





















2026 April Board of Commissioners Meeting





Schedule Friday, April 24, 2026 9:30 AM — 1:00 PM EDT
Venue State Bar of Michigan
Organizer Amy Owens

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11.2. Public Comment

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Any member of the public who wishes to address the commissioners during public comment must sign up before 9:30 a.m. on the date of the meeting using the “Public Comment Sign Up” sheet available at the front desk of the State Bar Building.

12. Adjournment

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1. Call to Order

2. Consent Agenda

2.1. Minutes

For Approval

Presented by Lisa J. Hamameh

2.1.1. March 6, 2026, Board Meeting*

**STATE BAR OF MICHIGAN
BOARD OF COMMISSIONERS MEETING MINUTES**

President Hamameh called the meeting to order at 9:34 a.m. on Friday, March 6, 2026, in the Boardroom at the Michael Franck building in Lansing, Michigan.

Commissioners present:

Hon. Karl A. Barr	Suzanne C. Larsen, Secretary
Darnell Barton	Joshua A. Lerner
Erika L. Bryant, President-Elect	James L. Liggins, Jr.
Aaron V. Burrell	James W. Low
Alena Clark	Ashley E. Lowe
Patrick J. Crowley	Elizabeth L. Luckenbach
Tanisha Davis	Silvia A. Mansoor
Sherrie L. Detzler	Gerard V. Mantese
Robert A. Easterly	Moheeb H. Murray
Jacob G. Eccleston	Thomas P. Murray, III
Nicole A. Evans	Nicholas M. Ohanesian
Lisa J. Hamameh, President	Hon. David A. Perkins
Claudnyse D. Holloman	Douglas B. Shapiro
Thomas H. Howlett, Vice-President	Hon. Kristen D. Simmons
Elizabeth A. Kitchen-Troop	Lisa W. Timmons

Commissioners absent:

David C. Anderson, Treasurer	Hon. Ponce Clay
Hon. B. Chris Christenson	Gerrow D. "Gerry" Mason

Consent Agenda

The Board received the minutes from the January 23, 2026, Board meeting.
The Board received the minutes from the January 7, 2026, Executive Committee meeting.
The Board received the recent activities of the president.
The Board received the recent activities of the executive director.

President Hamameh asked if any items needed to be removed from the consent agenda. There were none.

A motion was offered to approve the consent agenda. The motion was seconded and approved.

Oath of Office

President Hamameh administered the oath of office to new Commissioner, Moheeb Murray.

President and Executive Director's Report: Lisa Hamameh, President and Peter Cunningham, Executive Director

President's Report

President Hamameh highlighted recent activities, including:

- Attendance at the National Conference of Bar Presidents in Texas, along with President-Elect Bryant and Mr. Cunningham.
- Participation in a Professionalism in Action event held at Wayne State University Law School, noting strong SBM representation at the event.

- Attendance at the Michigan Asian Pacific American Lunar New Year Dinner in Farmington Hills.

President Hamameh also observed that the first half of the SBM presidency tends to be slower and expressed anticipation for increased engagement in the coming months.

Executive Director's Report

Mr. Cunningham provided an update of the Justice For All's proposed legal practitioner pilot program. The first round of exams, previously expected in the fall of 2026, has been postponed until April 2027. In addition, The Justice For All Commission has approved funding to cover the State Bar's startup costs, ensuring that funds from attorney license fees are not used for the pilot program.

Mr. Cunningham indicated that registrations for several upcoming Bar functions have recently opened, including:

- Brunch for Bars (April)
- Michigan Legal Milestone dedication (April)
- 50-year Golden Celebration (May)
- Great Lakes Legal Conference (June)

Robin Eagleson, Director of Lawyer Services, reported that SBM has partnered with Spotlight Media to relaunch the Bar's monthly podcast after a six-month hiatus. The first episode of the MI Lawyer Podcast will feature Chief Justice Megan Cavanaugh and is expected to launch in April.

Mr. Cunningham shared that the Bar's website will be offline on March 19 for server updates and security enhancements, with completion expected within one day (possibly extending into March 20). The outage will primarily impact eCommerce functions, including license renewal and payments. There is a communication plan in place to inform members of the scheduled outage.

The license renewal season concluded last week with the suspension of members who had not yet completed the renewal process. The number of licensed attorneys is down by about 200 members from the same point in 2025, but more new attorneys have joined the bar in the past year than in the previous year.

Staff Updates

Ms. Felicia Thomas, Assistant Executive Director, introduced Kennedy Blakemore, who will work primarily with the Unauthorized Practice of Law Department as a legal assistant. Ms. Blakemore recently graduated from Michigan State with a bachelor's degree in criminal justice. She intends on applying to law school.

Mr. Cunningham acknowledged the passing of Nancy Brown in late January. Most recently, Nancy served as an interim IT Director as well as a senior management advisor. She started working at the State Bar in 1976 and would have celebrated her 50th anniversary later this year. Nancy was integral in the Bar. She was a visionary and was involved in almost every department over the past 50 years working on projects or ideas. Nancy dedicated her life and work to the State Bar and will be dearly missed.

There are multiple vacancies that the State Bar is looking to fill. Recent staff departures have created vacancies for the following positions: Editor of the Michigan Bar Journal, UPL Counsel, and

Director of Outreach. Additionally, Human Resources Director, Jeanette Socia, has announced that she will be retiring in July.

Representative Assembly (RA) Report: Nicole A. Evans, Chairperson

Chair Evans reminded the Board of the next RA meeting which will take place on Saturday, April 25, 2026, at the Hilton Garden Inn in Lansing.

The deadline for nominations and awards is Saturday, March 14, 2026. Currently, there are three nominations for the Unsung Hero Award and zero nominations for the Michael Franck Award.

Ms. Evans anticipates as many as five proposals to be on the agenda for the April meeting.

There is an expungement clinic being held today at Cooley Law School. There is also an upcoming Road to Restoration Clinic for driver's license restoration. There will be members from the Attorney General's Office, a Secretary of State mobile unit, and attorneys available to assist members of the public.

Young Lawyers Section (YLS) Report: Jacob Eccleston, Chairperson

Commissioner Eccleston provided the report for the Young Lawyers Section.

Last month, YLS held an event for all law schools where someone from Character & Fitness of the State Bar and someone from the Board of Law Examiners conduct a question & answer session with law students. It was well attended and well received.

On March 27, the Young Lawyers will hold their annual Summit at the Henry Ford Museum. Mr. Eccleston encouraged Commissioners to spread the message about this event. It is open to all lawyers and law students.

On Saturday, May 16, the annual BOC/YLS competition will take place at High Caliber in Okemos. The ZooLAWgical event will take place at the Detroit Zoom on Saturday, July 25, 2026.

Lastly, this year's NTAC event will take place November 6-8 in Detroit. There is always a need for volunteers to serve as judges for this event. Mr. Eccleston asked that Commissioners try to attend at least one session. There are already 12 teams signed up from across the country.

COMMISSIONER COMMITTEES

Public Policy: Erika L. Bryant, Chairperson

President-Elect Bryant provided the report for the Public Policy committee.

Court Rules

1. **ADM File No. 2019-40 – Proposed Adoption of Administrative Order No. 2026-X, Proposed Recission of Administrative Order No. 2012-7, and Proposed Amendments of MCR 2.407 and 8.110**

Proposed Administrative Order No. 2026-X would clarify when, from where, and how a judicial officer may participate remotely. A related proposed amendment of MCR 2.407 would strike a reference to Administrative Order No. 2012-7 being suspended, and that administrative order would be rescinded. The proposed amendment of MCR 8.110 would authorize chief judges to require a judge's in-person or remote presence to perform work.

A motion was offered and seconded to support ADM File No. 2019-40 and underscore SBM's previous position that attorneys and parties should not be required to appear in person if the judicial officer is participating remotely in a proceeding. The motion was approved.

A motion was offered and seconded to authorize the Negligence Law Section to advocate its inconsistent position on ADM File No. 2019-40. The motion was approved.

2. ADM File No. 2024-08: Proposed Amendment of MCJC Canon 3

The proposed amendment of Canon 3 would clarify a judge's responsibility to not knowingly allow unauthorized broadcasting, televising, recording, or taking of photographs in or out of the courtroom during sessions of court or recesses between sessions.

A motion was offered and seconded to support ADM File 2024-08. The motion was approved.

Legislation

1. Executive Budget for the Michigan Indigent Defense Commission for the 2027-2028 Fiscal Year

Executive Budget for the Judiciary for the 2027-2028 Fiscal Year

A motion was offered and seconded that Executive Budgets for the Michigan Indigent Defense Commission and for the Judiciary for FY 2027-2028 are necessarily related to both the functioning of the courts and the availability of legal services and therefore *Keller*-permissible. The motion was approved.

A motion was offered and seconded to support the Executive Budget for the Michigan Indigent Defense Commission for Fiscal Year 2027. The motion was approved.

A motion was offered and seconded to support the Executive Budget for the Judiciary for Fiscal Year 2027. The motion was approved.

Other

1. MDOC Policy Directive 05.03.118(QQ)(8)

A motion was offered and seconded that MDOC Policy Directive 05.03.118(QQ)(8) is reasonably related to the availability of legal services and therefore *Keller*-permissible. The motion was approved.

A motion was offered and seconded to oppose the amendment to PD 05.03.118(QQ)(8) that prohibits incarcerated individuals from receiving hard cover books. The motion was approved.

Strategic Planning and Engagement Committee (SPEC): Thomas H. Howlett, Chairperson Marjory Raymer, Director of Communications, provided an update on the website rebuild. There were 37 proposals received, and they have narrowed the field down to two finalists. After talking with references and conducting follow-up meetings with the finalists, the next step will be to enter contract negotiations. The goal is to bring a final contract for consideration at the April Board meeting after the website subcommittee and the full SPEC Committee make recommendations.

Ms. Eagleson provided an update on the 2026 Board retreat. Based on results of the survey of the BOC, the dates of this year's retreat will be November 19-20. A location for the retreat has not been selected yet, but several hotels in the Traverse City region are under consideration.

Finance and Audit: David C. Anderson, Chairperson

In Mr. Anderson's absence, Mr. Cunningham reported that the Cannabis Law Section owes SBM \$11,089.24, as approved at the January Board meeting. Following discussions with section leadership, the following conditions were recommended:

- Full repayment, with interest, by November 1, 2026.
- Prior SBM approval for all section expenses until financial stability is restored, with monthly financial monitoring.
- Board review of section viability in FY 2027.

A motion was offered, seconded, and approved to adopt the recommendations.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or questions from Commissioners

None.

Comments or questions from the public

None.

Closed Session

A motion was offered and seconded that the Board enter into a closed discussion to consider attorney/client privileged communications. The motion was approved. The Board went into closed session at 11:12 a.m. The Board returned to open session at 1:13 p.m.

Adjournment

The meeting was adjourned at 1:15 p.m.

2.2. President's Activities*

Presented by Lisa J. Hamameh

President Lisa J. Hamameh
President's Activities
March 7 through April 24, 2026

Date	Event	Location
March 15	ISIAL St. Patrick's Day Brunch and Parade	Detroit
March 16	Genesee County Bar Association Membership Meeting	Flint
March 21	High School Mock Trial State Finals	Lansing
March 24-26	ABA Day	Washington, DC
March 27	YLS Summit	Dearborn
April 8	Irish American Lawyers	Detroit
April 10	Board Officers Dinner	Fenton
April 15	Michigan Supreme Court Historical Society Luncheon	Detroit
April 15	NAABA 4 th Annual Khalta Mixer	Detroit
April 16	Meet the Judges	Birmingham
April 18	Michigan Legal Milestones	Southfield
April 24	Board of Commissioners Meeting	Lansing
April 24	WLAM Annual Meeting	Detroit

2.3. Executive Director's Activities*

Presented by Peter Cunningham

**Executive Director Peter Cunningham Activities
March 7 through April 24, 2026**

Date	Event
March 9	Justice for All Commission (JFA) Meeting
March 10-13	NABE/BLI Conference
March 17	Strategic Planning and Engagement Committee Meeting
March 18	Call with Tom Howlett
March 18	Call with Officers on Department of Justice Rule Proposal
March 19	Call with Chief Justice Cavanagh
March 19	Commission on Well-Being in the Law (WBIL) Executive Team Meeting
March 19	SPAR and Future Strategic Planning Subcommittee
March 19	JFA Executive Team Meeting
March 20	Judicial Section Council Meeting
March 20	Meeting with Shelbi Frayer, CEO of The Lansing Nest
March 23	Call with David Watson, ICLE
March 23	Public Policy Committee Meeting
March 23	Commission of Fairness and Public Trust (CFPT) Workgroup D (Pathways to the Bench) Meeting
March 24	Commission on Well-Being in the Law Meeting
April 3	Call with Jennifer Quick, Executive Director of the Oakland County Bar Association
April 3	CFPT Executive Team Meeting
April 7	SPEC Subcommittee on the Michigan Bar Journal Meeting
April 9	ATJ Steering Committee
April 9	SPAR and Future Strategic Planning Subcommittee
April 10	Michigan Association of Bar Executives Meeting
April 13	Meeting with SCAO on Legal Practitioner Pilot Program

April 13	SBM Executive Committee Meeting
April 14	SPEC Website Subcommittee Meeting
April 15	Michigan Supreme Court Historical Society Board Meeting and Annual Luncheon
April 16	Call with Chief Justice Cavanagh
April 16	JFA Executive Team Meeting
April 20	Meeting with SCAO on Legal Practitioner Pilot Program
April 21	SBM Finance and Audit Committee Meeting
April 21	Strategic Planning and Engagement Committee Meeting
April 21	Professional Standards Committee Meeting
April 22	Public Policy Committee Meeting
April 24	Board of Commissioners Meeting

2.4. Finance and Audit Committee - FY2026 Financial Reports through March 2026*

Presented by David C. Anderson

State Bar of Michigan Financial Results Summary

For the Six Months Ended March 31, 2026
Fiscal Year 2026

Administrative Fund - Summary of Results as of March 31, 2026

Operating Revenue	\$6,784,291
Operating Expense	<u>(6,124,045)</u>
Operating Income (Loss)	660,246
Non-Operating Income (Loss)	<u>421,161</u>
Change in Net Position	\$1,081,407
Net Position, October 1, 2025	<u>\$18,394,134</u>
Net Position, March 31, 2026	<u>\$19,475,542</u>

As of March 31, 2026, Net Position *excluding* net assets restricted for retiree healthcare was \$14,946,539, an increase of \$1,114,581 since the beginning of the year and favorable to budget by \$872,320.

YTD Operating Revenue variance – \$207,294, favorable to budget (3.2%):

- License fee and related revenue was higher than budget by \$34,370 (0.6%) due to higher late fees, partially offset by lower delinquent dues and lower reinstatement fees.
- Other operating revenue was higher than budget by \$172,924 (13.8%) primarily due to higher Bar Journal, E-Journal and Digital advertising revenues, and Character & Fitness and IAP revenues.

YTD Operating Expense variance - \$633,784, favorable to budget (9.4%):

Labor Operating Expenses - \$231,751, favorable (5.1%)

- Salaries expenses were lower than budget by \$149,275 (4.5%) due to vacancies.
- Employee Benefits & Payroll Taxes were lower than budget by \$82,475 (7.1%) due to vacancies and timing of some expenses.

Non-Labor Operating Expenses - \$402,033, favorable (17.8%)

- Division 1 - \$52,029, favorable (23.1%) primarily due to lower IAP, Client Protection Fund, UPL and Outreach expenses.

- Division 2 - \$297,489, favorable (26.1%) primarily due to lower IT, Bar Journal, Facilities, Digital, General Communications, Inauguration and Awards Lunch, Lawyers & Judges Assistance Program, Research, Print and Design, and Practice Management Resource Center expenses.
- Division 3 - \$52,516, favorable (5.9%) primarily due to lower Executive Office, Human Resources, Finance, Representative Assembly, and Administration expenses and higher Board of Commissioners expenses.

YTD Non-Operating Revenue Budget Variance - \$72,909, favorable to budget (20.9%):

- Investment income is favorable to budget by \$31,242 (9.0%) due to higher interest rates and investment balances.
- Retiree Health Care Trust had a net investment income of \$41,667 (this amount is not budgeted).

Cash and Investment Balance

As of March 31, 2026 cash and investment balances net of *due to Sections, ADS, Client Protection Fund, and Retiree Health Care Trust* were \$17,454,066, an increase of \$3,785,036 from the beginning of the year primarily due to collection of license fees.

SBM Entities Retiree Health Care Trust

As of March 31, 2026, the SBM retiree health care trust investments were \$4,976,667, a decrease of \$33,174 since the beginning of the year. The change was due to disbursements of \$74,841, investment income of \$47,649 and investment advisor and custodian fees of \$5,981.

Capital Budget

Year-to-date capital expenditures totaled \$194,470, or 64% of the FY 2026 capital expenditures budget of \$306,128.

Client Protection Fund

The Net Position of the Client Protection Fund as of March 31, 2026, totaled \$2,964,715, a decrease of \$332,615 from the beginning of the year. Claims expenses totaled \$609,704.

SBM Membership

As of March 31, 2026, the active, inactive, and emeritus membership in good standing totaled 47,257, an increase of 35 attorneys since the beginning of the year. The number of active fee-paying attorneys decreased by 461. Since the beginning of this fiscal year, 627 new attorneys joined SBM, compared to 632 during the same period of FY 2025.

FY 2026 Forecast

Excluding income from the SBM Entities Retiree Healthcare Trust—which is neither budgeted nor forecasted—the State Bar of Michigan (SBM) projects an increase in net position of \$458,695, with a favorable year-end budget variance of **\$667,619**.

- **License fees and related revenues** are projected to be above budget by **\$81,840**, primarily due to higher late fees and license fees.
- **Other operating revenues** are expected to be above budget by **\$103,581**, primarily due to higher IAP, Character & Fitness, advertising, pro-hac-vice, and credit card fee income.
- **Salaries and benefits** are forecasted to be **\$212,489** below budget, with salaries \$88,899 under budget and benefits \$123,590 under budget, reflecting vacancies. The projection does not include the State of Michigan’s year-end allocation for pension and retiree healthcare benefits for eligible participants.
- **Non-labor operating expenses** are anticipated to be **\$235,640** below budget, primarily due to lower IAP expenses, Diversity, UPL, Ethics, Bar Journal, Digital, Facilities, Research, Lawyers & Judges Assistance Program, Lawyer Services, and Print & Design. Savings are also expected in Finance, Executive Office, and Human Resources. Board of Commissioners’ expenses are expected to be above budget due to higher travel and meeting expenses.
- Interest income is projected to be above budget by **\$34,069**, reflecting higher-than-budgeted interest rates and cash balances.
- Capital expenditures are forecasted at **\$338,510**, which is **\$32,382** above budget. Capital expenditures budget amendment will be requested in April 2026.

**STATE BAR OF MICHIGAN
ADMINISTRATIVE FUND**

Unaudited and For Internal Use Only

**FINANCIAL REPORTS
March 31, 2026**

FY 2026

Note: License fee revenue is recognized and budgeted as earned each month throughout the year.

**State Bar of Michigan
Statement of Net Position
March 31, 2026**

Financial Row	Current Period (As of Mar 2026)	Prior Month (As of Feb 2026)	Variance	Variance %	Beginning of FY (As of FY 2025)
ASSETS AND DEFERRED OUTFLOWS OF RESOURCES					
Assets					
Cash	\$ 1,321,073	\$ 837,831	\$ 483,241	57.7%	\$ 1,536,471
Investments	\$ 19,764,903	\$ 21,022,753	\$ (1,257,850)	(6.0%)	\$ 15,095,629
Due from (to) CPF	\$ (443)	\$ 6,121	\$ (6,563)	(107.2%)	\$ 14,118
Due from (to) Sections	\$ (3,622,621)	\$ (3,708,502)	\$ 85,881	(2.3%)	\$ (2,933,667)
Due from (to) ADS	\$ (8,847)	\$ 6,254	\$ (15,101)	(241.5%)	\$ (43,520)
Net Administrative Fund Cash and Investment Balance	\$ 17,454,066	\$ 18,164,458	\$ (710,392)	(3.9%)	\$ 13,669,030
Accounts Receivable	\$ 282,613	\$ 247,862	\$ 34,751	14.0%	\$ 221,664
Prepaid Expenses	\$ 294,469	\$ 210,261	\$ 84,207	40.0%	\$ 370,218
Capital Assets, Net	\$ 3,074,039	\$ 3,077,734	\$ (3,695)	(0.1%)	\$ 3,110,581
SBM Retiree Health Care Trust	\$ 4,976,667	\$ 5,290,296	\$ (313,629)	(5.9%)	\$ 5,009,841
Total Assets	\$ 26,081,854	\$ 26,990,611	\$ (908,757)	(3.4%)	\$ 22,381,333
Deferred Outflows of Resources Related to Pensions	\$ 14,807	\$ 14,807	\$ -	0.0%	\$ 14,807
Deferred Outflows of Resources Related to OPEB	\$ 878,755	\$ 878,755	\$ -	0.0%	\$ 878,755
Total Deferred Outflows of Resources	\$ 893,563	\$ 893,563	\$ -	0.0%	\$ 893,563
TOTAL ASSETS AND DEFERRED OUTFLOWS OF RESOURCES	\$ 26,975,417	\$ 27,884,174	\$ (908,757)	(3.3%)	\$ 23,274,895
LIABILITIES, DERERRED INFLOWS OF RESOURCES AND NET POSITION					
Liabilities					
Accounts Payable	\$ 15,896	\$ 16,322	\$ (426)	(2.6%)	\$ 520,342
Accrued Expenses	\$ 804,300	\$ 878,174	\$ (73,875)	(8.4%)	\$ 848,383
Deferred Revenue	\$ 5,142,047	\$ 5,958,239	\$ (816,192)	(13.7%)	\$ 1,959,429
GASB 96 Subscription Liability	\$ 108,063	\$ 115,624	\$ (7,561)	(6.5%)	\$ 123,037
Net Pension Liability	\$ 82,698	\$ 82,698	\$ -	0.0%	\$ 82,698
Net OPEB Liability	\$ 126,297	\$ 126,297	\$ -	0.0%	\$ 126,297
Total Liabilities	\$ 6,279,300	\$ 7,177,354	\$ (898,054)	(12.5%)	\$ 3,660,186
Deferred Inflows of Resources					
Deferred Inflows of Resources Related to Pensions	\$ 20,452	\$ 20,452	\$ -	0.0%	\$ 20,452
Deferred Inflows of Resources Related to OPEB	\$ 1,200,123	\$ 1,200,123	\$ -	0.0%	\$ 1,200,123
Total Deferred Inflows of Resources	\$ 1,220,575	\$ 1,220,575	\$ -	0.0%	\$ 1,220,575
Total Liabilities and Deferred Inflows	\$7,499,875	\$8,397,929	(\$898,054)	(10.69%)	\$4,880,761
Net Assets					
Invested in Capital Assets, Net of Related Debt	\$ 2,965,976	\$ 2,962,110	\$ 3,866	0.1%	\$ 2,987,544
Restricted for Retiree Health Care Trust	\$ 4,529,003	\$ 4,842,632	\$ (313,629)	(6.5%)	\$ 4,562,176
Unrestricted	\$ 11,980,563	\$ 11,681,504	\$ 299,059	2.6%	\$ 10,844,415
Total Net Position	\$ 19,475,542	\$ 19,486,245	\$ (10,704)	(0.1%)	\$ 18,394,134
TOTAL LIABILITIES, DERERRED INFLOWS OF RESOURCES AND NET POSITION	\$ 26,975,417	\$ 27,884,174	\$ (908,757)	(3.3%)	\$ 23,274,895
Net Position Excluding Impacts of Retiree Health Care Trust	\$ 14,946,539	\$ 14,643,614	\$ 302,926	2.1%	\$ 13,831,958

**State Bar of Michigan
Summary Report
March 31, 2026**

Financial Row	Actual YTD (Oct 2025 - Mar 2026)	Budget YTD (Oct 2025 - Mar 2026)	Variance	Percentage	Prior YTD Actual (Oct 2024 - Mar 2025)
Operating Revenue					
License Fees, Dues and Related	\$ 5,362,332	\$ 5,327,962	\$ 34,370	0.6%	\$ 5,398,210
All Other Op Revenue	\$ 1,421,959	\$ 1,249,035	\$ 172,924	13.8%	\$ 1,359,276
Total Operating Revenue	\$ 6,784,291	\$ 6,576,997	\$ 207,294	3.2%	\$ 6,757,486
Operating Expenses					
Labor Operating Expenses					
Salaries	\$ 3,187,429	\$ 3,336,704	\$ (149,275)	(4.5%)	\$ 3,166,642
Benefits and Payroll Taxes	\$ 1,081,200	\$ 1,163,675	\$ (82,475)	(7.1%)	\$ 1,113,564
Total Labor Operating Expenses	\$ 4,268,628	\$ 4,500,379	\$ (231,751)	(5.1%)	\$ 4,280,206
Non Labor Operating Expenses					
Division 1 Non Labor Operating Expenses	\$ 172,768	\$ 224,797	\$ (52,029)	(23.1%)	\$ 169,311
Division 2 Non Labor Operating Expenses	\$ 841,182	\$ 1,138,671	\$ (297,489)	(26.1%)	\$ 876,813
Division 3 Non Labor Operating Expenses	\$ 841,466	\$ 893,982	\$ (52,516)	(5.9%)	\$ 787,194
Total Non Labor Operating Expenses	\$ 1,855,417	\$ 2,257,450	\$ (402,033)	(17.8%)	\$ 1,833,319
Total Operating Expenses	\$ 6,124,045	\$ 6,757,829	\$ (633,784)	(9.4%)	\$ 6,113,525
Operating Income (Loss)	\$ 660,246	\$ (180,832)	\$ 841,078	(465.1%)	\$ 643,961
Non Operating Revenue (Expenses)					
Investment Income	\$ 379,494	\$ 348,252	\$ 31,242	9.0%	\$ 400,408
Investment Income - Ret HC Trust	\$ 41,667	\$ -	\$ 41,667	0.0%	\$ (47,511)
Total Non Operating Revenue (Expenses)	\$ 421,161	\$ 348,252	\$ 72,909	20.9%	\$ 352,896
Increase (Decrease) in Net Position	\$ 1,081,407	\$ 167,420	\$ 913,987	545.9%	\$ 996,858
Net Position Beginning of Year	\$ 18,394,134	\$ 18,394,134	\$ 0	0.0%	\$ 16,076,928
Net Position End of Period	\$ 19,475,541	\$ 18,561,554	\$ 913,988	4.9%	\$ 17,073,785
Change in Net Position Excluding Ret HC Trust Investment Income (Loss)	\$ 1,039,740	\$ 167,420	\$ 872,320	521.0%	\$ 1,044,369

**State Bar of Michigan
Income Statement
March 31, 2026**

Financial Row	Actual (Oct 2025 - Mar 2026)	Budget YTD (Oct 2025 - Mar 2026)	Budget Variance	Budget Variance %	Last YTD Actuals (Oct 2024 - Mar 2025)	Actuals Variance	Actuals Variance %
Operating Revenues							
License Fees and Related	\$ 5,362,332	\$ 5,327,962	\$ 34,370	0.6%	\$ 5,398,210	\$ (35,878)	(0.7%)
Other Operating Revenues							
Division 1							
Character & Fitness	\$ 291,320	\$ 243,834	\$ 47,486	19.5%	\$ 259,215	\$ 32,105	12.4%
Diversity	\$ 765	\$ -	\$ 765	0.0%	\$ 870	\$ (105)	(12.1%)
Ethics	\$ 2,925	\$ 1,752	\$ 1,173	67.0%	\$ 3,050	\$ (125)	(4.1%)
IAP	\$ 207,840	\$ 196,000	\$ 11,840	6.0%	\$ 210,360	\$ (2,520)	(1.2%)
Lawyer Referral Services	\$ 81,016	\$ 77,598	\$ 3,418	4.4%	\$ 81,741	\$ (725)	(0.9%)
UPL	\$ -	\$ -	\$ -	0.0%	\$ 203	\$ (203)	(100.0%)
Total - Division 1	\$ 583,866	\$ 519,184	\$ 64,682	12.5%	\$ 555,439	\$ 28,427	5.1%
Division 2							
50 Year Event	\$ 2,920	\$ 1,500	\$ 1,420	94.7%	\$ 2,005	\$ 915	45.6%
Bar Journal	\$ 178,128	\$ 122,162	\$ 55,966	45.8%	\$ 147,501	\$ 30,627	20.8%
Digital	\$ 36,156	\$ 31,002	\$ 5,154	16.6%	\$ 22,612	\$ 13,544	59.9%
E Journal	\$ 51,091	\$ 23,000	\$ 28,091	122.1%	\$ 29,963	\$ 21,128	70.5%
Great Lakes Legal Conference	\$ 15,200	\$ 11,725	\$ 3,475	29.6%	\$ 11,282	\$ 3,918	34.7%
Lawyer Services	\$ 75,162	\$ 80,762	\$ (5,600)	(6.9%)	\$ 114,408	\$ (39,246)	(34.3%)
Lawyers & Judges Assistance Program	\$ 33,485	\$ 32,416	\$ 1,069	3.3%	\$ 40,483	\$ (6,998)	(17.3%)
Practice Management Resource Center	\$ -	\$ 750	\$ (750)	(100.0%)	\$ 586	\$ (586)	(100.0%)
Print and Design	\$ 5,200	\$ 3,690	\$ 1,510	40.9%	\$ 12,756	\$ (7,556)	(59.2%)
Total - Division 2	\$ 397,342	\$ 307,007	\$ 90,335	29.4%	\$ 381,595	\$ 15,747	4.1%
Division 3							
Administration	\$ 440,752	\$ 422,844	\$ 17,908	4.2%	\$ 422,243	\$ 18,509	4.4%
Total - Division 3	\$ 440,752	\$ 422,844	\$ 17,908	4.2%	\$ 422,243	\$ 18,509	4.4%
Total Other Operating Revenues	\$ 1,421,959	\$ 1,249,035	\$ 172,924	13.8%	\$ 1,359,276	\$ 62,683	4.6%
Total Operating Revenues	\$ 6,784,291	\$ 6,576,997	\$ 207,294	3.2%	\$ 6,757,486	\$ 26,805	0.4%
Operating Expenses							
Division 1							
Character & Fitness	\$ 20,485	\$ 17,687	\$ 2,798	15.8%	\$ 9,383	\$ 11,102	118.3%
Client Protection Fund	\$ 3,266	\$ 9,678	\$ (6,412)	(66.3%)	\$ 25,371	\$ (22,105)	(87.1%)
Diversity	\$ 17,995	\$ 17,480	\$ 515	2.9%	\$ 12,338	\$ 5,657	45.8%
Ethics	\$ 1,246	\$ 2,960	\$ (1,714)	(57.9%)	\$ 3,356	\$ (2,110)	(62.9%)
IAP	\$ 7,112	\$ 39,785	\$ (32,673)	(82.1%)	\$ 6,056	\$ 1,056	17.4%
Justice Initiatives	\$ 1,254	\$ 3,286	\$ (2,032)	(61.8%)	\$ 52,275	\$ (51,021)	(97.6%)
Lawyer Referral Services	\$ 5,425	\$ 7,044	\$ (1,619)	(23.0%)	\$ 6,608	\$ (1,183)	(17.9%)
Outreach	\$ 114,242	\$ 118,892	\$ (4,650)	(3.9%)	\$ 52,344	\$ 61,898	118.3%
UPL	\$ 1,744	\$ 7,985	\$ (6,241)	(78.2%)	\$ 1,579	\$ 164	10.4%
Total - Division 1	\$ 172,768	\$ 224,797	\$ (52,029)	(23.1%)	\$ 169,311	\$ 3,457	2.0%

Financial Row	Actual (Oct 2025 - Mar 2026)	Budget YTD (Oct 2025 - Mar 2026)	Budget Variance	Budget Variance %	Last YTD Actuals (Oct 2024 - Mar 2025)	Actuals Variance	Actuals Variance %
Division 2							
50 Year Event	\$ 3,244	\$ 4,500	\$ (1,256)	(27.9%)	\$ 3,556	\$ (312)	(8.8%)
Bar Journal	\$ 137,989	\$ 215,400	\$ (77,411)	(35.9%)	\$ 178,553	\$ (40,564)	(22.7%)
Digital	\$ 98,028	\$ 130,850	\$ (32,822)	(25.1%)	\$ 52,625	\$ 45,403	86.3%
E Journal	\$ 10,356	\$ 8,965	\$ 1,391	15.5%	\$ 6,930	\$ 3,425	49.4%
Facilities	\$ 167,856	\$ 224,666	\$ (56,810)	(25.3%)	\$ 186,355	\$ (18,499)	(9.9%)
General Communications	\$ 8,977	\$ 17,320	\$ (8,343)	(48.2%)	\$ 13,411	\$ (4,434)	(33.1%)
Great Lakes Legal Conference	\$ 457	\$ -	\$ 457	0.0%	\$ -	\$ 457	0.0%
IT	\$ 351,096	\$ 447,440	\$ (96,345)	(21.5%)	\$ 355,935	\$ (4,839)	(1.4%)
Inauguration and Awards Lunch	\$ 18,900	\$ 25,000	\$ (6,100)	(24.4%)	\$ 18,900	\$ -	0.0%
Lawyer Services	\$ 13,631	\$ 14,224	\$ (593)	(4.2%)	\$ 10,397	\$ 3,235	31.1%
Lawyers & Judges Assistance Program	\$ 12,057	\$ 17,902	\$ (5,845)	(32.7%)	\$ 28,721	\$ (16,664)	(58.0%)
Practice Management Resource Center	\$ 4,392	\$ 7,852	\$ (3,460)	(44.1%)	\$ 442	\$ 3,950	894.4%
Print and Design	\$ 11,234	\$ 16,098	\$ (4,864)	(30.2%)	\$ 20,523	\$ (9,289)	(45.3%)
Research	\$ 2,965	\$ 8,454	\$ (5,489)	(64.9%)	\$ 466	\$ 2,499	535.9%
Total - Division 2	\$ 841,182	\$ 1,138,671	\$ (297,489)	(26.1%)	\$ 876,813	\$ (35,632)	(4.1%)
Division 3							
Administration	\$ 66,148	\$ 69,915	\$ (3,767)	(5.4%)	\$ 60,065	\$ 6,083	10.1%
Board of Commissioners	\$ 48,410	\$ 37,102	\$ 11,308	30.5%	\$ 27,900	\$ 20,511	73.5%
Executive Office	\$ 15,349	\$ 35,250	\$ (19,901)	(56.5%)	\$ 17,455	\$ (2,106)	(12.1%)
General Counsel	\$ 23,405	\$ 23,528	\$ (123)	(0.5%)	\$ 2,720	\$ 20,686	760.6%
Governmental Relations	\$ 33,350	\$ 35,588	\$ (2,238)	(6.3%)	\$ 34,102	\$ (752)	(2.2%)
Representative Assembly	\$ 10,182	\$ 16,365	\$ (6,183)	(37.8%)	\$ 14,088	\$ (3,906)	(27.7%)
Human Resources							
Payroll Taxes	\$ 231,925	\$ 255,854	\$ (23,929)	(9.4%)	\$ 232,247	\$ (322)	(0.1%)
Benefits	\$ 849,275	\$ 907,821	\$ (58,546)	(6.4%)	\$ 881,318	\$ (32,043)	(3.6%)
Human Resources - Other	\$ 28,068	\$ 47,496	\$ (19,428)	(40.9%)	\$ 46,781	\$ (18,713)	(40.0%)
Total Human Resources	\$ 1,109,267	\$ 1,211,171	\$ (101,904)	(8.4%)	\$ 1,160,345	\$ (51,078)	(4.4%)
Finance							
Finance	\$ 381,842	\$ 405,712	\$ (23,870)	(5.9%)	\$ 354,518	\$ 27,324	7.7%
Depreciation	\$ 234,711	\$ 223,026	\$ 11,685	5.2%	\$ 229,566	\$ 5,145	2.2%
Total Finance	\$ 616,554	\$ 628,738	\$ (12,184)	(1.9%)	\$ 584,084	\$ 32,470	5.6%
Total - Division 3	\$ 1,922,666	\$ 2,057,657	\$ (134,991)	(6.6%)	\$ 1,900,758	\$ 21,907	1.2%
Salaries	\$ 3,187,429	\$ 3,336,704	\$ (149,275)	(4.5%)	\$ 3,166,642	\$ 20,787	0.7%
Total Operating Expenses	\$ 6,124,045	\$ 6,757,829	\$ (633,784)	(9.4%)	\$ 6,113,525	\$ 10,520	0.2%
Net Operating Income (Loss)	\$ 660,246	\$ (180,832)	\$ 841,078	(465.1%)	\$ 643,961	\$ 16,285	2.5%
Non Operating Revenue (Expense)							
Investment Income	\$ 379,494	\$ 348,252	\$ 31,242	9.0%	\$ 400,408	\$ (20,914)	(5.2%)
Investment Income - Retiree HC Trust (Net)	\$ 41,667	\$ -	\$ 41,667	0.0%	\$ (47,511)	\$ 89,179	(187.7%)
Total Non Operating Revenue (Expense)	\$ 421,161	\$ 348,252	\$ 72,909	20.9%	\$ 352,896	\$ 68,265	19.3%
Increase (Decrease) in Net Assets	\$ 1,081,407	\$ 167,420	\$ 913,987	545.9%	\$ 996,858	\$ 84,550	8.5%

