiple clients are represented in a single matter, fee agreements should address fee allocation and conflict management. MRPC 1.7 requires informed consent, confirmed in writing, when concurrent conflicts are present. Fee disputes are particularly likely in joint representations, and explicit disclosures addressing how fees will be handled if interests later diverge are recommended.

Moreover, fee agreements should include provisions regarding confidentiality of client information. For example, in representing multiple clients, the attorney may wish to include that all informa-

tion learned from any client in the joint representation may be shared amongst all clients.

Electronic communication and billing practices

Modern fee agreements frequently address electronic billing, secure client portals, and electronic communication. Ethics Opinion RI-381 provides guidance regarding a lawyer's use of these tools.[21]

PROHIBITED PROVISIONS IN FEE AGREEMENTS

Waiver of liability for malpractice in exchange for a reduced billing rate

Ethics Opinion RI-319 expressly prohibits a waiver of liability for malpractice as consideration for a reduced billing rate.[22]

Circumvention of trust account requirements

Lawyers may not characterize advance fees as "earned upon receipt" merely to avoid trust accounting obligations.[23] Similarly, Ethics Opinion RI-189 states that contractual language cannot override MRPC 1.15's safekeeping requirements.[24]

Automatic withdrawal for nonpayment

Fee agreements may not include provisions allowing automatic withdrawal for nonpayment of fees. Ethics Opinion RI-20 states that "[i]t is improper at the outset of representation for a lawyer to request a client to sign a stipulation for withdrawal when fees are not paid."[25] Moreover, MRPC 1.16 governs withdrawal and requires protection of the client's interests and, in litigation matters, court approval.

Prohibited contingent fee arrangements

Contingent fees are prohibited in criminal cases and most domestic relations matters, MRPC 1.5(d).[26]

Excessive or outcome-based fee enhancements

Finally, fee agreements may not include bonus, success, or value-based provisions that render the total fee excessive. MRPC 1.5(d) states, "A lawyer shall not enter into an arrangement for, charge, or collect: (1) any fee in a domestic relations matter, the payment or amount of which is contingent upon the securing of a divorce or upon the amount of alimony or support, or property settlement in lieu thereof, the lawyer's success, results obtained, value added, or any factor to be applied that leaves the client unable to discern the basis or rate of the fee or the method by which the fee is to be determined…."[27]

CONCLUSION

Fee agreements are more than administrative documents; they are foundational to the attorney-client relationship. Clear, thorough, and ethically compliant agreements protect clients, reduce disputes, and safeguard lawyers from grievances and discipline. By emphasizing reasonableness, transparency, and careful drafting, lawyers can transform fee discussions from a source of friction into an opportunity to reinforce trust and professionalism.`

Alecia Chandler is director of professional responsibility at the State Bar of Michigan.

ENDNOTES

1. See also *Attorney Fee Agreements in Michigan*, Institute of Continuing Legal Education (Rosinski & Rich eds, 2026).
2. In *Island Lake Arbors Condo Ass'n v Meisner & Assoc, PC*, 301 Mich App 384; 837 NW2d 439 (2013) the Michigan Court of Appeals reaffirmed that attorney fee agreements are subject to traditional principles of contract interpretation.
3. Schiess, *Writing for Your Audience: The Client*, Michigan Bar Journal (June 2002) <https://www.michbar.org/file/generalinfo/plainenglish/pdfs/02_june.pdf> (all websites accessed March 19, 2026).
4. Ethics Opinion RI-350, State Bar of Michigan (July 26, 2010) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-350>.
5. Ethics Opinion RI-011, State Bar of Michigan (June 15, 1989) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-011>.
6. Ethics Opinion RI-173, State Bar of Michigan (Oct 7, 1993) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-173> and Ethics Opinion RI-114, State Bar of Michigan (Jan 6 ,1992) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-114>.
7. *Limited Scope Representation*, State Bar of Michigan <https://www.michbar.org/limited-scope>.
8. Ethics Opinion RI-303, State Bar of Michigan (Dec 16, 1997) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-303>.
9. Ethics Opinion RI-364, State Bar of Michigan (Sept 25, 2013) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-364>.
10. Ethics Opinion RI-363, State Bar of Michigan (June 28, 2013) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-363>.
11. See MCL 438.31 and MCL 438.41.
12. See also Ethics Opinion RI-296, State Bar of Michigan (July 15, 1997) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-296>.
13. See *File Retention*, State Bar of Michigan (March 2022) <https://www.michbar.org/opinions/ethics/recordretention/home> and Ethics Opinion RI-392, State Bar of Michigan (Dec 12, 2025) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-392>.
14. Ethics Opinion RI-234, State Bar of Michigan (May 10, 1995) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-234>.
15. MRPC 1.8(f).
16. Ethics Opinion RI-293, State Bar of Michigan (June 2, 1997) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-293>.
17. *Tinsley v Yatooma*, 333 Mich App 257; 864 NW2d 45 (2020).
18. See also comment to MRPC 1.19.
19. Ethics Opinion RI-24, State Bar of Michigan (May 18, 1989) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-024>.
20. See also Ethics Opinions RI-376, RI-357, RI-354, RI-27, RI-277, RI-182, and RI-203.
21. Ethics Opinion RI-381, State Bar of Michigan (Feb 21, 2020) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-381>.
22. Ethics Opinion RI-319, State Bar of Michigan (April 3, 2000) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-319>.
23. Ethics Opinion RI-218, State Bar of Michigan (Aug 16, 1994) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-218>.
24. Ethics Opinion RI-189, State Bar of Michigan (Feb 16, 1994) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-189>.
25. Ethics Opinion RI-20, State Bar of Michigan (June 15, 1989) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-020>.
26. See Ethics Opinions RI-28, RI-127, RI-181, RI-198, RI-204, RI-286.
27. See also Ethics Opinion RI-346, State Bar of Michigan (Oct 23, 2009) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-346>.

LAWYERS & JUDGES ASSISTANCE
MEETING DIRECTORY

The following list reflects the latest information about lawyers and judges AA and NA meetings. Meetings marked with "*" have been designated for lawyers, judges, and law students only. All other meetings are attended primarily by lawyers, judges, and law students, but also are attended by others seeking recovery. In addition, we have listed "Other Meetings," which others in recovery have recommended as being good meetings for those in the legal profession.

For questions about any of the meetings listed, please contact the Lawyers and Judges Assistance Program at 800.996.5522 or jclark@michbar.org.

PLEASE DO NOT HESITATE TO CONTACT LJAP DIRECTLY WITH QUESTIONS PERTAINING TO VIRTUAL 12-STEP MEETINGS. FOR MEETING LOGIN INFORMATION, CONTACT LJAP VOLUNTEERS ARVIN P. AT 248.310.6360 OR MIKE M. AT 517.281.9507.

ALCOHOLICS ANONYMOUS & OTHER SUPPORT GROUPS

Bloomfield Hills
WEDNESDAY 6 PM*
Virtual meeting
Kirk in the Hills Presbyterian Church
1340 W. Long Lake Rd.
1/2 mile west of Telegraph
(This is both an AA and NA meeting.)

Detroit
MONDAY 7 PM*
Lawyers and Judges AA
St. Paul of the Cross
23333 Schoolcraft Rd.
Just east of I-96 and Telegraph
(This is both an AA and NA meeting.)

East Lansing
WEDNESDAY 8 PM
Sense of Humor AA Meeting
Michigan State University Union
49 Abbott Rd.
Lake Michigan Room

Houghton Lake
SECOND SATURDAY OF THE MONTH 1 PM
Lawyers and Judges AA Meeting
Houghton Lake Alano Club
2410 N. Markey Rd.
Contact Scott at 989.246.1200 with questions.

Royal Oak
TUESDAY 7 PM*
Virtual meeting
Lawyers and Judges AA
St. John's Episcopal Church
26998 Woodward Ave.
(This is both an AA and NA meeting.)

Stevensville
THURSDAY 4 PM*
Al-Anon of Berrien County
4162 Red Arrow Highway

Virtual
MONDAY 8 PM
Join using this link https://ilaa.org/meetings-and-events/

Virtual
TUESDAY 8 PM
WOMEN ONLY
Join using this link https://ilaa.org/meetings-and-events/

Virtual
THURSDAY 7 PM*
Contact Mike M. at 517.281.9507 for information.

Virtual
THURSDAY 7:30 PM
Zoom
Contact Arvin P. at 248.310.6360 for login information

Virtual
SUNDAY 7 PM*
Virtual meeting
Contact Mike M. at 517.281.9507 for information.

GAMBLERS ANONYMOUS

For a list of meetings, visit
gamblersanonymous.org/mtgdirMI.html.

Please note that these meetings are not specifically for lawyers and judges.

OTHER MEETINGS

Detroit
TUESDAY 6 PM
St. Aloysius Church Office
1232 Washington Blvd.

Detroit
FRIDAY 12 PM
Detroit Metropolitan Bar Association
645 Griswold
3550 Penobscot Bldg., 13th Floor
Smart Detroit Global Board Room 2

Farmington Hills
TUESDAY 7 AM
Antioch Lutheran Church
33360 W. 13 Mile
Corner of 13 Mile and Farmington Rd., use back entrance, basement

Monroe
TUESDAY 12:05 PM
Professionals in Recovery
Human Potential Center
22 W. 2nd St.
Closed meeting; restricted to professionals who are addicted to drugs and/or alcohol

Rochester
FRIDAY 8 PM
Rochester Presbyterian Church
1385 S. Adams
South of Avon Rd.
Closed meeting; men's group

Troy
FRIDAY 6 PM
The Business & Professional (STAG)
Closed Meeting of Narcotics Anonymous
Pilgrim Congregational Church
3061 N. Adams
2 blocks north of Big Beaver (16 Mile Rd.)