**State Bar of Michigan
Administrative Fund
FY 2026 Capital Expenditures
March 31, 2026**

CAPITAL EXPENDITURES	FY 2026 YTD Actual	FY 2026 Budget	FY 2026 Forecast	Comments	Forecast to Budget Variance
FACILITIES, FURNITURE & OFFICE EQUIPMENT					
Breaker units and electrical panel upgrade in the building	\$ 79,630	\$ 76,448	\$ 79,630		\$ 3,182
Heating & Cooling Thermostats	29,200	-	29,200	Budget amendment April 2026	\$ 29,200
TOTAL FACILITIES, FURNITURE & OFFICE EQUIPMENT	\$ 79,630	\$ 76,448	\$ 108,830		\$ 32,382
INFORMATION TECHNOLOGY					
Website, Application and Software Development:					
Receivership /Interim Administrator Program Data Portal	\$ 714	\$ 31,600	\$ 4,500		\$ (27,100)
Bar Cards	6,380	-	6,380		6,380
Michigan Bar Journal Upgrade	3,190	-	-		-
Syn Portal for Windows	14,986	-	20,000	Servers migration	20,000
E-commerce Store	22,284	10,000	30,000		20,000
E-commerce Events	28,244	32,460	36,000		3,540
E-commerce License Fee Updates	16,348	40,600	30,000		(10,600)
e-Services Application to Court e-Filing (mi-File)	336	20,000	2,000		(18,000)
Firm Administration and Billing	-	11,000	7,000		(4,000)
Legal Practitioner	22,358	-	35,000		35,000
Server Migration	-		2,000		
Website Functionality Enhancements	-	12,680	12,680		-
Character & Fitness Module	-	34,800	15,000		(19,800)
Volunteer Application Updates	-	19,140	19,120		(20)
Consumer Portal (LRS)	-	17,400	10,000		(7,400)
TOTAL INFORMATION TECHNOLOGY	\$ 114,840	\$ 229,680	\$ 229,680		\$ -
TOTAL CAPITAL EXPENDITURES	\$ 194,470	\$ 306,128	\$ 338,510		\$ 32,382

State Bar of Michigan Administrative Fund
Revenues, Expenses and Net Assets
FY 2026 Year-End Forecast
April 9, 2026

	FY 2026 Year-End Forecast	FY 2026 Budget	Variance	%	FY 2025 Actual
Operating Revenue					
- License Fees, Dues & Related	\$ 10,544,660	\$ 10,462,820	\$ 81,840	0.8%	\$ 10,608,925
- All Other Op Revenue	2,089,574	1,985,993	103,581	5.2%	2,251,801
Total Operating Revenue	12,634,234	12,448,813	185,421	1.5%	12,860,726
Operating Expenses					
Labor-related Operating Expenses					
Salaries	6,644,528	6,733,427	(88,899)	(1.3%)	6,318,510
Benefits and Payroll Taxes	2,106,517	2,230,107	(123,590)	(5.5%)	1,650,817
Total Labor-related Operating Expenses	8,751,045	8,963,534	(212,489)	(2.4%)	7,969,327
Non-labor Operating Expenses					
Division 1	431,452	534,520	(103,068)	(4.4%)	418,933
Division 2	2,237,478	2,333,924	(96,446)	(18.0%)	1,978,406
Division 3	1,486,134	1,522,259	(36,125)	(2.4%)	1,393,791
Total Non-labor Operating Expenses	4,155,063	4,390,703	(235,640)	(5.4%)	3,791,129
Total Operating Expenses	12,906,108	13,354,237	(448,129)	(3.4%)	11,760,457
Operating Income (Loss)	(271,874)	(905,424)	633,550	(70.0%)	1,100,269
Non-operating Revenue (Expenses)					
Investment Income	730,569	696,500	34,069	4.9%	753,304
Investment Income - Ret HC Trust*	-	-	-	N/A	487,290
Loss on Disposal of Capital Assets	-	-	-	N/A	(4,466)
Net Non-operating Revenue (Expenses)	730,569	696,500	34,069	4.9%	1,236,128
Increase (Decrease) in Net Position	\$ 458,695	\$ (208,924)	\$ 667,619	(319.6%)	\$ 2,336,396

Operating Revenue Forecast:

- License fees and related - Expecting to be higher than budget (\$+82k) primarily due to higher license fees and late fees.
- All other operating revenue - Expecting to be higher than budget (+\$104k) primarily due to higher IAP revenue, C&F, advertising, pro-hac-vice, and credit card fee income due to higher volume.

Labor Operating Expenses Forecast:

- Salaries - Expecting to be lower than budget (-\$89k) primarily due to vacancies.
- Benefits & PR Taxes - Expecting to be lower than budget (-\$124k). This estimate does not include the impacts of the state of Michigan allocation for pensions and retiree healthcare insurance for qualified participants.

Non-labor Operating Expenses Forecast:***Division 1***

- Expecting to be under budget (-\$103k) primarily due to significantly lower IAP expenses (-\$63k, lower caseload), Diversity (-\$12k), UPL (-\$9k), Ethics (-\$7k), and C&F (-\$6k).

Division 2

- Expecting to be under budget (-\$96k) primarily due to lower Bar Journal (-\$20k), Digital (-\$15k), Facilities (-\$17k), Research (-\$10k), LJAP (-\$7k), Lawyer Services (-\$7k), and Print & Design (-\$6k) expenses.

Division 3

- Expecting to be under budget (-\$36k) primarily due to lower credit card expenses, lower temp staff and consulting expenses in Finance and HR.
- BOC is expected to be higher than budget (+\$6k) and Executive Office is expected to be under budget (-\$7k) both due to travel and meeting expenses.
- Credit card estimate may change with the adoption of AMEX corporate card program. Depreciation estimate may change due to new building capex projects.

Non-Operating Income forecast:

- Investment Income - Expecting to be higher than budget (+\$34k) due to higher interest rates and investment balances.
- Retiree Health Care Trust Investment Income of \$280k is not budgeted. Portfolio is marked to market.

**STATE BAR OF MICHIGAN
CLIENT PROTECTION FUND**

Unaudited and For Internal Use Only

**FINANCIAL REPORTS
March 31, 2026**

FY 2026

Note: License fee revenue is recognized and budgeted as earned each month throughout the year.

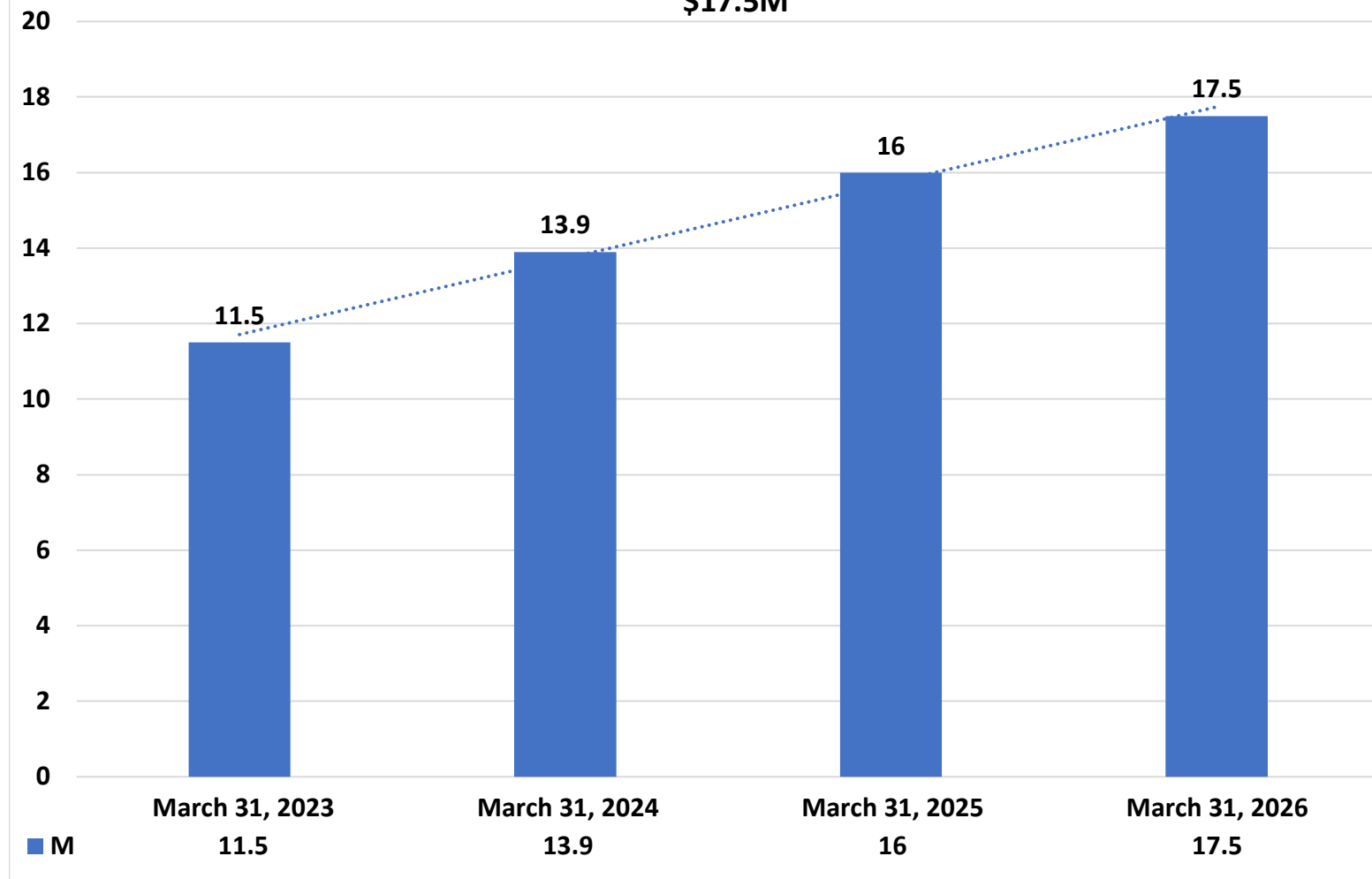
Client Protection Fund
Comparative Statement of Net Assets
March 31, 2026

Financial Row	As of Mar 2026		As of Feb 2026		Variance	Variance %	As of FY 2025	
Assets								
Cash-Checking	\$	15,758	\$	33,112	\$	(17,354)	(52.4%) \$	5,537
Savings	\$	1,717	\$	1,749	\$	(32)	(1.8%) \$	90,972
Investments	\$	3,265,973	\$	3,271,046	\$	(5,073)	(0.2%) \$	3,305,563
Account Receivable	\$	21,761	\$	18,429	\$	3,332	18.1% \$	24,757
Due (To) From SBM	\$	443	\$	(6,121)	\$	6,563	(107.2%) \$	(14,118)
Total Assets	\$	3,305,652	\$	3,318,216	\$	(12,564)	(0.4%) \$	3,412,711
Liabilities and Fund Balance								
Liabilities								
Claims Payable	\$	26,409	\$	26,945	\$	(536)	(2.0%) \$	-
Deferred Revenue	\$	314,529	\$	364,641	\$	(50,113)	(13.7%) \$	115,381
Total Liabilities	\$	340,937	\$	391,586	\$	(50,649)	(12.9%) \$	115,381
Fund Balance Beginning of Year	\$	3,297,330	\$	3,297,330	\$	-	0.0% \$	3,125,627
Net Income (Expense) Year to Date	\$	(332,615)	\$	(370,700)	\$	38,085	(10.3%) \$	171,703
Total Fund Balance	\$	2,964,715	\$	2,926,630	\$	38,085	1.3% \$	3,297,330
Total Liabilities and Fund Balance	\$	3,305,652	\$	3,318,216	\$	(12,564)	(0.4%) \$	3,412,711

**Client Protection Fund
Income Statement
March 31, 2026**

Financial Row	CY (Oct 2025 - Mar 2026)		PY (Oct 2024 - Mar 2025)		Variance
Income					
License Fees	\$	312,877	\$	309,888	\$ 2,990
Other Operating Revenues					
42965 - Claims Recovery	\$	10,197	\$	5,546	\$ 4,651
42966 - Claims Recovery Collection Fees	\$	(777)	\$	-	\$ (777)
42970 - Contributions Received	\$	20,223	\$	8,195	\$ 12,028
40055 - Pro Hac Vice Fees	\$	7,860	\$	6,915	\$ 945
Total - Other Operating Revenues	\$	37,503	\$	20,655	\$ 16,848
Total Income	\$	350,380	\$	330,543	\$ 19,837
Expenses					
65285 - Bank Service Fees	\$	309	\$	210	\$ 99
69060 - SBM Administrative/Service Fees	\$	135,498	\$	131,400	\$ 4,098
71005 - Claims Payments	\$	609,704	\$	187,953	\$ 421,750
Total Expenses	\$	745,511	\$	319,563	\$ 425,947
Investment Income					
49010 - Interest & Dividends	\$	10,475	\$	6,058	\$ 4,417
49015 - Gain or Loss on Investment JPM Brokerage	\$	52,040	\$	63,993	\$ (11,952)
Total Investment Income	\$	62,515	\$	70,051	\$ (7,535)
Increase or Decrease in Net Positon	\$	(332,615)	\$	81,030	\$ (413,646)
Net Position, Beginning of Year	\$	3,297,330	\$	3,125,627	\$ 171,703
Net Position, End of Period	\$	2,964,715	\$	3,206,658	\$ (241,943)

State Bar of Michigan Cash & Investments
Excluding Sections, ADS, Client Protection Fund and Retiree Health Care Trust
For the Six Months Ending March 31, 2026
\$17.5M



As of March 31, 2026, the cash and investment balance in the State Bar Admin Fund net of *due to Sections, ADS, Client Protection Fund, and Retiree Health Care Trust* was \$17,454,066 an increase of \$3,785,036 from the beginning of the year primarily due to collection of license fees and other revenues.

Summary of Cash and Investment Balances by Financial Institution

March 31, 2026

Bank Rating	Assets	Financial Institution	Amount	Interest Rate	Fund Summary	
		SBM Chase Checking	\$ 735,381		Client Protection Fund	\$ 3,283,448
		SBM Chase Credit Card	\$ 15,064		State Bar Admin Fund (including Sections)	\$ 21,085,976
		SBM Chase E Checking	\$ 1,960		Attorney Discipline System	\$ 6,689,143
		SBM Chase Payroll	\$ (3,389)			
		ADS Chase Checking	\$ 184,551		SBM - Retiree Health Care Trust	\$ 4,976,667
		ADS Chase Petty Cash	\$ 1,606		ADB - Retiree Health Care Trust	\$ 1,725,894
		CPF Chase Checking	\$ 15,758		AGC - Retiree Health Care Trust	\$ 5,168,063
4	\$3.8 trillion	** Chase Total	\$ 950,931		Total	\$ 42,929,191
		SBM Horizon Bank Money Market	\$ 9			
		SBM Horizon ICS	\$ 554,126	3.40%		
5	\$6.4 billion	Horizon Bank Total w/CD	\$ 554,135			
		SBM Fifth Third Commercial Now	\$ 3,638			
5	\$214 billion	Fifth Third Total	\$ 3,638			
		MSUFCU Savings & MM	\$ 5	0.05%		
		MSUFCU Checking	\$ 10,924			
		MSUFCU Total	\$ 10,929			
4	\$8.4 billion	MSUFCU Total w/CDs	\$ 1,717,254			
		CASE Cr Un	\$ 5			
5	\$0.4 billion	CASE Cr Un Total w/CD	\$ 59,267			
		Grand River Bank	\$ -			
5	\$0.5 billion	Grand River Bank Total w/CD	\$ 761,314			
		MI Schools & Govt Cr Un	\$ 5			
5	\$4.3 billion	MI Schools & Govt Cr Un w/CD	\$ 974,622			
		FNBA	\$ -			
4	\$6.7 billion	FNBA Total w/CDs	\$ 1,482,624			
		SBM Flagstar Savings	\$ 2,232	2.45%		
3	\$88 billion	Flagstar Total w/CD	\$ 287,232			
		SBM Flagstar ICS Checking	\$ 1,112	2.20%		
		ADS Flagstar ICS Checking Account	\$ 21,589	2.20%		
		CPF Flagstar ICS Checking	\$ 1,717	2.20%		
		Flagstar Bank FDIC Insured with CDARs	\$ 6,265,941			

State Bar Admin Fund Summary	
Cash and Investments	\$ 21,085,976
Less:	
Due (to)/from Sections	\$ (3,622,621)
Due (to)/from ADS	\$ (8,847)
Due (to)/from CPF	\$ (443)
Due to Sections and CPF	\$ (3,631,910)
Net Administrative Fund	\$ 17,454,066
SBM Average Weighted Yield:	3.57%
ADS Average Weighted Yield:	3.56%
CPF Average Weighted Yield:	3.80%

Notes:

- All amounts are based on reconciled book balance and interest rates as of
- Actual unreconciled Chase balance per statements was \$966,410.92(**).
- Funds held in bank accounts are FDIC insured up to \$250,000 per bank.
- ICS and CDARS are invested in multiple banks up to the FDIC limit for each bank and are FDIC insured.
- Bank star rating from Bauer Financial.
- Average weighted yields exclude retiree health care trusts.
- Funds held in SBM Entities Trust with Schwab are invested in Tbills and government money market funds (4%), bond mutual funds 36%), and equity mutual funds (60%). Not FDIC insured.

Asset size & ratings from Bauer Financial were updated on 3/20/26 (based on 12/31/25 data)

SBM US Treasuries & Gov Money Market	Amount	Interest Rates	Maturity
912797SD0 \$	249,975	3.67%	04/02/26
912797SL2 \$	202,837	3.66%	04/09/26
912797TH0 \$	224,705	3.47%	04/14/26
912797QD2 \$	308,533	3.63%	04/16/26
912797TK3 \$	245,330	3.47%	04/28/26
912797SN8 \$	309,094	3.63%	04/30/26
91282CHB0 \$	367,920	4.17%	05/15/26
91282CKS9 \$	275,453	4.93%	05/31/26
912797QX8 \$	322,694	3.55%	06/11/26
912797TD9 \$	504,041	3.45%	06/18/26
912797TE7 \$	243,916	3.44%	06/25/26
91282CCJ8 \$	436,882	3.63%	06/30/26
91282CHM6 \$	245,514	3.59%	07/15/26
91282CLB5 \$	501,052	4.30%	07/31/26
91282CHU8 \$	597,271	3.82%	08/15/26
91282CLH2 \$	588,907	3.62%	08/31/26
91282CHY0 \$	246,956	3.59%	09/15/26
91282CLP4 \$	424,419	3.89%	09/30/26
912797SA6 \$	220,894	3.50%	10/01/26
91282CLS8 \$	571,002	4.10%	10/31/26
91282CKA8 \$	469,455	3.51%	02/15/27
91282CMV0 \$	300,396	3.88%	03/31/27
91282CMY4 \$	295,874	3.58%	04/30/27
91282CNE7 \$	250,166	3.89%	05/31/27
91282CNL1 \$	314,754	3.75%	06/30/27
91282CNV9 \$	249,258	3.63%	08/31/27
91282CPL9 \$	496,309	3.48%	11/30/27
US Gov MM Fund - SXX \$	810,082	3.05%	
SBM US Treasuries & Gov Money Market Total \$	10,273,690		

CPF US Treasuries & Gov Money Market	Amount	Interest Rates	Maturity
912797QN0 \$	248,913	4.06%	05/14/26
912797QX8 \$	148,936	4.07%	06/11/26
91282CLB5 \$	350,737	4.30%	07/31/26
912797RG4 \$	286,327	3.78%	08/06/26
912797UD7 \$	159,327	3.52%	03/18/27
91282CMV0 \$	209,276	3.88%	03/31/27
91282CNE7 \$	800,531	3.95%	05/31/27
91282CNL1 \$	249,805	3.95%	06/30/27
US Gov MM Fund - GXX \$	225,649	3.27%	
CPF US Treasuries & Gov Money Market Total \$	2,679,500		

ADS US Treasuries & Gov Money Market	Amount	Interest Rates	Maturity
912797UB1 \$	297,527	3.53%	06/23/26
912797SD0 \$	224,977	3.67%	04/02/26
912797QD2 \$	322,512	3.59%	04/16/26
912797QN0 \$	313,630	4.03%	05/14/26
912797SW8 \$	252,537	3.62%	05/28/26
91282CKS9 \$	399,658	3.57%	05/31/26
912797UP0 \$	296,880	3.55%	07/14/26
91282CLB5 \$	330,695	3.98%	07/31/26
912797RG4 \$	493,668	3.78%	08/06/26
91282CLH2 \$	296,953	3.60%	08/31/26
91282CLP4 \$	199,727	3.89%	09/30/26
91282CLS8 \$	200,352	4.10%	10/31/26
91282CMH1 \$	328,009	3.74%	01/31/27
91282CNE7 \$	250,166	3.88%	05/31/27
91282CNL1 \$	199,844	3.75%	06/30/27
91282CNV9 \$	249,258	3.63%	08/31/27
US Gov MM Fund - SXX \$	392,026	3.42%	
ADS US Treasuries & Gov Money Market Total \$	5,048,418		

US Treasuries & Gov Money Market Total \$ 18,001,609 -
(not FDIC insured)

CDARS			
Financial Institution	Amount	Interest Rates	Maturity
SBM Flagstar CDARS \$	300,000	3.74%	06/04/26
SBM Flagstar CDARS \$	467,950	3.54%	09/25/26
SBM Flagstar CDARS \$	300,000	3.54%	10/08/26
SBM Flagstar CDARS \$	350,000	3.62%	12/04/26
SBM Flagstar CDARS \$	325,000	3.47%	01/14/27
SBM Flagstar CDARS \$	500,000	3.60%	01/14/27
SBM Flagstar CDARS \$	500,000	3.53%	01/13/28
SBM Flagstar CDARS \$	762,043	3.74%	02/03/28
SBM Flagstar CDARS \$	265,605	3.62%	02/17/28
SBM Flagstar CDARS \$	451,475	3.62%	02/17/28
CPF Flagstar CDARS \$	60,000	3.58%	05/07/26
CPF Flagstar CDARS \$	103,989	3.54%	09/25/26
CPF Flagstar CDARS \$	100,000	3.54%	10/08/26
CPF Flagstar CDARS \$	110,000	3.44%	11/19/26
CPF Flagstar CDARS \$	212,484	3.62%	02/17/28
ADS Flagstar CDARS \$	125,000	3.73%	04/09/26
ADS Flagstar CDARS \$	350,000	3.74%	06/04/26
ADS Flagstar CDARS \$	207,978	3.54%	09/25/26
ADS Flagstar CDARS \$	250,000	3.56%	02/18/27
ADS Flagstar CDARS \$	300,000	3.60%	03/04/27
ADS Flagstar CDARS \$	200,000	3.62%	02/18/28
CDARS Total \$	6,241,522		

CDs				
Financial Institution	Amount	Interest Rates	Maturity	
SBM-Flagstar	\$ 85,000	3.73%	04/28/26	
SBM-Flagstar	\$ 200,000	3.77%	11/12/26	
SBM-Grand River	\$ 250,000	4.05%	04/30/26	
SBM-FNBA	\$ 261,312	4.20%	05/29/26	
SBM-FNBA	\$ 261,312	4.20%	05/31/26	
SBM-FNBA	\$ 250,000	4.05%	05/31/26	
SBM-CD MSU Federal Credit Union	\$ 271,191	4.00%	06/02/26	
SBM-CD MSU Federal Credit Union	\$ 282,543	4.00%	06/02/26	
SBM-CD MSU Federal Credit Union	\$ 282,543	4.00%	06/02/26	
SBM-CD MSU Federal Credit Union	\$ 282,543	4.00%	06/02/26	
SBM-FNBA	\$ 250,000	4.29%	10/29/26	
SBM-FNBA	\$ 250,000	3.95%	10/29/26	
SBM-FNBA	\$ 210,000	4.29%	10/31/26	
SBM-Grand River	\$ 261,314	3.83%	03/22/27	
SBM-Grand River	\$ 250,000	3.83%	03/22/27	
MI Schools & Govt Cr Un	\$ 200,000	4.05%	04/14/27	
MI Schools & Govt Cr Un	\$ 516,244	4.05%	04/16/27	
MI Schools & Govt Cr Un	\$ 258,373	4.05%	04/24/27	
SBM-CASE Credit Union	\$ 59,262	3.50%	07/08/27	
SBM-CD MSU Federal Credit Union	\$ 587,506	3.70%	08/12/27	
CDs Total	\$ 5,269,142			
Total Cash & Investments	\$ 31,058,567			
Total Amount of Cash and Investments not FDIC-insured	\$ 22,675,586	73.0%		
(includes Tbills and Gov MM held at JPM)				
SBM Entities Retiree Healthcare Trust (Schwab)				
SBM - Ret Healthcare Trust	\$ 4,976,667			
ADB - Ret Healthcare Trust	\$ 1,725,894			
AGC - Ret Healthcare Trust	\$ 5,168,063			
SBM Entities Retiree Healthcare Trust Total	\$ 11,870,624			
Total Investments	\$ 42,929,191			

Monthly SBM Attorney and Affiliate Report - March 31, 2026

FY 2026

	September 30 2018	September 30 2019	September 30 2020	September 30 2021	September 30 2022	September 30 2023	September 30 2024	September 30 2025	March 31 2026	FY Increase (Decrease)
Attorneys and Affiliates In Good Standing										
Active	42,342	42,506	42,401	42,393	42,395	41,985	41,427	41,430	41,181	(249)
Less than 50 yrs serv	40,973	41,036	40,559	40,504	40,680	40,115	39,399	39,222	38,761	(461)
50 yrs or greater	1,369	1,470	1,842	1,889	1,715	1,870	2,028	2,208	2,420	212
Voluntary Inactive	1,169	1,139	1,192	1,097	1,072	1,106	1,262	1,195	1,165	(30)
Less than 50 yrs serv	1,142	1,105	1,149	1,055	1,030	1,059	1,217	1,151	1,116	(35)
50 yrs or greater	27	34	43	42	42	47	45	44	49	5
Emeritus	2,204	2,447	2,727	3,033	3,306	3,733	4,245	4,597	4,911	314
Total Attorneys in Good Standing	45,715	46,092	46,320	46,523	46,773	46,824	46,934	47,222	47,257	35
Fee-paying Attorneys (Active & Inactive less than 50 yrs of Serv)	42,115	42,141	41,708	41,559	41,710	41,174	40,616	40,373	39,877	(496)
Affiliates										
Legal Administrators	10	10	8	5	2	2	4	4	4	-
Legal Assistants	401	393	317	219	214	194	195	210	237	27
Total Affiliates in Good Standing	411	403	325	224	216	196	199	214	241	27
Total Attorneys and Former Attorneys in the Database										
State Bar of Michigan Attorney and Affiliate Type	September 30 2018	September 30 2019	September 30 2020	September 30 2021	September 30 2022	September 30 2023	September 30 2024	September 30 2025	March 31 2026	FY Increase (Decrease)
Attorneys in Good Standing:							(558)			
ATA (Active)	42,342	42,506	42,401	42,393	42,395	41,985	41,427	41,430	41,181	(249)
ATVI (Voluntary Inactive)	1,169	1,139	1,192	1,097	1,072	1,106	1,262	1,195	1,165	(30)
ATE (Emeritus)	2,204	2,447	2,727	3,033	3,306	3,733	4,245	4,597	4,911	314
Total Attorneys in Good Standing	45,715	46,092	46,320	46,523	46,773	46,824	46,934	47,222	47,257	35
Attorneys Not in Good Standing:										
ATN (Suspended for Non-Payment of Dues)	6,072	6,246	6,416	6,472	6,588	6,824	7,065	7,159	7,476	317
ATDS (Discipline Suspension - Active)	439	440	445	449	454	456	466	478	477	(1)
ATDI (Discipline Suspension - Inactive)	19	24	25	25	25	25	27	29	29	-
ATDC (Discipline Suspension - Non-Payment of Court Costs)	15	16	16	14	14	15	15	15	15	-
ATNS (Discipline Suspension - Non-Payment of Other Costs)	95	98	100	102	106	104	111	110	110	-
ATS (Attorney Suspension - Other)*	1	1	2	-	-	-	-	-	-	-
ATR (Revoked)	583	596	613	623	634	645	647	660	662	2
ATU (Status Unknown - Last known status was inactive)**	2,070	2,070	2,070	2,070	2,047	2,047	2,047	2,047	2,047	-
Total Attorneys Not in Good Standing	9,294	9,491	9,687	9,755	9,868	10,116	10,378	10,498	10,816	318
Other:										
ATSC (Former special certificate)	155	157	158	164	167	170	173	175	178	3
ATW (Resigned)	1,689	1,798	1,907	2,036	2,143	2,282	2,428	2,574	2,683	109
ATX (Deceased)	9,287	9,524	9,793	10,260	10,664	10,958	11,212	11,594	11,754	160
Total Other	11,131	11,479	11,858	12,460	12,974	13,410	13,813	14,343	14,615	272
Total Attorneys in Database	66,140	67,062	67,865	68,738	69,615	70,350	71,125	72,063	72,688	625

* ATS is a new status added effective August 2012 - suspended by a court, administrative agency, or similar authority

** ATU is a new status added in 2010 to account for approximately 2,600 attorneys who were found not to be accounted for in the iMIS database
The last known status was inactive and many are likely deceased. We are researching these attorneys to determine a final disposition.

N/R - not reported

Notes: Through March 31, 2026 a total of 627 new attorneys joined SBM, compared to 632 new attorneys who joined SBM through March 31, 2025.

2.5. Professional Standards - Client Protection Fund Claims*

Presented by Suzanne C. Larsen

TO: Board of Commissioners
FROM: Professional Standards Committee
DATE: April 24, 2026, BOC Meeting
RE: Client Protection Fund Claims for Consent Agenda

Rule 15 of the Client Protection Fund Rules provides that “claims, proceedings and reports involving claims for reimbursement are confidential until the Board authorizes reimbursement to the claimant.” To protect CPF claim information as required in the Rule, and to avoid negative publicity about a lawyer subject to a claim, which has been denied and appealed, the CPF Report to the Board of Commissioners is designated “confidential.”

**CONSENT AGENDA
CLIENT PROTECTION FUND**

Claims recommended for payment:

a. Consent Agenda

Claim No	Amt Recommended
CPF 4139	\$12,278.80
CPF 4197	\$3,000.00
CPF 4235	\$820.00
CPF 4269	\$1,501.00
CPF 4315	\$3,000.00
CPF 4416	\$1,250.00
CPF 4303	\$4,000.00
CPF 4407	\$275.00
CPF 4417	\$2,490.70
TOTAL	\$28,615.50

b. Supporting documentation is provided separately.

The Professional Standards Committee recommends payment of these claims by the State Bar of Michigan Client Protection Fund:

CPF 4139

Total Loss: \$12,278.80

Respondent received a settlement check on behalf of Claimant, caused Claimant's signature to be forged on the check, and retained the proceeds, constituting embezzlement of client funds.

The total sum of the check was \$19,500, Respondent received \$6,000 for attorney fees and paid \$1,221.20 for other costs related to the settlement. Respondent's failure to return the \$12,278.80 held on behalf of Claimant constitutes dishonest conduct and is a reimbursable loss as provided by CPF Rules 7(A)(1) and 7(A)(2).

CPF 4197

Total Loss: \$3,000

Claimant retained Respondent for representation in a quiet title action. Claimant paid an initial retainer of \$1,000. After reviewing the file, Respondent advised Claimant that the matter required a case to be filed and requested an additional \$2,000 'litigation retainer', which Claimant paid, bringing the total paid to \$3,000. Thereafter, Respondent abandoned the matter.

The Attorney Discipline Board entered an Order of Disbarment and Restitution with Conditions ordering restitution to Claimant in the amount of \$3,000. Pursuant to CPF Rule 10(D)(1), an order disciplining the lawyer for the dishonest conduct that comports with CPF Rule 7(A) is conclusive evidence that the Respondent engaged in the dishonest conduct. Therefore, this claim is recommended for reimbursement under CPF Rules 7(A)(1) and 10(D)(1).

CPF 4235

Total Loss: \$820

Claimant retained Respondent for representation in a land contract forfeiture matter for a fee of \$1,500. Claimant paid \$820 to Respondent who then abandoned the matter, providing no legal services.

The Attorney Discipline Board entered an Order of Disbarment and Restitution with Conditions ordering restitution to Claimant in the amount of \$820. Pursuant to CPF Rule 10(D)(1), an order disciplining the lawyer for the dishonest conduct that comports with CPF Rule 7(A) is conclusive evidence that the Respondent engaged in the dishonest conduct. Therefore, this claim is recommended for reimbursement under CPF Rules 7(A)(1) and 10(D)(1).

CPF 4269

Total Loss: \$1,501

Claimant retained Respondent for representation related to a condominium repair dispute and paid an initial retainer of \$1,501. After receiving the retainer, Respondent abandoned the matter, providing no legal services.

Eventually, the Attorney Discipline Board entered an Order of Disbarment and Restitution with Conditions ordering restitution to Claimant in the amount of \$1,501. Pursuant to CPF Rule 10(D)(1), an order disciplining the lawyer for the dishonest conduct that comports with CPF Rule 7(A) is conclusive evidence that the Respondent engaged in the dishonest conduct. Therefore, this claim is recommended for reimbursement under CPF Rules 7(A)(1) and 10(D)(1).

CPF 4315

Total Loss: \$3,000

Claimant retained Respondent for representation related to a quiet title action and paid a fee of \$3,000. Respondent filed the case, but did not serve the Complaint, resulting in a dismissal. Thereafter, Respondent abandoned the matter.

The Attorney Discipline Board entered an Order of Disbarment and Restitution with Conditions ordering restitution to Claimant in the amount of \$3,000. Pursuant to CPF Rule 10(D)(1), an order disciplining the lawyer for the dishonest conduct that comports with CPF Rule 7(A) is conclusive evidence that the Respondent engaged in the dishonest conduct. Therefore, this claim is recommended for reimbursement under CPF Rules 7(A)(1) and 10(D)(1).

CPF 4416

Total Loss: \$1,250

Claimant retained Respondent for representation in a custody matter. Pursuant to the Retainer Agreement, the advance fee was \$2,500, to be billed against at \$165 per hour. Claimant remitted the initial \$1,250 as provided for in the agreement. Shortly after retention, Respondent did not communicate with Claimant, abandoning the matter.

The Attorney Discipline Board entered an Order of Suspension and Restitution ordering Respondent to return the unearned \$1,250 to Claimant. Pursuant to CPF Rule 10(D)(1), an order disciplining the lawyer for the dishonest conduct that comports with CPF Rule 7(A) is conclusive evidence that the Respondent engaged in the dishonest conduct. Therefore, this claim is recommended for reimbursement in the amount of \$1,250 pursuant to CPF Rules 7(A)(1) and 10(D)(1).