Virtual
SUNDAY 7 PM*
WOMEN ONLY
Contact Lynn C. at 269.491.1836 for login information.

LIBRARIES & LEGAL RESEARCH

Professionalism as guardrails for GenAI research

BY JOE LAWSON

As use of generative artificial intelligence ("Gen AI") in the legal profession expands, misuses for conducting legal research continue to grab headlines. Examples of unprofessional conduct now abound, from lawyers who misrepresent being hacked rather than tell a court that they used Gen AI to lawyers who, in 2025, claim they are unaware that Gen AI can hallucinate legal materials.[1] We have now reached a time when all lawyers should know that uncritical reliance on Gen AI for their legal research is not up to general standards of professionalism. One judge described it in the following words:

> At this point, to be blunt, any lawyer unaware that using generative AI platforms to do legal research is playing with fire is living in a cloud.[2]

Nevertheless, missteps with this evolving technology continue, and with each new sanction, the contours of what constitutes professional use of Gen AI for legal research become clearer. Additionally, bar associations have issued guidance to help attorneys find their way. The common thread that has emerged throughout the guidance and sanctions orders is that the rigors of existing ethical and professional standards provide the guardrails for lawyers when researching with Gen AI.

COMPETING PARADIGMS

When the epidemic of lawyers submitting Gen AI research to courts made headlines in 2023, it was far from clear how the bench and bar should respond. The landmark sanctions case that drew nationwide attention to the issue of hallucinated citations in court documents was *Mata v. Avianca, Inc.*[3] Attorney Steven Schwartz provided research services for the plaintiff. When pressed by opposing counsel and the court, Schwartz produced excerpts from cited cases. The court conducted a hearing in which Schwartz admitted that the fake citations and excerpts were produced by ChatGPT. Schwartz did not consult his firm's Fastcase subscription; he did not have access to another database; and his database access included only state materials when he was researching a federal matter. The court levied a $5,000 sanction and approved of the firm's plan to expand its "Fastcase subscription and CLE programming."[4] Schwartz was sanctioned under Federal Rule of Civil Procedure 11, which requires all claims to be "warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law."[5] After a multi-point analysis, the court found that the standard was not met and that "relying on fake opinions is an abuse of the adversary system."[6]

Many courts have followed this path. One researcher, Damien Charlotin, is keeping track. His database titled **AI Hallucination Cases** tracks the worldwide phenomenon of attorneys and parties being sanctioned for submitting unvetted Gen AI outputs to courts.[7] Within the dataset, Michigan fares quite well, with only one reported case involving a pro se plaintiff. If a case following the egregious fact pattern of the Schwartz case appeared in a Michigan state court, Michigan Court Rule 1.109(E) would provide a similar mechanism for sanctioning attorneys who sign and file documents that include claims not "warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law."[8]

Following the Schwartz sanctions case, courts recognized the limits of sanctions alone to solve the problem of attorney overreliance on Gen AI legal research. Many courts, including the U.S. Fifth Circuit Court of Appeals, explored requiring a certificate for each filing detailing whether the attorney reviewed all Gen AI outputs used.

Although some trial courts adopted the rules, many did not. The Fifth Circuit ultimately did not impose the rule after a public comment period in which attorneys and scholars argued that existing court and ethical rules already required attorneys to check their research and take responsibility for Gen AI outputs presented as attorney work product.[9] Not only did this decision end the prospect of a standalone Gen AI certificate in the Fifth Circuit, but it also likely dissuaded many other courts from pursuing a similar solution.[10] Nevertheless, some courts continue to adopt ad hoc certification requirements, so it remains a possibility to watch for going forward.[11]

PROFESSIONALISM WINS OUT

Despite the competing paradigms, the bench and bar seem to have come to the consensus that prevailing professionalism standards already require such things as researching the law competently and not misleading the court, even if these missteps are accomplished with new technologies. In July 2024, the American Bar Association issued Formal Opinion 512, in which duties of competence and candor to the tribunal were identified as sources of lawyers' professional duty to check all outputs produced by Gen AI prior to using any research results in client matters or court filings.[12] Additionally, commentators across the country have regularly pointed to technology competence as part of professional competence when noting that attorneys need to understand the positives and pitfalls of using Gen AI for legal research.[13]

The State Bar of Michigan expanded on this view with its July 2025 report titled *Transforming the Legal Landscape in the Age of AI*.[14] Legal research is identified as an area where Gen AI can increase productivity but not without awareness of the danger of hallucinated citations, misinterpretations, and other errors that attorneys must catch during a review process. In addition to the Duty of Competence, the Duty of Diligence prompts Michigan attorneys to check all citations and sources used in their work product. The report specifically points to the Schwartz sanctions case as an example of a failure of diligence when Gen AI was used for legal research.[15] Further, the duty of Candor to the Tribunal can be violated when "overreliance on AI [results] in false statements of fact or law if not checked and reviewed prior to submission to the tribunal."[16] Based on the language, it is clear that the lawyer is responsible when filing the document, and an argument that hallucinated content was generated by AI should not allow an attorney to shirk professional responsibility.

SO WHAT IS REQUIRED?

Several lessons can be gleaned from Gen AI sanctions cases. First, the Schwartz sanctions case teaches that access to Gen AI does not supplant the need for attorneys to have access to materials for the jurisdiction (e.g, federal materials when researching and citing cases in federal court). Additionally, an attorney should read all materials cited. Of course, this would help avoid citing nonexistent cases in one's own work product, but it may also be required of opposing counsel. In *Nolan v. Land of the Free*, a California appellate court sanctioned an attorney who cited hallucinated cases but also denied attorney fees to opposing counsel because the court, not opposing counsel, found the bogus citations.[17] Finally, misleading the court to cover up Gen AI use is never a good idea. In a recent New York civil case, an attorney attempted to blame hackers for the "incoherent document" he filed. When the court discovered it was produced by Gen AI, it not only sanctioned the attorney but also reported his ethical violations so that his fitness to practice could be investigated.[18]

FURTHER READING

Gen AI for legal research is evolving quickly, and the ethical responsibility to stay up to date is growing. The University of Michigan Law Library has assembled a guide on Generative AI for the legal community. It includes sections on ethical implications, tools and resources, news, and more.[19] Add it to your current awareness resources to stay professional.

Joe Lawson is the associate director of the Ruth Lilly Law Library and senior lecturer in law at the Indiana University McKinney School of Law.

ENDNOTES

1. Belanger, *You won't believe the excuses lawyers have after getting busted for using AI*, Ars Technica (Nov 11, 2025) <https://arstechnica.com/tech-policy/2025/11/lawyers-keep-giving-weak-sauce-excuses-for-fake-ai-citations-in-court-docs/> (all websites visited March 23, 2026).
2. *In re Martin*, 670 BR 636, 647 (ND Ill, 2025).
3. *Mata v Avianca, Inc*, 678 F Supp 3d 443 (SD NY, 2023).
4. *Id.*
5. FRCP 11(b)(2).
6. *Mata*, *supra* n 3 at 461.
7. Charlotin, *AI Hallucinated Cases* <https://www.damiencharlotin.com/hallucinations>.
8. MCR 1.109(E)(5) *et seq.*
9. *US Fifth Circuit Decides Against Its Proposed Rule Amendment on AI Use in Legal Filings*, King & Spalding (June 14, 2024) <https://www.kslaw.com/news-and-insights/us-fifth-circuit-decides-against-its-proposed-rule-amendment-on-ai-use-in-legal-filings>.
10. Martinson, *Law Scholars Hope 5th Circuit Decision Deters More AI Rules*, LAW360 Pulse (June 14, 2024) <https://www.law360.com/pulse/articles/1847796>.
11. Ash, *11th and 17th Circuits Order Disclosure, Certification of AI Use in Court Filings*, Florida Bar News (Feb 09, 2026) <https://www.floridabar.org/the-florida-bar-news/11th-and-17th-circuits-order-disclosure-certification-of-ai-use-in-court-filings/>.
12. *ABA issues first ethics guidance on a lawyer's use of AI tools*, American Bar Association (July 29, 2024) <https://www.americanbar.org/news/abanews/aba-news-archives/2024/07/aba-issues-first-ethics-guidance-ai-tools/>.
13. *See, e.g.*, Brown, *Generative Artificial Intelligence: Legal Ethics Issues*, 104 Mich B J 48 (Jan 2025) <https://www.michbar.org/journal/Details/Generative-artificial-intelligence-Legal-ethics-issues?ArticleID=5022>.
14. *Transforming the Legal Landscape in the Age of AI*, State Bar of Michigan (June 2025) <https://www.michbar.org/Portals/0/publications/pdfs/Age_of_AI_Report_June25.pd>.
15. *Id.* at 28.Z
16. *Id.* at 33.
17. Ambrogi, *A New Wrinkle in AI Hallucination Cases: Lawyers Dinged for Failing to Detect Opponent's Fake Citations*, LawSites (Sept 16, 2025) <https://www.lawnext.com/2025/09/a-new-wrinkle-in-ai-hallucination-cases-lawyers-dinged-for-failing-to-detect-opponents-fake-citations.html>.
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19. *Generative AI*, University of Michigan Law Library <https://libguides.law.umich.edu/c.php?g=1456750&p=10830769>.

LAW PRACTICE SOLUTIONS

Online reviews: Why they matter and how to request them tactfully

BY SAVANNA POLIMENI

It's the way of modern business — clients use online reviews to gauge an attorney's reputation and to understand the level of service they can expect before deciding whom to hire.

With that said, an attorney's first impression is their online presence, which gives the attorney and their practice the best possible chance of being hired — one that inspires people to click and learn more about the attorney or firm, what people have to say, and what the practice can offer.

QUANTITY OF REVIEWS

The quantity of reviews is a critical part of how reviews can help — or harm — attorneys and firms. The more positive reviews that are collected, the better it is for the firm from a marketing perspective. If a practice has five reviews, it may say to a potential client that the practice has not served many people, which can translate to a lack of experience. That may or may not be true, and if it's not true, there is a marketing problem. If the practice has a hundred reviews, it can say to potential clients that the practice has a large client base and professional experience. Coupled with a good rating average, the quantity of reviews that the business has speaks volumes to potential clients.

It is the nature of business that attorneys will have disgruntled clients who were impossible to please, whom the practice had to withdraw from representing, or whom the attorney thought were happy at the end of representation but surprisingly complained on Google about the time the attorney went on vacation and how it ruined the rest of their life. It is important to counteract the impact of a negative review by burying it in a sea of positive reviews from happy clients. The sting of the inevitable not-so-great review is much milder when it is one of a hundred and not one of ten.

Making the review process **fast and effortless** for clients is the easiest way to increase the quantity of reviews.

- Include direct links to Google Business Profile and Avvo profiles when requesting reviews.
- Use a designated review hub page, a homepage box, or information in footers on your website that lists all review platforms.
- Add a QR code in the office, on business cards, at the bottom of invoices, or in email signatures (e.g., "Scan to leave a review").

QUALITY OF REVIEWS — AVERAGE REVIEW RATING

People use online reviews for attorneys just as they would for any business or service. If a customer is looking for *any* business — a restaurant, a dentist, or a dog groomer — would they select one with a two-star rating? How about four stars? Potential clients who are turning to online reviews to help them make the major financial decision of which lawyer to invest in have a standard for the quality of service that they expect for their money. They are judging the attor-

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ney based on their average rating alone before the attorney even has the chance to try to win the client's business. They may even put a filter on their search (e.g., four stars and above) to completely omit practitioners with an average rating that falls below their standard. Pulling the average rating as high as possible is imperative.

There is no shortcut to a happy client. To leave a positive impression on a client, put in the work and make the client feel valued, heard, and supported throughout the representation. **Clients do not remember how well drafted their motions were; they remember how you made them *feel*.** Set clear expectations to help prevent disappointment and confusion. Give regular updates so that clients do not feel forgotten. Return client calls and emails in a timely fashion. Be kind and patient. Never forget the "counselor," in "attorney and counselor" and keep compassion at the forefront of your client interactions.

The better the client experience, the easier the ask is when it is time for a review. A truly satisfied client is usually more than happy to shout from the rooftops how much they enjoyed their experience.

WHO TO ASK

This may go without saying, but target clients who are exceptionally happy with the outcome of their case or their experience with the attorney or firm. Those who are not are usually the ones who feel inspired to go online and speak their minds without anyone's encouragement. It is the happy clients who need the reminder that their experience is valuable and that it should be shared with others. People expect a good experience, and when they get one, they feel like they are just getting what they paid for. It often doesn't dawn on clients to praise their attorney for the caliber of service they expected from the beginning.

Go out there and ask your clients — past and present — to share a kind word about working with you. Even if you haven't seen a client in a while, you can find a natural way to reach out and ask them to leave you a review.

Here is some sample language you can use to nudge a client to leave you a great review:

> *Hi [Client Name],*
>
> *I really enjoyed working with you on your case and appreciate the trust you placed in me. It was an honor to serve as your attorney and counselor.*
>
> *If you feel comfortable sharing your experience, I would be grateful if you could leave a short review on [Google/Facebook/Avvo/etc.]. It helps other people know what to expect when looking for legal help, and your voice is valuable.*
>
> *Here's the link to leave [Attorney or Firm Name] a review on [Platform]: [Insert link]*
>
> *Thank you again, and I am here for you if you ever need me in the future.*

WHEN TO ASK

The best time to ask a client for a review is when they are happiest. For example, a client whose divorce you have worked on for 18 months may best receive your request when you are delivering their signed judgment, when all of the stress from the case is finally subsiding, and when they see the light at the end of a very long tunnel through which the attorney has walked beside them.

A nice holiday card is a great way to reach out to a client whom an attorney has not spoken to in a while and send a hello, cheery well wishes, and a review request. It doesn't feel out of the blue to get a holiday card during the holidays. People also generally feel more giving during the holidays.

Here is an example of some language for a holiday card with a review request. Note that the language is broad to remain inclusive:

Please accept our warm wishes for a joyful holiday season. As we reflect on the year, we are grateful that you trusted our firm with your legal matter. If you wish to provide feedback on your experience, you may do so by leaving a review using the QR code below. Thank you for being part of our year!

Be wary of asking clients to leave a review too early in the representation or right in the middle of a case. Asking too early when it is unknown which clients or cases will take a turn for the worse is risky, and once clients have contributed to the attorney's or firm's online reputation, they will not hesitate to go back and amend their review if their tune changes. Keeping reviews off clients' radar until the representation is completed or until the attorney and client have a strong and positive long-standing relationship is usually a good rule of thumb.

INCENTIVIZING CLIENT REVIEWS

While it may seem enticing to encourage clients to leave a review by offering an incentive (like a gift card), there are ethical concerns in doing so.

MRPC 7.2(c) prohibits a lawyer from giving anything of value to a person for recommending the lawyer's services (with a few exceptions that do not apply to online reviews). Offering a gift or perk for a review falls under giving "something of value for recommending the lawyer's services" and is therefore prohibited.[1]

Additionally, MRPC 7.1 requires that all communications about a lawyer's services must not be false, fraudulent, misleading, or deceptive. Reviews that are provided due to a received incentive could raise concerns about the content of the reviews being misleading to the public, as the review is not *purely* voluntary and could cause prospective clients to have an "unjustified expectation" of the lawyer's services.

RESPONDING TO ONLINE REVIEWS UNDER MICHIGAN ETHICS OPINION R-26

Michigan Ethics Opinion R-26[2] states that under MRPC 1.6, attorneys are prohibited from disclosing client confidences or secrets when responding to online reviews, and a negative review does not trigger the MRPC 1.6(c)(5) self-defense exception. In other words, a bad review is **not** an invitation for an attorney or firm to explain their side of the story.

Due to these restrictions, lawyers are only permitted to respond only with a limited and generic reply to online reviews, such as acknowledging the concern, issuing a generic apology that the reviewer had a negative experience, or asking the reviewer to contact the office directly to discuss their concern. A response can also state that their "professional ethics obligations prevent them from responding to online criticism in a public forum." Any response that discloses case details, the attorney-client relationship, or the details regarding the client's case outcome risks an ethics violation.

R-26 also cautions that public discourse with a reviewer normally makes things worse. In short, engaging in a public argument with a reviewer amplifies the review and looks defensive, which may discourage prospective clients. For both ethical and marketing reasons, the safest response is brief and generic. When in doubt, no response is the best response.

If you have any questions about how to improve your practice, please call the Practice Management Resource Center Helpline at **(800) 341-9715** or email us at pmrchelpline@michbar.org.

Savanna Polimeni is the practice management counsel at the State Bar of Michigan.

ENDNOTES

1. See also Ethics Opinion R-25, State Bar of Michigan (July 27, 2018) <.https://www.michbar.org/opinions/ethics/numbered_opinions/R-025> (all websites accessed March 23, 2026).
2. Ethics Opinion R-26, State Bar of Michigan (Feb 25, 2022) <https://www.michbar.org/opinions/ethics/numbered_opinions/R-026>.

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PRACTICING WELLNESS

"But-out," and make room for "and"

BY THOMAS J GRDEN

Here's a quick thought experiment. An acquaintance of yours, with whom you are cordial, approaches you and, after a brief bit of small talk, says, "No offense, but…"

What is your immediate reaction? Do you expect the next thing out of their mouth to be something inoffensive? Though they might sincerely mean well, you're pretty safe in assuming that the second half of that sentence is going to be incredibly rude. The same problem happens with all sorts of other statements:

"I'm sorry, but…" (They're not sorry.)
"This isn't an excuse, but…" (Lame excuse incoming.)
"I was gonna go to court, but…" (If you know, you know.)

What was the point of this thought experiment? Though it may seem designed to highlight the disingenuousness of modern communication and lead into a thoughtful discussion of its effect on our collective mental health, the real purpose was to pay off the crass pun in the title. The goal was to demonstrate that when we use "but" to separate two otherwise connected thoughts, oftentimes the first sentiment is completely negated. This becomes a problem when that first sentiment is inherently positive. Take, for example, the phrase "I'm grateful for [this], *but* I just wish you had done [that]." Are you feeling the gratitude?

No one understands the importance of "and" quite like improv artists. This group of people, who have made it their mission to bring smiles and laughter to others, grasps the concept of precise conjunctions better than most with the foundational axiom "Yes, and…". It's not simply a way of speaking but a way of interacting that can shape thoughts and influence communication. For a profession such as law, wherein precise communication is paramount and wherein dialectic thinking is mandatory, incorporating "Yes, and," or, at the very least, being more cognizant of "but" can improve outward communication and reduce persistent negative thinking. Whether practicing gratitude, validating another person, or accepting less than ideal circumstances, "and" is a great tool for your metaphorical mental health toolbox.