CPF 4303

Total Loss: \$4,000

Claimant retained Respondent for a trademark application pursuant to a fee agreement which provided for a retainer of \$4,000 to be billed against at \$350 per hour. After receiving the funds, Respondent was not communicating with Claimant promptly, so Claimant terminated the representation.

Respondent agreed to refund the unearned fees but did not do so. This claim is recommended for reimbursement to Claimant in the amount of \$4,000 as Respondent provided no services and failed to return an unearned fee pursuant to CPF Rule 7(A)(1).

CPF 4407

Total Loss: \$275

Claimant retained Respondent for a change of custody matter. Respondent represented Claimant for about 6 months before passing away. During the course of the representation, Respondent provided some legal services.

Respondent's legal assistant provided Respondent's Interim Administrator with detailed invoices logging the work performed before Respondent's passing. Respondent provided \$3,224.50 worth of legal services as documented on the invoices, leaving a remaining balance of \$275 due to Claimant.

Reimbursement of \$275 is recommended as documented as the unearned portion of the retainer paid to Respondent pursuant to CPF Rule 7(A)(1) as Respondent did not safeguard the unearned fees in a trust account to be refunded upon the lawyer's death.

CPF 4417

Total Loss: \$2,490.70

Claimant retained Respondent for representation in a divorce. During the proceedings, the Court ordered that proceeds from the sale of the marital home be held in Respondent's Trust and later ordered that the funds held in trust be divided. Claimant was to receive \$2,490.70; Respondent instead embezzled the funds.

Respondent embezzled the funds to be held in safekeeping, which a reimbursable loss under CPF Rule 7(A)(2). Therefore, the claim is recommended for reimbursement to Claimant for the remaining proceeds of the marital home that Respondent did not remit in the amount of \$2,490.70.

2.6. Public Policy - Model Jury Instructions*

Presented by Erika L. Bryant



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

=====

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by May 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 two new instructions, M Crim JI 11.30a (Manufacture, Sale, or Possession of Semiautomatic Firearm Conversion Device) and M Crim JI 11.30b (Demonstrating How to Manufacture or Install Semiautomatic Firearm Conversion Device), to address the crimes set forth in MCL 750.224e. These instructions are entirely new.

[NEW] M Crim JI 11.30a Manufacture, Sale, or Possession of Semiautomatic Firearm Conversion Device

(1) The defendant is charged with the crime of [manufacturing / selling / distributing / possessing / attempting to (manufacture / sell / distribute / possess)] a device to convert a semiautomatic firearm into a fully automatic firearm. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [manufactured¹ / sold² / distributed / possessed / attempted to (manufacture / sell / distribute / possess)] a device that was [designed / intended to be used] to convert a semiautomatic firearm into a fully automatic firearm.

A “firearm” includes any weapon which will, or is designed to, or may readily be converted to expel a projectile by action of an explosive.³

A “fully automatic firearm” uses gas pressure or force of recoil to mechanically eject an empty cartridge from the firearm after

a shot and to load the next cartridge from the magazine without renewed pressure on the trigger for each successive shot.⁴

A “semiautomatic firearm,” in contrast, requires the shooter to renew pressure on the trigger for every shot.⁵

(3) Second, that at the time [he / she] [manufactured / sold / distributed / possessed / attempted to (manufacture / sell / distribute / possess)] the conversion device, the defendant knew that it was [designed / intended to be used] to convert a semiautomatic firearm into a fully automatic firearm.

[(4) Third, that when the defendant (manufactured / sold / distributed / possessed / attempted to [manufacture / sell / distribute / possess]) the conversion device, (he / she) was not acting in the course of (his / her) official duties as (an employee / a member) of (*identify law enforcement agency or branch of the armed services*).]⁶

[(5) [Third / Fourth], that the defendant did not lawfully obtain possession of the conversion device as a licensed collector on or before March 27, 1991.]⁷

Use Notes

1. When appropriate, define this term using M Crim JI 11.31, Definition of Manufacture.

2. When appropriate, define this term using M Crim JI 11.32, Definition of Sell.

3. *Firearm* is defined in MCL 750.222(e).

4. *Fully automatic firearm* is defined in MCL 750.224e(4)(a).

5. *Semiautomatic firearm* is defined in MCL 750.224e(4)(c).

6. Use the bracketed material in this paragraph only when there is evidence that the defendant is an employee or member of a law enforcement agency or a branch of the armed services. *See* MCL 750.224e(3)(a)-(d).

7. Use the bracketed material in this paragraph only when there is evidence that the defendant is a licensed collector and he or she is not charged with manufacturing, selling, or distributing the conversion device. *See* MCL 750.224e(3)(e). *Licensed collector* is defined in MCL 750.224e(4)(b).

[NEW] M Crim JI 11.30b Demonstrating How to Manufacture or Install Semiautomatic Firearm Conversion Device

(1) The defendant is charged with the crime of [demonstrating / attempting to demonstrate] how to [manufacture / install] a device to convert a semiautomatic firearm into a fully automatic firearm. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [demonstrated / attempted to demonstrate] to [another person / (*name person*)] how to [manufacture¹ / install] a device to convert a semiautomatic firearm into a fully automatic firearm.

A “firearm” includes any weapon which will, or is designed to, or may readily be converted to expel a projectile by action of an explosive.²

A “fully automatic firearm” uses gas pressure or force of recoil to mechanically eject an empty cartridge from the firearm after a shot and to load the next cartridge from the magazine without renewed pressure on the trigger for each successive shot.³

A “semiautomatic firearm,” in contrast, requires the shooter to renew pressure on the trigger for every shot.⁴

(3) Second, that at the time of the [demonstration / attempted demonstration], the defendant knew that the device would convert a semiautomatic firearm into a fully automatic firearm.

[(4) Third, that when the defendant (conducted / attempted to conduct) this demonstration, (he / she) was not acting in the course of (his / her) official duties as (an employee / a member) of (*identify law enforcement agency or branch of the armed services*).]⁵

Use Notes

1. When appropriate, define this term using M Crim 11.31, Definition of Manufacture.

2. *Firearm* is defined in MCL 750.222(e).

3. *Fully automatic firearm* is defined in MCL 750.224e(4)(a).

4. *Semiautomatic firearm* is defined in MCL 750.224e(4)(c).

5. Use the bracketed material in this paragraph only when there is evidence that the defendant is an employee or member of a law enforcement agency or a branch of the armed services. *See* MCL 750.224e(3)(a)-(d).

Public Policy Position
Model Criminal Jury Instructions 11.30a and 11.30b

Support MCJI 11.30a As Written, Support MCJI 11.30b With Amendment

Explanation

The Committee voted unanimously to support M Crim JI 11.30a as drafted and to support M Crim JI 11.30b with one amendment adding licensed collectors to the language to align the instruction with MCL 750.224e(3)(e).

Position Vote:

Voted For position: 17

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 4

Contact Persons:

Alexandria L. Casperson

CaspersonA@michigan.gov

battery. The defendant must have intended either to commit a battery or to make [name complainant] reasonably fear an immediate battery.⁵ [An assault cannot happen by accident.] At the time of an assault, the defendant must have had the ability to commit a battery, or must have appeared to have the ability, or must have thought [he / she] had the ability.

~~(3) — Second, that the defendant intended to injure [name complainant] [or intended to make (name complainant) reasonably fear an immediate battery].~~

~~(43) Third~~ Second, that the [assault / assault and battery] caused a serious or aggravated injury. A serious or aggravated injury is a physical injury that requires immediate medical treatment or that causes disfigurement, impairment of health, or impairment of a part of the body.⁶

[(4) Third, that the assault occurred when (name complainant) was performing (his / her) duties as a health professional or medical volunteer, and the defendant was not a patient receiving treatment from (name complainant).⁷]

Use Notes

1. Use when instructing on this crime as a lesser included offense.
2. Rarely, serious injury will result from an attempt to frighten. In that instance, a further or substitute instruction on assault should be given: “An assault is also any forceful or violent act done with the intention of frightening someone else. The act must be such as would cause a reasonable person to be afraid of being injured.”
3. Use either or both as warranted by the evidence.
4. If the victim’s consent or nature of the touching is at issue, use of M Crim JI 17.14, Definition of Force and Violence, or M Crim JI 17.15, Definition of Touching, is recommended.
5. All assaults are specific intent crimes. *People v Johnson*, 407 Mich 196; 284 NW2d 718 (1979).
6. This definition of *serious or aggravated injury* was approved in *People v Norris*, 236 Mich App 411, 415 n3; 600 NW2d 658 (1999).

7. Read this element when the prosecution seeks the enhanced fine under MCL 750.81a(1). See *Southern Union Co v United States*, 567 US 343, 356 (2012). *Health professional* and *medical volunteer* are defined in MCL 750.81a(5).

**Public Policy Position
Model Criminal Jury Instructions 17.6**

Support

Explanation

The Committee voted unanimously to support M Crim JI 17.6 as drafted.

Position Vote:

Voted For position: 17

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 4

Contact Persons:

Alexandria L. Casperson

CaspersonA@michigan.gov



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by May 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 creating M Crim JI 20.16b (Mental Health Professional) for fourth-degree criminal sexual conduct arising out of a patient-therapist relationship. See MCL 750.520e(1)(e). This instruction is entirely new. The Committee also proposes amending M Crim JI 20.13 (Criminal Sexual Conduct in the Fourth Degree) to cross-reference the new instruction. Deletions are in ~~striketrough~~, and new language is underlined.

[NEW] M Crim JI 20.16b Mental Health Professional

(1) Third, that the defendant was a mental health professional, that is, [he / she] was [a physician / a psychologist / authorized to engage in the practice of (nursing / social work at the master’s level / counseling / marriage and family therapy)] and had training and experience in the area of mental illness or developmental disabilities.¹

(2) Fourth, that the touching occurred during the time when [*name complainant*] was the defendant’s [client / patient] or no more than two years after the end of their professional relationship.²

[(3) Fifth, that (*name complainant*) was not the defendant’s spouse when the touching occurred.]³

(4) It does not matter whether [*name complainant*] gave consent when the defendant [touched (him / her) / made, permitted, or caused (*name complainant*) to touch (him / her)].

Use Notes

Use this instruction only in conjunction with M Crim JI 20.13, Criminal Sexual Conduct in the Fourth Degree.

1. MCL 750.520a(g) defines *mental health professional* by incorporating the definition found in MCL 330.1100b.

2. MCL 750.520e(1)(e) directs that “[a] prosecution under this subsection shall not be used as evidence that the victim is mentally incompetent.”

3. Use this paragraph only when there is a question of fact concerning whether the defendant and the complainant were married at the time of the alleged sexual contact.

[AMENDED] M Crim JI 20.13 Criminal Sexual Conduct in the Fourth Degree

(1) The defendant is charged with the crime of fourth-degree criminal sexual conduct. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant intentionally [touched (*name complainant*)’s / made, permitted, or caused (*name complainant*) to touch (his / her)] [genital area / groin / inner thigh / buttock / (or) breast] or the clothing covering that area.

(3) Second, that when the defendant [touched (*name complainant*) / made, permitted, or caused (*name complainant*) to touch (him / her)] it could reasonably be construed as being done for any of these reasons:

- (a) for sexual arousal or gratification,
- (b) for a sexual purpose, or
- (c) in a sexual manner for
 - (i) revenge or
 - (ii) to inflict humiliation or
 - (iii) out of anger.

(4) *[Follow this instruction with M Crim JI 20.14a, M Crim JI 20.14b, M Crim JI 20.14c, M Crim JI 20.14d, M Crim JI 20.15, M Crim JI 20.16, ~~or~~ M Crim JI 20.16a, or M Crim JI 20.16b as warranted by the charges and evidence.]*

Use Note

Use this instruction where the facts describe an offensive touching not included under criminal sexual conduct in the second degree.

Public Policy Position
Model Criminal Jury Instructions 20.13 and 20.16b

Support

Explanation

The Committee voted unanimously to support M Crim JI 20.13 and 20.16b as drafted.

Position Vote:

Voted For position: 17

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 4

Contact Persons:

Alexandria L. Casperson

CaspersonA@michigan.gov



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

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The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by May 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.

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PROPOSED

The Committee proposes a new instruction, M Crim JI 32.4 (Malicious Destruction of Trees or Plants), to address the crime set forth in MCL 750.382. This instruction is entirely new.

[NEW] M Crim JI 32.4 Malicious Destruction of Trees or Plants

(1) The defendant is charged with the crime of malicious destruction of trees or plants. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that there [was / was a / were] [tree(s) / shrub(s) / grass / turf / plant(s) / crop(s) / soil] [standing / growing / located] on land or property that did not belong to the defendant.

(3) Second, that the defendant [cut down / destroyed / damaged] the [tree(s) / shrub(s) / grass / turf / plant(s) / crop(s) / soil] [standing / growing / located] on that land or property without permission of the owner or possessor of the land or property.

(4) Third, that the defendant did this knowing that it was wrong, [without just cause or excuse,]¹ and with the intent to damage or destroy the [tree(s) / shrub(s) / grass / turf / plant(s) / crop(s) / soil].²

(5) Fourth, that the extent of the damage was³

[Choose only one of the following unless instructing on lesser offenses:]

(a) \$20,000 or more.

- (b) \$1,000 or more, but less than \$20,000.
- (c) \$200 or more, but less than \$1,000.
- (d) some amount less than \$200.

[Use the following paragraph only if applicable:]

[(6) You may add together damages caused in separate incidents if part of a scheme or course of conduct within a 12-month period when deciding whether the prosecutor has proved the amount required beyond a reasonable doubt.]

Use Notes

1. Use only where evidence supports a legally recognized defense that the destruction was done with just cause or is legally excused.
2. This is a specific intent crime.
3. M Crim JI 32.1, Fair Market Value Test—Malicious Destruction of Property, should be given when applicable.

**Public Policy Position
Model Criminal Jury Instructions 32.4**

Support

Explanation

The Committee voted unanimously to support M Crim JI 32.4 as drafted.

Position Vote:

Voted For position: 17

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 4

Contact Persons:

Alexandria L. Casperson

CaspersonA@michigan.gov



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

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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.

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PROPOSED

The Committee proposes amending seven instructions to include the term “human trafficking” when describing the offenses to the jury: M Crim JI 36.1 (Obtaining a Person for Forced Labor or Services), M Crim JI 36.2 (Holding a Person in Debt Bondage), M Crim JI 36.3 (Knowingly Subjecting a Person to Forced Labor or Debt Bondage), M Crim JI 36.4 (Participating in a Forced Labor, Debt Bondage, or Commercial Sex Enterprise for Financial Gain), M Crim JI 36.4a (Participating in a Forced Labor or Commercial Sex Enterprise for Financial Gain or for Anything of Value with a Minor), M Crim JI 36.5 (Aggravating Factors), and M Crim JI 36.6 (Using Minors for Commercial Sexual Activity or for Forced Labor or Services). The proposed amendments would also adjust some phrasing to ensure greater consistency with the statutes defining these offenses. Deletions are in ~~strikethrough~~, and new language is underlined.

[AMENDED] M Crim JI 36.1 Human Trafficking: Obtaining a Person for Forced Labor or Services

(1) The defendant is charged with the crime of engaging in human trafficking by obtaining a person for forced labor or services. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*] to perform forced labor or services.

(3) Second, that when the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*], the defendant knew that it

was for the purpose of having [*name complainant*] perform forced labor or services, whether or not such labor or service was actually provided.

(4) “Forced labor or services” are labor or services obtained or maintained by force, fraud, or coercion.

[*Provide any or all of the following definitions, according to the evidence:*]

(a) Force includes physical violence, restraint, or confinement, or threats of physical violence, restraint, or confinement. It does not matter if injury to [*name complainant*] occurred.

(b) Fraud includes false or deceptive offers of employment or marriage.

(c) Coercion includes [*select any that apply*]:

(i) threats of harm or restraint to any person.

(ii) using a [*scheme / plan / pattern*] intended to cause someone to think that [*psychological harm / physical harm / harm to the person’s reputation*] would result from failing to perform an act.

(iii) abusing or threatening to abuse the legal system by threatening to have the person [*arrested / deported*], regardless of whether the person could be [*arrested / deported*].

(iv) [*destroying / concealing / removing / confiscating / taking possession of*] a any actual or purported [*passport / immigration document / government identification document*] from any person, even if the document was fraudulently obtained.

(v) facilitating or controlling access to [*identify controlled substance(s) per MCL 333.7104*] without a legitimate medical purpose.

These are examples of [*force / fraud / coercion*] and not an exhaustive list.

[*This crime is a 10-year offense that may be increased by aggravating factors. If the prosecution has charged one of those factors, the jury must be instructed under M Crim JI 36.5.*]

[AMENDED] M Crim JI 36.2

Human Trafficking: Holding a Person in Debt Bondage

(1) The defendant is charged with the crime of engaging in human trafficking by holding a person in debt bondage. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*] to hold [him / her] in debt bondage.

(3) Second, that when the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*], the defendant knew that it was for the purpose of holding [*name complainant*] in debt bondage.

(4) “Debt bondage” includes, but is not limited to, a promise by [*name complainant or person who had control over complainant*] that [*name complainant*] would perform services to pay back a debt where the value of the services, or the nature of the services and the time that they are to be performed, is not spelled out or defined, or the value of the services is not applied to reduction of the debt. This is not an exhaustive list of the types of debt bondage.¹

[This crime is a 10-year offense that may be increased by aggravating factors. If the prosecution has charged one of those factors, the jury must be instructed under M Crim JI 36.5.]

Use Note

1. *Debt bondage* is defined in MCL 750.462a(d).

[AMENDED] M Crim JI 36.3

Human Trafficking: Knowingly Subjecting a Person to Forced Labor or Debt Bondage

(1) The defendant is charged with the crime of engaging in human trafficking by knowingly subjecting a person to [forced labor or services / debt bondage]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant purposefully recruited, enticed, harbored, transported, provided, or obtained [*name complainant*] by any means.

(3) Second, that when the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*], the defendant knew that [*name complainant*] would be subjected to [perform forced labor or services / debt bondage].

[*Provide appropriate definitions:*]

(4) “Forced labor or services” are labor or services obtained or maintained by force, fraud, or coercion.

[*Provide any or all of the following definitions, according to the evidence:*]

(a) Force includes physical violence, restraint, or confinement, or threats of physical violence, restraint, or confinement. It does not matter if injury to [*name complainant*] occurred.

(b) Fraud includes false or deceptive offers of employment or marriage.

(c) Coercion includes [*select any that apply*]:

(i) threats of harm or restraint to any person.

(ii) using a [*scheme / plan / pattern*] intended to cause someone to think that [*psychological harm / physical harm / harm to the person’s reputation*] would result from failing to perform an act.

(iii) abusing or threatening to abuse the legal system by threatening to have the person [*arrested / deported*], regardless of whether the person could be [*arrested / deported*].

(iv) [*destroying / concealing / removing / confiscating / taking possession of*] a any actual or purported [*passport / immigration document / government identification document*] from any person, even if the document was fraudulently obtained.

(v) facilitating or controlling access to [*identify controlled substance(s) per MCL 333.7104*] without a legitimate medical purpose.

These are examples of [force / fraud / coercion] and not an exhaustive list.

(5) “Debt bondage” includes, but is not limited to, a promise by [*name complainant or person who had control over complainant*] that [*name complainant*] would perform services to pay back a debt where the value of the services, or the nature of the services and the time that they are to be performed, is not spelled out or defined, or the value of the services is not applied to reduction of the debt. This is not an exhaustive list of the types of debt bondage.¹

[*This crime is a 10-year offense that may be increased by aggravating factors. If the prosecution has charged one of those factors, the jury must be instructed under M Crim JI 36.5.*]

Use Note

1. *Debt bondage* is defined in MCL 750.462a(d).

[AMENDED] M Crim JI 36.4

Human Trafficking: Participating in a Forced Labor, Debt Bondage, or Commercial Sex Enterprise for Financial Gain

(1) The defendant is charged with the crime of participating in an human-trafficking enterprise involving forced labor, debt bondage, or commercial sex for financial gain. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant participated in an enterprise that engaged in forced labor or services, debt bondage, or commercial sexual activity.

(3) Second, that the defendant knew that the enterprise was engaged in forced labor or services, debt bondage, or commercial sexual activity.

(4) Third, that the defendant benefited financially or received anything of value from [his / her] participation in the enterprise.

(5) I will now define some of the legal terminology that was used in this instruction.

[*Provide appropriate definitions:*]

(a) An “enterprise”¹ is an organization for conducting business and can be an individual person, a sole proprietorship, a partnership, a corporation,

a limited liability company, a trust, a union, an association, a governmental unit, any other legal entity, or any legal or illegal association of persons.

(b) “Forced labor or services”² are labor or services obtained or maintained by force, fraud, or coercion.

[Provide any or all of the following definitions, according to the evidence:]

(i) Force includes physical violence, restraint, or confinement, or threats of physical violence, restraint, or confinement. It does not matter if injury to [name complainant] occurred.

(ii) Fraud includes false or deceptive offers of employment or marriage.

(iii) Coercion includes [select any that apply]:

(A) threats of harm or restraint to any person.

(B) using a [scheme / plan / pattern] intended to cause someone to think that [psychological harm / physical harm / harm to the person’s reputation] would result from failing to perform an act.

(C) abusing or threatening to abuse the legal system by threatening to have the person [arrested / deported], regardless of whether the person could be [arrested / deported].

(D) [destroying / concealing / removing / confiscating / taking possession of] ~~–a–~~ any actual or purported [passport / immigration document / government identification document] from any person, even if the document was fraudulently obtained.

(E) facilitating or controlling access to [identify controlled substance(s) per MCL 333.7104] without a legitimate medical purpose.

These are examples of [force / fraud / coercion] and not an exhaustive list.

(c) “Debt bondage” includes, but is not limited to, a promise by [name complainant or person who had control over complainant] that [name complainant] would perform services to pay back a debt where the value of the services, or the nature of the services and the time that they are to be performed, is not spelled out or defined, or the value of the services is not applied to reduction of the debt. This is not an exhaustive list of the types of debt bondage.

(d) “Commercial sexual activity”³ means performing acts of sexual penetration or contact,⁴ child sexually abusive activity,⁵ or a sexually explicit performance.⁶

[This crime is a 10-year offense that may be increased by aggravating factors. If the prosecution has charged one of those factors, the jury must be instructed under M Crim JI 36.5.]

Use Notes

1. *Enterprise* is defined in MCL 750.159f(a).
2. *Debt bondage* is defined in MCL 750.462a(d).
3. ~~Definitions of e~~Commercial sexual activity ~~are found~~ is defined in MCL 750.462a(c).
4. Definitions of *sexual penetration* and *sexual contact* are found in MCL 750.520a.
5. *Child sexually abusive activity* is defined in MCL 750.145c(1)(n) as a child engaging in a “listed sexual act.” *Listed sexual act* is defined in MCL 750.145c(1)(i) as “sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity.” Those terms, in turn, are each defined in MCL 750.145c(1), and the court may provide definitions where appropriate.
6. *Sexually explicit performance* is defined in MCL 722.673(g) as “a motion picture, video game, exhibition, show, representation, or other presentation that, in whole or in part, depicts nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.”

[AMENDED] M Crim JI 36.4a

Human Trafficking: Participating in a Forced Labor or Commercial Sex Enterprise for Financial Gain or for Anything of Value with a Minor

(1) The defendant is charged with the crime of participating in an human-trafficking enterprise involving forced labor or services or commercial sexual activity with a minor for financial gain or for anything of value. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant participated in an enterprise that engaged in forced labor or services or commercial sexual activity involving a person or persons less than 18 years old. It does not matter whether defendant knew the age of the person or persons.

(3) Second, that the defendant knew that the enterprise was engaged in forced labor or services or commercial sexual activity with this person or persons.

(4) Third, that the defendant benefited financially or received anything of value from [his / her] participation in the enterprise.

(5) I will now define some of the legal terminology that was used in this instruction.

[Provide appropriate definitions:]

(a) An “enterprise”¹ is an organization for conducting business and can be an individual person, a sole proprietorship, a partnership, a corporation, a limited liability company, a trust, a union, an association, a governmental unit, any other legal entity, or any legal or illegal association of persons.

(b) “Forced labor or services”² are labor or services obtained or maintained by force, fraud, or coercion.

[Provide any or all of the following definitions, according to the evidence:]

(i) Force includes physical violence, restraint, or confinement, or threats of physical violence, restraint, or confinement. It does not matter if injury to [name complainant] occurred.

(ii) Fraud includes false or deceptive offers of employment or marriage.

(iii) Coercion includes [*select any that apply*]:

(A) threats of harm or restraint to any person.

(B) using a [scheme / plan / pattern] intended to cause someone to think that [psychological harm / physical harm / harm to the person's reputation] would result from failing to perform an act.

(C) abusing or threatening to abuse the legal system by threatening to have the person [arrested / deported], regardless of whether the person could be [arrested / deported].

(D) [destroying / concealing / removing / confiscating / taking possession of] ~~–a–~~any actual or purported [passport / immigration document / government identification document] from any person, even if the document was fraudulently obtained.

(E) facilitating or controlling access to [*identify controlled substance(s) per MCL 333.7104*] without a legitimate medical purpose.

These are examples of [force / fraud / coercion] and not an exhaustive list.

(d) “Commercial sexual activity”³ means performing acts of sexual penetration or contact,⁴ child sexually abusive activity,⁵ or a sexually explicit performance.⁶

[*This crime is a 20-year offense, and is not increased by other aggravating factors.*]

Use Notes

1. *Enterprise* is defined in MCL 750.159f(a).

2. *Debt bondage* is defined in MCL 750.462a(d).

3. ~~Definitions of e~~Commercial sexual activity ~~are found~~ is defined in MCL 750.462a(c).

4. Definitions of *sexual penetration* and *sexual contact* are found in MCL 750.520a.

5. *Child sexually abusive activity* is defined in MCL 750.145c(1)(n) as a child engaging in a “listed sexual act.” *Listed sexual act* is defined in MCL 750.145c(1)(i) as “sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity.” Those terms, in turn, are each defined in MCL 750.145c(1), and the court may provide definitions where appropriate.

6. *Sexually explicit performance* is defined in MCL 722.673(g) as “a motion picture, video game, exhibition, show, representation, or other presentation that, in whole or in part, depicts nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.”

[AMENDED] M Crim JI 36.5 Human Trafficking: Aggravating Factors

(1) If you find that the defendant is guilty of engaging in human trafficking by [obtaining a person for forced labor or services / holding a person in debt bondage / knowingly subjecting a person to forced labor or services or debt bondage / participating in an enterprise involving forced labor, debt bondage, or commercial sex for financial gain], then you must decide whether the prosecutor has proved the following aggravating element[s] beyond a reasonable doubt:

[*Select from the following. Proving a bodily injury under (5) below may be a lesser offense where serious bodily injury has been charged under (3).*]

(2) That the violation involved

[*Select one or more as warranted by the evidence:*]

(a) kidnapping or attempted kidnapping of [name complainant]. “Kidnapping” means restraining someone for ransom, to use as a shield, to engage in criminal sexual conduct, to take out of the state, ~~or~~ to hold in involuntary servitude, or to engage in child sexually abusive activity when [name complainant] was less than 18 years old.¹

(b) first-degree criminal sexual conduct or attempted first-degree criminal sexual conduct of [*name complainant*]. First-degree criminal sexual conduct is sexual penetration of a person [*provide particular elements that may apply from M Crim JI 20.3 through 20.11*].

(c) an attempt to kill [*name complainant*].

(d) the death of [*name complainant*].

(3) That the violation resulted in serious bodily injury to [*name complainant*]. A serious bodily injury is any physical injury that requires medical treatment. It does not matter whether [*name complainant*] tried to get medical treatment.

(4) That the violation resulted in [*name complainant*] being engaged in commercial sexual activity. “Commercial sexual activity”¹² means performing acts of sexual penetration or contact,²³ child sexually abusive activity,³⁴ or a sexually explicit performance.⁴⁵

(5) [That the violation / You may also consider the less serious offense that the violation⁵⁶] resulted in bodily injury to [*name complainant*]. Bodily injury is any physical injury.

Use Notes

1. For an expanded definition of *kidnapping*, see M Crim JI 19.1.

12. ~~Definitions of *Commercial sexual activity* are found~~ is defined in MCL 750.462a(c).

23. Definitions of *sexual penetration* and *sexual contact* are found in MCL 750.520a.

34. *Child sexually abusive activity* is defined in MCL 750.145c(1)(n) as a child engaging in a “listed sexual act.” *Listed sexual act* is defined in MCL 750.145c(1)(i) as “sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity.” Those terms, in turn, are each defined in MCL 750.145c(1), and the court may provide definitions where appropriate.

45. *Sexually explicit performance* is defined in MCL 722.673(g) as “a motion picture, video game, exhibition, show, representation, or other presentation

that, in whole or in part, depicts nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.”

56. The lesser offense language only applies where “serious bodily injury” is charged and paragraph (3) is read to the jury.

[AMENDED] M Crim JI 36.6 Human Trafficking: Using Minors for Commercial Sexual Activity or for Forced Labor or Services

(1) The defendant is charged with the crime of engaging in human trafficking by using a minor for [commercial sexual activity / forced labor or services]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

[Select (2) according to the charged conduct:]

(2) First, that the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*] for commercial sexual activity. “Commercial sexual activity”¹ means performing acts of sexual penetration or contact,² child sexually abusive activity,³ or a sexually explicit performance.⁴

(2) First, that the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*] to perform forced labor or services. “Forced labor or services” are labor or services obtained or maintained by force, fraud, or coercion.

[Provide any or all of the following definitions, as applicable:]

(a) Force includes physical violence, restraint, or confinement, or threats of physical violence, restraint, or confinement. It does not matter if injury to [*name complainant*] occurred.

(b) Fraud includes false or deceptive offers of employment or marriage.

(c) Coercion includes [*select any that apply*]:

(i) threats of harm or restraint to any person.

(ii) using a [scheme / plan / pattern] intended to cause someone to think that [psychological harm / physical harm / harm to the person's reputation] would result from failing to perform an act.

(iii) abusing or threatening to abuse the legal system by threatening to have the person [arrested / deported], regardless of whether the person could be [arrested / deported].

(iv) [destroying / concealing / removing / confiscating / taking possession of] ~~a~~ any actual or purported [passport / immigration document / government identification document] from any person, even if the document was fraudulently obtained.

(v) facilitating or controlling access to [*identify controlled substance(s) per MCL 333.7104*] without a legitimate medical purpose.

These are examples of [force / fraud / coercion] and not an exhaustive list.

(3) Second, that when the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*] [for commercial sexual purposes / to perform forced labor or services], [*name complainant*] was less than 18 years old, regardless of whether the defendant knew [he / she] was less than 18 years old.

(4) Third, that when the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*], the defendant intended that [*name complainant*] would perform [commercial sexual activity / forced labor or services], whether or not [commercial sexual activity / forced labor or service] was actually provided.

Use Notes

1. ~~Definitions of e~~Commercial sexual activity ~~are found~~ is defined in MCL 750.462a(c).

2. Definitions of *sexual penetration* and *sexual contact* are found in MCL 750.520a.

3. *Child sexually abusive activity* is defined in MCL 750.145c(1)(n) as a child engaging in a "listed sexual act." *Listed sexual act* is defined in MCL 750.145c(1)(i) as "sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity."

Those terms, in turn, are each defined in MCL 750.145c(1), and the court may provide definitions where appropriate.

4. *Sexually explicit performance* is defined in MCL 722.673(g) as “a motion picture, video game, exhibition, show, representation, or other presentation that, in whole or in part, depicts nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.”

**Public Policy Position
Model Criminal Jury Instructions 36.1 – 36.6**

Support

Explanation

The Committee voted unanimously to support the proposed instructions.

Position Vote:

Voted For position: 12

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 9

Contact Persons:

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**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

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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.

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PROPOSED

The Committee proposes a new jury instruction, M Crim JI 37.8b (Using Position of Authority to Prevent Report of Child Abuse, Criminal Sexual Conduct, or Assault with Intent to Commit Criminal Sexual Conduct), to address the crime set forth in MCL 750.483a(1)(c), as amended by 2023 PA 49. This instruction is entirely new. Please note that the instruction previously designated as M Crim JI 37.8b has been renumbered as M Crim JI 37.8c (Retaliating for Crime Report).

[NEW] M Crim JI 37.8b Using Position of Authority to Prevent Report of Child Abuse, Criminal Sexual Conduct, or Assault with Intent to Commit Criminal Sexual Conduct

(1) The defendant is charged with the crime of using [his / her] position of authority to prevent someone from reporting [child abuse / criminal sexual conduct / assault with intent to commit criminal sexual conduct]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant held a position of professional authority over [name complainant].

(3) Second, that the defendant used [his / her] position of authority to prevent or attempt to prevent [name complainant] from reporting [child abuse / criminal sexual conduct / an assault with intent to commit criminal sexual conduct]¹ committed by [name perpetrator].

(4) Third, that when the defendant used [his / her] position of authority in this way, [he / she] intended to prevent [name complainant] from reporting [child

abuse / criminal sexual conduct / an assault with intent to commit criminal sexual conduct] committed by [*name perpetrator*].²

Use Notes

1. MCL 750.483a(1)(c) applies only when the crime to be reported is a violation of MCL 750.136b (child abuse), MCL 750.520b (first-degree criminal sexual conduct), MCL 750.520c (second-degree criminal sexual conduct), MCL 750.520d (third-degree criminal sexual conduct), MCL 750.520e (fourth-degree criminal sexual conduct), or MCL 750.520g (assault with intent to commit criminal sexual conduct). The Committee on Model Criminal Jury Instructions believes that the question whether the conduct that was attempted to be reported amounted to a violation of these statutes is a question of law for the court to determine and that the elements of a crime attempted to be reported do not have to be proven. *See People v Holley*, 480 Mich 222; 747 NW2d 856 (2008).

2. This is a specific intent crime.

**Public Policy Position
Model Criminal Jury Instructions 37.8b**

Support

Explanation

The Committee voted to support the proposed instruction.

Position Vote:

Voted For position: 10

Voted against position: 2

Abstained from vote: 0

Did not vote (absence): 9

Contact Persons:

Alexandria L. Casperson

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**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by May 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 four new instructions on rioting offenses. M Crim JI 40.9 (Riot) addresses the crime set forth in MCL 752.541. M Crim JI 40.10 (Incitement to Riot) addresses the crime set forth in MCL 752.542. M Crim JI 40.10a (Incitement to Riot at Correctional Facility) addresses the crime set forth in MCL 752.542a. M Crim JI 40.11 (Unlawful Assembly) addresses the crime set forth in MCL 752.543. These instructions are entirely new.

[NEW] M Crim JI 40.9 Riot

(1) The defendant is charged with the crime of riot. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant and four or more other people acted together and with a common purpose to engage in violent conduct.

(3) Second, that when the defendant engaged in violent conduct, [he / she] either intended to place a segment of the public in fear of personal injury or property loss or consciously disregarded a serious risk that [his / her] conduct would place a segment of the public in fear of personal injury or property loss.¹

(4) It is not necessary for the prosecution to prove that the defendant personally committed any acts of violence. It is sufficient if the defendant acted in concert with others in furtherance of the group's wrongful and violent conduct. You may consider a defendant's presence and conduct at the scene, along with other evidence, to determine whether the defendant shared the common purpose of the group or intended to advance its purpose.²

Use Notes

1. MCL 752.541 requires proof that the defendant “wrongfully engage[d] in violent conduct and thereby intentionally or recklessly cause[d] or create[d] a serious risk of causing public terror or alarm.” The court of appeals has held that a defendant causes “public terror or alarm” whenever “a segment of the public is put in fear of injury either to their persons or their property.” *People v Kim*, 245 Mich App 609, 615; 630 NW2d 627 (2001) (quoting *People v Garcia*, 31 Mich App 447, 456; 187 NW2d 711 (1971)).

2. *See Garcia*, 31 Mich App at 453-454.

[NEW] M Crim JI 40.10 Inciting a Riot

(1) The defendant is charged with the crime of inciting a riot. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant committed one or more of the following acts or urged or encouraged other persons to commit such acts:

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

- (a) an act of unlawful force or violence [or]
- (b) the unlawful burning or destruction of property [or]
- (c) unlawful interference with a [police officer / peace officer / firefighter / member of the Michigan national guard / member of the armed services]¹

(3) Second, that, by engaging in such conduct, the defendant intended to start or continue a riot.

A riot occurs when five or more persons act together to wrongfully engage in violent conduct with the intent to place a segment of the public in fear of personal injury or property loss or in conscious disregard of a serious risk that a segment of the public would be placed in fear of personal injury or property loss.

Use Note

1. Include any of the bracketed terms that may apply according to the charges and the evidence.

[NEW] M Crim JI 40.10a Causing or Conspiring to Cause a Riot in a State Correctional Facility

(1) The defendant is charged with the crime of causing or conspiring to cause a riot in a state correctional facility. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [provoked / caused / attempted to cause / assisted in causing / conspired to cause]¹ a riot at [*identify state correctional facility*], a state correctional facility in Michigan.

A riot means three or more persons acting together to intentionally or recklessly engage in violent conduct in a state correctional facility that threatens the security of that facility or threatens the safety or authority of persons responsible for maintaining the security of the state correctional facility.

(3) Second, that the defendant did so on purpose, intending to cause a riot at [*identify state correctional facility*].

Use Note

1. Include any of the bracketed terms that may apply according to the charges and the evidence.

[NEW] M Crim JI 40.11 Unlawful Assembly

(1) The defendant is charged with the crime of unlawful assembly. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant gathered with four or more other persons or acted together with four or more other persons at [*provide location*].

(3) Second, that the defendant gathered or acted together with others there to engage in a riot or that the defendant was present or acting with four or more other persons when or after a riot developed and intended to help the riot to continue.

A riot occurs when five or more persons act together to wrongfully engage in violent conduct with the intent to place a segment of the public in fear of personal injury or property loss or in conscious disregard of a serious risk that a segment of the public would be placed in fear of personal injury or property loss.

Public Policy Position
Model Criminal Jury Instructions 40.9, 40.10, 40.10a, and 40.11

Support MCJI 40.9, 40.10a, 40.11 As Written; Support MCJI 40.10 With Amendment

Explanation

The Committee voted unanimously to support the model criminal jury instructions with an addition to M Crim JI 40.10 to align the language more closely with the statute requiring that officers be a) officially assigned to riot duty and b) engaged in the lawful performance of their duties.

Position Vote:

Voted For position:

Voted against position: 0

Abstained from vote:

Did not vote (absence): 21

Contact Persons:

Alexandria L. Casperson

CaspersonA@michigan.gov



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by May 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 three new instructions on election-related crimes. M Crim JI 43.5 (Election Official Destroying, Falsifying, or Removing Ballots or Election Records) addresses the crime set forth in MCL 168.932(c). M Crim JI 43.6 (Disclosing Elector's Vote) and M Crim JI 43.6a (Obstructing an Elector While Attempting to Vote) address the crimes set forth in MCL 168.932(d). These instructions are entirely new.

[NEW] M Crim JI 43.5 Election Official Destroying, Falsifying, or Removing Ballots or Election Records

(1) The defendant is charged with the crime of destroying, falsifying, or removing ballots or election records. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant was [a / an / the] [*identify election official position*]¹ for [*identify political entity*] for the [primary / general / special] election of [*provide election date*].

(3) Second, that the defendant had custody of the [ballots / (*describe election documents alleged*)]² for that election.

(4) Third, that the defendant [destroyed / mutilated / defaced / falsified / removed / hid / altered / erased] all or part of the [ballots / (*describe election documents alleged*)] or allowed another person to do so.

(5) Fourth, that when the defendant [destroyed / mutilated / defaced / falsified / removed / hid / altered / erased] all or part of the [ballots / (*describe election documents alleged*)] or allowed another person to do so, [he / she] did so willfully [and with the intent to cheat or deceive]³ rather than by accident or mistake.

Use Notes

1. MCL 168.932(c) describes several election officials: “An inspector of election, clerk, or other officer or person having custody.” Whether the alleged office or position fits within that statutory wording appears to be a question of law for the trial court to resolve. Whether the defendant held that office or position at the time alleged is the question of fact for the jury.

2. MCL 168.932(c) lists several kinds of election documents: “any record, election list of voters, affidavit, return, statement of votes, certificates, poll book, or . . . any paper, document, or vote of any description, which pursuant to this act is directed to be made, filed, or preserved.” Whether an election document fits within this wording appears to be a question of law for the trial court. Whether the defendant had custody over that document and destroyed, damaged, falsified, or removed it at the time alleged are the questions of fact for the jury.

3. Only some of the acts prohibited by MCL 168.932(c) require an intent to defraud. Accordingly, the bracketed language requiring an intent to cheat or deceive should be read only when it is alleged that the defendant or someone else “fraudulently remove[d] or secrete[d]” election documents or “fraudulently ma[d]e any entry, erasure, or alteration.” See MCL 168.932(c). For purposes of this statute, the term *fraudulently* means “the specific intent to cheat or deceive.” *People v Hawkins*, 340 Mich App 155, 175-176; 985 NW2d 853 (2022) (quoting *People v Miller*, 326 Mich App 719, 739; 929 NW2d 821 (2019)).

[NEW] M Crim JI 43.6 Disclosing Elector’s Vote

(1) The defendant is charged with the crime of disclosing an elector’s vote. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that [*name targeted elector*] was an elector¹ who had a right to vote in [*identify location where the targeted elector would be voting*]² in the [*date of election*] election. To be qualified as an elector, a person must be a citizen of the United States, at least 18 years of age, a resident of the state of Michigan for at least

6 months, and a resident of [*identify location where the targeted elector would be voting*] for at least 30 days.³

(3) Second, that [*name elector*] filled out a ballot to vote in [*identify location where the targeted elector voted*]² in the [*date of election*] election.

(4) Third, that the defendant saw [*name targeted elector*]'s ballot.

(5) Fourth, that the defendant told another person who [*name targeted elector*] voted for or how [*name targeted elector*] voted on a ballot question.

Use Notes

1. In MCL 168.10 of the Michigan Election Law Act, the phrase *qualified elector* means “a person who possesses the qualifications of an elector as prescribed in section 1 of article II of the state constitution of 1963 and who has resided in the city or township 30 days.” Mich Const 1963 art 2, §1, defines *elector* as “[e]very citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law.” US Const amend XXVI, §1, provides, “The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.”

2. E.g., “the City of Detroit” or “Ada Township.”

3. Add any other requirements of local residence provided by law per Mich Const 1963 art 2, §1, if there are any such requirements.

[NEW] M Crim JI 43.6a Obstructing an Elector While Attempting to Vote

(1) The defendant is charged with the crime of obstructing an elector while attempting to vote. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that [*name targeted elector*] was an elector¹ who had a right to vote in [*identify location where the targeted elector would be voting*]² in the [*date of election*] election. To be qualified as an elector, a person must be a citizen of the United States, at least 18 years of age, a resident of the state of Michigan for at least 6 months, and a resident of [*identify location where the targeted elector would be voting*] for at least 30 days.³

(3) Second, that the defendant [obstructed / tried to obstruct] [*name targeted elector*] from voting or attempting to vote by [*describe alleged obstructive conduct*].

Use Notes

1. In MCL 168.10 of the Michigan Election Law Act, the phrase *qualified elector* means “a person who possesses the qualifications of an elector as prescribed in section 1 of article II of the state constitution of 1963 and who has resided in the city or township 30 days.” Mich Const 1963 art 2, §1, defines *elector* as “[e]very citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law.” US Const amend XXVI, §1, provides, “The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.”

2. E.g., “the City of Detroit” or “Ada Township.”

3. Add any other requirements of local residence provided by law per Mich Const 1963 art 2, §1, if there are any such requirements.

Public Policy Position
Model Criminal Jury Instructions 43.5, 43.6, and 43.6a

Support MCJI 43.5, 43.6a As Written, Support MCJI 43.6 With Amendment

Explanation

The committee voted unanimously (17) to support the model criminal jury instructions with one amendment to 43.6, striking the first element in its entirety.

Position Vote:

Voted For position: 17

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 4

Contact Persons:

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- (b) marked the ballot in some way.
- (c) altered the ballot in any way.
- (d) substituted a ballot for the one in [his / her] possession.

[(5) Fourth, that when the defendant marked the ballot, the defendant was not assisting an absentee voter who was disabled or otherwise unable to mark the ballot by marking the ballot as directed by the absentee voter.]³

Use Notes

1. The statute, MCL 168.932, references “absent voter” and “absent voter ballot,” as does the definitional statute, MCL 168.2. The Committee on Model Criminal Jury Instructions believes that the common parlance for such voters and ballots is the word “absentee,” as in “absentee voter” and “absentee voter ballot.” Because the statutory phrasing could be confusing as suggesting a missing person or ballot rather than a person who is engaged in voting but merely not present at the voting polls or a ballot sent to such a person, the term “absentee” has been used in these instructions.

2. *Absent voter ballot* is defined in MCL 168.2(b) as “a ballot that is issued to a voter through the absent voter process.” That process is described in MCL 168.759.

3. Paragraph (5) may be omitted if there is no evidence that the defendant marked the ballot as directed by an absentee voter who was disabled or otherwise unable to mark the ballot. The terms *disabled* and *otherwise unable to mark the ballot* are not defined in the Michigan Election Act or any applicable statute.

[NEW] M Crim JI 43.7a

**Possessing or Agreeing to Return an
Absentee Ballot Mailed or Delivered
to Another Person**

(1) The defendant is charged with the crime of [possessing an absentee ballot mailed or delivered to another person / returning, offering, or agreeing to return an absentee ballot to a clerk’s office].¹ To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [was in possession of an absentee voter ballot² that was mailed or delivered to (*identify absentee voter*) / another person) / (returned / offered or agreed to return) another person's absentee ballot to the clerk of (*identify city, village, or township*)].

(3) Second, that when the defendant [possessed / returned, offered, or agreed to return] the absentee voter's ballot, it was not the defendant's ballot and [he / she] was not a member of [*identify absentee voter*]'s household or immediate family,³ a mail handler in the course of employment, or a clerk or assistant clerk conducting the election.

Use Notes

1. The statute, MCL 168.932, references “absent voter” and “absent voter ballot,” as does the definitional statute, MCL 168.2. The Committee on Model Criminal Jury Instructions believes that the common parlance for such voters and ballots is the word “absentee,” as in “absentee voter” and “absentee voter ballot.” Because the statutory phrasing could be confusing as suggesting a missing person or ballot rather than a person who is engaged in voting but merely not present at the voting polls or a ballot sent to such a person, the term “absentee” has been used in these instructions.

2. *Absent voter ballot* is defined in MCL 168.2(b) as “a ballot that is issued to a voter through the absent voter process.” That process is described in MCL 168.759. In light of the statute's complexity in describing the number of ways a ballot may be obtained, whether a document is a legitimate absentee ballot appears to be a legal question for the court.

3. MCL 168.2(o) provides that *immediate family* “means an individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.” MCL 168.932(f) includes the following persons as also being *immediate family*: father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

(1) The defendant is charged with the crime of influencing or attempting to influence a disabled absentee voter's vote.¹ To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that [*name disabled absentee voter*] was an absentee voter² who had a right to vote in the [*date of election*] election.

(3) Second, that [*name disabled absentee voter*] was disabled or otherwise unable to mark a ballot.³

(4) Third, that the defendant assisted [*name disabled absentee voter*] in marking [his / her] ballot.

(5) Fourth, that while doing so, the defendant [suggested to (*name disabled absentee voter*) how to vote / attempted to influence (*name disabled absentee voter*)'s vote / allowed another person to suggest to (*name disabled absentee voter*) how to vote / allowed another person to attempt to influence (*name disabled absentee voter*)'s vote].

(6) Fifth, that the defendant [intended / knew another person intended] to influence how [*name disabled absentee voter*] voted while assisting [him / her] in marking the ballot.

Use Notes

1. The statute, MCL 168.932, references “absent voter” and “absent voter ballot,” as does the definitional statute, MCL 168.2. The Committee on Model Criminal Jury Instructions believes that the common parlance for such voters and ballots is the word “absentee,” as in “absentee voter” and “absentee voter ballot.” Because the statutory phrasing could be confusing as suggesting a missing person or ballot rather than a person who is engaged in voting but merely not present at the voting polls or a ballot sent to such a person, the term “absentee” has been used in these instructions.

2. In MCL 168.2(a) of the Michigan Election Law Act, the phrase *absentee voter* means “a voter who utilizes the process described in section 759.” MCL 168.759 describes the process for becoming an absentee voter. That statute references a *registered voter*, which is described in MCL 168.509t(1) as “a person

who is a qualified elector in this state and who registers to vote in a manner consistent with the national voter registration act of 1993.” MCL 168.10(1) provides that a *qualified elector* “means a person who possesses the qualifications of an elector as prescribed in section 1 of article II of the state constitution of 1963 and who has resided in the city or township 30 days.” Mich Const 1963 art 2, §1, defines *elector* as “[e]very citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law.” US Const amend XXVI, §1, provides, “The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.”

3. The terms *disabled* and *otherwise unable to mark the ballot* are not defined in the Michigan Election Act or any applicable statute.

[NEW] M Crim JI 43.7c Influencing or Attempting to Influence an Absentee Voter’s Vote

(1) The defendant is charged with the crime of influencing or attempting to influence an absentee voter’s vote.¹ To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that [*name absentee voter*] was an absentee voter² who had a right to vote in the [*date of election*] election.

(3) Second, that the defendant was present when [*name absentee voter*] was marking [his / her] absentee ballot.

(4) Third, that while [*name absentee voter*] was marking [his / her] absentee ballot, the defendant suggested to [*name absentee voter*] how to vote or attempted to influence [*name absentee voter*]’s vote.

(5) Fourth, that the defendant intended to influence how [*name absentee voter*] voted while [he / she] was marking [his / her] absentee ballot.

Use Notes

1. The statute, MCL 168.932, references “absent voter” and “absent voter ballot,” as does the definitional statute, MCL 168.2. The Committee on Model Criminal Jury Instructions believes that the common parlance for such voters and ballots is the word “absentee,” as in “absentee voter” and “absentee voter ballot.” Because the statutory phrasing could be confusing as suggesting a missing person or

ballot rather than a person who is engaged in voting but merely not present at the voting polls or a ballot sent to such a person, the term “absentee” has been used in these instructions.

2. In MCL 168.2(a) of the Michigan Election Law Act, the phrase *absentee voter* means “a voter who utilizes the process described in section 759.” MCL 168.759 describes the process for becoming an absentee voter. That statute references a *registered voter*, which is described in MCL 168.509t(1) as “a person who is a qualified elector in this state and who registers to vote in a manner consistent with the national voter registration act of 1993.” MCL 168.10(1) provides that a *qualified elector* “means a person who possesses the qualifications of an elector as prescribed in section 1 of article II of the state constitution of 1963 and who has resided in the city or township 30 days.” Mich Const 1963 art 2, §1, defines *elector* as “[e]very citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law.” US Const amend XXVI, §1, provides, “The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.”

[NEW] M Crim JI 43.7d Planning or Organizing a Meeting to Where Absentee Voters Would Mark Their Ballots

(1) The defendant is charged with the crime of planning or organizing a meeting where absentee voters would mark their ballots.¹ To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant planned or organized a meeting for absentee voters² to mark their absentee voter ballots for the [*date of election*] election.

(3) Second, that the defendant intended that absentee voters would mark their ballots for the [*date of election*] at that meeting.

Use Notes

1. The statute, MCL 168.932, references “absent voter” and “absent voter ballot,” as does the definitional statute, MCL 168.2. The Committee on Model Criminal Jury Instructions believes that the common parlance for such voters and ballots is the word “absentee,” as in “absentee voter” and “absentee voter ballot.” Because the statutory phrasing could be confusing as suggesting a missing person or ballot rather than a person who is engaged in voting but merely not present at the

voting polls or a ballot sent to such a person, the term “absentee” has been used in these instructions.

2. In MCL 168.2(a) of the Michigan Election Law Act, the phrase *absentee voter* means “a voter who utilizes the process described in section 759.” MCL 168.759 describes the process for becoming an absentee voter. That statute references a *registered voter*, which is described in MCL 168.509t(1) as “a person who is a qualified elector in this state and who registers to vote in a manner consistent with the national voter registration act of 1993.” MCL 168.10(1) provides that a *qualified elector* “means a person who possesses the qualifications of an elector as prescribed in section 1 of article II of the state constitution of 1963 and who has resided in the city or township 30 days.” Mich Const 1963 art 2, §1, defines *elector* as “[e]very citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law.” US Const amend XXVI, §1, provides, “The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.”

Public Policy Position
Model Criminal Jury Instructions 43.7 – 43.7d

Support

Explanation

The Committee voted to support the proposed instructions.

Position Vote:

Voted For position: 10

Voted against position: 1

Abstained from vote: 1

Did not vote (absence): 9

Contact Persons:

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3. Upcoming Events

Presented by Lisa J. Hamameh and Peter
Cunningham

4. President's and Executive Director's Report

Presented by Lisa J. Hamameh and Peter
Cunningham

4.1. Michigan Supreme Court Commissions Updates*



Michigan Supreme Court

State Court Administrative Office

Field Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Ryan P. Gamby
Field Services Director

MEMORANDUM

DATE: April 13, 2026

TO: State Bar of Michigan

FROM: Hailey Richards, Councils and Commissions Analyst

RE: Commission on Well-Being in the Law – Workgroup on Incentivizing Well-Being

Please see the attached memo from the Commission on Well-Being in the Law's workgroup on Incentivizing Well-Being.

The Michigan Supreme Court established the Commission on Well-Being in the Law by Administrative Order 2023-1 to promote well-being within legal profession. The opinions and recommendations contained in this document are those of the Commission on Well-Being in the Law, do not constitute legal advice, and do not represent the official position or policies of the Michigan Supreme Court or State Court Administrative Office or any affiliated organization of a workgroup member.

Proposed Court Rule for Secured Leave for Attorneys

The practice of law is stressful and demanding, particularly because attorneys often deal with the most important aspects of their clients' lives, such as their financial well-being, housing, family, and freedom. Given these demands, attorneys often have difficulty securing time to schedule a vacation or medical procedure or to address an emotional or mental problem because they are unsure whether a court-related matter will be scheduled in one of their cases.

The Commission on Well-Being in the Law's Incentivizing Well-Being committee has been working on a proposed court rule that would allow attorneys to confidently schedule a reasonable amount of personal time by providing advance notice to opposing counsel and courts in which the attorney has matters pending. After providing this notice, neither opposing counsel nor the court could schedule matters during the attorney's secure leave period.

A similar rule was proposed in 2019, and received overwhelming support from the SBM Representative Assembly. Here is a [link](#) to the original proposal for your review. Though the original proposal was not published for comment by the Michigan Supreme Court, the CWBIL committee has continued to research and monitor similar rules in other jurisdictions and intends to revise the proposal with the following provisions in anticipation of resubmission to the Michigan Supreme Court:

- Instead of three weeks of secured leave, the committee proposes up to twenty days per calendar year of leave time;
- The proposed rule must make clear that the secured leave period will not alter any deadlines set by law or court rule;
- The rule will recommend a standard form be developed by the State Court Administrative Office for use by attorneys providing notice of leave time under the proposed rule;
- The notice period will be shortened from 90 days to 60 days, to account for the practicalities of scheduling time off.

We welcome feedback on this proposal through May 29, 2026. Feedback can be submitted by completing the form linked [here](#).

RESTRICTED PAGE

4.3. 2026 SBM Officer Election Materials*

State Bar of Michigan Board of Commissioners
2026 Timeline for Officer Elections

April 24, 2026	Distribution of materials regarding Timeline, Procedure, and Matrix
June 9, 2026	Letters of Intent and completed Matrix due to State Bar President and Executive Director 45 days before July Board Meeting
July 17, 2026	Board book sent to Commissioners that will include the Letters of Intent and Matrices of SBM Officer Candidates
July 24, 2026	Candidate Forum- 5 minutes to address Board at BOC Meeting - 15 minutes total Q & A
	Election of Officers

Memo

To: Board of Commissioners

From: Officer Election Committee (Bruce Courtade, Chair; Kim Cahill; Francine Cullari; Michael Hohausner; Tony Jenkins; Craig Lubben; Angelique Strong Marks; Debra Walling)

cc: President Tom Cranmer, Janet Welch

Date: May 2006

Re: **REVIEW OF RULES PERTAINING TO THE ELECTION OF SBM OFFICERS**

At the request of SBM President Tom Cranmer following the general discussion among Board of Commissioners members at the January 20, 2006 meeting, the Officer Election Committee (“the Committee”) reviewed the existing State Bar of Michigan rules and procedures concerning the election of SBM Officers to determine whether changes to the existing rules and procedures were necessary or advisable.¹

After reviewing the January 20 Memo from the President’s Advisory Council (“the Council”), relevant sections of the “Supreme Court Rules Concerning the State Bar of Michigan” (“the Rules”),² the Bylaws of the State Bar of Michigan (“the Bylaws”), and discussing their own personal views of and frustrations with the existing process, the members of the Committee concluded that changes of the type suggested by the Council would not address the issues that are most vexing to the Committee members, and in fact might exacerbate the very issue that prompted the Council’s recommendations. Thus, while the Committee feels that some procedural and educational changes should be made to add some transparency to the process by which new generations of SBM Officers are selected, it does not believe that any of those changes should involve extending the term limits of the Board or of the “grandfathering” of Officers beyond the level set forth in the existing Rules.

Summary of Recommendations

The Committee recommends no changes to the current Rules regarding the election of officers or the treatment of their Board of Commissioner terms. In recognition of and in an attempt to address some negative perceptions of the current election process, the Committee believes that the Board should consider ways to encourage more open discussion and dialogue to educate the Commissioners about all candidates for “the Chairs.” Potential methods to increase the “openness” of the process might include the use of a nominating committee, requiring all candidates to complete a form explaining their qualifications for officer status, and/or holding an annual “candidate forum” at which prospective officers appear before the Board to make their case as to why they deserve the opportunity to serve as an SBM officer.

¹ The word "Rules" used in this Memo means the Supreme Court Rules Concerning the State Bar of Michigan, as amended; the words "Board" or "BOC" means the State Bar of Michigan Board of Commissioners

² A copy of relevant sections of the Rules is attached as Exhibit #1.

Discussion

1. Background re: Officer Elections and Term Limits.

a. Officer Elections and Term Limits - Generally.

As a general rule, unless covered by one of the exceptions that will be discussed more fully below, all members of the Board of Commissioners (“the BOC”) are limited to serving three 3-year terms in office.³

Once elected to the BOC, members who are interested in and eligible for⁴ doing so may choose to seek election to a leadership role within the organization, culminating with ascension to the role of State Bar President. Officer elections are held each year “[a]fter the election of board members but before the annual meeting.”⁵ Since, pursuant to Rule 5, Section 4, BOC elections are held between June 2 and June 15 of each year, officer elections have generally been held during the July BOC meeting.

There are five Officers of the SBM who are elected by the Board: the treasurer, secretary, vice-president, president-elect and president. Of these, three are positions (treasurer, secretary and vice-president) that are subject to elections every year, although historically once a candidate has been elected treasurer, he or she has run unopposed for secretary and then vice-president. A duly-elected vice-president automatically assumes the office of president-elect after one year, and then becomes president after serving a one-year term as president-elect.⁶ As a result, there is no need to elect a president-elect or president on an annual basis.

Over time, an informal but widely-acknowledged pattern has led to a *de facto* practice that a Commissioner who seeks to attain the SBM presidency must seek election to “the Chairs” (i.e., the executive offices listed above), and essentially begin a six-year journey culminating with his or her year as president:

Year One:	Stand for election as Treasurer
Year Two:	Serve as Treasurer; seek election as Secretary
Year Three:	Serve as Secretary; seek election as Vice President
Year Four:	Serve as Vice President
Year Five:	At conclusion of Vice President, ascend to President-Elect
Year Six:	Serve as SBM President

It should be noted that, although this pattern has been followed for at least the last decade, the practice of “running the chairs” is not technically required by the Bylaws. In fact, Section 8 of the Bylaws prohibits any Commissioner from “hold[ing] the office of Secretary or the office of Treasurer for more than three consecutive terms.” Therefore, the Bylaws contemplate the possibility that someone could be elected Secretary or Treasurer and not move “up the chairs” the following year, if ever. However, as a practical matter, elected SBM Officers have “moved up the chairs” as long as can be remembered.

Given this practical reality, if there was no “grandfathering” or automatic extension of the terms of Officers to allow them to serve as SBM president once they achieved a certain level in the chairs, a Commissioner who wished to seek elected office within the organization would have to begin running

³ Section 11, SBM Bylaws.

⁴ Pursuant to Supreme Court Rule 7, no person holding judicial office may be elected or appointed an officer. Likewise, a person whose term expires at the next annual meeting may not run for office, unless they have already been reelected or reappointed.

⁵ Rule 7, §1.

⁶ *Id.*

for Treasurer by no later than the first year of his or her second term in order to complete his or her presidential term by the end of his or her ninth year on the Board.⁷

However, both Supreme Court Rule 7 and SBM Bylaws Section 11 contain “grandfathering” provisions that allow certain of the officers to complete their terms as president, even if doing so would cause them to exceed the general nine-year term limit otherwise applicable to BOC service. As stated in Rule 7:

A commissioner whose term expires at the next annual meeting is not eligible for election as an officer unless the commissioner has been reelected or reappointed for another term as a commissioner. **If the remaining term of a commissioner elected vice-president or president-elect will expire before the commissioner completes a term as president, the term shall be extended to allow the commissioner to complete the term as president.** If the term of an elected commissioner is so extended, the authorized membership of the board is increased by one for that period; a vacancy in the district the vice-president or president-elect represents exists when the term as a commissioner would normally expire, and an election to choose a successor is to be held in the usual manner. (Emphasis added).

Section 11 contains the identical language.

Since only the vice-president and president-elect are “grandfathered” by Rule 7, a person seeking to hold the office of SBM President must attain the office of vice-president by not later than the beginning of his or her ninth year on the Board. To do that, given the informal but *de facto* “rules of ascension” discussed above, interested Commissioners must be elected to begin service as Treasurer by no later than the election held during the summer of their sixth year on the Board. This would allow them to serve their 7th year as Treasurer; their 8th year as Secretary; and their 9th year as vice-president, at which point the “grandfathering rule” would permit them to remain on the Board until they complete their year as president.

b. The BOC has Discouraged Contested Elections over the Past Decade.

No discussion of rules applicable to State Bar elections would be complete without considering one particular election and the effect that it has had on subsequent efforts to minimize the likelihood of fractious and disastrous results that would prevent the Board from functioning effectively.

Roughly a decade ago, two highly popular, effective and qualified Commissioners from Oakland County decided to seek the office of Treasurer. Both were facing the term limit dilemma outlined above: if they were not elected that year, they would not have enough time left to complete their ascension to the presidency. The candidates engaged in a spirited and enthusiastic campaign, lobbying other Commissioners for their votes and attempting to sway uncommitted Commissioners to cast their votes for them and not their opponent.

The election was held and – of course – one candidate was chosen over the other. The Commissioner who did not win took his loss very personally, and thereafter withdrew from any meaningful participation with SBM activities. As a result, even though he was still technically a member of the BOC, the Bar lost the benefit of his considerable energy, wisdom and energetic support for the State bar and its programs. Friendships were lost, and relationships (personal and professional, for the BOC and its members) were placed at risk.

⁷ It is an open question whether the Supreme Court would honor the term limitations of the SBM bylaws in its appointments of members, given that there are no parallel term limitations in the Supreme Court Rules. In theory, at least, appointed members could be appointed for more than three terms, and could be elected to officer positions.

As a result of this particularly contentious election and its bitter aftermath, the BOC has for the past decade encouraged those who are interested in seeking office to meet well in advance of the July meeting and determine whether they can reach some accord as to who will seek election at the July meeting. Thus, since at least 1997, there has never been a contested election for the office of Treasurer, as the potential candidates have agreed in advance of the meeting not to risk becoming involved in a contested election that might similarly risk feelings and relationships.

The impact of this process – separate and apart from the issue of whether the terms of the BOC should be extended or grandfathered – has been that the election process itself has taken on an air of *fait accompli*: one person is nominated, no one else runs against that candidate, and those who were not on the Executive Committee or in the small group of potential candidates involved in forging a coalition of consensus feel as if they have no voice in the process, and are simply being given the chance to “rubber stamp” something that has already happened without their input or knowledge.

c. The Council Proposal: Extend Term Limits or Grandfather Additional Officers.

On January 20, 2006, the President’s Advisory Council submitted a Memo to the BOC which identified a series of issues of concern that they had identified and felt to be of import to the SBM in the coming year. Among them was the issue of “Grandfathering of Officers of the State Bar or extension of Term Limitations.” As explained on the Council’s Memo,

This issue specifically deals with succession planning as it relates to the officer chain of the Bar given the term limitations which the Board has in place. It has been practically difficult to adequately provide for succession planning keeping in mind issues of ethnic and gender diversity as well as geographic diversity because of the term limitations. Therefore an extension of the term limitation or grandfathering of the officers (no election to Commissioner position requested after election to office position) should be implemented. Since some members of the President’s Advisory Council are considering becoming an officer of the Bar, President Cranmer should appoint a separate committee consisting of individuals who have no interest in becoming an officer and recommend adoption of a plan that provides for grandfathering or term limit extension. This should be accomplished within this Bar year.⁸

This recommendation led to the formation of the Officer Election Committee.

2. While the Council’s Suggestion Might Temporarily Resolve an Existing “Crunch” of Qualified Candidates for Election to the Chairs, That Benefit is Outweighed by the Proposal’s Likely Negative Effects.

In essence, the Council’s suggestion would extend the “grandfathering” / term limit exclusion to all persons elected officers of the SBM. The Committee believes that the Council’s proposal is a well-intended attempt to redress what appears to be a glut of highly-qualified and motivated individuals currently on the BOC and interested in serving as officers of the organization. However, the Committee feels that the potential benefits of such a move would be outweighed by their longer-term negative impact – and would, in fact inevitably lead to magnified problems down the road due to the increased BOC size.

⁸ During the discussion of this suggestion at the January 20, 2006 BOC meeting, the Memo’s author offered that while the Memo suggested that the Committee to be appointed would “recommend adoption of a plan that provides for grandfathering or term limit extension,” the Council really meant that the Committee should review the issue and determine whether any such changes were warranted.

After eliminating those who are ineligible for election (judges), already elected, or practically ineligible for election,⁹ there are currently 15 BOC members who are eligible for election to the Chairs. Of the 14, two must be elected Treasurer this year or they cannot “run the chairs”; three face the same problem next year; two in 2008; two in 2009; three in 2010; and three in 2011. Thus, assuming that every existing Commissioner successfully runs for re-election throughout their 9-year terms, the simple fact is that at least one and often two people each year will face the disappointment of realizing that they will not be able to serve as State Bar President.

The Committee shares the Council's concern that this reality and its potential for disappointment and hurt is exacerbated by the SBM's commendable efforts to assure that its officers reflect the diverse composition of its general membership. Under certain circumstances, highly qualified candidates who have spent years serving the SBM and its members in truly exemplary fashion will be passed over because of factors beyond their control as the BOC opts to select another highly qualified candidate.

However, extending term limits will not prevent this from occurring. Indeed, extending term limits under the current rules will only make matters worse. Under Rule 7's grandfathering provisions, the size of the Board is increased whenever one of the officers is “grandfathered.” One might assume that whoever is elected from the grandfathered officer's district is also a highly motivated and competent individual. In many instances, that person will also have aspirations of becoming State Bar President. Now, instead of having 14 people who are eligible and “electable,” the BOC could potentially be faced with 17 Commissioners all looking to be elected in a period of six years. While some might see this added “competition” as a good thing, the Committee noted the irony of the fact that the proposal to reduce the potential for hurting or disappointing unsuccessful candidates might very well be increased along with the Board size if the suggestion was adopted.

In addition, many on the Committee expressed the concern that expanding the Board beyond its existing size might lead to inefficiencies due to the BOC's size. As it is, some BOC members express concern that the Board is too large to operate as quickly as it needs to, and that the BOC meetings tend to be a “rubber stamp” of actions taken on the smaller, Committee level. If this concern is correct, increasing the BOC's size by 10% would magnify the problem and increase inefficiency.

Finally, one Committee member expressed his observation that most corporate Boards, in both the for-profit and non-profit sectors, have been reducing their Board sizes in today's post-Enron, post-United Way, Sarbanes-Oxley world of corporate governance and accountability. Increasing the size of the Board solely for the purpose of trying to make sure that more current members of the Board *might* have the opportunity to serve as its president seems to run contrary to what is in the organization's best long-term interests.

3. Discussions Concerning the Council's Suggestion Identified Concerns about the Manner in which SBM Officers are Identified and Elected.

The idea of extending the “grandfathering” of officers' terms actually was unanimously rejected by the Committee, as everyone involved in the teleconference agreed that its potential problems outweighed its benefits. The remainder of our meeting was spent discussing perceived problems relating to the existing process in which candidates are placed into nomination and eventually elected to serve in “the Chairs.”

⁹ Representative Assembly officers, YLS officers and Supreme Court appointees would have to be elected to the position of Secretary after just one year of service on the Board to attain grandfathered status. Although this is not technically forbidden, it is highly unlikely to occur.

a. **Many Board Members do not Understand the Process by which Officers are Nominated and Elected.**

The first and most obvious issue to the Committee is that the process by which officers are nominated and elected is somewhat shrouded in mystery to those who have not actively sought out information about what goes on. Many on the Committee – and more who are not on the Committee but who expressed their opinions at the last BOC meeting – reported that their only involvement in the process is at the July Board meeting each year when one name is placed into nomination and that candidate is unanimously elected as the next State Bar Treasurer.

Even members of the Committee who have served more than one term as a Commissioner expressed a lack of knowledge of how the single candidate was chosen, and a sense of frustration that they did not really have a choice in the election, and generally knew very little about the candidate or who else might have been interested in running.

b. **The Board's Desire to Avoid Contested Elections has Fostered a False Perception that the Elections are not Open to all Interested Candidates, and Oftentimes a Lack of Knowledge of the Candidates' Qualifications.**

The Committee's consensus was that, in the interest of avoiding the potential divisive impact of contested elections, the current system of having the potential candidates decide among themselves who will be the *de facto* presumptive nominee has two very serious negative impacts.

First, as discussed above, when only one person is nominated (usually by a sitting officer), no one else challenges the nominee, there is very little discussion about the candidate, and the vote occurs (usually within two minutes of the nomination), the perception is that the entire process is a *fait accompli*. This perception was not held by all of the Committee members, some of whom pointed out that the election process by its nature is a political event, and that there is nothing that can really be done to prevent a particularly savvy candidate from garnering enough votes going into the election to convince other candidates that they cannot win, and therefore should not place their names into consideration.

Another issue, though, is worthy of further consideration. It concerns the lack of information available to the members of BOC about who is interested in running and what they might have to offer to the SBM if elected.

Currently, when the interested candidates determine among themselves who will be placed into nomination, the first time that many BOC members are presented with the candidate is at the July meeting – two minutes before they are asked to affirm that unopposed nomination. As a result, the average BOC member potentially has no idea what the nominee has done to merit elevation to the officer ranks; what ideas he or she has for ways in which to improve the SBM's operations or services to its members; or whether someone else who the BOC believes might be a better officer might have been interested in running but "bartered away" the chance in this election for reasons discussed only among the small group of interested candidates.¹⁰ As the result, the current system discourages the open and frank discussions that might result in the exchange of ideas for improving the SBM, and that might reveal qualities about a potential candidate that would otherwise never be brought to the BOC's attention.

¹⁰ The Committee Chair also expressed concern that a small group of interested BOC members could potentially, meeting in private without the input of current (or future) BOC members, agree on a "line of succession" that would block other BOC members (current or future) who for any number of reasons might not be willing or able to commit the time necessary to become an officer during the current year, but might want to do so two or three years later.

4. The Committee Believes that Procedural Changes and Educational Efforts can Resolve Most Concerns about Officer Elections.