Gratitude, at its core, is an exercise in recognizing what is true while acknowledging that the truth can be simultaneously beneficial and burdensome. This is precisely the kind of balanced thinking that "yes, and" encourages. By reframing our thoughts with "yes, and," we open the door to a mindset that is far more compatible with gratitude than the reflexive "but" ever allows. Instead of canceling out the positive with a quick pivot to what's lacking, we learn to let both realities stand: the difficulty of a situation and the value embedded within it. For lawyers — professionals trained to identify risks, weaknesses, and worst-case scenarios — this shift can be quietly significant. It enables us to acknowledge the difficulty of a situation and appreciate the value within it. It also creates the opportunity to appreciate supportive colleagues even during a grueling trial, to recognize personal growth in the wake of a disappointing ruling, or to feel thankful for meaningful work despite the

"Practicing Wellness" is a regular column of the *Michigan Bar Journal* presented by the State Bar of Michigan Lawyers and Judges Assistance Program. If you'd like to contribute a guest column, please email contactljap@michbar.org.

inevitable stress it brings. In this way, "yes, and" becomes more than a linguistic tweak; it becomes a deliberate practice of noticing what is good without denying what is hard, a habit that strengthens resilience and fosters a more grounded sense of gratitude.

This same capacity to hold multiple truths at once also lays the foundation for another essential skill: radical acceptance. At its simplest, radical acceptance is the practice of acknowledging reality as it is — without denial or minimization. It doesn't require approval or apathy; rather, it asks us to stop fighting the facts so that we can respond to them more effectively. In many ways, "yes, and" thinking is a natural entry point into this mindset because it trains us to recognize that difficult circumstances and constructive responses can coexist. In this way, "yes, and" thinking becomes a natural extension of acceptance, helping us recognize that difficult circumstances and constructive responses can coexist. For example, "Yes, the situation is bad, *but* I can manage" softens the reality of the situation, whereas "Yes, the situation is bad, *and* I can manage" acknowledges the reality without dilution. The goal is to avoid minimizing misery, and in doing so, we shift from struggling with the truth to engaging with it more effectively.

This ability to acknowledge reality without resistance is the essence of radical acceptance — and it also sets the stage for another skill closely aligned with "yes, and" thinking: validation. While radical acceptance focuses on meeting the facts as they are, validation turns our attention to acknowledging the legitimacy of our emotional responses to those facts. It is the practice of saying, in effect, "Yes, this is how I feel, *and* those emotions make sense in light of what's happening." Where "but" tends to shut down or override emotional experience, "and" allows us to acknowledge it without letting it take over. This shift is especially important in a profession where emotional reactions are often sidelined in favor of logic, efficiency, and composure. Validation doesn't require indulging every feeling or letting emotion dictate action; it simply recognizes that our internal responses play a role in how we navigate reality. By pairing "yes" with "and," we learn to acknowledge both the emotion and our capacity to respond thoughtfully — an approach that strengthens resilience and supports healthier, more sustainable legal practice.

Cultivating a "yes, and" mindset across gratitude, radical acceptance, and validation offers lawyers a more balanced way to meet the demands of their work. These skills don't eliminate difficulty, but they help us respond to it with improved steadiness and self-compassion. Acknowledging hardship and recognizing our capacity to move through it are not opposing ideas — they are complementary. And while these practices can be helpful, you don't have to manage the pressures of the legal profession alone. If you find yourself needing additional support, Michigan's Lawyers and Judges Assistance Program is a confidential resource ready to help. Reaching out is not a sign of weakness; it's an investment in your well-being and your longevity in the field.

Thomas J. Grden is a clinical case manager with the State Bar of Michigan Lawyers and Judges Assistance Program.

FROM THE MICHIGAN SUPREME COURT

ADM File No. 2024-04
Proposed Amendment of Rule 3.981 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.981 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 3.981 Minor Personal Prot3ection Orders; Issuance; Modification; Rescission; Appeal

Procedure for the issuance, dismissal, modification, or rescission of minor personal protection orders is governed by subchapter 3.700. Procedure in appeals related to minor personal protection orders is governed by MCR 3.709 and MCR 3.993. The court must advise the respondent of their appellate rights under MCR 3.937 following the issuance of any order appealable by right, and in those cases, appointment of appellate counsel is controlled by MCR 3.993(D)(5).

Staff Comment (ADM File No. 2024-04): The proposed amendment of MCR 3.981 would require the court to advise minor PPO respondents of their right to appeal following the issuance of an order that is appealable by right and would clarify that appointment of appellate counsel in these cases is controlled by MCR 3.993(D)(5).

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by July 1, 2026 by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2024-04. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ADM File No. 2026-01
Appointment to the Justice For All Commission

On order of the Court, pursuant to Administrative Order No. 2021-1, the Honorable Michelle M. Rick (on behalf of the State Planning Body) is appointed to the Justice For All Commission for a partial term commencing immediately and expiring on December 31, 2028.

ADM File No. 2024-32
Proposed Amendment of Rule 2.410 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 2.410 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 2.410 Alternative Dispute Resolution

(A)-(C) [Unchanged.]

(D) Attendance at ADR Proceedings.

(1) [Unchanged.]

(2) Presence of Parties. The court may direct that the parties to the action, agents of parties, representatives of lienholders, representatives of insurance carriers, or other persons:

(a)-(b) [Unchanged.]

The court's order may specify whether the availability is to be in person, or by telephone, or, in accordance with MCR 2.407, by videoconferencing technology.

(3) [Unchanged.]

(E)-(F) [Unchanged.]

Staff Comment (ADM File No. 2024-32): The proposed amendment of MCR 2.410 would explicitly allow ADR proceedings to be conducted by videoconferencing technology if such participation is appropriate under MCR 2.407.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by July 1, 2026 by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2024-32. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ADM File No. 2025-09
Proposed Amendment of Rule 6.610 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.610 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 6.610 Criminal Procedure Generally

(A)-(F) [Unchanged.]
(G) Sentencing.
  (1) <u>If the court has ordered that a presentence report be prepared, on request, the probation officer must give the defendant's attorney notice and a reasonable opportunity to attend the presentence interview.</u>
  (1)-(4) [Renumbered (2)-(5) but otherwise unchanged.]
(H)-(I) [Unchanged.]

Staff Comment (ADM File No. 2025-09): The proposed amendment of MCR 6.610 would clarify that defense counsel must be allowed a reasonable opportunity to attend, as part of a court-ordered presentence investigation, any presentence interview of their client.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by July 1, 2026 by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2025-09. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ADM File No. 2025-23
Proposed Amendment of Rule 7.210 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 7.210 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 7.210 Record on Appeal

(A) [Unchanged.]
(B) Transcript.
  (1) Appellant's Duties; Orders; Stipulations.
    (a) [Unchanged.]
    (b) In an appeal from probate court in an estate or trust proceeding, an adult or minor guardianship proceeding under the Estates and Protected Individuals Code, ~~or~~ a proceeding under the Mental Health Code, <u>or a domestic relations action involving a postjudgment or-</u>

FROM THE MICHIGAN SUPREME COURT (CONTINUED)

der described in MCR 7.202(6)(a)(iii) or (iv), only that portion of the transcript concerning the order appealed from need be filed. The appellee may file additional portions of the transcript.

(c)-(e) [Unchanged.]

(2)-(3) [Unchanged.]

(C)-(J) [Unchanged.]

Staff Comment (ADM File No. 2025-23): The proposed amendment of MCR 7.210 would explicitly exempt full transcripts for appeals from certain domestic relations actions.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by July 1, 2026 by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2025-23. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ADM File No. 2026-01
Appointments to the Court Reporting and Recording Board of Review

On order of the Court, pursuant to MCR 8.108(G)(2)(b), Amanda J. Ingraham (attorney) is appointed to the Court Reporting and Recording Board of Review for a first full term commencing on April 1, 2026, and expiring on March 31, 2030.

It is further ordered, pursuant to MCR 8.108(G)(2)(b), the Honorable Anica Letica (Court of Appeals judge) is reappointed to the Court Reporting and Recording Board of Review for a second full term commencing on April 1, 2026, and expiring on March 31, 2030.

ADM File No. 2026-01
Appointments to the Commission on Well-Being in the Law

On order of the Court, pursuant to Administrative Order No. 2023-01, Samantha J. Orvis (attorney, large firm) is appointed to the Commission on Well-Being in the Law for a partial term commencing immediately and expiring on December 31, 2028.

It is further ordered, pursuant to Administrative Order No. 2023-01, Shannon Topp (on behalf of the Michigan Court Administrators Association) is reappointed to the Commission on Well-Being in the Law for a first full term commencing immediately and expiring on December 31, 2028.

ADM File No. 2026-01
Appointment of Chief Judges Pro Tempore of Michigan Courts

On order of the Court, pursuant to MCR 8.110, the following judges are appointed to serve in the role of chief judge pro tempore of the courts indicated for terms commencing immediately and expiring on December 31, 2027.

Honorable Jason E. Bitzer of the 71B District Court is appointed to serve as chief judge pro tempore of the 52nd Circuit Court, Huron County Probate Court, and 73B District Court.

Honorable Cheryl L. Hill of the Marquette County Probate Court is appointed to serve as chief judge pro tempore of the 11th Circuit Court, Alger/Schoolcraft Probate District 5, Luce/Mackinac Probate District 6, 92nd District Court, and 93rd District Court.

Nothing in this order affects the judge's responsibility to serve in the court in which they were elected.

FROM THE COMMITTEE ON MODEL CRIMINAL JURY INSTRUCTIONS

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by August 1, 2026. Comments may be sent in writing to Christopher M. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCrimJI@courts.mi.gov.