The Committee discussed several ideas about ways in which the current election process could be “tweaked” to address some of the concerns raised in our wide-ranging discussions. Since our understanding of our charge was simply to determine whether the election rules should be changed in light of the concerns raised by the President’s Advisory Council, we did nothing more than brainstorm about potential solutions; we did not discuss or study any of the suggestions in depth.

Nevertheless, because of the importance of this issue to the general membership, the Committee recommends that the BOC consider implementing one or more of the following suggestions as measures to avoid the negative perceptions about the current election process:

- A *nominating committee* that nominates at least two candidates for Treasurer each year (although the existence of a nominating committee should not eliminate the possibility for a Commissioner to self-nominate if he or she is not selected by the nominating committee); and/or
- Require each nominee to provide a written “statement of qualifications” or to show how he or she meets the qualifications necessary of one who seeks to become an SBM officer (in this regard, there was some discussion among the Committee as to whether the nominating committee might develop and/or issue a standard form to be completed by anyone interested in running for Treasurer); and/or
- An annual *candidate forum*, held as part of a Board of Commissioners meeting, at which the two (or more) candidates for Treasurer could make their case in front of all members of the BOC regarding why they deserve the opportunity to serve as an SBM officer.

CONCLUSION

The Committee believes that the negative impact of extending the “grandfathering” of SBM officers’ terms of offices outweigh the benefits of doing so. Therefore, the Committee recommends that the BOC should not change the Rules as suggested by the President’s Advisory Council.

However, the Committee believes that the sense of ignorance about and frustration with the current method of selecting and electing SBM officers merits attention. As the Committee generally endorses an election process that is more “open” and “transparent,” we believe that the BOC should not discourage contested elections (since they are inevitable given the number of highly qualified and motivated individuals who populate our Board), but instead should focus on processes that will allow the BOC to choose wisely any Commissioners who express an interest in running in any given year.

Memo

To: Board of Commissioners
From: Officer Election Committee (Bruce Courtade, Chair; Kim Cahill; Francine Cullari; Michael Hohausser; Tony Jenkins; Craig Lubben; Angelique Strong Marks; Debra Walling)
cc: President Tom Cranmer, Janet Welch
Date: June 2006
Re: **RECOMMENDED ELECTION PROCEDURES FOR 2006 AND BEYOND**

The Officer Election Committee (“the Committee”) was initially asked to consider whether, in light of a proposal from the President’s Advisory Council (“the Council”), the rules concerning the election of State Bar officers should be amended. After studying the “Supreme Court Rules Concerning the State Bar of Michigan” (“the Rules”), the Bylaws of the State Bar of Michigan (“the Bylaws”)¹, and discussing their own personal views of and frustrations with the existing process, the Committee recommended that the rules governing elections not be changed, but that the Board of Commissioners (“the Board”) should consider certain procedural and educational changes to add some transparency to the process by which new generations of SBM Officers are selected, and specifically rejected the idea of extending the term limits of the Board or of the “grandfathering” of Officers beyond the level set forth in the existing Rules.

The Committee’s Report was submitted on April 4, 2006, and unanimously adopted by the Board of Commissioners at its April 7 meeting. Thereafter, the Committee was charged with developing recommendations to the Board of specific procedural and educational changes to the election process that would address those concerns raised in the Committee’s April 4, 2006 Report.

Summary of Recommendations

The Committee believes that the Board should adopt three changes to the current system of nominating and electing State Bar officers. Because the Committee does not believe that there is adequate time to implement all of the proposed changes before this year’s elections. Therefore, we propose a “phase-in” as set forth more fully below.

1. All non-incumbent officers who are seeking election to “the Chairs” must submit a letter of interest to the Executive Director and President of the State Bar by a set date each year. After 2006, this deadline will be 45 days before the July Board meeting. However, for this year, letters of interest must be submitted by June 28, 2006 (30 days before the elections at the July 28 Board meeting). Requirements for the letter of interest are set forth more fully below. These letters of interest, along with any attachments thereto and the matrices described in the third recommendation, below, must be submitted to the Board along with the Agenda and meeting materials that are sent to the Board before the meeting in which the elections are held each year.

¹ A copy of relevant sections of the Rules and Bylaws is attached as Exhibit #1.

2. A “candidates’ forum” should take place at the Board meeting in which elections are held each year. The Committee recommends that each candidate be given up to 5 minutes to present his or her qualifications for election. After each of the candidates has spoken, the Committee recommends that a “question and answer” session of at least 15 minutes’ duration be held, with each candidate allowed not more than one minute to answer each question presented by those in attendance at the meeting. This should be implemented beginning in July 2006.
3. For elections beginning in 2007, the Committee, with Staff input, intends to develop a matrix that all non-incumbent candidates for office must fill out and submit along with their letters of interest. The matrix will focus on issues such as: length of service on the Board; prior Board experience (i.e., leadership roles or projects undertaken for the Bar); attendance at Board and committee meetings; etc. The matrices for all candidates shall be submitted to the Board at or before the meeting in which the officer elections take place.

The Committee believes that these procedural rules may be adopted by the Board without need for amending the Bylaws.

Discussion

The Committee met via teleconference after the last Board meeting. A number of suggestions for how to make the election process more transparent and meaningful were discussed. One suggestion that had been raised in the initial Committee Report (the use of a nominating committee) was discussed at length. After considering the benefits and disadvantages of that option, the Committee decided not to recommend the adoption of a nominating committee at this time. Rather, the Committee believes that the proposals set forth below all would have a more positive impact than use of a nominating committee process, and are less fraught with potential risks experienced by many groups that use a nominating committee.

Therefore, the Committee decided to recommend the adoption of three specific changes to the manner in which officer elections are handled, and to wait to see whether those proposals sufficiently address the issues raised in the Committee’s prior Report. If necessary, the issue of using a nominating committee can be re-evaluated if it is determined that the proposals set forth below have failed to adequately address Board concerns about the election process.

1. Recommendation #1: Letters of Interest.

One of the issues raised by the Board and in the Committee meetings was the impression that the current election process gives the impression that the officer elections are a *fait accompli* after *sub rosa* discussions eliminate candidates who might be interested, leaving a single candidate about whose qualifications many voting Board members may know little or nothing.² The Committee believes that this issue can be easily remedied by requiring all persons interesting in seeking office to submit a simple letter of interest identifying the office to which they seek election and highlighting their abilities, background and experience that they feel qualify them for that role within the organization.

² This Report’s drafter apologizes to the Plain English Committee for a wordy sentence involving two italicized foreign terms.

a. Letters of Interest for Election as Treasurer.

Therefore, the Committee recommends adoption of a rule or policy that all non-incumbent officers who are seeking election to office of State Bar Treasurer (and therefore entry into “the Chairs”) must submit a letter of interest to the Executive Director and President of the State Bar by a set date each year. After 2006, this deadline will be 45 days before the July Board meeting. However, for this year, letters of interest must be submitted by June 28, 2006 (30 days before the elections at the July 28 Board meeting). Requirements for the letter of interest are set forth more fully below. These letters of interest, along with any attachments thereto and the matrices described in the third recommendation, below, must be submitted to the Board along with the Agenda and meeting materials that are sent to the Board before the meeting in which the elections are held each year.

b. Letters of Interest by Incumbent Officers for Positions Other than Treasurer.

The Committee is aware that, over time, an informal but widely-acknowledged pattern has led to a *de facto* practice that a Commissioner who is elected Treasurer generally embarks on a six-year procession through “the Chairs” culminating with his or her year as president.³ Therefore, under most circumstances, incumbent officers seeking to ascend to the next level of “the chairs” will not need to submit a letter of interest for that position: absent an expression of interest to the contrary, officers will be presumed to seek elevation to the next level of “the Chairs.”

However, under the Rules, the only officers who automatically ascend “the Chairs” without standing for election to the next level each year are the vice-president and president-elect. Therefore, it is possible that a sitting secretary or treasurer might either decide not to seek elevation in the chairs during a given year, or face a challenge from a Board member who is not an officer. Theoretically, a sitting treasurer could also opt to bypass his or her year as secretary and run for the office of vice-president.

Thus, the Committee recommends that if any candidate, in compliance with the 45-day deadline set forth above,⁴ submits a letter of interest seeking election to a position in “the Chairs” other than as Treasurer and/or outside of the normal six-year progression, the President shall notify the incumbent officer who would normally be seeking elevation to the now-contested seat in writing of the possibility of a disputed election. That incumbent officer must then prepare and submit to the SBM’s Executive Director and President his or her own letter of interest⁵ by not later than 30 days before the SBM meeting at which the election is to be held. (For 2006, the deadline for submitting an incumbent officer’s letter of interest will be July 15).

c. Minimal Requirements for Letters of Interest.

Each potential candidate is responsible for including in his or her information that he or she believes is sufficient to convince other Board members that the candidate is qualified to serve in whatever office he or she seeks. However, *at a minimum*, the letters of interest should include the following information:

- The office sought;
- A summary of the candidate’s history on the Board of Commissioners;

³ Year One: Stand for election as Treasurer
Year Two: Serve as Treasurer; seek election as Secretary
Year Three: Serve as Secretary; seek election as Vice President
Year Four: Serve as Vice President
Year Five: At conclusion of Vice President, ascend to President-Elect
Year Six: Serve as SBM President

⁴ June 28, 2006 for the 2006 elections.

⁵ And, for elections occurring after 2006, a Qualifications Matrix as discussed below.

- A discussion of the candidate's attendance at and participation in Board and Committee meetings;
- A summary of the candidate's service to the State Bar and (if applicable) local bar associations;
- An overview of the candidate's non-Bar-related experience of community service; and
- A statement, not exceeding 250 words, of why the candidate wants to attain the position for which he or she is seeking election, and what unique ideas or thoughts the candidate has for ways in which to improve the SBM.

All candidates must also include a copy of their résumé or curriculum vitae with their letter of interest.

d. Presentation of Letters of Interest to the Board.

The candidates' letters of interest, along with any attachments thereto and the matrices described below, must be submitted to the Board along with the Agenda and meeting materials that are sent to the Board before the meeting in which the elections are held each year.

2. Recommendation #2: Candidates' Forum.

In addition to general comments regarding the lack of knowledge of which Board members might be interested in running for office, the Committee heard and received comments from several people suggesting frustration with the lack of opportunity to talk to the candidates about the strengths that they would bring to office if elected. We believe that this concern could be easily ameliorated by having all candidates for contested elections participate in a "Candidates' Forum" held as part of the Board meeting at which elections are held (including meetings at which elections are held to fill vacancies in SBM offices that occur outside the normal election cycle).

The Committee recommends that each candidate for each contested election be given up to 5 minutes to present his or her qualifications for election. After each of the candidates has spoken, the Committee recommends that a "question and answer" session of at least 15 minutes' duration be held, with each candidate allowed not more than one minute to answer each question presented by those in attendance at the meeting. This should be implemented beginning in July 2006.

3. Recommendation #3: Qualifications Matrix.

Another method of assuring that the Board has adequate and useful information concerning the candidates' qualifications and abilities would be the use of a matrix to provide an objective overview of data regarding their past experience. The Committee discussed at length what kinds of information should be included in any such matrix. Among the suggestions were:

- Law School and date of graduation;
- Year of admission to Michigan Bar;
- Primary areas of practice;
- Past Bar service (state and local);
- Board of Commissioners' experience:
 - Year first elected or appointed;
 - Number of terms on the Board; and
 - Board Committees.
- Attendance at Board meetings during last three years;
- Non-Board, non-Bar volunteer experience.

Once completed by each candidate, the matrix must be submitted to the SBM President and Executive Director along with the letter of interest discussed above. The Executive Director shall then

delegate to appropriate staff the duty to verify that the information regarding Board attendance and experience is correct.

The Committee did not have time to develop a matrix before the 2006 SBM Officer elections. However, for elections beginning in 2007, the Committee, with Staff input, intends to develop a matrix that all non-incumbent candidates for office must fill out and submit along with their letters of interest. The matrix will focus on issues such as: length of service on the Board; prior Board experience (i.e., leadership roles or projects undertaken for the Bar); attendance at Board and committee meetings; etc. The matrices for all candidates shall be submitted to the Board at or before the meeting in which the officer elections take place.

4. The Committee's Proposals Do Not Appear To Require Changes To The Supreme Court Rules Or To The State Bar's Bylaws.

Other than the previously-discussed prohibition on a Secretary or Treasurer serving more than three consecutive terms found in §8 and §11's term limits, the SBM Bylaws are silent regarding the procedure for electing officers. Similarly, the Supreme Court Rules Governing the State Bar of Michigan offer no guidance as to the mechanics of how to elect officers.⁶

In the absence of any Supreme Court Rule on point, the Committee believes that the Board is given the authority, pursuant to Rule 5, to adopt the proposals suggested herein. That Rule provides, in pertinent part:

Section 1 – Powers, Functions, and Duties.

(a) The Board of Commissioners shall

* * *

(6) receive and review committee and section reports and recommendations proposing action by the board and take interim or final action that the board finds feasible, in the public interest, and germane to the functions and purposes of the State Bar; ...

The Committee proposals are in the public interest and germane to the functions of the State Bar. The public interest is promoted by assuring that State Bar officers, who bear more responsibility for the day-to-day and long-term operations of the Bar than any other members of the Board, are chosen in a manner that reflects openness and learned decision-making. Assuring that members of the Board who are asked to select the officers are well-informed as to their character and abilities likewise has a direct and substantial influence on the functions and purposes of the Bar.

CONCLUSION

The Committee's proposals offer simple but effective tools to address the concerns that Board members do not know enough about the election process or the individuals who seek election to "the Chairs." The Committee therefore requests that the Board adopt and implement the Proposals in accordance with the timelines set forth above.

⁶ Rule 7 provides, in part, that the Board shall elect certain officers, states when they must be elected, and explains that officer vacancies shall be filled by an election of the Board. However, the Rule provides no specific requirement regarding how the elections are to be carried out.

STATE BAR OF MICHIGAN OFFICER CANDIDATE FORM

(TO BE COMPLETED BY CANDIDATE – PLEASE ATTACH EXTRA SHEETS IF NECESSARY TO COMPLETE YOUR RESPONSES)

NAME			
OFFICE SOUGHT			
EMPLOYER			
TITLE & PRIMARY PRACTICE AREA			
SECTION 1: Educational Background			
1. Undergraduate school(s)			
2. Years of attendance or graduation			
3. Degree(s)			
4. Law School			
5. Year of Graduation			
SECTION 2: Bar Admission			
1. State(s) admitted to practice; year of admission for each			
SECTION 3: State Bar of Michigan Activities			
Board of Commissioners			
1. Year First Elected/Appointed			
2. Years served (i.e., 2000 – 2003)			
3. Leadership activities (year) <u>Example:</u> Treasurer (2006-2007)			
4. Date current term expires			
5. Eligible for Re-Election?			
Representative Assembly			
1. Year First Elected/Appointed			
2. Years served (i.e., 2000 – 2003)			
3. Leadership activities (year) <u>Example:</u> Clerk (2006-2007)			
Sections/Committees			
1. What Sections or Committees of the State Bar of Michigan do you belong to?			
2. Please describe briefly any leadership roles you have filled on these Sections or committees			

Name: _____

Candidate for: _____

SECTION 4: Other Bar Activities	
1. To which national, local or affinity bar associations do you belong? (For each, please state the date on which you became a member).	
2. What leadership roles have you performed for each?	
SECTION 5: Non-Bar Activities	
1. On what other for-profit or non-profit Boards, groups or organizations have you served? (For each, please state the date on which you became a member).	
2. Please describe briefly any leadership roles you have filled on these Boards.	
SECTION 6: Other Achievements of Note	
SECTION 7: Publications	
1. Have you written any articles, commentaries, or books that have been published? If so,	
2. Provide titles, publishers and dates of publication for each such published piece.	

ACKNOWLEDGEMENT AND CERTIFICATION

I hereby acknowledge and certify that the foregoing information is true to the best of my knowledge and belief.

Candidate Signature

Date: _____

+++++
Verification of Candidate's Attendance at State Bar Board of Commissioners' Meetings (To be Completed by State Bar Staff)

In the past three (3) years, how many meetings of the State Bar Board of Commissioners has the candidate been eligible to attend?	
Of the meetings identified above, how many meetings of the State Bar Board of Commissioners has the candidate actually attended?	
Percentage of attendance at Board of Commissioners meetings (past three years)	

ACKNOWLEDGEMENT AND CERTIFICATION

I hereby acknowledge and certify that the foregoing information is true to the best of my knowledge and belief.

State Bar of Michigan Staff Signature

Date: _____

4.4. Reminders

4.4.1. Travel Reimbursements

4.4.2. President Appearance Requests

4.5. Access to Justice Campaign Update from Jennifer Bentley

4.6. SBM Presentation - Access to Justice Programs

5. Representative Assembly Report

Presented by Nicole A. Evans

6. Young Lawyers Section Report

Presented by Jacob G. Eccleston

7. Public Policy

Presented by Erika L. Bryant

7.1. Court Rules*

Order

Michigan Supreme Court
Lansing, Michigan

March 4, 2026

Megan K. Cavanagh,
Chief Justice

ADM File No. 2024-32

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

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.



I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 4, 2026

Handwritten signature of Elizabeth Kingston-Miller in black ink, written over a horizontal line.
Clerk

Public Policy Position
ADM File No. 2024-32 - Proposed Amendment of MCR 2.410

Support

Explanation

The Committee voted unanimously to support the proposed amendment to MCR 2.410. Making it an option for ADR proceedings to be conducted via videoconferencing will expand access to justice by making these proceedings more accessible and often less costly in both time and money.

Position Vote:

Voted For position: 15

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Contact Persons:

Garrett Burton

gburton@sado.org

Mira Edmonds

edmondm@umich.edu



Public Policy Position
ADM File No. 2024-32 - Proposed Amendment of MCR 2.410

Support

Explanation

The Committee voted unanimously to support ADM File No. 2024-32.

Position Vote:

Voted For position: 22

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 9

Contact Person:

Marla Linderman Richelew mrichelew@gmail.com

Public Policy Position
ADM File No. 2024-32 - Proposed Amendment of MCR 2.410

Support

Explanation

The Justice Initiatives Committee voted unanimously to support ADM File No. 2024-32. Permitting alternative dispute resolution proceedings to be conducted via videoconferencing technology, when appropriate, will improve access to justice by making these proceedings more accessible to more parties.

Position Vote:

Voted For position: 13

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 7

Contact Person:

Ashley E. Lowe alowe@lakeshorelegalaid.org

Name: Robert E. L. Wright

Date: 03/04/2026

ADM File Number: 2024-32

Comment:

I support the proposed amendment but would expand it to include all electronic media to allow telephone participation.

As a practicing mediator and arbitrator, when COVID-19 hit, it foreclosed my ability to meet in person with my participants. Thankfully, like the courts, ADR practitioners turned to videoconferencing technology to allow us to meet and resolve disputes virtually as an alternative to in-person meetings.

While some colleagues miss the face-to-face contact in video meetings, I find it to be as effective as in-person meetings. And it increases access to the court-connected processes of mediation and arbitration for those who have a disability or other hardship which would prevent them from physically attending an in person proceeding. Video platforms have opened the doors of ADR processes to thousands of folks who may not own a car, but can use a cell phone.

As a result of my experience, I now mediate and arbitrate almost exclusively by video. I find that people are more comfortable participating from their own home or their attorney's office. They behave more courteously, interrupt less often, and if they don't, it is much easier to mute their microphones until they can be more civil.

Did I mention it snows occasionally in Michigan? Not only does this eliminate delays caused by snowstorms themselves, but it allows more flexibility for scheduling with "snowbirds" spending months in warmer climes.

Order

Michigan Supreme Court
Lansing, Michigan

March 25, 2026

Megan K. Cavanagh,
Chief Justice

ADM File No. 2023-23

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

Proposed Amendment of
Rule 3.972 of the Michigan
Court Rules

The Court, having given an opportunity for comment in writing and at a public hearing, again seeks public comment regarding the proposed amendment of Rule 3.972 of the Michigan Court Rules. The Court has adopted an [amendment of MCR 3.942](#) and revised the [original proposed amendment of MCR 3.972](#) and is interested in receiving additional comments on this revised proposal.

On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.972 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 3.972 Trial

(A)-(C) [Unchanged.]

(D) Recommendation by Lawyer-Guardian ad Litem. At the conclusion of the proofs or following a motion filed by a respondent under subrule (E), the lawyer-guardian ad litem for the child may make a recommendation to the finder of fact regarding whether one or more of the statutory grounds alleged in the petition have been proven.

(E) Bench Trial. In an action tried without a jury, a respondent may make a motion pursuant to MCR 2.504(B)(2) at the close of the petitioner's case-in-chief. A motion

filed and the court's decision must pertain only to that portion of the case involving the respondent that filed the motion. A party other than the respondent that filed the motion may request to present evidence to the court before it decides the motion. If all other parties request to present evidence, the court must deny the respondent's motion and proceed with the action.

(FE) Verdict. In a child protective proceeding, the verdict must be whether one or more of the statutory grounds alleged in the petition have been proven. At a trial without a jury, the court must state on the record or in a written opinion its findings of fact and conclusions of law.

(F)-(G) [Relettered (G)-(H) but otherwise unchanged.]

Staff Comment (ADM File No. 2023-23): The proposed amendment of MCR 3.972 would require the court, in child protective proceeding bench trials, to make findings of fact and conclusions of law and allow for the equivalent of an involuntary dismissal.

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. 2023-23. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 25, 2026

Elizabeth Kingston-Miller
Clerk

Public Policy Position
ADM File No. 2023-23 - Proposed Amendment of MCR 3.972

Support with Amendment

Explanation

The Committee voted to support the proposed amendment to MCR 3.972 with an additional amendment that the third sentence of MCR 3.972(E) be amended to read:

“A party other than the respondent that filed the motion may request to present evidence to the court before it decides the motion, *and the court must grant that request before deciding the motion.*”

This further amendment would allow the LGAL to present proofs supporting the petitioner’s case-in-chief before the court decides whether to grant a motion for involuntary dismissal.

Position Vote:

Voted For position: 14

Voted against position: 1

Abstained from vote: 0

Did not vote (absence): 6

Contact Persons:

Garrett Burton

gburton@sado.org

Mira Edmonds

edmondm@umich.edu

Public Policy Position
ADM File No. 2023-23 - Proposed Amendment of MCR 3.972

Support with Amendment

Explanation

The Committee voted unanimously to support the proposed amendment to MCR 3.972 with an additional amendment, recommended by the Access to Justice Policy Committee, that the third sentence of MCR 3.972(E) be amended to read:

“A party other than the respondent that filed the motion may request to present evidence to the court before it decides the motion, *and the court must grant that request before deciding the motion.*”

Position Vote:

Voted For position: 23

Voted against position: 0

Abstained from vote: 1

Did not vote (absence): 7

Contact Person:

Marla Linderman Richelew mrichelew@gmail.com



Public Policy Position
ADM File No. 2023-23 – Proposed Amendment of MCR 3.972

Support

Explanation

The Committee voted to support ADM File No. 2023-23.

Position Vote:

Voted For position: 9

Voted against position: 0

Abstained from vote: 3

Did not vote (absence): 9

Contact Persons:

Alexandria L. Casperson

CaspersonA@michigan.gov

John A. Shea

jashea@earthlink.net

Public Policy Position
ADM File No. 2023-23 - Proposed Amendment of MCR 3.972

Support

Explanation

The Justice Initiatives Committee voted to support ADM File No. 2023-23.

Rule 3.942 was amended, effective May 1, 2026, to permit a juvenile, after a bench trial in a *delinquency proceeding*, to make a motion equivalent to a directed verdict, and to require that the court state on the record or in writing its findings of fact and conclusions of law. The proposed amendment would add similar language in Rule 3.972 concerning bench trials in *child protective proceedings* by permitting the equivalent of an involuntary dismissal and requiring that the court state on the record or in writing its findings of fact and conclusions of law. The proposed amendment also provides specificity regarding the scope and procedure for consideration of the involuntary dismissal motion in this context.

Position Vote:

Voted For position: 14

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Contact Person:

Ashley E. Lowe alowe@lakeshorelegalaid.org

Public Policy Position
ADM File No. 2023-23 - Proposed Amendment of MCR
3.972

Support with Amendments

Explanation

The Children's Law Section supports ADM File No 2023-23 with a recommendation that the third sentence of MCR 3.972(E) be amended to read: "A party other than the respondent that filed the motion may request to present evidence to the court before it decides the motion, and the court must grant that request before deciding the motion."

We believe that this additional language in subsection (E) helps clarify that, when a non-moving party requests to put on proofs, the court cannot simply deny their request and must give them the opportunity to present a case if they so choose.

Position Vote:

Voted for position: 8

Voted against position: 1

Abstained from vote: 4

Did not vote: 6

Contact Person: Josh Pease

Email: jpease@sado.org

Order

Michigan Supreme Court
Lansing, Michigan

March 4, 2026

Megan K. Cavanagh,
Chief Justice

ADM File No. 2024-04

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

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 Protection 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).

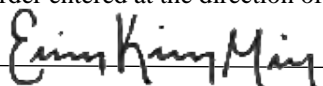
The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

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.



I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 4, 2026


Clerk

Public Policy Position
ADM File No. 2024-04 - Proposed Amendment of MCR 3.981

Support with Amendment

Explanation

The Committee voted unanimously support ADM File No. 2024-24 with a further amendment to the language proposed to be added to MCR 3.981 as follows:

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, If a respondent requests the appointment of appellate counsel, the appointment of appellate counsel is controlled by~~ MCR 3.993(D)(5).

Splitting these two clauses will avoid confusion regarding the appointment of appellate counsel, which is not limited to only those orders appealable by right.

Position Vote:

Voted For position: 15

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Contact Persons:

Garrett Burton

gburton@sado.org

Mira Edmonds

edmondm@umich.edu

Public Policy Position
ADM File No. 2024-04 - Proposed Amendment of MCR 3.981

Support with Amendment

Explanation

The Committee voted to support ADM File No. 2024-04 with a further amendment as follows:

Rule 3.981 Minor Personal Protection 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, on the record, the respondent one of the following: the minor respondent's parent, parents, guardian, custodian, guardian ad litem, or legal guardian ad litem, as well as the minor petitioner's attorney or next friend, of their both minor parties' 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).

The Committee also recommends that the language of MCR 3.913, 3.937, and 3.977 be revisited to make a similar change. The Committee believes this language will ensure that a competent party receives the advice of rights contemplated by these rules.

Position Vote:

Voted For position: 23

Voted against position: 0

Abstained from vote: 1

Did not vote (absence): 7

Contact Person:

Marla Linderman Richelew mrichelew@gmail.com

Public Policy Position
ADM File No. 2024-04 - Proposed Amendment of MCR 3.981

Oppose as Drafted

Explanation

The Justice Initiatives Committee voted to oppose ADM File No. 2024-04 as drafted. The Committee identified four areas of concern:

- (1) Including only minor respondents within the scope of the proposed rule creates a disparity between respondents and petitioners. If an advice of rights is to be provided in this context, it should be provided to all minors, not only respondents.
- (2) The wording of the proposed amendment is confusing and may lead some to conclude incorrectly that it is substantively expanding a minor respondent's right to appeal, as opposed to simply advising them of their rights.
- (3) If the intention of the proposed amendment is to treat an advice of rights in minor PPO proceedings similarly to what the Court has recently provided in delinquency proceedings, a narrower rule would accomplish that objective. Specifically, limiting an advice of rights to only those circumstances where the respondent has a right to appeal from a criminal contempt under Rule 3.709(C).
- (4) While the proposed amendment applies only to minor respondents, it may ultimately lead to similar provisions being made for adult petitioners, which the Committee believes is undesirable.

Position Vote:

Voted For position: 14

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Contact Person:

Ashley E. Lowe alowe@lakeshorelegalaid.org

Public Policy Position
ADM File No. 2024-04 - Proposed Amendment of MCR 3.981

Support

Explanation

The Children's Law Section supports ADM File No 2024-04 without further comment.

Position Vote:

Voted for position: 12

Voted against position: 0

Abstained from vote: 1

Did not vote: 6

Contact Person: Josh Pease

Email: jpease@sado.org

Name: Anonymous

Date: 03/20/2026

ADM File Number: 2024-04

Comment:

This proposed court should be expanded to include all respondents and Petitioners. Many people involved in a PPO hearing are Pro Se. and do not know about the appeal process. Why are you prohibiting this information for adults? .

Order

Michigan Supreme Court
Lansing, Michigan

March 4, 2026

Megan K. Cavanagh,
Chief Justice

ADM File No. 2025-09

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

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) 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.

(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.

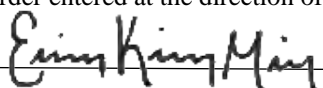
The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

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.



I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 4, 2026


Clerk

Public Policy Position
ADM File No. 2025-09 - Proposed Amendment of MCR 6.610

Support

Explanation

The Committee voted to support ADM File No. 2025-09. The Committee view this as a right to counsel issue. Similar to the conclusion of the Justice Initiatives Committee, the ATJ Policy Committee believes that presentence interview and report have significant consequences for a criminal defendant. Ensuring that defense counsel has notice and a reasonable opportunity to attend presentence interviews uniformly across all jurisdictions is important to protecting the rights and interests of defendants. The Committee also noted that counsel must already be provided with an opportunity to attend presentence interviews in circuit court proceedings (See MCR 6.425(A)(2)). ADM File No. 2025-09 would simply adopt nearly identical language applicable to district court proceedings.

Position Vote:

Voted For position: 13

Voted against position: 1

Abstained from vote: 1

Did not vote (absence): 6

Contact Persons:

Garrett Burton

gburton@sado.org

Mira Edmonds

edmondm@umich.edu

Public Policy Position
ADM File No. 2025-09 – Proposed Amendment of MCR 6.610

Support

Explanation

The Committee voted unanimously to support ADM File No. 2025-09 and noted that attorneys are already present during presentence interviews conducted as apart of felony matters. The proposed amendment would ensure attorneys have reasonable notice and an opportunity to attend such interviews in misdemeanor cases as well.

Position Vote:

Voted For position: 12

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 9

Contact Persons:

Alexandria L. Casperson

John A. Shea

CaspersonA@michigan.gov

jashea@earthlink.net

Public Policy Position
ADM File No. 2025-09 - Proposed Amendment of MCR 6.610

Support

Explanation

The Justice Initiatives Committee voted unanimously to support ADM File No. 2025-09. The conduct during a presentence interview and ultimate contents of a presentence report have significant consequences for a defendant. Ensuring that defense counsel has notice and a reasonable opportunity to attend presentence interviews uniformly across all jurisdictions is important to protecting the rights and interests of defendants.

Position Vote:

Voted For position: 13

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 7

Contact Person:

Ashley E. Lowe alowe@lakeshorelegalaid.org

Name: JENNIFER THAL

Date: 03/05/2026

ADM File Number: 2025-09

Comment:

An attorney present for PSI would be a hinderance in the investigation of the crime. An attorney cannot speak of the crime, the defendant's explanation of the circumstances, or provide the defendant's background information. Also, since the PSI is not a court proceeding, why would the attorney be necessary in the PSI?

Name: Sandy Grattan

Date: 03/05/2026

ADM File Number: 2025-09

Comment:

If attorneys are allowed to be present during PreSentence Interviews, it will affect the defendant's answers as well as their demeanor. Attorneys can then dictate how a defendant answers, or what they answer. The power in the interview could easily shift to them, which would make the interviews tougher to get accurate information and likely longer cause the atty will start to interject.

Name: Tiffany Dulock

Date: 03/05/2026

ADM File Number: 2025-09

Comment:

The passing of this amendment would greatly hinder the court process for PSI investigations. Crucial information provided by the defendants at this investigation would not be provided by defendants. Furthermore, attorneys would often interrupt the investigation by asking numerous questions which will further delay the court process as a whole. The purpose of the PSI is to gather information from the defendant regarding their employment, personal history, criminal history, education level, substance use, etc. These investigations take upwards of 2 hours to complete. By then adding the component of another individual sitting in on the investigation would only lengthen the investigation, which would be problematic for court staff as well as the defendant themselves.

Name: Patrick Grattan

Date: 03/05/2026

ADM File Number: 2025-09

Comment:

The purpose of a Pre-sentence investigation is to determine the best corrective action which will support the rehabilitation of the defendant. This requires building rapport in order to have open and honest communication. The presence of an attorney would change this dynamic resulting in a more adversarial tone where defendant answers would be guided thus defeating any attempt at finding meaningful, personalized recommendations which deeply meet the needs of the defendant. There is simply no benefit to the defendant or society to have an attorney present at a non-legal proceeding.

Name: Michael Alexander

Date: 03/06/2026

ADM File Number: 2025-09

Comment:

As a probation officer, I am not in favor of this proposal. I feel this rule would have negative consequences on the efficacy of the presentence investigation report.

Presentence investigations are a tool for judges to make informed decisions at the time of sentencing. Probation officers use these interviews to make recommendations for sentencing, which include determining rehabilitative goals for potential probation supervision. A "guarded" interview may suppress some of the valuable information that is typically derived from a PSI interview.

As a reminder, presentence investigation interviews are almost always conducted post-adjudication and are time sensitive. SCAO and the MDOC have guidelines for what should be included in the report. In the end, the report must be factual and thorough to support the recommendations. Defense attorneys, defendants, and prosecuting attorneys already have the opportunity to review the presentence reports days prior to sentencing and challenge the information in the report at the sentencing proceeding. So, what would be the intent of having defense counsel present during the interview? I am concerned that having attorneys present during PSI interviews would hinder the interview process as the defendant may be seeking guidance or approval for responses. Additionally, the defendant may withhold information in effort to perform to their attorney's expectations rather than providing valuable information for the sentencing judge.

I personally prefer to conduct the interview one-on-one with the defendant without any interference from family, friends and/or attorneys unless there are reasonable requests for accommodations. This allows me to build rapport with the defendant and obtain direct information without influence from others. My experience with having others present during the interview has often made the process less effective.

Some questions I have include the following: What effect would this have on court-appointed attorneys who may not have the time or schedule availability to attend the interviews? What if the defendant insists on having his or her court-appointed attorney present, but the attorney has a scheduling conflict or no interest in attending? Would the probation officer be required to accommodate the defense counsel or defendant? Lastly, what impact will this have on the sentencing process and the best interests of justice? As someone with over 20 years of experience in conducting these interviews, I do not feel the current process is in need of modification.

Name: Courtney Cardoso

Date: 03/09/2026

ADM File Number: 2025-09

Comment:

I spent 14 years as a probation officer prior to my role in administration. This proposed amendment is a horrible idea, and will only hinder the investigation/interview process--in addition to creating a logistical nightmare with PO and attorney scheduling conflicts. There is no valid reason why an attorney needs to be present during these meetings; they occur post-adjudication and they have access to the written report days before sentencing. If they wish to challenge the content, that can be done on the record. I actually think adopting this amendment would be doing a disservice to defendants.

Name: Matthew Sawicki

Date: 03/17/2026

ADM File Number: 2025-09

Comment:

While I understand that a defense attorney is interested in protecting a defendant's rights while meeting with a Probation Officer conducting a Pre-Sentence Investigation, it should be up to the probation officer whether the Defense attorney can accompany a defendant. In my experience as a former Probation Officer and now as a Court Administrator, in most cases I would welcome the defense attorney in these meetings after verifying with the defendant that he/she wanted counsel in the meeting. However, I think it is important to clarify to the Attorney and Defendant that if the counselor attends the meeting any information not gathered during the process may reflect on the Pre Sentence Report and affect the officer's ability to provide an accurate report to the Jurist. Additionally, I think it is important to draw the comparison between the PSI and the defendant's Probation File: The information in the Probation File is non-public information and only the Judge, Probationer (In a limited manner), and the Probation Officer may access said file. The Pre Sentence Investigation is when much of the information contained in the file is gathered, so if you grant the attorney access to the meeting, you are essentially providing the individual with non-public information. In my opinion, the rule should not be amended.

Name: Anna Manzella

Date: 03/18/2026

ADM File Number: 2025-09

Comment:

I disagree with this proposed amendment.