PROPOSED

The Committee proposes a new instruction, M Crim JI 20.38d (Child Sexually Abusive Activity - Causing or Allowing Without Producing Materials) to address violations of MCL 750.145c that do not involve possessing, creating, or distributing child sexually abusive material. *See People v Willis*, 322 Mich App 579 (2018), lv den 504 Mich 905 (2019). This instruction is entirely new.

[NEW] M Crim JI 20.38d
Child Sexually Abusive Activity – Arranging for Without Producing Materials

(1) The defendant is charged with the crime of arranging for a child to engage in sexually abusive activity. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [arranged for / financed] a child under 18 years old to engage in child sexually abusive activity [or (attempted / prepared / conspired) to do so].[1]

(3) Child sexually abusive activity includes

[*Choose any of the following that apply*:][2]

(a) sexual intercourse, which is genital-genital, oral-genital, anal-genital, or oral-anal penetration, whether the intercourse is real or simulated, and whether it is between persons of the same or opposite sex, or between a person and an animal, or with an artificial genital, [and / or]

(b) erotic fondling, which is the touching of a person's clothed or unclothed genitals, pubic area, buttocks, female breasts, or the developing or undeveloped breast area of a child for the purpose of sexual gratification or stimulation of any person involved, but does not include other types of touching, even if affectionate, [and / or]

(c) sadomasochistic abuse, which is restraining or binding a person with rope, chains, or any other kind of binding material; whipping; or torturing for purposes of sexual gratification or stimulation, [and / or]

(d) masturbation, which is stimulation by hand or by an object of a person's clothed or unclothed genitals, pubic area, buttocks, female breasts, or the developing or undeveloped breast area of a child for sexual gratification or stimulation, [and / or]

(e) passive sexual involvement, which is watching, drawing attention to, or exposing someone to persons who are performing real or simulated sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, sexual excitement, or erotic nudity for the purpose of sexual gratification or stimulation of any person involved, [and / or]

(f) sexual excitement, which is the display of someone's genitals in a state of stimulation or arousal, [and / or]

(g) erotic nudity, which is showing the genital, pubic, or rectal area of someone in a way that tends to produce lewd or lustful emotions.

(4) Second, that the defendant knew or reasonably should have known that the person was less than 18 years old or failed to take reasonable precautions to determine whether the person was less than 18 years old.[3]

[*Add the following paragraph if appropriate*:][4]

(5) Third, that the child sexually abusive activity involved

[*Choose any of the following that apply*:]

(a) a child who has not yet reached puberty, or

(b) sadomasochistic abuse, which [I have already defined / is restraining or binding a person with rope, chains, or any other kind of binding material; whipping; or torturing for purposes of sexual gratification or stimulation], or

(c) sexual acts between a person and an animal,[5] or

(d) a video or more than 100 images of child sexually abusive material.

Use Notes

1. Use bracketed language only where the defendant is charged with "attempt[ing] or prepar[ing] or conspir[ing] to arrange for . . . or finance any child sexually abusive activity . . . ." *See* MCL 750.145c(2).
2. The statute prohibits both real and simulated sexual acts. Where the acts are simulated, the instructions should be modified accordingly.
3. The statute lists several alternatives for this element of the offense in MCL 750.145c(2), (3), and (4):

   . . . if that person knows, has reason to know, or should reasonably be expected to know that the child is a child or that the child sexually abusive material includes a child or that the depiction constituting the child sexually abusive material appears to include a child, or that person has not taken reasonable precautions to determine the age of the child.

FROM THE COMMITTEE ON MODEL CRIMINAL JURY INSTRUCTIONS (CONTINUED)

Generally, the language of the instruction will suffice. However, in appropriate cases, the court may select some or all of the other statutory language for this element.

4. Paragraph (5) applies when the prosecution seeks the enhanced sentence set forth in MCL 750.145c(2)(b). It need not be given when sadomasochistic abuse is the only type of child sexually abusive activity being alleged because, in that scenario, the jury will have already found the facts pertaining to the sentence enhancement.
5. MCL 750.145c uses the term *bestiality* but does not define it. In *People v Carrier*, 74 Mich App 161, 165-166; 254 NW2d 35 (1977), the Michigan Court of Appeals indicated that bestiality encompasses sexual acts between a man or woman and an animal. These acts are not limited to anal copulation.

PROPOSED

The Committee proposes a new instruction, M Crim JI 36.9 (Soliciting a Person to Commit Prostitution) to address the crime set forth in MCL 750.448. This instruction is entirely new.

[NEW] M Crim JI 36.9

Soliciting a Person to Commit Prostitution

(1) The defendant is charged with the crime of soliciting, accosting, or inviting another person to commit prostitution or any other lewd or immoral act. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant intentionally communicated with [*identify person*] verbally, by gesture, or by any other means.

(3) Second, that when communicating with [*identify person*], the defendant proposed that [*identify person*] commit [an act of prostitution / a lewd act].

[Prostitution means performing sexual acts for money or for anything of value. / A lewd act is conduct that is sexual in nature and is shocking to the sensibilities of a reasonable person, is outside of reasonable societal standards of decency, and would be offensive to a reasonable person.]

(4) Third, that when the defendant communicated with [*identify person*], [he / she] did so [in a public place / in or from a building / in or from a car].

[A public place is anywhere that people are generally allowed to be without being given permission.]

(5) Fourth, that the defendant was at least 16 years old when [he / she] proposed the [act of prostitution / lewd act].

[*Use the following paragraph only if the defendant was under 18 years of age at the time of the alleged offense*:][1]

(6) Fifth,[2] that the defendant was not forced or coerced into proposing the [act of prostitution / lewd act]. You may, but you do not have to, infer from the defendant's youth that [he / she] was forced or coerced into committing the offense by another person engaged in human trafficking.[3]

Use Notes

1. For a violation of MCL 750.448 committed by a defendant under 18 years of age, MCL 750.451(6) establishes a presumption that the defendant was forced or coerced into committing the offense by another person engaged in human trafficking in violation of MCL 750.462a *et seq*. The prosecution may overcome this presumption by proving beyond a reasonable doubt that the person was not forced or coerced into committing the offense.
2. Do not read this paragraph if the state petitioned the family division of the circuit court to find the defendant to be dependent and in danger of substantial physical or psychological harm under MCL 712A.2 but the defendant failed to substantially comply with court-ordered services. In this scenario, the defendant is not eligible for the presumption under MCL 750.451(6).
3. *Human trafficking* for purposes of MCL 750.451(6) refers to the crimes set forth in MCL 750.462a–.462h. If appropriate, the jury should be instructed on the relevant form of human trafficking. *See* M Crim JI 36.1–36.6.

PROPOSED

The Committee proposes a new instruction, M Crim JI 38.7 (Obtaining Blueprint or Security Plan to Commit a Terrorist Offense) to address the crime set forth in MCL 750.543r. This instruction is entirely new.

[NEW] M Crim JI 38.7

Obtaining Blueprint or Security Plan to Commit a Terrorist Offense

(1) The defendant is charged with the crime of obtaining [a blueprint / an architectural or engineering diagram / a security plan / (*identify type of plan or diagram*)] to commit a terrorist offense. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant obtained or possessed [a blueprint / an architectural or engineering diagram / a security plan / (*identify type of plan or diagram*)] of [*identify vulnerable target*].[1]

(3) Second, that when the defendant obtained or possessed the [blueprint / architectural or engineering diagram / security plan / (*identify type of plan or diagram*)] of [*identify vulnerable target*], [he / she] intended to

[*Select from the following according to the charges and evidence*:][2]

(a) commit the crime of [*identify violent felony*][3] [which I have previously described to you / knowing that it would be dangerous to human life and trying to use intimidation or coercion on civilians or to influence or affect the conduct of the government].[4]

(b) commit the crime of hindering prosecution of terrorism

[which I have previously described to you / by intentionally assisting a person to commit an act of terrorism or aiding someone who is wanted as a material witness in connection with an act of terrorism].[5]

(c) commit the crime of soliciting or providing material support for an act of terrorism [which I have previously described to you / by providing, raising, soliciting, or collecting resources, documents, equipment, facilities, substances, property, assets, or materials to commit an act of terrorism].[6]

(d) commit the crime of making a threat to commit an act of terrorism [which I have previously described to you / by communicating a threat to commit an act of terrorism to another person].[7]

(e) commit the crime of making a false threat to carry out an act of terrorism [which I have previously described to you / by making a false statement that an act of terrorism had occurred, was occurring, or would occur].[8]

(f) commit the crime of using the Internet to disrupt government or public institutions [which I have previously described to you / by using the Internet or a telecommunications device or system or other electronic device or system to disrupt the functions of the public safety, educational, commercial, or governmental operations within this state].[9]

Use Notes

1. Whether a specific building or location is a vulnerable target appears to be a matter of law. The court may use the name of the vulnerable target instead of its generic description when instructing the jury, e.g., "City Hall" instead of "a building . . . operated by . . . a local unit of government" or "The First Presbyterian Church" instead of "a church . . . or other place of religious worship." MCL 750.212a(2) describes *vulnerable target*:

(2) As used in this section, "vulnerable target" means any of the following:

(a) A child care center or day care center as defined in section 1 of 1973 PA 116, MCL 722.111.

(b) A health care facility or agency as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(c) A building or structure open to the general public.

(d) A church, synagogue, mosque, or other place of religious worship.

(e) A public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade 1 through 12.

(f) An institution of higher education.

(g) A stadium.

(h) A transportation structure or facility open to the public, including, but not limited to, a bridge, a tunnel, a public highway, or a railroad.

(i) An airport. As used in this subdivision, "airport" means that term as defined in section 2 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2.

(j) Port facilities. As used in this subdivision, "port facilities" means that term as defined in section 2 of the Hertel-Law-T. Stopczynski port authority act, 1978 PA 639, MCL 120.102.

(k) A public services facility. As used in this subdivision, "public services facility" means any of the following facilities whether publicly or privately owned:

(i) A natural gas refinery, natural gas storage facility, or natural gas pipeline.

(ii) An electric, steam, gas, telephone, power, water, or pipeline facility.

(iii) A nuclear power plant, nuclear reactor facility, or nuclear waste storage facility.

(l) A petroleum refinery, petroleum storage facility, or petroleum pipeline.

(m) A vehicle, locomotive or railroad car, aircraft, or watercraft used to provide transportation services to the public or to provide for the movement of goods in commerce.

(n) A building, structure, or other facility owned or operated by the federal government, by this state, or by a political subdivision or any other instrumentality of this state or of a local unit of government.

2. Generally, this offense will be paired with another crime found in the Anti-Terrorism Act, and the court will provide the elements of that other offense. If not, use the second option found in each of the following paragraphs.
3. MCL 750.543b(h) provides that a violent felony is one that has an element of the use, attempted use, or threatened use of physical force against an individual, or of the use, attempted use, or threatened use of a harmful biological substance, a harmful biological device, a harmful chemical substance, a harmful chemical device, a harmful radioactive substance, a harmful radioactive device, an explosive device, or an incendiary device. Whether alleged felonious conduct amounts a "violent felony" appears to be a matter for the court to determine.
4. MCL 750.543b(a), .543f; M Crim JI 38.1.
5. MCL 750.543h; M Crim JI 38.2.
6. MCL 750.543k; M Crim JI 38.3, 38.3a.
7. MCL 750.543m; M Crim JI 38.4.
8. MCL 750.543m; M Crim JI 38.4a.
9. 9. MCL 750.543p; M Crim JI 38.5.

PROPOSED

The Committee proposes new jury instructions for four election-related crimes found in MCL 168.932(b): M Crim JI 43.4 (Unauthorized Opening of a Ballot Box or Voting Machine), M Crim JI 43.4a (Damaging or Destroying a Ballot Box or Voting Machine), M Crim JI 43.4b (Possessing, Concealing, or Withholding a Ballot Box or Voting Machine), and M Crim JI 43.4c (Adding or Removing Ballots or Voting Totals in a Ballot Box or Voting Machine). These instructions are entirely new.

[NEW] M Crim JI 43.4

Unauthorized Opening of a Ballot Box or Voting Machine

(1) The defendant is charged with the crime of unauthorized open-

ing of a ballot box or voting machine. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [broke open / violated the seals of / violated the locks of] a [ballot box / voting machine]. [A ballot box is a container used for transporting and storing voted ballots. / A voting machine is a system or device by which votes are recorded and counted.][1]

(3) Second, that the [ballot box / voting machine] was in use during the [*identify election and year*].

(4) Third, that the defendant [broke open / violated the seals of / violated the locks of] the [ballot box / voting machine] [during the progress of the (*identify election and year*) / after the closing of the polls in the (*identify election and year*) but before the final results of that election had been determined].

(5) Fourth, that when the defendant [broke open / violated the seals of / violated the locks of] the [ballot box / voting machine], [he / she] did not have the legal authority to do so.

Use Note

The Michigan Election Law chapter does not define *ballot box* or *voting machine*. However, MCL 168.24j categorizes *ballot box* as a type of *ballot container*, which MCL 168.14a(a) defines as "a container that is used for transporting and storing voted ballots[.]" Additionally, MCL 168.794 provides definitions for *electronic tabulating equipment*, *electronic voting system*, and *voting device*, among other terms.

[NEW] M Crim JI 43.4a
Damaging or Destroying a Ballot Box or Voting Machine

(1) The defendant is charged with the crime of damaging or destroying a [ballot box / voting machine]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant damaged or destroyed a [ballot box / voting machine]. [A ballot box is a container used for transporting and storing voted ballots. / A voting machine is a system or device by which votes are recorded and counted.][1]

(3) Second, that when the defendant damaged or destroyed the [ballot box / voting machine], [he / she] acted willfully. Willfully means that the defendant knowingly created the danger and intended to cause damage or destruction.

Use Note

The Michigan Election Law chapter does not define *ballot box* or *voting machine*. However, MCL 168.24j categorizes *ballot box* as a type of *ballot container*, which MCL 168.14a(a) defines as "a container that is used for transporting and storing voted ballots[.]" Additionally, MCL 168.794 provides definitions for *electronic tabulating equipment*, *electronic voting system*, and *voting device*, among other terms.

[NEW] M Crim JI 43.4b
Possessing, Concealing, or Withholding a Ballot Box or Voting Machine

(1) The defendant is charged with the crime of [possessing / concealing / withholding] a [ballot box / voting machine]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [possessed / concealed / withheld] a [ballot box / voting machine]. [A ballot box is a container used for transporting and storing voted ballots. / A voting machine is a system or device by which votes are recorded and counted.][1]

(3) Second, that when the defendant [obtained possession of / concealed / withheld] the [ballot box / voting machine], [he / she] did not have the authority to do so.

Use Note

1. The Michigan Election Law chapter does not define *ballot box* or *voting machine*. However, MCL 168.24j categorizes *ballot box* as a type of *ballot container*, which MCL 168.14a(a) defines as "a container that is used for transporting and storing voted ballots[.]" Additionally, MCL 168.794 provides definitions for *electronic tabulating equipment*, *electronic voting system,* and *voting device*, among other terms.

[NEW] M Crim JI 43.4c
Adding or Removing Ballots or Voting Totals in a Ballot Box or Voting Machine

(1) The defendant is charged with the crime of adding or removing ballots or voting totals in a ballot box or voting machine. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [added to / subtracted from] the [number of ballots legally deposited in the ballot box / totals on the voting machine]. [A ballot box is a container used for transporting and storing voted ballots. / A voting machine is a system or device by which votes are recorded and counted.][1]

(3) Second, that when the defendant [added to / subtracted from] the [number of ballots legally deposited in the ballot box / totals on the voting machine], [he / she] acted forcibly or fraudulently.

Use Note

The Michigan Election Law chapter does not define *ballot box* or *voting machine*. However, MCL 168.24j categorizes *ballot box* as a type of *ballot container*," which MCL 168.14a(a) defines as "a container that is used for transporting and storing voted ballots[.]" Additionally, MCL 168.794 provides definitions for *electronic tabulating equipment*, *electronic voting system*, and *voting device*, among other terms.

The Committee on Model Criminal Jury Instructions has adopted amendments to M Crim JI 15.14 (Reckless Driving), M Crim JI 15.14a (Reckless Driving Causing Death or Serious Impairment of a Body Function), and M Crim JI 15.15 (Moving Violation Causing Death or Serious Impairment of a Body Function) for improved readability and greater consistency with the statutes defining these offenses. The proposed changes were inspired by Footnote 7 in *People v Fredell*, ___ Mich ___ (December 26, 2024) (Docket No. 164098). The amended instructions are effective September 1, 2026.

[AMENDED] M Crim JI 15.14
Reckless Driving

(1) [The defendant is charged with the crime of / You may also consider the lesser charge of[1]] reckless driving. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant operated[2] a vehicle[3] on a highway [or a frozen public lake, stream, or pond] or other place open to the general public [including but not limited to any designated parking area].[4]

(3) Second, that the defendant operated the vehicle in willful or wanton disregard for the safety of persons or property. Willful or wanton disregard means more than simple carelessness but does not require proof of an intent to cause harm. It means knowingly disregarding the possible risks to the safety of people or property.

Use Notes

1. Use when instructing on this crime as a lesser included offense.
2. The terms *operate* and *operating* are defined in MCL 257.35a.
3. The term *vehicle* is defined in MCL 257.79.
4. A *highway* is the entire area between the boundary lines of a publicly maintained roadway, any part of which is open for automobile travel. *People v Bartel*, 213 Mich App 726, 728-729; 540 NW2d 491 (1995). The phrase "open to the general public" is discussed in *People v Nickerson*, 227 Mich App 434; 575 NW2d 804 (1998), and *People v Hawkins*, 181 Mich App 393; 448 NW2d 858 (1989).

[AMENDED] M Crim JI 15.14a
Reckless Driving Causing Death or Serious Impairment of a Body Function

(1) [The defendant is charged with the crime of / You may also consider the lesser charge of[1]] reckless driving causing [death / serious impairment of body function to another person]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant operated[2] a vehicle[3] on a highway [or a frozen public lake, stream, or pond] or other place open to the general public [including but not limited to any designated parking area].[4]

(3) Second, that the defendant operated the vehicle in willful or wanton disregard for the safety of persons or property. Willful or wanton disregard means more than simple carelessness but does not require proof of an intent to cause harm. It means knowingly disregarding the possible risks to the safety of people or property.