Once a defendant has entered a plea, there is no need for an attorney to be present during the presentence investigation. This process is an interview meant to gather background information to help the judge make an informed decision, not where legal rights are being contested. Having an attorney present could limit how open and honest someone is, which would hinder the probation officer's ability to get a full/accurate picture. Additionally, this would create unnecessary scheduling conflicts and cause delays in the court process. Lastly, attorneys already have the opportunity to review the report before sentencing, and any concerns or amendments can be addressed on the record.

Name: Anonymous

Date: 03/19/2026

ADM File Number: 2025-09

Comment:

I wholeheartedly support this amendment. The other people who commented against this amendment are mostly probation supervisors. The probation supervisors are completely incorrect when they state that it is not necessary for an attorney to attend the psi interview because the defendant has already been convicted. The PSI report is incredibly important because the judge uses the probation supervisors recommendations to determine the defendant's sentence. I believe It is unethical and unjust that these probation supervisors have downplayed the importance of the PSI report. The PSI report recomendations help determine everything for the defendant: length of probation, jail time, length of random drug and alcohol testing, and acceptance into sobriety court or one of the other specialty courts.

From: [Armstrong, Abbey](#)
To: [ADMcomment](#)
Subject: ADM File No. 2025-09
Date: Wednesday, April 8, 2026 8:24:56 AM

You don't often get email from amosher@stclaircounty.org. [Learn why this is important](#)

EXTERNAL EMAIL

I respectfully submit the following comment regarding the proposed amendment requiring probation officers to provide defense counsel notice and a reasonable opportunity to attend presentence interviews upon request.

While I understand and appreciate the intent of promoting transparency and ensuring defendants are adequately represented, I have concerns about the practical implementation of this requirement.

Presentence investigations are often conducted under strict time constraints, with probation officers managing high caseloads and multiple competing deadlines. Requiring coordination between the probation officer, defense counsel, and the defendant for interview scheduling may create significant logistical challenges. In practice, aligning these schedules could lead to delays in completing presentence reports, which may in turn impact sentencing timelines and overall court efficiency.

Additionally, the phrase “reasonable opportunity to attend” is not clearly defined in the proposed language. Without further clarification, this may lead to inconsistent expectations across jurisdictions and potential disputes regarding compliance. For example, it is unclear whether this would require multiple scheduling attempts, specific timeframes for notice, or postponement of interviews if counsel is unavailable.

Order

Michigan Supreme Court
Lansing, Michigan

March 4, 2026

Megan K. Cavanagh,
Chief Justice

ADM File No. 2025-23

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

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, or a domestic relations action involving a postjudgment order 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.

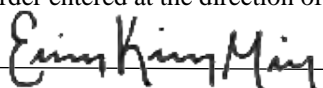
The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

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.



I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 4, 2026


Clerk

Public Policy Position
ADM File No. 2025-23 - Proposed Amendment of MCR 7.210

Support

Explanation

The Committee voted unanimously to support the proposed amendment to MCR 7.210.

Position Vote:

Voted For position: 15

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Contact Persons:

Garrett Burton

gburton@sado.org

Mira Edmonds

edmondm@umich.edu

Public Policy Position
ADM File No. 2025-23 - Proposed Amendment of MCR 7.210

Support

Explanation

The Committee voted unanimously to support ADM File No. 2025-23.

Position Vote:

Voted For position: 23

Voted against position: 0

Abstained from vote: 1

Did not vote (absence): 7

Contact Person:

Marla Linderman Richelew mrichelew@gmail.com

Public Policy Position
ADM File No. 2025-23 - Proposed Amendment of MCR 7.210

Support

Explanation

The Justice Initiatives Committee voted to support ADM File No. 2025-23. Exempting appeals from post-judgment orders regarding attorney fees and costs in domestic relations matters and those related to the custody or domicile of a minor from the requirement that a full transcript be provided on appeal will expand access to justice by reducing the cost of such appeal.

Position Vote:

Voted For position: 14

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Contact Person:

Ashley E. Lowe alowe@lakeshorelegalaid.org

Public Policy Position
ADM File No. 2025-23: Proposed Amendment of MCR 7.210

Support

Position Vote:

Voted for position: 19

Voted against position: 0

Abstained from vote: 0

Did not vote: 2

Contact Person: Donald C. Wheaton, Jr.

Email: don@lawyerhousecalls.com

7.2. Legislation*



To: Members of the Public Policy Committee
Board of Commissioners

From: Nathan A. Triplett, Director of Governmental Relations

Date: April 16, 2026

Re: HB 5445 – Family Division of Circuit Court Structure and Training

Background

House Bill 5445 would amend the Revised Judicature Act, 1961 PA 236 to require that each judicial circuit with more than one circuit court judge have at least one judgeship permanently assigned to the family division. To implement this mandate, the bill provides that a circuit court or probate court judgeship that exists as of January 1, 2028 may be assigned as a permanent family division judgeship in accordance with an approved family court plan. At that point, if a judgeship is assigned to the family division, the judgeship may only be reassigned with the approval of an updated family court plan that reduces the number of judgeships assigned to the family division. The bill also outlines the circumstances under which a judge may be temporarily assigned to the family division and how a change in such assignments should impact pending matters. Additionally, the bill provides that a judge who, as of January 1, 2028, has a caseload of greater than 50% family cases may request to be designated as a permanent family division judge in the court's family court plan. Such designation attaches to that judgeship permanently.

The bill mandates that each circuit court revise its family court plan to comply with the requirements set forth in the legislation and sets forth the required components of an updated plan. If, by April 1, 2028, a circuit fails to revise its plan, the bill requires the Supreme Court to develop and implement a plan for the circuit.

House Bill 5445 establishes minimum training requirements for judges elected, assigned, or appointed to the family division, including at least 40 hours of family law training, 40 hours of children's law training, and 16 hours of domestic violence training. Referees serving in the family division must have not less than 5 years of family law experience and children's law experience.

The bill also requires that cases in the family division be assigned to a judge and referee team by family.

House Bill 5445 was introduced by State Representative Doug Wozniak and referred to the House Judiciary Committee. It is supported (and was developed by) the Family Law Section. The bill is opposed by the Michigan Judges Association and the Michigan Probate Judges Association. The State Court Administrative Office has not taken a position on the substance of the bill, but does not believe that any legislation of this nature should be acted on until recent changes to family court plan development and implementation have been given time to play out and be reviewed.

***Keller* Considerations**

By providing a mechanism to permanently designate certain judgeships to the family division, House Bill 5445 would have significant impacts on the functioning of circuit courts—both the family division

and those courts' other dockets. Establishing minimum training requirements for family division judges and referees will also impact lawyer competency. The Board of Commissioners has frequently been called on to review legislation concerning court structure and the creation of specialty courts or dockets. Uniformly, the Board has determined that such legislation is *Keller*-permissible as being reasonably related to court functioning.

The Access to Justice Policy, Criminal Jurisprudence & Practice, and Civil Procedure & Courts Committees all reviewed House Bill 5445. All three concluded that the legislation was *Keller*-permissible in being reasonably related to the functioning of the courts.

***Keller* Quick Guide**

THE TWO PERMISSIBLE SUBJECT-AREAS UNDER KELLER:

<i>As interpreted by AIO 2004-1</i>	Regulation of Legal Profession	Improvement in Quality of Legal Services
	Regulation and discipline of attorneys	✓ Improvement in functioning of the courts
	Ethics	Availability of legal services to society
	Lawyer competency	
	Integrity of the Legal Profession	
	Regulation of attorney trust accounts	

Staff Recommendation

House Bill 5445 is reasonably related to both the functioning of the courts and lawyer competency and therefore *Keller*-permissible. The bill may be considered on its merits.

HOUSE BILL NO. 5445

December 23, 2025, Introduced by Reps. Wozniak and Thompson and referred to Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1003, 1011, 1021, and 1023 (MCL 600.1003, 600.1011, 600.1021, and 600.1023), section 1003 as added by 1996 PA 388 and sections 1011, 1021, and 1023 as amended by 2002 PA 682, and by adding sections 1002 and 1012.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1002. A judge elected, appointed, or assigned to the**
2 **family division of circuit court has the same power and authority**
3 **as a circuit court judge in the same jurisdiction.**

1 Sec. 1003. (1) Each judicial circuit shall have a family
2 division of circuit court.

3 (2) Each judicial circuit with more than 1 circuit court judge
4 shall have at least 1 judgeship permanently assigned to the family
5 division of circuit court. The number of judgeships assigned to a
6 family division of circuit court must allow for proper caseloads
7 for judges as determined by a case weight study conducted by the
8 supreme court.

9 (3) A circuit court or probate court judgeship existing as of
10 January 1, 2028 may be assigned as a permanent family division of
11 circuit court judgeship in accordance with the approved family
12 court plan. If a judgeship is assigned to the family division of
13 circuit court, the judgeship may only be reassigned with the
14 approval of an updated family court plan that reduces the number of
15 judgeships assigned to the family division of circuit court.

16 (4) If a judgeship is assigned to the family division of
17 circuit court under subsection (3), the family court plan created
18 under section 1011 must reflect that assignment and the judge
19 currently sitting in that judgeship shall decide to be 1 of the
20 following:

21 (a) Temporarily assigned to the family division of circuit
22 court in accordance with subsection (5).

23 (b) Permanently assigned to the family division of circuit
24 court in accordance with subsection (6).

25 (5) A judge who serves temporarily under this subsection has
26 the powers and shall perform all of the duties of a permanent judge
27 of the family division of circuit court. A judge who requests to be
28 temporarily assigned to the family division of circuit court may
29 transfer out of the family division of circuit court if a judgeship

1 in the same jurisdiction that is not assigned to the family
2 division of circuit court becomes available. After the temporary
3 judge transfers out, the seat is a permanent family division of
4 circuit court seat and must be designated as such for an
5 appointment by the governor and on the ballot. If a judge under
6 this subsection who transfers to another judgeship in the same
7 jurisdiction has had substantial involvement in a case, whether or
8 not the trial or a hearing has begun, that judge may keep the
9 matter upon request of a party or by agreement of both of the
10 judges involved until its conclusion and enter judgment or a final
11 order.

12 (6) A judge who as of January 1, 2028 has a caseload of
13 greater than 50% family cases may request to be designated as a
14 permanent family division of circuit court judge in the court's
15 family court plan, and the designation attaches to that judgeship
16 permanently. A judge who requests a permanent family division of
17 circuit court designation may vacate a current judgeship and run
18 for a different judicial seat but cannot transfer to another
19 judgeship. This subsection does not prevent a judge from
20 temporarily providing coverage for another judge by assignment
21 outside of the family division of circuit court in response to an
22 urgent need for that assignment.

23 (7) An individual who runs for a judgeship assigned to the
24 family division of circuit court must be nominated and elected
25 under chapter XIX of the Michigan election law, 1954 PA 116, MCL
26 168.411 to 168.426.

27 (8) If a judicial circuit has more than 1 assigned judge of
28 the family division of circuit court, the supreme court shall
29 appoint a chief judge of the family division of circuit court from

1 judges who are permanently assigned to the family division of
2 circuit court. The chief judge of the family division of circuit
3 court is primarily responsible for all administrative matters
4 within the family division of circuit court.

5 Sec. 1011. ~~(1) Not later than July 1, 2003, in each judicial~~
6 ~~circuit, the chief circuit judge and the chief probate judge or~~
7 ~~judges shall enter into an agreement that establishes a plan known~~
8 ~~as the "family court plan" that details how the family division~~
9 ~~will be operated in that circuit and how the services of the~~
10 ~~agencies listed in section 1043 will be coordinated in order to~~
11 ~~promote more efficient and effective services to families and~~
12 ~~individuals. If a probate court district includes counties that are~~
13 ~~in different judicial circuits, the chief judge of each judicial~~
14 ~~circuit that includes a county in the probate court district and~~
15 ~~the chief probate judge shall enter into a family court plan for~~
16 ~~each circuit.~~

17 ~~(2) If, in any judicial circuit, the agreement required under~~
18 ~~subsection (1) is not entered into on or before July 1, 2003, the~~
19 ~~supreme court shall develop and implement the family court plan for~~
20 ~~that judicial circuit.~~

21 ~~(3) A family court plan required under subsection (1) shall~~
22 ~~provide that a judge's service pursuant to the family court plan be~~
23 ~~consistent with the goal of developing sufficient judicial~~
24 ~~expertise in family law to properly serve the interests of the~~
25 ~~families and children whose cases are assigned to that judge. The~~
26 ~~chief judge of the circuit court shall have the authority and~~
27 ~~flexibility to determine the duration of a judge's service pursuant~~
28 ~~to the family court plan in furtherance of this goal.~~

29 ~~(4) A judge serving pursuant to the family court plan shall~~

1 ~~receive appropriate training as required by the supreme court.~~

2 ~~(5) A family court plan required under subsection (1) may~~
3 ~~provide that when a judge's service pursuant to the family court~~
4 ~~plan ends, the pending cases of that judge are to be reassigned to~~
5 ~~another judge or judges serving pursuant to the family court plan~~
6 ~~or are to be resolved by that judge.~~

7 ~~(6) A family court plan required under subsection (1) shall~~
8 ~~specifically identify any probate judge serving pursuant to the~~
9 ~~family court plan.~~

10 ~~(7) A family court plan required under subsection (1) shall be~~
11 ~~reviewed and revised periodically, as necessary, by the chief~~
12 ~~circuit judge or judges and the chief probate judge or judges, and~~
13 ~~shall be submitted for approval by the supreme court.~~

14 (1) Beginning January 1, 2028, each circuit court must revise
15 its family court plan to comply with this act.

16 (2) If by April 1, 2028 a judicial circuit fails to come into
17 compliance with an approved family court plan under this chapter,
18 the supreme court shall develop and implement a family court plan
19 for that circuit.

20 (3) A family court plan required under subsection (1) must do
21 all of the following:

22 (a) Identify all judges who will serve in the family division
23 of circuit court.

24 (b) Indicate if each judge under subdivision (a) is
25 permanently assigned or temporarily assigned under section 1003
26 until the seat is vacated.

27 (c) Verify that all judges under subdivision (a) are trained
28 in compliance with subsection (4).

29 (d) Ensure that a judge's service under the family court plan

1 encourages the judge to develop sufficient judicial expertise in
2 family law to properly serve the interests of the families and
3 children whose cases are assigned to that judge.

4 (e) Require that matters in the family division of circuit
5 court be heard in accordance with section 1023.

6 (4) A judge serving under the family court plan shall have
7 appropriate training. Judges elected, assigned, or appointed to the
8 family division of circuit court shall certify to the family court
9 plan review board in section 1012 that they have 1 of the following
10 prior to presiding in the family division of circuit court:

11 (a) At least 40 hours of family law training, 40 hours of
12 children's law training, and 16 hours of domestic violence
13 training.

14 (b) If a judge cannot certify prior training under subdivision
15 (a), the judge shall participate in the hours of training necessary
16 to meet the requirements under section 1019, including at least 40
17 hours of family law training before hearing family law cases, 40
18 hours of children's law training before hearing child welfare
19 cases, and 16 hours of domestic violence training before hearing
20 any cases.

21 (5) Referees serving in the family division of circuit court
22 must have not less than 5 years of family law experience and
23 children's law experience. If a referee is not experienced in both
24 matters, the referee must receive at least 40 hours of training in
25 the matter the referee is not experienced in before presiding over
26 those matters.

27 (6) All subsequent changes to an approved family court plan
28 must be reviewed and approved by the supreme court.

29 (7) The governor shall consider the education requirements of

1 subsection (4) before appointing a family division of circuit court
2 judge.

3 Sec. 1012. The supreme court shall be responsible for all of
4 the following:

5 (a) Review the family court plans of each circuit court and
6 ensure compliance with this chapter.

7 (b) Require changes to a family court plan for compliance with
8 this chapter.

9 (c) Review changes to family court plans under subdivision
10 (b), as necessary.

11 Sec. 1021. (1) Except as otherwise provided by law, the family
12 division of circuit court has sole and exclusive jurisdiction over
13 the following cases commenced on or after January 1, ~~1998~~2028:

14 (a) Cases of divorce and ancillary matters as set forth in the
15 following statutes:

16 (i) 1846 RS 83, MCL 551.1 to 551.18.

17 (ii) 1921 PA 352, MCL 551.51.

18 (iii) 1887 PA 128, MCL 551.101 to 551.111.

19 (iv) 1897 PA 180, MCL 551.201 to 551.204.

20 (v) 1919 PA 160, MCL 551.251.

21 (vi) 1939 PA 168, MCL 551.271 to 551.272.

22 (vii) The circuit court family counseling services act, 1964 PA
23 155, MCL 551.331 to 551.344.

24 (viii) ~~(i)~~1846 RS 84, MCL 552.1 to 552.45.

25 (ix) ~~(ii)~~1909 PA 259, MCL 552.101 to 552.104.

26 (x) ~~(iii)~~1911 PA 52, MCL 552.121 to 552.123.

27 (xi) ~~(iv)~~1913 PA 379, MCL 552.151 to 552.156.

28 ~~(v) The friend of the court act, 1982 PA 294, MCL 552.501 to~~
29 ~~552.535.~~

1 (xii) ~~(vi)~~—1905 PA 299, MCL 552.391.

2 (xiii) ~~(vii)~~—1949 PA 42, MCL 552.401 to 552.402.

3 (xiv) ~~(viii)~~—The family support act, 1966 PA 138, MCL 552.451 to
4 552.459.

5 (xv) **The friend of the court act, 1982 PA 294, MCL 552.501 to**
6 **552.535.**

7 (xvi) ~~(ix)~~—The support and parenting time enforcement act, 1982
8 PA 295, MCL 552.601 to 552.650.

9 (xvii) ~~(x)~~—The interstate income withholding act, 1985 PA 216,
10 MCL 552.671 to 552.685.

11 (xviii) **The uniform interstate family support act, 2015 PA 255,**
12 **MCL 552.2101 to 552.2905.**

13 **(b) Cases under the extreme risk protection order act, 2023 PA**
14 **38, MCL 691.1801 to 691.1821.**

15 (c) ~~(b)~~—Cases of adoption as provided in chapter X of the
16 probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70.

17 ~~(c) Cases involving certain children incapable of adoption~~
18 ~~under 1925 PA 271, MCL 722.531 to 722.534.~~

19 (d) Cases involving a change of name as provided in chapter XI
20 of the probate code of 1939, 1939 PA 288, MCL 711.1 to 711.3.

21 (e) **Cases involving the safe delivery of newborns law, chapter**
22 **XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20.**

23 (f) ~~(e)~~—Cases involving juveniles ~~as provided in under~~ chapter
24 XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to
25 712A.32.

26 (g) **Cases under the Michigan Indian family preservation act,**
27 **chapter XIIB of the probate code of 1939, 1939 PA 288, MCL 712B.1**
28 **to 712B.41.**

29 (h) ~~(f)~~—Cases involving the status of minors and the

1 emancipation of minors under 1968 PA 293, MCL 722.1 to 722.6.

2 (i) ~~(g)~~ Cases of child custody under the child custody act of
3 1970, 1970 PA 91, MCL 722.21 to 722.31. ~~and child custody~~
4 ~~jurisdiction as provided in the uniform child custody jurisdiction~~
5 ~~and enforcement act, 2001 PA 195, MCL 722.1101 to 722.1406.~~

6 (j) Cases with children incapable of adoption under 1925 PA
7 271, MCL 722.531 to 722.534.

8 (k) Appeals from administrative hearings on central registry
9 expungements under section 7j of the child protection law, 1975 PA
10 238, MCL 722.627j.

11 (l) ~~(h)~~ Cases involving paternity and ~~child support~~ under the
12 paternity act, 1956 PA 205, MCL 722.711 to 722.730.

13 (m) ~~(i)~~ Cases involving parental consent for abortions
14 performed on unemancipated minors under the parental rights
15 restoration act, 1990 PA 211, MCL 722.901 to 722.908.

16 (n) Cases under the acknowledgment of parentage act, 1996 PA
17 305, MCL 722.1001 to 722.1013.

18 (o) Cases under the uniform child-custody jurisdiction and
19 enforcement act, 2001 PA 195, MCL 722.1101 to 722.1406.

20 (p) Cases under the revocation of paternity act, 2012 PA 159,
21 MCL 722.1431 to 722.1445.

22 (q) Cases under the summary support and paternity act, 2014 PA
23 366, MCL 722.1491 to 722.1503.

24 (r) Cases under the uniform child abduction prevention act,
25 2014 PA 460, MCL 722.1521 to 722.1532.

26 (s) ~~(j)~~ Cases involving child support under the revised
27 uniform reciprocal enforcement of support act, 1952 PA 8, MCL
28 780.151 to 780.183.

29 (t) ~~(k)~~ Cases involving **domestic** personal protection orders

1 and foreign protection orders under sections 2950 to ~~2950m~~**2950o**.

2 ~~(2) The family division of circuit court has ancillary~~
3 ~~jurisdiction over the following cases commenced on or after January~~
4 ~~1, 1998:~~

5 **(u) ~~(a)~~Cases where the family court exercises ancillary**
6 **jurisdiction** involving guardians and conservators **of a minor** as
7 provided in article ~~5~~**V** of the estates and protected individuals
8 code, 1998 PA 386, MCL 700.5101 to 700.5520.

9 ~~(b) Cases involving treatment of, or guardianship of, mentally~~
10 ~~ill or developmentally disabled persons under the mental health~~
11 ~~code, 1974 PA 258, MCL 330.1001 to 330.2106.~~

12 **(v) Cases under the assisted reproduction and surrogacy**
13 **parentage act, 2024 PA 24, MCL 722.1701 to 722.1909.**

14 **(2) ~~(3)~~A probate judge identified in section 1011 as serving**
15 ~~pursuant to~~**under** the family court plan has the same power and
16 authority, within the county or probate court district in which ~~he~~
17 ~~or she~~**the probate judge** serves, ~~as probate judge,~~ as that of a
18 circuit judge over cases described in subsection (1), in addition
19 to all the power and authority of a judge of the probate court.

20 **Sec. 1023. Cases in the family division of circuit court must**
21 **be assigned to a judge and referee team by family.** When 2 or more
22 matters within the jurisdiction of the family division of circuit
23 court involving members of the same **immediate** family are pending in
24 the same judicial circuit, those matters ~~, whenever practicable,~~
25 ~~shall~~**must** be assigned to the judge **and referee team** to whom the
26 first such case was assigned. **As used in this section, "immediate**
27 **family" means spouse, parent, child, or sibling relationships.**

**Public Policy Position
HB 5445**

Oppose

Explanation

The Committee voted to oppose House Bill 5445. While the Committee believes that the objectives of (1) ensuring that judges presiding over family law matters possess expertise in this area of law and (2) promoting longevity and stability on the family court bench are both important, it does not believe that House Bill 5445, as drafted, is the appropriate means of accomplishing those objectives. The Committee was concerned that the bill language was overly prescriptive and that it may have unintended, negative consequences on court functioning and docket management.

Position Vote:

Voted For position: 13

Voted against position: 1

Abstained from vote: 1

Did not vote (absence): 6

Keller-Permissible Explanation:

The Committee determined that legislation impacting the structure of the family division of circuit courts and judicial education related to this area of law is necessarily related to both the functioning of the courts and the regulation of the legal profession. House Bill 5445 is therefore *Keller*-permissible.

Contact Persons:

Garrett Burton

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Mira Edmonds

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**Public Policy Position
HB 5445**

Support

Explanation

The Committee voted to support House Bill 5445. The Committee believes that the legislation will improve the quality of family court proceedings and the family court bench by requiring specialized training in this area of law for judges in the family division of circuit courts, as well as promoting greater stability and longevity on the family court bench by dedicating judgeships specifically to this division.

Position Vote:

Voted For position: 14

Voted against position: 4

Abstained from vote: 7

Did not vote (absence): 6

Keller-Permissible Explanation:

The Committee determined that legislation impacting the structure of the family division of circuit courts and judicial education related to this area of law is necessarily related to both the functioning of the courts and the regulation of the legal profession. House Bill 5445 is therefore *Keller*-permissible.

Contact Person:

Marla Linderman Richelew mrichelew@gmail.com

**Public Policy Position
HB 5445**

Oppose

Explanation

The Committee voted to oppose House Bill 5445. The Committee cited the considerable amount of effort already being made in this area by both the State Court Administrative Office and circuit courts across the state, as well as concerns about the unintended negative consequences of the legislation may have on other case types and docket management.

Position Vote:

Voted For position: 11

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 10

Keller-Permissible Explanation:

The Committee determined that legislation impacting the structure of the family division of circuit courts and judicial education related to this area of law is necessarily related to both the functioning of the courts and the regulation of the legal profession. House Bill 5445 is therefore *Keller*-permissible.

Contact Persons:

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**Public Policy Position
HB 5445****Support with recommended amendments****Explanation:**

Support with Recommended Amendments: §1011(4)(a), §1011(4)(b), and §1011(5) must include a minimum of one hour of instruction/training on identification, notice, and placement requirements under the Indian Child Welfare Act (ICWA) and Michigan Indian Family Preservation Act (MIFPA), with additional training encouraged.

Position Vote:

Voted for position: 10

Voted against position: 0

Abstained from vote: 0

Did not vote: 2

Contact Person: Anna Bruty

Email: abruty@ndnlaw.com

Public Policy Position
HB 5445

SUPPORT

Explanation

HB 5445 is designed to close loopholes in the legislation that established the Family Division of Circuit Court nearly 30 years ago. While establishing the Family Division has been a vast improvement for Michigan families, flaws in the legislation have become apparent over the years. Recognizing that, former Section Chair Hon. Dick Halloran (now retired) established a “20-year review” committee and, for nearly a decade, the Family Law Section has been studying how the Family Division operates in each county around the State to see if we could suggest changes to improve the system for Michigan families. The Family Law Section’s analysis identified two major problems that the current statutes do not adequately address: education and commitment. Rep. Douglas Wozniak (R-Shelby Township) has introduced HB 5445, which if signed into law will require judges to complete education in family law and related social science before deciding any cases. HB 5445 also achieves the goal of “one family, one judge” through restricting future Family Division judges from rotating off the Family Division bench to other divisions of their Circuit Court. The Family Law Section SUPPORTS this bill.

I. The Family Law Section believes a minimum amount of judicial education is absolutely required before a judge makes decisions impacting children for life.

The Family Law Section does not believe that a minimum amount of practice experience in family law is essential to serve a judge in the Family Division. Examples abound of judges who came to the Family Division bench without any family law experience but were committed to the work, took the time to become well educated in the law and related social science, and are excellent Family Division judges. Minimum education before making decisions that will impact children and families for life is needed, though, because the current statute provides that “a judge’s service pursuant to the family court plan be consistent with the goal of developing sufficient judicial expertise in family law to properly serve the interests of the families and children whose cases are assigned to that judge.” MCL 600.1011(3). The current law also provides that a “judge serving pursuant to the family court plan shall receive appropriate training as required by the supreme court.” MCL 600.1011(4). While there is a continuing education requirement for judges, it does not require training on any particular subjects depending on a judge’s docket, and it does not require training in advance of rendering decisions. As a result, many families have been before jurists who had little, if any, education in family law before they made life-changing and potentially devastating decisions. The Family Law Section therefore concluded that rather than ‘developing’ sufficient judicial expertise on the job with collateral damage in their wake, Family Division judges must be educated before assessing and deciding the challenging and frequently brutal issues they are presented with. Accordingly, if HB 5445 is adopted, prospective Family Division judges without the requisite education or practice experience must have at least 40 hours of family law training, 40 hours of children’s law training, and 16 hours of domestic violence training before hearing any cases, and sitting judges’ continuing

education requirements will be earned in similar training.

This education requirement is consistent with Rule 1.1(a) of the Michigan Rules of Professional Conduct, which requires lawyers not to “handle a legal matter which the lawyer knows or should know that the lawyer is not competent to handle, without associating with a lawyer who is competent to handle it.” MRPC Rule 1.1(b) says lawyers are not to “handle a legal matter without preparation adequate in the circumstances.” MRPC 1.1 is the bare minimum for a lawyer pushing a particular position on the decisionmaker as an advocate. Prospective Family Division judges should not be making decisions for families without the “preparation adequate in the circumstances” to do so. Why?

- Termination of parental rights cases are the “civil death penalty.” The procedural requirements are complex and the discretionary decisions are not easy. Children’s developmental stages, mental health considerations, and other complicated dynamics affect whether a family can successfully be reunified or if the child involved needs a different kind of permanence.
- The Child Custody Statute requires individualized consideration of each child. Their developmental needs, the nature of the parent-child bond, and other important issues related to the family dynamics are crucial. Judges who are not well educated in those critical nuances are more likely to find a parent “good enough” and order some stock parenting time schedule – notwithstanding that they may be depriving children of the opportunity to spend more time, or the right kind of time, with the parent who they need more from at that stage of their life.
- Even property and cash flow (support) decisions in Family Division are not simple and straightforward. Friends of the Court can only do so much and, because of the number of self-represented litigants, the judge is often the only lawyer in the room when critical decisions are made.
- The proposed required education -- 96 hours (at least 40 in children’s law, 40 in family law, and 16 in domestic violence) is the bare minimum that will allow judges to have an understanding of the basics before they issue rulings that profoundly impact children and families.

II. The Family Law Section believes that Family Division cases should be heard by judges who are committed to the important work of the Division.

When Family Divisions in Michigan’s Circuit Courts officially opened January 1, 1998, for the first time divorce, child custody, support, adoptions, child protective proceedings (abuse and neglect), termination of parental rights, emancipation of minors, juvenile delinquency, and name changes all were assigned to one court division. Later, the Family Division was charged with handling Personal Protection Orders. Most recently, Extreme Risk Protection Orders and Assisted Reproduction and Surrogacy Parentage Act matters came under the Family Division umbrella. Before the legislature created the Family Division of Circuit Court with Public Act 388 of 1996, however, domestic cases were assigned to judges who presided over civil and criminal cases, too, while children’s law cases went to probate court. It was a near-universal experience that judges largely viewed the family docket as the least desirable or lowest priority, and judges often adjourned domestic matters in favor of their criminal and civil cases. This sometimes delayed trials for years and children lived in limbo.

Establishment of the Family Division has been a vast improvement. The idea and purpose of the

Family Division is “one family, one judge.” However, experience has shown a substantial number of judges prefer the civil/criminal docket and jury trial system. As a practical matter, this means that new judges get assigned to the Family Division then rotate out as soon as they can. Relatedly, MCL 600.1023 requires assignment of matters within the jurisdiction of the family division in the same circuit to be assigned to the same judge “whenever practicable.” This loophole has been exploited in some circuits based on the preference of the sitting judges. Other circuits apply it so that pending matters are temporarily reassigned and then returned to the original judge – resulting in more disruption, rather than less. The result is new judges are assigned then rotate through the Family Division in many circuits, or that all or virtually all judges in the circuit have a blended docket in others. So in all but a few circuits, families across our great State have faced anything but “one family, one judge;” families have had several different judges preside over their case at different times. One practitioner reported that in a post-judgment matter, five different judges made decisions in a case over the course of just three years.

Having a series of different judges, and judges without sufficient education in family law making decisions, is a bigger problem in Family Division cases than in other kinds of cases because:

- Cases involving children continue in the Court’s jurisdiction until the children become what society considers adults. Family Division cases are not usually completed within a year or less as is common in other types of cases.
- Many (perhaps most) domestic cases (DM, DO, DP, DC, DS, etc.) cases involve one or more parties who are self-represented. Again, oftentimes the only lawyer in the courtroom is the judge. Unlike civil and criminal cases, other lawyers are not present to assist the judge in determining what the applicable and/or procedure law is despite the gravity an adverse decision can have on the rest of their -- and, more importantly, their children’s -- lives.
- Vulnerable individuals -- children and domestic violence survivors, for example -- have to repeat their testimony and tell their stories over to each new judge. This reinforces the trauma they have already experienced and inflicts new trauma when parties have to repeat testimony before different decision-makers.
- Abusers often see a new judge as a new opportunity to reestablish contact with their victims, because the new judge is another person they have a chance to charm and convince. This increases the cost and stress on the children as well as on the other parent.
- In practice, having different judges also increases confusion when self-represented parties do not always understand which case is implicated in the notices they receive and they appear at the wrong court.
- Family law is largely case law, the statutes bestow significant discretion on judges, and it is not realistic to expect judges who are new to the bench and looking to the day they can leave the family docket to give each family before them the individualized attention they deserve.
- There is a real risk of inconsistent decisions when two different judges are ruling on parent/child contact – often applying different legal standards and following different procedures.

Current Family Division judges won't be required to stick around if they really don't want to, because they are grandfathered and will be able to transfer out of the Family Division if they choose. Future Family Division judges, however, will be precluded from 'jumping ship' and will have to run for a seat in another division of the circuit court if they don't want to continue to be a Family Division judge. And experience shows that this rotating bench is not "just a Wayne County [or insert another larger circuit court here] problem." Family Law Section members report this happens in circuits all around the State.

"One family, one judge" is therefore absolutely necessary to avoid inconsistent decisions and to promote judicial efficiency. The Family Law Section believes the best way to achieve that goal is to require minimum experience or education and a commitment to stay on the Family Division bench, and HB 5445 achieves both objectives.

Position Vote:

Voted for position: 13

Voted against position: 0

Abstained from vote: 0

Did not vote: 8

Contact Person: Donald C. Wheaton, Jr.

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OPPOSE HB 5445



HB 5445 is contrary to the Michigan Supreme Court's directive regarding Family Court Plans. **It's unconstitutional, unnecessary, and imposes unfunded costs on every county.**

UNCONSTITUTIONAL

- HB 5445 **creates a new type of judge** with additional qualifications **affecting the Michigan Constitution.**
- Judges would be reassigned from dockets involving civil and criminal cases causing **due process violations.**

WASTEFUL

- This bill does not consider the **implications** to the other case types and will **cause delays** to civil and criminal cases.
- **Chief Judges would be prohibited from managing caseloads.** The bill eliminates the efficient assignment of cases, causing caseloads to be unmanageable and result in unnecessary delays.

COSTLY

- **Over \$68 million would be needed** to provide every circuit with at least one more judge, to meet the requirements of HB 5445, including costs for a new chamber, IT, security, based on the recommendations of the Judicial Resources Report. (approximately \$1.2M per judge - local funding unit).
- Non-compliance could occur, resulting in **more costs** as **counties lack the funding** to fully support their additional costs required for these changes.

Oppose HB 5445 to protect your constituents, judges, and counties.

FAMILY DIVISION FAST FACTS

- ▶ A family division in each of our circuit courts **already exists**.
- ▶ Courts must file a family court plan **approved** by the Michigan Supreme Court.
- ▶ Courts pursuant to the Michigan Supreme Court directive operate under **“One Family, One Judge”**. This helps ensure cases for one family are assigned to the same judge to help provide consistency, ensures the judge has the necessary history to make informed decisions, eliminates conflicts with rulings, and assesses ongoing family needs.
- ▶ Courts work to **maximize efficiency** by utilizing Concurrent Jurisdiction Plans approved by the Michigan Supreme Court. This means district, circuit or probate judges work on other cases ensuring a balanced workload that avoids backlog and delays.
- ▶ Courts are different depending on size and number of judges. The types of cases are assigned by the Chief Judge based on workload and operation needs. Some may have more criminal cases; others may have more civil cases. Some may have more divorce or delinquency cases. This requires each court to evaluate the individual operational need and equally divide duties.
- ▶ Judges have a **variety of experience** prior to being elected or appointed. A Chief Judge may consider this when selecting which judges preside over which types of dockets.
- ▶ Judges have **mandatory continuing legal education**. In addition, Judges, MJA members, and the Supreme Court, work together to create mentorship opportunities for new judges and learning opportunities for all judges regardless of tenure, especially as they develop best practices for any changes in law or technology.



To: Members of the Public Policy Committee
Board of Commissioners

From: Nathan A. Triplett, Director of Governmental Relations

Date: April 16, 2026

Re: SB 885 - Parent and Child Legal Representation Act

Background

In 2023, Justices Cavanagh and Bolden formed a Child Protective Legal Representation Task Force (“Task Force”) and charged it with making recommendations regarding how to improve legal representation in child protective proceedings in Michigan. The Task Force ultimately concluded that “the current structure of providing vastly different levels of legal support to parents and children in child protective proceedings results in inequitable treatment” with significant, negative consequences for children, families, and communities. To address this issue, the Task Force recommended in its [report](#) that a statewide parent and child legal representation office be created and tasked with, among other things, establishing minimum standards for attorneys representing parents and children in child protective proceedings (including compensation and training standards) and creating an attorney application and appointment process.

Senate Bill 885 aims to implement many of the Task Force recommendations. It creates a Parent and Child Legal Representation Commission (“Commission”) and an Office of Parent and Child Legal Representation (“Office”). The legislation charges the Commission with creating standards of practice for attorneys eligible for appointment by the Office, including:

- Establishing maximum caseloads to allow for quality representation.
- Establishing minimum training requirements to improve quality of legal representation for indigent children and parents in child welfare cases and appeals.
- Defining legal representation and nonlegal advocacy tasks that are eligible for payment by the office.
- Establishing minimum standards for frequency and format of attempted contact with clients.

The bill also requires the Commission to establish a system to facilitate the appointment of counsel for indigent parents and children and standards for determining indigency. The legislation contemplates appointed counsel being paid for by a combination of a local funding share equal to a local funding unit’s average contribution to legal representation for child welfare cases over the prior three years, as well as legislative appropriations. For its part, the Office is charged with implementing and overseeing the minimum standards established by the Commission. In short, the legislation aims to do for child protective proceedings what the Michigan Indigent Defense Commission Act, 2019 PA 93, did over a decade ago for criminal proceedings.

Senate Bill 885 was introduced by Senate Majority Floor Leader Sam Singh and has been referred to the Senate Committee on Civil Rights, Judiciary, and Public Safety. It is supported by the State Court Administrative Office and the Michigan Supreme Court.

***Keller* Considerations**

Senate Bill 885 is necessarily related to several of the permissible subject-areas under *Keller*. The legislation would significantly impact how child protective proceedings function (and therefore how the courts hearing those matters function) in Michigan. By creating a system of appointed counsel in these proceedings, the bill would impact the availability of legal services for parents and children. By establishing minimum standards for attorneys practicing as appointed counsel in child protective proceedings it would impact lawyer competency and the integrity of the legal profession. Notably, the *Keller* analysis for this legislation is similar in nearly every material respect to the Michigan Indigent Defense Commission Act, which also created a commission charged with developing and overseeing minimum standards for appointed counsel operating in a defined area of legal practice. The Board of Commissioners has consistently concluded that legislation concerning the MIDC and its budget is *Keller*-permissible for over a decade. By analogy, legislation proposing a Parent and Child Legal Representation Commission is likewise *Keller*-permissible.

The Justice Initiatives, Access to Justice Policy, Criminal Jurisprudence & Practice, and Civil Procedure & Courts Committees all reviewed Senate Bill 885. All four concluded that the legislation was *Keller*-permissible in being reasonably related to the functioning of the courts and availability of legal services to society.

***Keller* Quick Guide**

THE TWO PERMISSIBLE SUBJECT-AREAS UNDER KELLER:

	Regulation of Legal Profession	Improvement in Quality of Legal Services
<i>As interpreted by AO 2004-1</i>	Regulation and discipline of attorneys	✓ Improvement in functioning of the courts
	Ethics	✓ Availability of legal services to society
	✓ Lawyer competency	
	✓ Integrity of the Legal Profession	
	Regulation of attorney trust accounts	

Staff Recommendation

Senate Bill 885 is necessarily related to improvement in the functioning of the courts, availability of legal services to society, lawyer competency, and the integrity of the legal profession. As such, the bill is *Keller*-permissible and may be considered on its merits.

SENATE BILL NO. 885

March 25, 2026, Introduced by Senator SINGH and referred to Committee on Civil Rights, Judiciary, and Public Safety.

A bill to create a parent and child legal representation commission and an office of parent and child legal representation; to prescribe the commission's and office's powers and duties; and to provide for appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "parent and child legal
2 representation act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the parent and child legal

1 representation commission created in section 3.

2 (b) "Consumer Price Index" means the most comprehensive index
3 of consumer prices available for the Detroit-Warren-Dearborn area
4 from the Bureau of Labor Statistics of the United States Department
5 of Labor.

6 (c) "Office" means the office of parent and child legal
7 representation created in section 5.

8 Sec. 3. (1) The parent and child legal representation
9 commission is created as an autonomous entity in the department of
10 licensing and regulatory affairs.

11 (2) The commission must consist of the following members
12 appointed by the governor:

13 (a) One individual from a list of 3 individuals submitted by
14 the senate majority leader.

15 (b) One individual from a list of 3 individuals submitted by
16 the speaker of the house of representatives.

17 (c) Two individuals from a list of 4 individuals submitted by
18 the supreme court.

19 (d) The director of the state budget office or the director's
20 designated representative.

21 (e) The director of the department of health and human
22 services or the director's designated representative.

23 (f) One individual who is an attorney licensed to practice law
24 in this state and who has experience working as a prosecuting
25 attorney from a list of 3 individuals submitted by the Prosecuting
26 Attorneys Association of Michigan.

27 (g) One individual recommended by the Children's Law Section
28 of the State Bar of Michigan who is an attorney licensed to
29 practice law in this state and who has experience as a parent

1 attorney.

2 (h) One individual recommended by the Children's Law Section
3 of the State Bar of Michigan who is an attorney licensed to
4 practice law in this state and who has experience as a child's
5 attorney.

6 (i) One individual recommended by the Children's Law Section
7 of the State Bar of Michigan who is an attorney licensed to
8 practice law in this state and who has experience as an appellate
9 attorney.

10 (j) One probate court judge from a list of 3 individuals
11 submitted by the Michigan Probate Judges Association.

12 (k) One circuit court judge from a list of 3 individuals
13 submitted by the Michigan Judges Association.

14 (l) One representative from a list of 3 individuals submitted
15 by the Michigan Association of Counties.

16 (m) Two members of the general public to represent the
17 interests of individuals who have been impacted by the child
18 welfare system.

19 (3) The governor shall appoint the first members of the
20 commission not later than 90 days after the effective date of this
21 act.

22 (4) The governor shall appoint 5 of the first members to 1-
23 year terms, 5 of the first members to 2-year terms, and 5 of the
24 first members to 3-year terms. After the first appointments, the
25 term of a member of the commission is 4 years or until a successor
26 is appointed under subsection (2).

27 (5) If a vacancy occurs on the commission, the governor shall
28 appoint an individual to fill the vacancy for the balance of the
29 term.

1 (6) The governor may remove a member of the commission for
2 incompetence, dereliction of duty, malfeasance, misfeasance, or
3 nonfeasance in office, or any other good cause.

4 (7) The director of the department of licensing and regulatory
5 affairs shall call the first meeting of the commission. At the
6 first meeting, the commission shall elect a member as a chairperson
7 and may elect other officers that it considers necessary or
8 appropriate. The commission shall meet at least quarterly, or more
9 frequently at the call of the chairperson or at the request of the
10 majority of the members.

11 (8) A majority of the members of the commission constitutes a
12 quorum for transacting business. A vote in favor by the majority of
13 the members of the commission serving is required for any action of
14 the commission.

15 (9) The commission shall conduct its business in compliance
16 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

17 (10) A writing that is prepared, owned, used, possessed, or
18 retained by the commission in performing an official function is
19 subject to the freedom of information act, 1976 PA 442, MCL 15.231
20 to 15.246.

21 (11) A member of the commission is not entitled to
22 compensation for service on the commission, but the commission may
23 reimburse a member for actual and necessary expenses incurred in
24 serving.

25 Sec. 4. The commission shall do all of the following:

26 (a) Create standards of practice for attorneys eligible for
27 appointment by the office of parent and child legal representation.
28 The standards must include, but are not limited to:

29 (i) Establishing maximum caseloads to allow for quality

1 representation.

2 (ii) Establishing minimum training requirements to improve
3 quality of legal representation for indigent children and parents
4 in child welfare cases and appeals.

5 (iii) Defining legal representation and nonlegal advocacy tasks
6 that are eligible for payment by the office.

7 (iv) Establishing minimum standards for frequency and format of
8 attempted contact with clients.

9 (b) Once the initial proposed standards are generated, the
10 commission shall invite public comment on the standards and hold a
11 public hearing to consider public comment.

12 (c) Standards will only become effective when sufficient
13 funding is appropriated, as determined by the commission.

14 (d) Review the standards created under subdivision (a)
15 periodically. Any proposed revisions to the standards must undergo
16 the public comment process required for the initial standards and
17 are not effective until sufficient funding is appropriated.

18 (e) Establish a system to facilitate the appointment of
19 counsel for indigent parents and children in child welfare cases
20 that includes both of the following:

21 (i) The opportunity for attorneys, firms, and organizations to
22 apply for placement on a roster of attorneys eligible for
23 appointment by the office.

24 (ii) Incorporate the location of available attorneys and allow
25 flexibility to accommodate varying needs across court systems.

26 (f) Establish standards for determination of indigency that
27 include both of the following:

28 (i) That an individual is indigent when they are unable,
29 without substantial financial hardship to the individual or the

1 individual's dependents, to obtain competent, qualified legal
2 representation. Factors that the court may consider include, but
3 are not limited to, income or funds from employment or any other
4 source, including personal public assistance, to which the
5 respondent is entitled, property owned by the respondent or in
6 which the individual has an economic interest, outstanding
7 obligations, the number and ages of the individual's dependents,
8 employment and job training history, and the individual's level of
9 education.

10 (ii) A rebuttable presumption of substantial financial hardship
11 if the individual is any of the following:

12 (A) Receiving personal public assistance including food
13 assistance program, temporary assistance for needy families,
14 Medicaid, or disability insurance, resides in public housing, or
15 earns an income that is less than 140% of the federal poverty
16 guideline.

17 (B) Under the age of 18.

18 (C) Currently serving a sentence in a correctional
19 institution.

20 (D) Currently receiving residential treatment in a mental
21 health or substance abuse facility.

22 (g) Establish a standardized rate of pay for appointed counsel
23 and a process for payment of counsel that includes both of the
24 following requirements:

25 (i) Local funding units shall continue to contribute their
26 local contribution equal to the local funding unit's average
27 contribution to legal representation for child welfare cases over
28 the prior 3 years. The local contribution must be adjusted annually
29 by the rate of inflation as established by the Consumer Price

1 Index. Local funding units must not be required to contribute more
2 than the determined local contribution.

3 (ii) A mechanism that allows the commission to secure
4 additional funding from legislative appropriations.

5 (h) Establish a process to provide experts to assist attorneys
6 in their cases. The process must include receiving, evaluating, and
7 approving requests for expert assistance, connecting attorneys with
8 necessary experts, and providing funding necessary to retain expert
9 assistance.

10 (i) Establish a process to provide ancillary legal services to
11 clients that might address underlying issues in their child
12 protective proceeding. The process must include receiving,
13 evaluating, and approving requests for ancillary legal services,
14 connecting attorneys with necessary supports, and providing funding
15 necessary to retain ancillary legal services.

16 (j) Hire an executive director for the office. The executive
17 director must be an attorney.

18 (k) Determine appropriate staff for the office consistent with
19 annual appropriations.

20 (l) Identify and encourage best practices for delivering
21 effective assistance of counsel to children and parents in child
22 protective proceedings.

23 Sec. 5. (1) The office of parent and child legal
24 representation is created within the department of licensing and
25 regulatory affairs.

26 (2) The purpose of the office is to do all of the following:

27 (a) Implement and oversee the system to facilitate the
28 appointment of counsel at the trial and appellate levels for
29 indigent parents and children in child protective proceedings once

1 established by the commission.

2 (b) Implement and oversee the process for payment of counsel
3 once established by the commission.

4 (c) Implement and oversee the process for providing experts to
5 assist attorneys in cases once established by the commission.

6 (d) Implement and oversee the process for providing ancillary
7 legal services once established by the commission.

8 (e) Provide technical assistance to support compliance with
9 standards and best practices, once determined by commission.

10 (f) Establish a process for routine performance reviews of
11 attorneys on the roster to determine continued eligibility to serve
12 on the roster. The process must include a mechanism for receipt and
13 review of complaints related to an attorney's actions on appointed
14 cases.

15 (g) As approved by the commission, collect data regarding
16 child protective legal representation statewide and provide an
17 annual report to the governor, legislature, and supreme court.

18 (3) The office may receive grants from governmental and
19 nongovernmental sources.

20 Enacting section 1. This act takes effect 90 days after the
21 date it is enacted into law.



Child Protective Legal Representation Task Force Report

2024

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Michigan Supreme Court (MSC) Justice Megan Cavanagh and Justice Kyra Bolden, Co-Chairs, Child Protective Legal Representation Task Force

Task Force Mission and Goals

In 2007, the State Court Administrative Office (SCAO) contracted with the American Bar Association (ABA) to conduct a comprehensive study of how Michigan delivers legal services to families involved in the child protection system. After observing hearings, surveying and interviewing families and other stakeholders, and reviewing data, the ABA concluded that Michigan’s county-based system of legal representation was failing families and that a statewide system of representation was needed to deliver high-quality legal representation.¹

Fifteen years have passed since that report was issued, yet little has changed. Counties remain solely responsible for compensating lawyers representing children and parents in the system. As such, wide disparities exist in how attorneys are paid, how much training they must receive, and how actively they must engage in a case. Furthermore, due to recent reforms raising rates for attorneys representing defendants in criminal cases, counties all over the state are reporting a crisis in finding any attorneys at all willing to represent children and parents in the child protective system. As one court administrator warned: “We are dangerously close to not having enough attorneys to represent parents and children in child protective proceedings.”

To address these concerns, we formed the Child Protective Legal Representation Task Force (“Task Force”) in 2023. The Task Force was charged with considering various ways to improve the current system of legal representation in child protective proceedings. This report highlights the critical need for reform and summarizes the Task Force’s recommendations to improve legal representation in the child protective system.

The Task Force included judges, parents’ attorneys, lawyers-guardian ad litem (L-GAL), legislators, court administrators, and others. In addition to meeting over a six-month period, the Task Force received input from stakeholders including parents, children, and the legal community; learned from the experiences of other states; and studied models being used in Michigan to represent individuals in different legal settings.

The hope is that this report will result in the long-overdue creation of a statewide system of legal representation in the child protective system that transforms how the state meets the legal needs of its most vulnerable. Our families cannot afford to wait any longer.



Justice Cavanagh



Justice Bolden

A handwritten signature in blue ink that reads "Megan Cavanagh".

A handwritten signature in blue ink that reads "Kyra Harris Bolden".

¹ American Bar Association, Legal Representation for Parents in Child Welfare Proceedings: A Performance Based Analysis Of Michigan Practice at 4, 8 (2009) available at https://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/parentrepresentation/michigan_parent_representation_report.pdf

Executive Summary

The Task Force found that Michigan’s current system of providing legal representation to parents and children in child protective proceedings is ripe for reform. Currently, each county operates independently in establishing attorney contracts, wages, and requirements. The Task Force discovered that attorney rate of pay, structure of pay, and even whether attorneys are paid to attend trainings and important out-of-court client meetings differ significantly by county. Additionally, the availability of support for attorneys varies significantly by county. Not surprisingly, the satisfaction with the system by both the attorneys and their clients is directly impacted by each of these inconsistencies. Indeed, the Task Force found that today some Michigan counties struggle to maintain a roster of attorneys willing to take on child protective cases.



The Task Force ultimately concluded that the current structure of providing vastly different levels of legal support to parents and children in child protective proceedings results in inequitable treatment. To address these issues, the Task Force recommends that the Michigan Legislature (“Legislature”) establish a statewide parent and child legal representation office (or offices), with regional offices, that is tasked with, among other things:

- establishing minimum standards for attorneys representing parents and children in child protective proceedings;
- establishing attorney compensation standards;
- establishing caseload caps;
- establishing minimum attorney training standards;
- creating an attorney application and appointment process;
- providing access to expert witnesses and other supports for parent attorneys and L-GALs;
- appointing parent attorneys and L-GALs in child protective proceedings;
- facilitating payment of parent attorneys and L-GALs for their services; and,
- continuous review of attorney performance for eligibility to remain on appointment list.

Additionally, the Task Force recommends:

1. That all counties work with the Michigan Department of Health and Human Services (MDHHS) to determine how to access the federal title IV-E funding available to enhance legal representation in their county.
2. That trial courts require court-appointed L-GALs to submit a verified statement of services before each hearing.
3. That SCAO modify its child protective court forms to ensure that trial courts obtain the wishes of children when, and as required, by law.
4. That SCAO continue to provide trainings to judges and attorneys on the importance and impact of hearing directly from youths, and about different ways of engaging youths in court.
5. That MDHHS explore using federal funds to create a summer program to place law students in legal, judicial, or other offices that focus on child protective law.

Child Protective Legal Representation Task Force Members

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MSC, Task Force Co-Chair

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Judge Elizabeth Gleicher (ret.)
Chief Judge, Michigan Court of Appeals

Rep. Kara Hope
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Why Strong Legal Representation for Parents and Children Matters

The United States Supreme Court has described a family’s right to remain together as one of the oldest and most fundamental rights protected by the Constitution.² Indeed, the Court has held: “The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State.”³

Research also demonstrates the harm that unnecessary family separation can inflict on the well-being of children.⁴ When children are removed from their families—often suddenly and without warning—and transferred to a new environment, they have a harmful physiological response, rooted in stress, and far too often, they are traumatized.⁵ Children report experiences of ambiguity, loss and trauma, and often equate child removal to kidnapping.⁶



Strong legal representation not only protects fundamental rights and prevents unnecessary family separation, but it can also be a critical factor in improving outcomes in the foster care system. When children and parents are provided with knowledgeable and dedicated legal counsel, it significantly enhances the likelihood of a quicker and more successful reunification. Legal representatives play a vital role in ensuring that the rights and interests of both parties are effectively communicated and defended throughout the legal process. This is especially important in complex cases where the nuances of child protective law regulations can

be daunting for those without specialized knowledge. Skilled attorneys can navigate these complexities, advocating for the child's best interests while also working toward preserving family unity wherever safe and possible.

Moreover, strong legal representation serves as a vital bridge of information and empowerment for families navigating the foster care system. Parents, who are often overwhelmed by the legal intricacies and the emotional toll of having a child in foster care, may not fully understand their rights or the procedures involved in regaining custody. Attorneys can demystify these processes, keeping families informed and engaged every step of the way. This engagement is crucial as it encourages parents to actively participate in the required steps towards reunification, such as attending court hearings, complying with case plans, and engaging in services that address the issues leading to the child’s placement in foster care.

Robust legal representation also ensures that decisions are made based on fair and complete information, and that any governmental intervention in the family is conducted lawfully and ethically. By advocating for the child’s voice to be heard and the parents’ perspectives to be considered, legal representatives play a pivotal role in promoting outcomes that are in the best interests of the child while respecting the family’s rights, ultimately contributing to a more just and effective foster care system.

² See *Meyer v Nebraska*, 262 US 390, 399, 401; 43 S Ct 625; 67 L Ed 1042 (1923); *Pierce v Society of Sisters*, 268 US 510, 534–35; 45 S Ct 571; 69 L Ed 1070 (1925); *Troxel v Granville*, 530 US 57, 66; 120 S Ct 2054; 147 L Ed 2d 49 (2000).

³ *Santosky v Kramer*, 455 US 745, 753; 120 S Ct 1388; 71 L Ed 2d 599 (1982).

⁴ See, e.g., Sankaran, Church and Mitchell, *A Cure Worse Than the Disease? The Impact of Removal on Children and their Families*, 102 Marq. L. Rev. 1161 (2019).

⁵ Monique B. Mitchell & Leon Kuczynski, *Does Anyone Know What is Going On? Examining Children's Lived Experience of the Transition into Foster Care*, 32 Child. and Youth Serv. Rev. 437, 438 (2010).

⁶ *Id.*

In 2017, the Administration for Children and Families (ACF) Children’s Bureau (CB) described the key attributes of high-quality legal representation as families having access to lawyers who are well-trained and highly knowledgeable in child welfare law, child development and trauma, have the proper litigation skills, and understand the importance of out-of-court efforts, including, but not limited to:

- time spent getting to know the strengths, needs and wishes of children, youth, and parents;
- out-of-court advocacy for services, benefits, and resources;
- participation in case planning meetings;
- school and home visits;
- meetings with important collateral contacts, such as medical providers; and,
- other efforts to advance critical child and parent safety, permanency, and well-being needs.⁷



CPLR Task Force member Judge Jeffrey Nellis, Lake County; Judge Edward Van Alst, who hosted the CPLR Public Listening Tour at 28th Circuit Court in Cadillac; and Task Force Co-Chair Justice Cavanagh.

Similarly, the ABA and the National Association of Counsel for Children (NACC) have drafted standards of practice, outlining the many obligations of effective child protective lawyers representing children and parents.⁸ Given the complexity of these tasks and the ever-changing constitutional, federal, and state laws governing the practice, the NACC offers a certification for lawyers who specialize in the field, which has been recognized by the ABA.⁹ Thousands of lawyers across the country, including some from Michigan, have received this certification.

Research has shown that high-quality legal representation plays a critical role by preventing unnecessary family separation, expediting safe reunification, increasing placement of children with relatives, and when children cannot go home, facilitating permanency for children.¹⁰ Children and parents with high-quality lawyers are more engaged in their case, perceive the system to be fair, and receive case service plans tailored to their needs.¹¹ Strong lawyers also force systems to increase contact between children and parents. As the ACF notes, studies provide “robust evidence consistent with existing research” that strong legal representation “leads to increased reunification and faster permanency for children.”¹² Given that reduction in the time children spend in foster care, studies have also shown that improving representation can potentially save the system millions of dollars each year.¹³

⁷ See ACYF-CB-IM-17-02, available at <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1702.pdf>

⁸ See NACC Recommendations for Legal Representation of Children available at <https://naccchildlaw.org/standards-of-practice/>, ABA Standards of Practice for Lawyers Representing Children, available at https://www.americanbar.org/content/dam/aba/administrative/child_law/repstandwhole.pdf, and ABA Standard of Practice For Lawyers Representing Parents, available at https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf.

⁹ More information about the NACC Child Welfare Law Specialist Certification Program can be found at <https://naccchildlaw.org/cwls-certification/>.

¹⁰ See ACYF–17-02, supra note 14, for a comprehensive summary of the research regarding legal representation for children and parents; see also Gerber et al., Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare, 102 Child and Youth Services Review 42 (2019) available at <https://www.sciencedirect.com/science/article/pii/S019074091930088X>.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

Michigan Lacks a Statewide System to Ensure High-Quality Legal Representation

Research shows that high-quality legal representation can promote positive outcomes and save money. Michigan currently has no system to ensure that every child and parent entering the system receives high-quality legal representation. The 2009 ABA report noted that “Michigan places the burden of funding [legal] representation on its counties, without structural support from the state. As a consequence, compensation. . . in child protection cases varies from county to county.”¹⁴ That system continues to exist today. As a result, currently across the state, there are 83 different systems of legal representation—one for each county.

Each of these systems differ in significant ways, most importantly in how they pay their attorneys, how much they pay, and what they pay for. According to a survey conducted of courts in 2022, some counties pay attorneys by the hour, some per hearing, and others through a flat monthly rate or annual salary. In some counties, attorneys get paid to attend critical out-of-court meetings with agency caseworkers, doctors, or other professionals.

In one large urban county, rates for attorneys representing parents have remained unchanged since 1985. Attorneys in this county are paid per hearing, and the rates are minimal. For example, if a case goes to trial, attorneys are paid \$175. After trial, they are paid \$100 per hearing. If they handle an appeal, they are only paid \$500. In such a jurisdiction, given the many hours of work it takes to represent a child or parent in a child protective proceeding, an attorney providing high-quality representation would barely make minimum wage. Accordingly, it is of no surprise that so few attorneys seek out this type of work.

Regardless of the payment structure in a given county, the common trend in the overwhelming majority of counties is that payment for attorneys is inadequate. One attorney stated, “The contracts and hourly pay are insulting. I have no office, no office staff, and no meeting space.”

In addition to varying systems of compensation, counties also differ in the support they offer lawyers who represent children and parents. Although standards of practice call for lawyers for children and parents to have access to experts, social workers, and other professionals to support their work,¹⁵ only some counties provide this type of support. Often, county-based funding systems do not compensate attorneys for the provisions that the standards require.

MDHHS is predominantly the petitioning party in child protective proceedings. MDHHS has a variety of means for obtaining legal counsel. By law, prosecuting attorneys’ offices are required to provide legal consultation, but not legal representation.¹⁶ This results in some MDHHS offices being represented by prosecuting attorneys, some by the Michigan Attorney General’s office, and some by independently contracted private attorneys. MDHHS’s representation is not consistent or standardized throughout the state.

¹⁴ Legal Representation for Parents in Child Welfare Proceedings, *supra* note 1, at 4.

¹⁵ See Standards of Practice, *supra* note 15 (each detailing the support lawyers need to provide high-quality legal representation).

¹⁶ *MCL* 1712a.17(5) and *MCR* 3.914(C) only require a prosecuting attorney to serve as a legal consultant to MDHHS upon request.



(l to r) Cheboygan Judge Robert Butts (ret.); Chief Judge Jocelyn Fabry, Sault Tribe of Chippewa Indians Tribal Court; Judge Clayton Graham, Luce/Mackinac Probate Court; Judge Eric Blubaugh, Chippewa County Probate Court; Chief Judge Leah Teeple, Bay Mills Indian Community Tribal Court; Judge James Lambros, Chippewa County Circuit Court; and CPLR Task Force member Judge Nellis.

Prosecuting attorneys' offices and private attorneys alike may not have additional resources such as secretaries, paralegals, and additional trained staff.¹⁷

Counties also differ in terms of the amount of training required before an attorney can accept a court appointment in a child protective matter. While a number of counties require attorneys to engage in some sort of training to remain on the court appointment list, 75 percent of surveyed counties do not require any training before an attorney can accept an initial appointment. In addition, 88 percent of surveyed counties do not require any training before an attorney can handle an appeal. That is, in most counties in Michigan, someone can graduate from law school having had little or no experience in child welfare law and get on a court-appointed list to

represent children or parents in perhaps the most life-changing court intervention imaginable.

One of the major reasons why counties reported that they are unwilling to impose stringent training requirements on those representing children and parents in the child protective system is because of the critical shortage of attorneys across the state. Eighty percent of counties identified a lack of attorneys as their biggest challenge. One administrator noted that “[we] have a general shortage of attorneys willing to take the cases because of low pay.” Many described an unwillingness among attorneys to take child protection cases because of their ability to make more money handling criminal cases due to state standards imposed by the Michigan Indigent Defense Commission (MIDC). An administrator explained, “With MIDC rates double what child protection counsel receives from the county, these cases are not [the attorneys’] first choice.” Another stated, “[MIDC] was a great change in one area, but it further depleted counsel availability for child protective proceedings.” One attorney stated “We have excellent attorneys, but it is very hard to keep them. Our appointment list has decreased over 30 percent in the last few years.” Another remarked, “Since the MIDC has been put in place, our court-appointed attorneys are flocking to do that work. We simply can’t expect attorneys on [child protective] cases to work for free or get paid an average of \$30 to \$40 an hour.” Given the shortage of attorneys, counties are unable to have high standards for training. One leader remarked, “We do [not require training] because we do not have enough attorneys available for competition to enforce annual training.”

¹⁷ It is the Task Force’s hope that these practitioners will also benefit from the implementation of an elevated standard of practice in the child welfare system.

The Absence of a Statewide System for Legal Representation Directly Harms Children and Parents

Conversations with stakeholders demonstrate the profound impact that this crisis is having on children and parents. Over 50 percent of youths surveyed indicated that their L-GAL did not meet with them outside of court. When asked whether or not their L-GAL¹⁸ advocated for their needs, youths provided a range of responses, including the following:

- “I haven’t had contact with my lawyer in a year.”
- “My GAL (name) was the BEST representation I could’ve had in the system. I absolutely couldn’t have done it without him. He always made sure my voice and concerns were heard in court and at F[amily] T[eam] M[eeting]s. Anytime I had an issue, I could 100 percent count on (name) to make sure it was taken care of.”
- “My lawyer was great he was the only one on my team that actually tried to hear me out and he understood and wanted to get me where I was going to be successful.”
- “I had very limited exposure to my GAL. So, I did not feel like I was being represented, more that he was a mouthpiece for the caseworkers’ recommendations.”
- “Never talked to her; she’s never contacted me at all.”



(The full list of youth responses can be found at the end of this report.)

These responses demonstrate at least two things: 1) the incredible impact that an effective L-GAL can have on a child’s life; and 2) the fact that many children are struggling because the system is failing to provide them with the high-quality legal representation they are entitled to.

Parents who were surveyed reported similar challenges. Forty percent of parents reported that their attorney did not meet with them outside of court hearings or that they did not feel like they were able to talk to their attorneys when issues came up. Fifty percent of parents expressed a belief that their attorney did not effectively advocate for them in court. Following are a few examples of responses given by parents when asked to elaborate on their experiences with their attorneys:

- “The accountability for legal representation seems to be nonexistent in this matter. I feel extremely disconcerting that my lawyer never took the time to personally discuss the matters on this case. How can one represent properly from just a piece of paper.”
- “My lawyer was good. He did what I asked of him.”
- “The lawyer barely knew what was going on or my name. It was the most horrible experience. I’ve tried to fire him multiple times and he never filed any motions to leave.”

Similar statements echoed throughout the Task Force’s public listening tours and other stakeholder meetings.¹⁹

¹⁸ MCL 712A.17d defines the duties of the L-GAL. Among other responsibilities, the L-GAL must meet with the child and advocate for what they believe is in the child’s best interests, while also conveying to the court what the child wants.

¹⁹ Additional quotes and details can be found in the Public Input section of this report beginning on page 18.

The information received by the Task Force from children, parents and stakeholders all coalesce around one conclusion: that Michigan’s county-based system of providing legal representation is failing to provide families with the consistent, high-quality legal representation that is crucial in protecting fundamental constitutional rights and promoting positive outcomes. The most effective way to remedy this crisis is for the Legislature to create a statewide system of legal representation.

Lessons Learned from Other States and Systems

Recognizing that the representation of children and parents is not unique to Michigan, the Task Force looked at other states and systems that have tackled similar issues. Key takeaways included:

- **Colorado’s** creation of a separate Office of Respondent Parents’ Counsel (ORPC) paved the way for increased attorney compensation and led to a positive impact in the amount of time parents’ attorneys spent on key out-of-court case activities, including family engagement meetings. The ORPC offers interdisciplinary legal teams, better attorney compensation and support, and preventive legal advocacy. Moreover, Colorado has seen an increase in positive parent outcomes, decrease in termination of parental rights, and a reduction in foster care costs since the inception of the ORPC. In Colorado, the Office of Child Representation had already been developed before the creation of ORPC. Although this is a separate agency within the judicial branch, both agencies present and work together on budgetary efforts.
- **Washington State’s** Parent Representation Program (PRP) falls within the Office of Public Defense (OPD) and since its creation, the PRP has implemented caseload standards and increased attorney compensation. As a result, attorneys spend one-third of their time communicating with clients. The PRP also provides access to funds for experts and litigation costs, including pre-approved costs for paternity tests, filing fees in family law matters, and more. The OPD contracts with public defender agencies, firms, solo practitioners, and social workers, while providing technical assistance, support, and training. The OPD monitors caseloads, sets performance standards, reviews contractors, performs court observations, and manages the client complaint process. Notably, the PRP paid for itself in just a few years, and more than pays for itself in subsequent years by reducing the length of time children are in care. In Washington, children’s representation falls under the Office of Civil Aid. However, like Colorado, the two offices work together for budgetary requests.
- **New Mexico’s** Office of Family Representation and Advocacy (OFRA) started up in 2023 after going through the same steps our Task Force has taken. OFRA is based on an interdisciplinary legal services team model, where each team includes an attorney, a family peer support navigator, and one or more members of the social work staff in order to address the needs of the parents and family. This can include ancillary issues such as immigration, applying for public benefits, employment, housing, access to mental health services, and more. There are five offices throughout the state utilizing the services of both state-employed attorneys, as well as contract attorneys. Reasonable caseloads, extensive training, quality control and performance monitoring, and access to support staff are key aspects of OFRA’s infrastructure. The agency represents both parents and children with structural barriers in place to prevent conflict, while avoiding budgetary concerns that may occur when separate offices compete for funding.

- The **Michigan Indigent Defense Commission** (MIDC) was statutorily created and is required to develop minimum standards for the delivery of indigent trial-level adult criminal defense services, administer grants for local systems, ensure compliance with standards, collect data, and encourage best practices. The MIDC has approved and overseen implementation of minimum standards in the areas of training and education, initial client meetings, independence from the judiciary, use of investigators and experts, counsel at all critical stages, and indigency determination. The MIDC has also approved and is in the process of overseeing implementation of standards for attorney compensation, caseloads, and qualifications and review. Local systems, which are trial court funding units, are required to submit compliance plans and meet those standards within 180 days of receiving funding. Local trial court funding units have developed both public defender office systems and managed assigned counsel systems to meet those standards. Some systems chose to regionalize or share services to meet the standards. MIDC staff, including six regional managers, assess compliance and provide technical assistance. Costs are shared through a system of state and local funding.
- **Michigan’s State Appellate Defender Office** (SADO)/**Michigan Appellate Assigned Counsel System** (MAACS) provide indigent appellate criminal defense services. SADO was statutorily created as a public defender office to provide direct representation in 25 percent of pending appeals under oversight of the Michigan Appellate Defender Commission. SADO is a state-funded office with over 70 attorneys, social workers, investigators, and other staff. MAACS administers the system for appointing appellate counsel to SADO or private counsel from a roster of over 100 private attorneys that have traditionally been paid by counties. MAACS enforces performance standards and provides training programs, litigation support, mitigation and reentry services, and coordination of litigation for private counsel. Beginning in Fiscal Year 2024, MAACS also administers a uniform statewide system for private attorney billing and payment, which is funded on a one-to-one basis between counties and the state. MAACS consists of two attorney administrators, one litigation support attorney, one social worker, a Youth Defense Project attorney, an accountant, and three support staffers.

Michigan Should Create a Statewide System of Legal Representation

To address the many concerns noted above, the Task Force recommends that the Legislature create and fund a statewide office within the executive branch tasked with appointing, paying, and training lawyers to represent children and parents in the child protective system.²⁰ Following the model of MIDC and SADO, it is recommended that oversight of this office be administered by an appointed commission. This office could take several forms. While the Task Force was not unanimous on this point, a majority believe that it should be

²⁰ The Task Force would defer to the Legislature and executive branch regarding where this new office should be situated structurally; however, in making that determination the Task Force would note that the MDHHS supervises the state’s intervention into families through the child protective system. As such, there is likely to be a direct conflict of interest between the attorneys who represent parents and children and MDHHS. This conflict in roles suggests that MDHHS is unlikely to be a good option for housing this new office. Furthermore, the Task Force does not recommend placing this office in the judicial branch. In this regard, the Legislature is encouraged to review AO 2016-2, where the Michigan Supreme Court raised concerns about the uncertain constitutionality of various statutory provisions of the MIDC Act with similarities to the recommendations of this Task Force. ([AO No. 2016-2 — Regulation \(michigan.gov\)](#)).

structured as one office with regional staff operating separate divisions for child and parent representation, rather than two separate offices, one tasked with child representation and the other parent representation. Regardless of the form, the office would handle both trial and appellate representation.

Once created, the office would be responsible for appointing attorneys on specific cases. Attorneys would apply to be on the list to receive trial and/or appellate appointments to represent children and/or parents in specific counties. If they meet the qualifications (to be determined by the office based on national standards of practice),²¹ they would be eligible for court appointments. Trial courts would

communicate their need for attorneys to the office, which would then appoint the attorneys. Under this system, trial courts would no longer control the appointment process.²² To help with the appointment process and leverage regional resources, the Task Force recommends that the Legislature consider regional staff within this statewide structure so that the needs of a particular community can be taken into account when making appointment decisions. The case assignment system should be developed to ensure that child and parent representation is available pre-petition (whenever possible), and at the first hearing, including weekend and after-hour emergency hearings. Likewise, the office would ensure substitute counsel is available when issues of attorney hearing coverage arise.