(4) Third, that the defendant's operation of the vehicle caused [the death of (*name deceased*) / (*name injured person*) to suffer a serious impairment of a body function[5]]. To cause the [death / injury], the defendant's operation of the vehicle must have been a factual cause of the [death / injury], that is, but for the defendant's operation of the vehicle, the [death / injury] would not have occurred. In addition, the [death / injury] must have been a direct and natural result of operating the vehicle.[6]

Use Notes

1. Use when instructing on this crime as a lesser included offense.
2. The terms *operate* and *operating* are defined in MCL 257.35a.
3. The term *vehicle* is defined in MCL 257.79.
4. A *highway* is the entire area between the boundary lines of a publicly maintained roadway, any part of which is open for automobile travel. *People v Bartel*, 213 Mich App 726, 728-729; 540 NW2d 491 (1995). The phrase "open to the general public" is discussed in *People v Nickerson*, 227 Mich App 434; 575 NW2d 804 (1998), and *People v Hawkins*, 181 Mich App 393; 448 NW2d 858 (1989).
5. The statute, MCL 257.58c, provides that serious impairment of a body function includes but is not limited to one or more of the following:
   (a) Loss of a limb or loss of use of a limb.
   (b) Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.
   (c) Loss of an eye or ear or loss of use of an eye or ear.
   (d) Loss or substantial impairment of a bodily function.
   (e) Serious visible disfigurement.
   (f) A comatose state that lasts for more than 3 days.
   (g) Measurable brain or mental impairment.
   (h) A skull fracture or other serious bone fracture.
   (i) Subdural hemorrhage or subdural hematoma.
   (j) Loss of an organ.
6. If it is claimed that the defendant's operation of the vehicle was not a proximate cause of serious impairment of a body function because of an intervening, superseding cause, the court may wish to review *People v Schaefer*, 473 Mich 418, 438-439; 703 NW2d 774 (2005) (a "causes death" case under MCL 257.625(4)). *Schaefer* was modified in part on other grounds by *People v Derror*, 475 Mich 316; 715 NW2d 822 (2006), which was overruled in part on other grounds by *People v Feezel*, 486 Mich 184; 783 NW2d 67 (2010).

[AMENDED] M Crim JI 15.15
Moving Violation Causing Death or Serious Impairment of a Body Function

(1) [The defendant is charged with the crime / You may consider the lesser charge[1]] of committing a moving traffic violation that

caused [death / serious impairment of a body function]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant operated a vehicle.[2] To *operate* means to drive or have actual physical control of the vehicle.[3]

(3) Second, that the defendant operated the vehicle on a highway or other place open to the general public [including but not limited to any designated parking area].[4]

(4) Third, that, while operating the vehicle, the defendant committed a moving violation by [*describe the moving violation*].

(5) Fourth, that by committing the moving violation, the defendant caused [the death of (*name deceased*) / (*name injured person*) to suffer a serious impairment of a body function[5]]. To cause the [death / injury], the defendant's moving violation must have been a factual cause of the [death / injury], that is, but for committing the moving violation, the [death / injury] would not have occurred. In addition, the [death / injury] must have been a direct and natural result of committing the moving violation.[6]

Use Notes

1. Use when instructing on this crime as a lesser offense.
2. The term *vehicle* is defined in MCL 257.79.
3. The terms *operate* and *operating* are defined in MCL 257.35a.
4. A *highway* is the entire area between the boundary lines of a publicly maintained roadway, any part of which is open for automobile travel. *People v Bartel*, 213 Mich App 726, 728-729; 540 NW2d 491 (1995). The phrase "open to the general public" is discussed in *People v Nickerson*, 227 Mich App 434; 575 NW2d 804 (1998), and *People v Hawkins*, 181 Mich App 393; 448 NW2d 858 (1989).
5. MCL 257.58c provides that serious impairment of a body function includes but is not limited to one or more of the following:
   (a) Loss of a limb or loss of use of a limb.
   (b) Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.
   (c) Loss of an eye or ear or loss of use of an eye or ear.
   (d) Loss or substantial impairment of a bodily function.
   (e) Serious visible disfigurement.
   (f) A comatose state that lasts for more than 3 days.
   (g) Measurable brain or mental impairment.
   (h) A skull fracture or other serious bone fracture.
   (i) Subdural hemorrhage or subdural hematoma.
   (j) Loss of an organ.
6. If it is claimed that the defendant's operation of the vehicle was not a proximate cause of serious impairment of a body function because of an intervening, superseding cause, the court may wish to review *People v Schaefer*, 473 Mich 418, 438-439; 703 NW2d 774 (2005) (a "causes death" case under MCL 257.625(4)). *Schaefer* was modified in part on other grounds by *People v Derror*, 475 Mich 316; 715 NW2d 822 (2006), which was overruled in part on other grounds by *People v Feezel*, 486 Mich 184; 783 NW2d 67 (2010).

The Committee on Model Criminal Jury Instructions has adopted amendments to M Crim JI 20.24 in response to *People v Levran*, ___ Mich App ___ (December 3, 2024) (Docket No. 370931). The amended instruction is effective September 1, 2026.

[AMENDED] M Crim JI 20.24
Definition of Sufficient Force

[*Choose any of the following that are applicable:*]

(1) It is enough force if the defendant overcame [*name complainant*] by physical force.

(2) It is enough force if the defendant threatened to use physical force on [*name complainant*], and [*name complainant*] believed that the defendant had the ability to carry out those threats.

(3) It is enough force if the defendant threatened to get even with [*name complainant*] in the future, and [*name complainant*] believed that the defendant had the ability to carry out those threats.

(4) It is enough force if the defendant threatened to kidnap [*name complainant*], or threatened to force [*name complainant*] to do something against [his / her] will, or threatened to physically punish someone, and [*name complainant*] believed that the defendant had the ability to carry out those threats.

(5) It is enough force if the defendant was giving [*name complainant*] a medical exam or treatment and did so in a way or for a reason that is not recognized as medically acceptable. A medical exam or treatment that includes inserting fingers into the vagina or rectum is not in itself criminal sexual conduct. You must decide whether the defendant did the exam or treatment in a manner or for purposes that are not recognized as medically ethical or acceptable.[1]

(6) It is enough force if the defendant, through concealment or by the element of surprise, [was able to overcome / achieved sexual contact with][2] [*name complainant*].

(7) It is enough force if the defendant used force to induce the victim to submit to the sexual act or to seize control of the victim in a manner facilitating commission of the sexual act without regard to the victim's wishes.

Use Notes

1. *See People v Levran*, ___ Mich App ___; ___ NW3d ___ (December 3, 2024) (Docket No. 370931).
2. Use the bracketed expression "achieved sexual contact with" when criminal sexual contact in the fourth degree is charged. *See* MCL 750.520e(1)(b)(v).

The Committee on Model Criminal Jury Instructions has adopted amendments to M Crim JI 37.11 that add a missing *mens rea* element and make other stylistic changes. The amended instruction is effective September 1, 2026.

[AMENDED] M Crim JI 37.11

Removing, Destroying, or Tampering with Evidence

(1) [The defendant is charged with / You may also consider the less serious offense of[1]] intentionally removing, altering, concealing, destroying, or tampering with evidence to be offered at an official proceeding [not involving a criminal case where (*identify crime where the punishment was more than 10 years*) was charged[1]]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that there was some evidence to be offered in a present or future official proceeding.

An official proceeding is a hearing held before a legislative, judicial, administrative, or other governmental agency, or a hearing held before an official authorized to hear evidence under oath, including a referee, a prosecuting attorney, a hearing examiner, a commissioner, a notary, or another person taking testimony in a proceeding.

(3) Second, that the defendant removed, altered, concealed, destroyed, or otherwise tampered with that evidence.

(4) Third, that when the defendant removed, altered, concealed, destroyed, or otherwise tampered with that evidence, [he / she] did so on purpose and not by accident.

(5) Fourth, that the defendant knew that the evidence would be offered in a present or future official proceeding at the time [he / she] removed, altered, concealed, destroyed, or otherwise tampered with it.[2]

[(6) Fifth, that the evidence would be offered in a criminal case where (*identify crime where the punishment was more than 10 years*) was charged.][3]

Use Notes

1. Use this language when there is a dispute whether the charge involved the aggravating factor found in MCL 750.483a(6)(b) and the court is instructing the jury on the necessarily lesser included offense that does not require proof of the aggravating factor.
2. The Michigan Court of Appeals has assumed without deciding "that the word 'knowingly' in the statute likely includes knowledge of an official proceeding." *People v Walker*, 330 Mich App 378, 388; 948 NW2d 122 (2019). The Michigan Court of Appeals has also indicated that this element "may be proved with '[m]inimal circumstantial evidence.'" *Id.* (quoting *People v Ortiz*, 249 Mich App 297, 301; 642 NW2d 417 (2001)).
3. Use this paragraph where the aggravating element has been charged.

ORDERS OF DISCIPLINE & DISABILITY

REPRIMAND (BY CONSENT)

Mohammed Abdrabboh, P61989, Dearborn. Reprimand, Effective February 18, 2026.

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #17. The stipulation contained respondent's admissions to the factual allegations and allegations of professional misconduct in the formal complaint. Based on the parties' stipulation and respondent's admissions, the panel found that respondent committed professional misconduct by failing to properly manage his IOLTA trust account.

Based upon respondent's admissions and the stipulation of the parties, the panel found that respondent: failed to hold property of clients or third persons in connection with a representation separate from the lawyer's own property, in violation of MRPC 1.15(d); deposited his own funds in a trust account in an amount in excess of an amount reasonably necessary to pay financial institution service charges or fees or to obtain a waiver of service charges or fees, in violation of MRPC 1.15(f); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2), and engaged in conduct that is contrary to justice, honesty, ethics, or good morals, in violation of MCR 9.104(3).

In accordance with the stipulation of the parties, the panel ordered that respondent be reprimanded. Costs were assessed in the amount of $1,399.99.

REPRIMAND (BY CONSENT)

Marc Aaron Asch, P75499, Kalamazoo. Reprimand, Effective February 26, 2026.

Respondent and the Grievance Administrator filed an Amended Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Washtenaw County Hearing Panel #1. Based on the parties' amended stipulation, respondent's admissions to the factual allegations, and no contest plea to the allegations of professional misconduct, the panel found that respondent committed professional misconduct while representing a client in a federal racial discrimination lawsuit when he failed to respond to discovery and court filings, missed hearings, failed to communicate with his client, and allowed the case to be dismissed with sanctions, of which the client was unaware. Although the court later reopened the case after respondent admitted significant errors and was permitted to withdraw, respondent failed to promptly turn over the client's case file as ordered.

Specifically, the panel found that respondent neglected a legal matter entrusted to the lawyer, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of his matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); failed to withdraw from the representation of the client when the representation would result in a violation of the Rules of Professional Conduct or other law, in violation of MRPC 1.16(a)(1); knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c); in pretrial procedure, failed to make reasonably diligent efforts to comply with a legally proper discovery request by an opposing party, in violation of MRPC 3.4(d); engaged in conduct that is prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); engaged in conduct that is contrary to justice,

ethics, honesty, or good morals, in violation of MCR 9.104(3); and engaged in conduct that violates the Rules of Professional Conduct, in violation of MRPC 8.4(a) and MCR 9.104(4).

In accordance with the amended stipulation of the parties, the panel ordered that respondent be reprimanded. Costs were assessed in the amount of $912.14.

SUSPENSION (BY CONSENT)

Jalal J. Dallo, P72879, Bloomfield Hills. Suspension — 45 Days, Effective February 4, 2026.

Respondent and the Grievance Administrator filed an Amended Stipulation for Consent Order of Discipline, which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #4. The stipulation contained respondent's admissions to the factual allegations set forth in paragraphs 1 through 4, and respondent's no-contest pleas to the factual allegations set forth in paragraphs 5 through 62 of the first amended formal complaint. Additionally, the stipulation contained respondent's admissions to the allegations of professional misconduct set forth in paragraphs 63(b), and 63(d) through (i) of the first amended formal complaint. Specifically, it was alleged that during respondent's representation of a client in a criminal matter, he accepted an envelope of documents from his client to provide to a third person, some of which contained requests and demands for the third person to contact the victim in the matter in order to convince her to change her testimony. Due to his conduct, respondent eventually withdrew from the representation and was eventually removed from the Oakland County Indigent Defense Services Office list of approved attorneys. The stipulation also contained the parties' agreement that the allegations of professional misconduct in paragraphs 63(a) and 63(c) of the first amended formal complaint be dismissed with prejudice. The stipulation further contained the parties' agreement that, upon the panel's acceptance of the parties' agreement, respondent would be suspended for a period of 45 days.

Based on respondent's admissions and no contest pleas, the panel found that respondent: knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c); knowingly assisted or induced another to violate the rules or obligations under the rules of a tribunal, or did so through the acts of another, in violation of MRPC 8.4(a); engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b); engaged in conduct prejudicial to the proper administration of justice, in violation of MCR 9.104(1); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); and, engaged in conduct that violates the standards or rules of professional conduct adopted by the Supreme Court, in violation of MCR 9.104(4).

In accordance with the stipulation of the parties, the panel ordered that respondent's license to practice law be suspended for 45 days, effective February 4, 2026. Costs were assessed in the amount of $773.20.

AUTOMATIC INTERIM SUSPENSION

Vanessa F. McCamant, P68254, Spring Lake. Effective June 9, 2025.

On June 9, 2025, respondent was convicted by guilty plea of Operating While Intoxicated/Impaired - 3rd Offense, a felony under

ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

MCL 257.625(11)(c)/PACC 257.6256D, in *State of Michigan v Vanessa Fosse McCamant,* 17th Circuit - Kent County Circuit Court, Case No. 25-00712-FH. Upon respondent's conviction and in accordance with MCR 9.120(B)(1), respondent's license to practice law in Michigan was automatically suspended.

Upon the filing of a judgment of conviction, this matter will be assigned to a hearing panel for further proceedings. The interim suspension will remain in effect until the effective date of an order filed by a hearing panel under MCR 9.115(J).

REPRIMAND AND RESTITUTION (BY CONSENT)

Steven E. Scharg, P43732, Detroit. Reprimand, Effective February 27, 2026.

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #9. The stipulation contained respondent's no contest pleas to the factual allegations contained in paragraphs 1-8, and 11-33 and allegations of professional misconduct contained in paragraph 34, sub-paragraphs (b) and (e) of the formal complaint. Specifically, respondent collected an excessive fee and failed to refund an unearned fee, and made a knowingly false statement of material fact to the Grievance Administrator during the investigation of the underlying request for investigation. The stipulation further contained the parties' agreement that paragraphs 9, 10, and 34, sub-paragraphs (a), (c), (d), and (f) be dismissed.

Based upon respondent's no contest pleas and the stipulation of the parties, the panel found that respondent failed to refund an advance payment of fee that had not been earned upon termination of representation, in violation of MRPC 1.16(d); and, engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure or reproach, in violation of MCR 9.104(2).

In accordance with the stipulation of the parties, the panel ordered that respondent be reprimanded and required him to pay restitution in the amount of $13,603.19. Costs were assessed in the amount of $761.87.

REINSTATEMENT

Jarrod A. Barron, P55353, East Lansing. Reinstated, Effective February 26, 2026.

Petitioner was disbarred effective August 13, 2014, in *Grievance Administrator v Jarrod A. Barron,* Case No. 14-22-GA. On October 15, 2024, petitioner filed a petition for reinstatement pursuant to MCR 9.123(B), which was assigned to Livingston County Hearing Panel #1. After a hearing on the petition, the panel entered an order of eligibility for reinstatement with conditions on February 26, 2025.

On February 26, 2026, the Board received written verification from the State Board of Law Examiners that petitioner is entitled to recertification as a member of the State Bar of Michigan and from the State Bar of Michigan that petitioner paid his bar dues in accordance with Rules 2 and 3 of the Supreme Court Rules concerning the State Bar of Michigan.

The Board issued an Order of Reinstatement reinstating petitioner to the practice of law in Michigan, effective February 26, 2026.

ORDER OF REINSTATEMENT

On December 19, 2025, the Supreme Court denied respondent's application for leave to appeal seeking review of the Board's August 8, 2025 Order Denying Respondent's Reconsideration Motion, and May 29, 2025 Order Affirming, In Part, and Vacating, In Part Findings of Misconduct, and Affirming Order of 30-Day Suspension. Pursuant to MCR 9.122(C), the 30-day suspension of respondent's license to practice law in Michigan became effective January 10, 2026.

On February 2, 2026, respondent filed an affidavit pursuant to MCR 9.123(A), attesting that she has fully complied with all requirements of the panel's order and will continue to comply with the order until and unless reinstated. The Grievance Administrator did not file an objection to respondent's affidavit pursuant to MCR 9.123(A); and the Board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that respondent, **Deborah K. Schlussel,** P56420, is **REINSTATED** to the practice of law in Michigan, effective February 9, 2026.

HEARING ON PETITION FOR REINSTATEMENT

Notice is given that **Carl L. Collins, III, P55982,** has filed a petition for reinstatement in the Federal District Court, Eastern District of Michigan and with the Attorney Grievance Commission seeking reinstatement as a member of the Bar of this state and restoration of his license to practice law.

Based on Petitioner's conviction in the Federal District Court, Eastern District of Michigan, Petitioner was convicted by a federal jury of five counts of Making a False Tax Return, a felony, in violation of 26 USC § 7602(1), in the matter titled *United States v Carl L. Collins, III,* Case No. 19-cr-20685.

The Tri-County Hearing Panel #60 automatically suspended Petitioner's license to practice law in Michigan, effective November 16, 2022, the date of Petitioner's conviction.

Based on Petitioner's conviction, the Tri-County Hearing Panel #60 found that Petitioner engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615, in violation of MCR 9.104(5), and engaged in conduct involving a violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b).

The Panel ordered that Petitioner's license to practice law in Michigan be suspended for three years, effective November 16, 2022, and until further order of the Board.

On October 29, 2024, a Final Notice was issued by the hearing panel of the Attorney Discipline Board, effective November 16, 2022, which ordered that Petitioner's license to practice law be suspended for three years.

The Petitioner is required to establish by clear and convincing evidence the following:

1. He desires in good faith to be restored to the privilege to practice law in this state;

2. The term of the suspension or revocation of his license, whichever is applicable, has elapsed;

3. He has not practiced or attempted to practice law contrary to the requirement of his suspension or revocation;

4. He has complied fully with the terms of the order of discipline;

5. His conduct since the order of discipline has been exemplary and above reproach;

6. He has a proper understanding of and attitude toward the standards that are imposed on members of the Bar and will conduct himself in conformity with those standards;

7. He can safely be recommended to the public, the courts, and the legal profession as a person fit to be consulted by others and to represent them and otherwise act in matters of trust and

ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

confidence, and, in general, to aid in the administration of justice as a member of the Bar and as an officer of the court;

8. That if he has been out of the practice of law for three years or more, he has been recertified by the Board of Law Examiners; and,

9. He has reimbursed or has agreed to reimburse the Client Protection Fund any money paid from the fund as a result of his conduct. Failure to fully reimburse as agreed is grounds for revocation of a reinstatement.

A hearing is scheduled for Thursday, June 11, 2026, commencing at 10:00 a.m., at the office of the Attorney Discipline Board, 333 W. Fort Street, Suite 1700, Detroit, MI 48226, (313) 963-5553.

Any interested person may appear at such hearing and be heard in support of or in opposition to said petition for reinstatement. Any person having information bearing on the Petitioner's eligibility for reinstatement should contact:

Pamela I. Linville,
Senior Associate Counsel
Attorney Grievance Commission
755 W. Big Beaver, Suite 2100
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