It would be expected that counties continue to contribute toward the cost of legal representation, with the expected contribution level to be determined by the Legislature. Additional funding would likely be required from the state to ensure that attorney compensation can be sustained at a reasonable level, and this new office would also be responsible for administering payments as needed.²³ Based on research from other jurisdictions, it is expected that a significant portion of the cost of the creation of this office would be offset by savings achieved by reducing the time children spend in foster care.²⁴

The office would be tasked with establishing minimum attorney standards of practice, appropriate compensation structures, and reasonable caseloads caps for parent attorneys and L-GALs.²⁵ The office would also make funding available for experts, social workers, investigators, and other supports for children and



(l to r) CPLR Task Force member Judge Nellis; Task Force Co-Chair Justice Cavanagh; and Judge Jennifer Mazucchi, who hosted the Public Listening Tour at Marquette County Courthouse.

²¹ It is expected that the new office would develop minimum attorney standards of practice- based in part on the national standards- on what attorneys must do to be appointed in a child protection case. This would include any initial training and orientation requirements, minimum qualifications for appointments, and ongoing education requirements.

²² Presently, some counties have implemented a system that randomly assigns attorneys; however, this is not true throughout the state.

²³ This would include a determination of whether the state pays for the services with the county responsible for reimbursement of a portion, or vice versa.

²⁴ See, e.g., *Gerber et al*, supra note 17 (finding that improved legal representation reduced the time children spent in foster care by 118 days and would save the foster care system almost 40 million dollars per year if fully implemented).

²⁵ Although this report refers to “the office” as the decision-making entity, it is envisioned that, especially for the determination of standards of practice, a governing commission with appointed leadership would be formed that would ultimately be responsible for decision-making by the office.

parents' attorneys. In addition, the office could have the ability to appoint attorneys to handle ancillary legal matters that would resolve the child protection case or prevent the need for a petition to be filed in court. Ancillary legal matters typically include legal assistance with obtaining a custody order, assisting with landlord-tenant disputes, and other matters that place a child at risk of removal from home or could resolve the child protection case.

While creating a standard process for appointing lawyers in child protective cases throughout the state, the Task Force recommends that counties could opt to maintain different models of legal representation so long as the individual attorneys meet state standards. For example, a county might want to utilize a public defender model, or seek to fund an institutional provider of legal representation, such as the [Center for Family Representation in New York City](#), or the [Children's Law Center in Washington, D.C.](#) Research demonstrates that these types of institutional providers are particularly suited to offer families high-quality legal representation.²⁶ Counties looking to provide an alternate form of representation would demonstrate how their plan meets the state's standards.

The new office would be responsible for monitoring the ongoing performance of attorneys receiving state funds, and would create a process for stakeholders to provide feedback on an attorney's performance, including a means by which youth could file a complaint if they did not feel heard by their L-GAL. The office would have the authority to remove a lawyer from its roster if the attorney fails to meet the minimum standards. The office would also provide a centralized hub for training and resources, including access to litigation support counsel, social workers, parent allies, youth champions, and a variety of resources such as expert banks, training banks, brief banks, educational handouts, and lists of service providers, including mental health professions, housing assistance programs, after-hour visitation services, and more. The office would work closely with the state's Court Improvement Program to ensure that attorneys had access to trainings and other available resources.

Other Important Steps for Improving Legal Representation for Parents and Children in Michigan

While the creation of a statewide office for legal representation is the major recommendation of the Task Force, the state can also take several other steps to better meet the legal representation needs of children and parents involved in child protective proceedings. In 2019, the federal government permitted federal funds under Title IV-E of the Social Security Act to be used to match state expenses for legal representation of children and parents in the child protective system.²⁷ MDHHS quickly opted into the program, and created a mechanism for interested counties to seek matching funds that could be used to strengthen legal representation. Since then, Michigan has drawn nearly \$4 million in federal funds to enhance legal representation.

²⁶ See Gerber et al, supra note 17 (finding better outcomes for families represented by institutional providers).

²⁷ More information about using federal funds under Title IV-E to support legal representation can be found at <https://www.acf.hhs.gov/cb/policy-guidance/im-21-06>.

Forty-three counties are participating in the program known as the Child and Parent Legal Representation Grant.

Counties have used that money to, among other things, create programs to represent parents before the filing of petitions in an effort to prevent unnecessary family separation, fund social workers to support lawyers, establish mentoring programs for experienced attorneys to help newer attorneys, and pay for attorneys to handle ancillary legal issues and for out of court advocacy for their clients. Counties are free to use the funds in any way that enhances legal representation for children and parents in child protective proceedings.



CPLR Task Force members on the Public Listening Tour in Detroit: (l to r) Mona Youssef, of the Michigan Attorney General's Office; Wayne Circuit Judge Cylenchia LaToye Miller; and CPLR Co-Chair Justice Bolden.

But only half of Michigan counties are participating in the Child and Parent Legal Representation Grant. The Task Force recommends that all counties work with MDHHS to opt into the program and to use those funds to strengthen legal representation.²⁸ MDHHS provides annual trainings and has experts ready to guide counties through the application process.

Further, despite Michigan law requiring that L-GALs meet with the child and report their wishes to the court, many youths in the system still report feeling completely unheard. The Task Force recommends that courts consider requiring court-appointed L-GALs to file verified statements of services before every hearing indicating that they have communicated with the child.²⁹ Additionally, the Task Force recommends that SCAO modify its court forms for child protective proceedings so that judges can document when the child's wishes have been reported to the court/placed on the record during a hearing as required by law. The Task Force also recommends that the SCAO continue to provide trainings to both judges and lawyers on why hearing the voices of children is critical, and about different ways of engaging them in court or in their foster care cases.

Finally, to increase the pipeline of lawyers interested in representing children and parents in child protective proceedings, the Task Force recommends that the MDHHS explore the use of federal funds under the Children's Justice Act to create a program for law students to work in law offices, courts, and governmental agencies focused on child protective law while receiving training and stipends. This would assist in the introduction, recruitment, and training of law students in child welfare law. This program could be modeled after Georgia's Summer Child Advocacy Program run by Emory Law School's Barton Child Law and Policy Center. More information about that program can be found at <https://bartoncenter.net/about-barton-center/student-opportunities/>.

²⁸ It is anticipated that the above-recommended statewide office could assist in streamlining this process by either drawing the funds on behalf of each county or working with MDHHS to streamline the administrative workload involved in the application and reporting process mandated by the grant.

²⁹ The SCAO verified statement of services for a L-GAL can be found at <https://www.courts.michigan.gov/4ade2d/siteassets/forms/scao-approved/jc82.pdf>.

Summary of Recommendations

The Task Force recommends:

1. That the Legislature establish a statewide parent and child legal representation office (or offices), with regional offices, that is tasked with, among other things:
 - establishing minimum standards for attorneys representing parents and children in child protective proceedings;
 - establishing attorney compensation standards;
 - establishing caseload caps;
 - establishing minimum attorney training standards;
 - creating an attorney application and appointment process;
 - providing access to expert witnesses and other supports for parent attorneys and L-GALs;
 - appointing parent attorneys and L-GALs in child protective proceedings;
 - facilitating payment of parent attorneys and L-GALs for their services; and,
 - continuous review of attorney performance for eligibility to remain on appointment list.
2. That all counties work with MDHHS to determine how to access the federal title IV-E funding available to enhance legal representation in their county.
3. That trial courts require court-appointed L-GALs to submit a verified statement of services before each hearing.
4. That SCAO modify its child protective court forms to ensure that trial courts obtain the wishes of children when, and as required, by law.
5. That SCAO continue to provide trainings to judges and attorneys on the importance and impact of hearing directly from youth, and about different ways of engaging youth in court.
6. That MDHHS explore using federal funds to create a summer program to place law students in legal, judicial, or other offices that focus on child protective law.



CPLR Task Force member Judge Nellis; Task Force Co-Chair Justice Cavanagh; and Judge Anna Talaska, who hosted the Public Listening Tour at the Gogebic County Courthouse.

Conclusion and Next Steps

Without a statewide system of legal representation for children and parents, families involved in the child protective system will continue to struggle, courts will make decisions based on incomplete information, and the system will fall far short of its intentions. The Task Force hopes that this report reveals the crisis in our foster care system and serves as a clarion call for immediate action.

Task Force Meetings

The Task Force held seven meetings between May 2023 and February 2024, including four in person two-hour meetings, one in person six-hour meeting, and two remote meetings.

Meeting #1: May 30, 2023

At the initial meeting, Task Force members discussed the current state of legal representation provided to children and families.

Meeting #2: June 27, 2023

At this meeting, the Task Force learned about current structures addressing legal representation in Michigan including the establishment of MIDC, SADO, and MAACS.

Meeting #3: July 25, 2023

This Task Force meeting was remote as the members learned from three other states that have transformed their child protective legal representation systems, including Colorado, New Mexico, and Washington whose programs were inspiring. Special thanks to New Mexico's Judge Jennifer DeLaney, Chair, Family Representation Task Force and Commission; Beth Gillia, Executive Director, OFRA; Mary Ann Shaening, Facilitator for the Task Force and Commission, and Start Up Team Leader, OFRA; Colorado's Melissa Thompson, Executive Director, Colorado Office of Respondent Parents' Counsel; and Washington State's Amelia Watson, Lead Attorney, Washington State Office of Public Defense Parents Representation Program.

Meeting #4: August 22, 2023

This all-day, in-person meeting was facilitated to generate discussions and ideas. Special thanks to Casey Family Programs for sponsoring two of their attorney consultants, Rob Wyman and Brooke Silverthorn, for this project.

Meeting #5: October 31, 2023

At this meeting, the work group discussed and came to consensus on many of the recommendations in this report.

Meeting #6: December 12, 2023

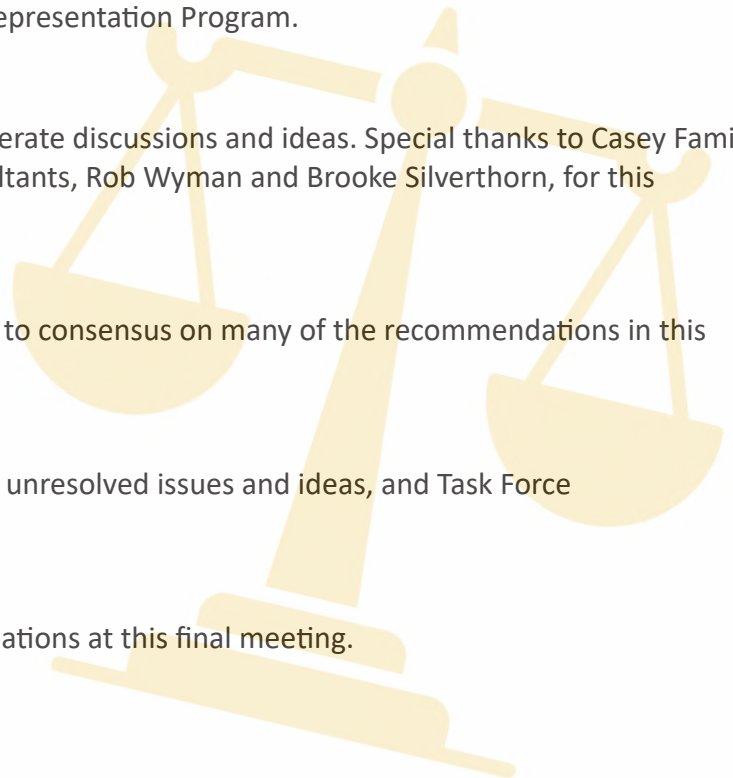
This Task Force meeting included discussions around unresolved issues and ideas, and Task Force recommendations.

Meeting #7: February 12, 2024

The Task Force discussed the report and recommendations at this final meeting.



Presentation slide from the first Task Force meeting.



Public Input

The Task Force sought broad input from the public by attending child welfare stakeholder meetings, conducting surveys of parents, youth, attorneys, and others, and traveling through northern Michigan to hear from the state's smallest counties. Below is a summary of Task Force activities between August and November 2023.

Child Welfare Stakeholder Meetings

Task Force members participated in the following eight meetings, which included **146 attendees** in total.

- Berrien County Child Welfare Stakeholder Group, August 15, 2023 - *15 attendees*
- Grand Rapids Bar Association Parent-Child Attorneys, August 16, 2023 - *25 attendees*
- Family Defense Policy Coalition, August 17, 2023 - *five attendees*
- Michigan Court Improvement Program Tribal Court Relations Committee, September 7, 2023 - *17 attendees*
- SBM Children's Law Section, September 22, 2023 - *29 attendees*
- Michigan Judges Association Family Law/Rules Committee, September 26, 2023 - *14 attendees*
- Oakland County Juvenile Law Section, September 28, 2023 - *14 attendees*
- Michigan Court Appointed Special Advocates, October 3, 2023 - *27 attendees*

Public Listening Tours

The Task Force also heard directly from **139 members of the public** during a public listening tour through northern Michigan, the Upper Peninsula, and Wayne County. The locations and attendee information follows. In addition, eight public comment forms were received.

- **Cadillac, September 25** - Seventeen attendees including two from the court, three attorneys, 10 from the child welfare agency, one parent partner, and one other
- **Sault Ste. Marie, September 26** - Forty attendees including eight from the court, four attorneys, seven from the child welfare agency, 17 tribal representatives, three parent partners, and one youth with lived experience
- **Marquette, September 27** - Twenty-six attendees including four from the court, four attorneys, and 18 agency workers
- **Bessemer, September 28** - Twenty-four attendees including two from the court, five attorneys, 11 from the child welfare agency, two parent partners, three youth with lived experience, and one foster parent
- **Detroit, November 27** - **Thirty-two** attendees including 11 attorneys, 10 from the child welfare agency, and 10 parents and youth with lived experience, and two foster parents



CPLR Task Force Public Listening Tour in Marquette (l to r) Judge Butts; Task Force Co-Chair Justice Cavanagh; and Task Force member Judge Nellis.

The following issues were identified the most frequently during the stakeholder meetings and Public Listening Tour:

- Lack of required or standardized training requirements for attorneys (30)
- Attorney pay rate is too low (23)
- Attorneys are not compensated for out of court representation (17)
- There is a lack of attorneys to do the work (15)

Following are some of the comments captured during the stakeholder meetings and Public Listening Tour:

“It is difficult to hold attorneys accountable due to the lack of availability. Attorneys are not providing the level of practice they should be (e.g., attorneys are not meeting with clients), but court is desperate for attorneys. Attorneys have large caseloads. Zoom court hearings are beneficial increasing attorney availability. Unfair to families that receive varying quality of legal representation. Recommend consistent training so attorneys can refer to appropriate services.”

“Elevate level of practice to recognize work, attract attorneys, etc.”

“Met L-GAL only once at school with siblings following reunification. L-GAL misreported information to court. Moved three different foster homes, ultimately adopted, two removals from parents. Would have wanted to appear at hearings, felt left out of decision-making process, she was 14-15 years old at the time, and did not know what was happening. Would have processed information better learning it as it happened rather than finding out later all at once.”

“Child and parent report that they are not being heard, child does not see attorneys in court fighting for them so do not understand that the attorney is advocating for them. Older youths report that they do not like the idea that decisions are being made without them, even if they don’t always want to talk about it. Give the children the information they need to decide their level of participation in hearings or write down their questions for their L-GAL to present to the court.”

“Low compensation is a barrier to attorney recruitment and retention.”

“One of the barriers is the small-town politics that go on where there are only one or two attorneys that do all the work. It’s hard to make changes because they are resistant. Some of it gets down to economics too. There are also issues with attorneys not visiting with clients. Some judges are now asking on the record if this has occurred.”

“Parents and children only get quick meetings with attorneys/L-GALs in court hallway prior to hearing—should be meeting with parents and children monthly. Cannot accurately report situation to the court meeting quarterly. Some attorneys report they do not get paid to appear at Foster Care Review Board meetings. Attorneys should team together with caseworkers to help parents and case move ahead. Attorney attrition is an issue. Required in-person hearings difficult for caseworkers due to lengthy, time-consuming travel, benefit from virtual hearings.”

“Difficult to complete all things required to return child because too many requirements all at once. Felt that state court provided more services than tribal courts. Attorney did explain the CPS system well and provided hope. Felt there could have been more attorney support. L-GAL never visited their daughter.”

“How can the court process be improved to avoid adjournments and prolonging the case? Provide incentives for high-quality representation to move the case along.”

“Has had three foster placements. L-GAL’s spend minimal amount of time with the children. The caseworkers ask the appropriate questions that the attorney should be asking. Caseworkers carry the burden. Requested a CASA because felt children were not being advocated for, but they cannot make the request directly. Very involved with their children. No voice for the child.”

Public Surveys

The Task Force collected broad input through targeted stakeholder surveys to individuals involved in child protective proceedings and a more general public comment form. In total, 151 surveys were completed.

Youth Survey

This survey inquired about youth’s experiences with the L-GAL appointed to their case and included seven questions. Seventy youths completed the survey; 66 were placed in foster care (96 percent); four remained in their homes.

(1) Out-of-court contact.

The survey asked youth if the L-GAL met with the youth outside of court hearings and if they felt like they were able to contact the L-GAL when issues came up.

As shown below, just under half of the responses indicated that the L-GAL met with youth outside of court hearings. Survey responses varied from “Yes, he was always great with getting back to me within 24 hours” to “No, I haven’t had contact with my lawyer in a year.”

70 Youths Responded to This Question		
Yes	34	49%
No	22	31%
Seldom (1-2 times)	7	10%
Other	7	10%

(2) Effective advocacy.

The survey asked if the L-GAL effectively advocated for the youths in court and to describe whether they felt like the L-GAL knew what they wanted. Over 60 percent of youths responded that the L-GAL did effectively advocate for them in court, while 23 percent responded “no.”

Survey responses varied from “My lawyer did a great job advocating for me and my wants in court” to “I’m not sure if my lawyer advocated for me in court. If she did then I’m not sure what she would’ve said considering she had never really talked to me or asked me what I wanted.”

69 Youths Responded to This Question		
Yes	42	61%
No	16	23%
Unsure	8	12%
Other	3	4%

(3) Experience with L-GAL.

The survey asked youths to describe their experience with the L-GAL, what worked well, and if there were challenges. Following are some of the responses provided:

*“My GAL (name) was the **best** representation I could’ve had in the system. I absolutely couldn’t have done it without him. He always made sure my voice and concerns were heard in court and at FTMs. Anytime I had an issue, I could 100 percent count on [him] to make sure it was taken care of.”*

“My lawyer was great he was the only one on my team that actually tried to hear me out and he understood and wanted to get me where I was going to be successful.”

“I had very limited exposure to my GAL. So, I did not feel like I was being represented, more that he was a mouthpiece for the caseworkers recommendations.”

“Never talked to her, she’s never contacted me at all.”

“He was very kind. Made us feel like we were gonna get all taken care of. We knew he was a good GAL.”

“He stopped by my school for a surprise visit. I guess it was required for him to have an unannounced visit. We didn’t talk much. I didn’t have much to talk to him about. From what I know, it could’ve been a random guy posing as my lawyer (I didn’t remember him from the court visit, or it could’ve been a different lawyer).”

“We always made sure any concerns were discussed and it was always comfortable and friendly. And he made sure to speak in court about anything we discussed prior.”

“I had only met with my lawyer in person one time and that was at the beginning of my foster care journey. Other than that we had done two phone calls and didn’t really talk about much. I didn’t feel like I could talk to her, mainly because I didn’t know who she even was.”

“I’ve had him for about four years and I’ve only seen him in person a total of two times and they have been short timed he never calls and the few times he has it’s only been about a minute long or so.”

“She doesn’t know what I want. I try to tell her things but then she just blows it off like it’s not a big deal and it is not something that needs to be dealt with.”

“Did not interact with her lawyer. He never tried to sit down with me and see what’s going on with me or asking if I needed anything from him or was their anything I needed him to do for me.”

“A challenge was I never got to actually talk to her so anytime she was ‘advocating’ for me it was how she felt or what she wanted to say.”

(4) Ideas for improvement.

The survey asked the youths if they have ideas on how to make legal representation better. Following are some of the responses provided:

“Meet with your client more often.”

“Foster parents should get more of a voice. They are with us day in and day out. They have a better understanding of us and our needs—times two.”

“Just make sure they stay in contact with the youths, make sure they’re really nice and are good with kids, especially conversation wise. Let the youths speak! Hear more of what we have to say when, person to person.”

“I had a good experience and wouldn’t change anything about my time working with [my L-GAL] or attending court.”

“I feel like MDHHS should have to update their paper work more and in our treatment plans and court reviews we should have a part where the kid gets to put how they are doing because the workers only see once a month and the lawyer once every three they just go off what placements put in reports.”

“Pay more attention to kids and spend more time getting to know them. Come and visit...”

“The court was a scary place so I didn’t want to go. Maybe a more regular visit outside of the court room may be helpful.”

“Maybe more interaction with our lawyer and not just the foster parents interacting with the lawyer. I feel like if we had been able to really speak with our lawyer years ago when we were in an abusive foster home, we might have been able to get out sooner.”

“Don’t believe everything caseworkers tell you.”

“No, never really interacted with them because they never seen me.”

Parent Survey

This survey inquired about parents’ experiences with their attorney and included similar questions to the youth survey. Fifty-eight parents completed the survey.



Task Force member Judge Nellis (l) and Co-Chair Justice Cavanagh (r) hearing from one of many parents during the 2023 Public Listening Tour.

(1) Out-of-court contact.

The survey asked if the lawyer met with them outside of court hearings and if they felt like they could talk to the lawyer when issues came up.

As shown below, 46 percent of parents reported that their attorney did not meet with them outside of court hearings or that they did not feel like they were able to talk to their attorney when issues came up. Only 35 percent reported that they did.

57 Parents Responded to This Question		
Yes	20	35%
No	26	46%
Seldom (1-2 times)	8	14%
N/A	3	5%

(2) Effective advocacy.

The survey asked if the lawyer effectively advocated for the parent in court and to describe whether or not they felt like the lawyer knew what they wanted. Fifty percent of the parents responded that they do feel that the lawyer effectively advocated for them in court.

54 Parents Responded to This Question		
Yes	27	50%
No	21	39%
Somewhat	4	7%
Unsure	2	4%

(3) Describe your experience with your attorney.

The survey provided ample open space for parents to provide information on their experiences with their attorney. They were asked what worked well, if there were challenges, and for any other information they would like the Task Force to know. Following are some of the responses provided:

“For about 10 minutes he’d meet with me, most of that time was spent with him yelling at me. He didn’t defend me at all. He acted more like he was trying to be the judge instead of my lawyer.”

“No not really it was very difficult to establish communication outside of the hearings and honestly when I told her she wasn’t doing enough at one point or at least that’s how she took it she told me I was more than welcome to hire an attorney and if I continued to make her feel that way she would leave the case voluntarily.”

“My lawyer was good. He did what I asked of him.”

“The accountability for legal representation seems to be nonexistent in this matter.”

“I feel extremely disconcerting that my lawyer never took the time to personally discuss the matters on this case. How can one represent properly from just a piece of paper.”

“It appears my representation is over whelmed with her workload often saying that she doesn't have time to read reports as she was working on other cases.”

“No the lawyer barely knew what was going on or my name. It was the most horrible experience. I’ve tried to fire him multiple times and he never filed any motions to leave.”

“I don’t feel like he advocated for me. He was more concerned with maintaining a relationship with his colleagues than he was defending me in court.”

“I spoke to him right before court hearing , and he said nothing to the judge but staying his name and representing me and nothing I spoke to him about I ended up talking to the judge myself. He was useless.”

“Absolutely nothing worked well. My lawyer never listened to me. He literally waved me off in court several times.”

Attorney/Court Survey

The survey for attorneys and courts focused on their views and experiences of the current legal representation systems. The survey attracted 23 responses; 17 from attorneys (74 percent) and six from courts, including judges, referees, or court administrators (26 percent).

The survey asked respondents to describe their experience with legal representation in the child protective system, what is working well, and what challenges they have observed. Following are some of the responses provided:

“I’ve been doing NA representation either for parents, kids, or as MDHHS counsel for over 15 years. The thing that harms legal representation the most is payment. I know multiple people, myself included, who only started making money in private practice once I stopped doing court appointments. Most lawyers in NA don’t do it for the money, however, when the most the court can pay is \$60 per hour, and you can bill at 200-300 per hour, we lose talent and experienced lawyers consistently. In my county we have a team approach, and it works really well. We are all focused on the best interests of the children rather than on ‘fighting’ for the sake of fighting or looking like we are ‘lawyers.’”

“I’ve worked with the child protective system for many years. Having GALs take specific training to be GALs helped to make sure the attorneys doing this work had some basic understanding of what it entails. However, ongoing legal training for all the attorneys who appear on NA cases is needed along with a much better hourly rate for these attorneys. They are currently paid \$50/hour so it’s difficult to get people to do this work.”

“I work in three separate counties and a contract L-GAL spot seems to work very well. The challenges are keeping attorneys on the appointment list due to the small amount of payment.”

“Many of these lawyers are dedicated to doing good work and take these appointments because they believe in helping families and children, but we need more attorneys willing to serve on our court appointment list. Now that they can earn more through criminal appointments via the MIDC, we are losing attorneys from an already short list. Similar to what was seen with court-appointed criminal lawyers previously, they take on a higher volume (because our pool to select from is small and they need more cases to pay their own bills). This makes it harder to schedule court dates in a timely fashion when lawyers have to be in so many different courts for all of these cases, some of which is still from the COVID backlog (criminal and juvenile appointments) in my own and in jurisdictions near mine where these attorneys practice.”

“We have excellent attorneys, but very hard to keep them. Our appointment list has decreased over 30 percent in the last few years.”

*“The current system doesn’t allow for the best attorneys to **stay** in the field because the pay is so ridiculously low. The contracts and hourly pay are insulting. I have seven years experience in NA, having been primary attorney on over 200 cases and make \$60,000 a year with no healthcare. It also doesn’t allow for development of new attorneys because the contract system pits attorneys against each other in a race for knowledge and low income and therefore doesn’t reward the sharing of best practices. In addition, I have no office, no office staff, and no meeting space unlike the prosecutors. Finally, prosecutors get experts at their disposal. In order to get one expert it’s three hearings and three motions for appointed defense. Utterly absurd.”*

“Increase the hourly rates the attorneys representing children and the parents receive. Take the control of the fees away from the judge. People complain that there aren't enough attorneys to take CA/N cases, but the people controlling the purse won't open it up.”

“Greater respect for the work. More training/mentors for new attorneys (or experienced attorneys new to this field). Increased resources including pay-particularly for travel to meet with clients, access to research, space to meet (or subsidy for private attorneys to improve their meeting spaces).”

*“Make the playing field **even**. Give me staff, an office, a meeting place, a database, an actual income, heck: healthcare! other attorneys to bounce ideas off, no fight to keep best practices secret in order to maintain an edge the next time contract negotiations open up. It’s utterly insane the handicaps placed on parent attorneys and then we are told to operate at our highest capacity. With **what exactly?** I am not asking for \$200,000 a year. I’m asking for pay comparable to the prosecutors on the same cases as I am. It’s stupid I’m expected to do the same work at the same (or actually I perform at a higher level at this point) while making half what they do. And it’s insulting. Utterly insulting.”*

*“We need to pay our attorneys a fair wage. Since the MIDC has been put in place--our court appointed attorneys are flocking to do that work. We simply can't expect attorneys on NA cases to work for free **or** get paid avg \$30-\$40 an hour. They put in so much extra time with these clients and much of what they do they do out of dedication. But attracting new lawyers when they can do court-appointed work for \$120-plus an hour is now impossible.”*



The background features a central sun with rays in yellow, orange, and white. Surrounding the sun are several hands in various colors (purple, blue, green, red, pink) reaching out towards the center, symbolizing unity and support.

ONE COURT OF JUSTICE WEBSITE
courts.mi.gov

X (formerly TWITTER)
x.com/misupremecourt

FACEBOOK
facebook.com/misupremecourt

LINKEDIN
linkedin.com/company/michigan-supreme-court

INSTAGRAM
instagram.com/michigansupremecourt

YOUTUBE
youtube.com/michigancourts

**Public Policy Position
SB 0885****Support****Explanation**

The Committee voted to support Senate Bill 885. The Committee believes that this legislation is essential to ensuring adequate legal representation for parents and children involved in child protective proceedings. It has the potential to significantly improve access to justice by doing for child protective proceedings what the Michigan Indigent Defense Commission Act did for adult criminal proceedings.

Position Vote:

Voted For position: 15

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Keller-Permissible Explanation:

The Committee determined that ensuring adequate legal representation in child protective proceedings is necessarily related to both access to legal services and the functioning of the courts and SB 885 is therefore *Keller*-permissible.

Contact Persons:

Garrett Burton

gburton@sado.org

Mira Edmonds

edmondm@umich.edu

**Public Policy Position
SB 0885**

Support

Explanation

The Committee voted unanimously to support Senate Bill 885. The Committee believes that the legislation will help ensure that parents and children have access to counsel in child protective proceedings and establish minimum standards for the training and conduct of such counsel.

Position Vote:

Voted For position: 22

Voted against position: 0

Abstained from vote: 3

Did not vote (absence): 6

Keller-Permissible Explanation:

The Committee determined that ensuring adequate legal representation in child protective proceedings is necessarily related to both access to legal services and the functioning of the courts and SB 885 is therefore *Keller*-permissible.

Contact Person:

Marla Linderman Richelew mrichelew@gmail.com

**Public Policy Position
SB 0885**

Support

Explanation

The Committee voted unanimously to support Senate Bill 885. While concerns were expressed about the impact the legislation might have in the long run on the ability of prosecutor's offices to pay competitive salaries, the Committee believes that ensuing legal representation in child abuse and neglect cases is of vital importance and that establishing a system of minimum standards and state funding are important steps toward ensuring adequate representation of parents and children.

Position Vote:

Voted For position: 12

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 9

Keller-Permissible Explanation:

The Committee determined that ensuring adequate legal representation in child protective proceedings is necessarily related to both access to legal services and the functioning of the courts and SB 885 is therefore *Keller*-permissible.

Contact Persons:

Alexandria L. Casperson

CaspersonA@michigan.gov

John A. Shea

jashea@earthlink.net

**Public Policy Position
SB 885****Support****Explanation**

The Justice Initiatives Committee voted unanimously to support Senate Bill 885, which would implement key recommendations of the Child Protective Legal Representation Task Force and improve Michigan's current system (or lack thereof) for providing legal representation to children and parents involved in child protective proceedings.

Position Vote:

Voted For position: 13

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 7

Keller-Permissible Explanation:

The Committee determined that ensuring adequate legal representation in child protective proceedings is necessarily related to both access to legal services and the functioning of the courts and SB 885 is therefore *Keller*-permissible. The issue and legislation are analogous to SBM's longstanding support for legislation related to indigent defense in Michigan.

Contact Person:

Ashley E. Lowe

alowe@lakeshorelegalaid.org

**Public Policy Position
SB 0885**

Support

Explanation

The Children's Law Section supports SB 885. As noted by one member the CLS Council, courts are in crisis trying to get qualified counsel to represent parties. This bill will help bring pay rates up for court appointed counsel in these cases, get experts, and resources that are desperately needed.

Position Vote:

Voted for position: 14

Voted against position: 1

Abstained from vote: 2

Did not vote: 2

Keller-Permissible Explanation

This bill is Keller-permissible because the purpose of the bill is to make child welfare appointments more attractive and financially feasible for attorneys. The current lack of attorneys negatively impacts access to legal services for indigent parents and children in child protective proceedings.

Contact Person: Josh Pease

Email: jpease@sado.org

8. Strategic Planning and Engagement

Presented by Thomas H. Howlett

RESTRICTED PAGE

8.2. Great Lakes Legal Conference (GLLC) Update*

For Approval



To: Board of Commissioners
From: Suzanne Larsen and Ashley Lowe
Date: April 24, 2026
Re: Great Lakes Legal Conference (GLLC) Workgroup

The Great Lakes Legal Conference (GLLC) Workgroup was formed in February 2025 to make recommendations regarding the future of the GLLC. The workgroup has met eight times and identified three primary purposes historically served by the conference:

1. Providing general CLE programming primarily for attorneys in northern Michigan and the Upper Peninsula;
2. Offering leadership programming for section and bar leaders; and
3. Providing an opportunity for Board members to meet and socialize outside of regular Board of Commissioners (BOC) meetings.

The workgroup decided to discontinue the CLE portion of the GLLC.

Based on the workgroup's recommendations the Board of Commissioners has already approved the following changes:

- The GLLC will no longer be held at the Grand Hotel on Mackinac Island effective 2027 and notice will be provided to the Grand Hotel by SBM Staff prior to the 2026 GLLC.
- The Board of Commissioners (BOC) meeting held at GLLC will be replaced by a BOC retreat. The first retreat will be held in the Fall of 2026 and SBM staff will determine logistics of the retreat.
- Consideration of a replacement for the Bar Leadership Forum portion of the event – details to be determined later.

The GLLC Workgroup met on February 24, 2026, to consider options for replacing the Bar Leadership Forum component of the GLLC. The workgroup reviewed survey results and focus group feedback from section leaders and local and affinity bar leaders, along with recommendations from SBM staff.

Based on this work, the GLLC Workgroup recommends the following:

- SBM staff should plan a one-day leadership event for bar leaders from sections and local and affinity bars for the 2026-2027 bar year. The event should provide educational programming informed by the feedback gathered through focus groups and surveys. Potential topics include improving member engagement, increasing participation and recruitment,

succession planning, wellness and burnout prevention, networking and other priority leadership areas.

- The GLLC Workgroup further recommends that the workgroup be disbanded as it has fulfilled its mandate to determine the future of the GLLC.

8.3. New Partner Program - Enterprise*

For Approval



To: Board of Commissioners

From: Robin Eagleson

Date: April 24, 2026

Re: Potential Partner Program: Enterprise

Discussions were initiated between the State Bar of Michigan and Enterprise for Enterprise to be considered as a potential partnership program. The following provides a summary of the potential partnership:

- Discount to State Bar of Michigan Members: dynamic discount similar to other car rental partner programs but will be at least 5% discount with a maximum of 15% discount.
 - Enterprise discounts will extend to Alamo for an up to 20% discount and National for an up to 15% discount.
- Royalty to SBM: ½% of revenue share increasing following a \$100,000 usage. With each additional \$500,000 usage, revenue share will increase.

Enterprise is a rental car service located in the United States and is the flagship brand that owns Alamo Rent a Car and National Car Rental. Enterprise offers a wide range of services, including local and airport rentals, car sharing, and van hire, with over 8,000 locations worldwide, making it the largest transportation solutions provider. Further information regarding Enterprise may be found [here](#).

Alamo is a well-established rental car agency and operates in the United States and internationally. It is known for its competitive pricing, online check-in, and customer service, making it a popular choice for budget-conscious travelers. National is a rental car agency and operates in the United States and internationally. It caters to business travelers via its Emerald Club loyalty program.

Currently, the State Bar of Michigan has one other car rental agency, Avis, which also provides SBM members with a discount through Budget. Partnerships with car rental agencies assist SBM members by providing convenience and cost-effectiveness when members travel either for business or pleasure. Car rental agencies have been a large revenue generation for SBM. Enterprise does not provide an exclusivity clause and has found that a Bar that is similar size to Michigan has seen usage of about \$600,000 allowing the Bar's revenue share to be increased significantly.

At its March 17, 2026 meeting, the Strategic Planning and Engagement Committee approved to move this potential program forward for approval by the Board of Commissioners.

Recommendation: It is recommended that the Board of Commissioners approve Enterprise as a partner program of the State Bar of Michigan pending General Counsel review of the contract and finalization.

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9. Audit and Finance

Presented by David C. Anderson

9.1. Finance Report

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10. Professional Standards

Presented by Suzanne C. Larsen

11. For the Good of the Public and the
Profession

11.1. Comments or Questions from Commissioners

11.2. Public Comment

Any member of the public who wishes to address the commissioners during public comment must sign up before 9:30 a.m. on the date of the meeting using the “Public Comment Sign Up” sheet available at the front desk of the State Bar Building.

12. Adjournment