



Ad Hoc Work Groups Annual Reports

2016-2017

Ad Hoc Work Groups Annual Reports

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State Bar of Michigan | 2016-2017 COMMITTEE ANNUAL REPORT

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

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

Advisory Workgroup on Proposed Amendments of the JTC Rules

Jurisdiction: To provide recommendations regarding ADM File 2015-14 concerning the proposed amendments to the JTC Rules with an emphasis on the efficacy of the proposed changes to the complaint, investigatory, and adjudicative process.

Chair

P23748 John F. Van Bolt
8755 Ann Arbor Rd W
Plymouth MI 48170-5154
e-mail: jvanbolt@gmail.com

Member

Term Ending: 2017

P10538	Hon. Marianne O. Battani, Detroit
P77272	Richard O. Cherry, Kalamazoo
P25252	Thomas W. Cranmer, Troy
P29176	Nancy J. Diehl, Detroit
P26737	Pamela R. Harwood, Troy
P65419	James W. Heath, Detroit
P53827	Stephanie J. LaRose, East Lansing
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P38750	Hon. David A. Perkins, Detroit
P31381	Jeanne Stempien, Livonia
P21245	Hon. Michael J. Talbot, Detroit
P23748	John F. Van Bolt, Plymouth
P27961	Donald R. Visser, Kentwood
P38377	Hon. Tracey A. Yokich, Mount Clemens

Ex Officio

P37914	Mark A. Armitage, Detroit
P29652	Alan M. Gershel, Detroit

State Bar Liaison

	Peter Cunningham, Lansing
P53603	Danon D. Goodrum-Garland, Lansing
P79603	Kathryn Hennessey, Lansing
P38916	Nkrumah Johnson-Wynn, Lansing

Committee Meeting Schedule:

Please attach any additional information needed regarding Committee meetings as an addendum.

**Please keep meeting descriptions brief.*

Meeting Type	Date	Location
Description		
Meeting Type Scheduled Workgroup Meeting	Oct. 13, 2016	Conf. Room, U.S. District Court - Detroit
Description Reviewed and approved workgroup operating guidelines. Reviewed Supreme Court Administrative Order and background materials. Reached consensus on Court's proposed JTC rule amendments to be addressed by the workgroup.		
Meeting Type Schedule Workgroup Meeting	Oct. 20, 2016	Conf. Room, U.S. District Court - Detroit
Description Continued review and discussion of proposed JTC rule amendments and reached consensus on recommendations to be proposed by the workgroup to the BOC. Reviewed first draft of agreed upon recommendations.		
Meeting Type Schedule Workgroup Meeting	Oct 27, 2016	Conf. Room, U.S. District Court - Detroit
Description Completed review and discussion of proposed JTC rule amendments and reached consensus on recommendations to be proposed by the workgroup to the BOC. Reviewed second draft of agreed upon recommendations.		
Meeting Type		
Description		
Meeting Type		
Description		
Meeting Type		
Description		

[Reset Section](#)

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

The State Bar provided staff support for the workgroup through three staff counsel. The State Bar also prepared and distributed meeting materials as approved by the workgroup chair, food and beverage for meetings, teleconferencing services, and paid for parking. Staff counsel prepared the draft report and facilitated review by the workgroup to finalize for BOC review. The final report that was submitted to the Supreme Court after BOC review is attached.

[Reset Section](#)

Committee Activities:

Not applicable.

Future Goals and Activities:

Not applicable.

Other Information:

Not applicable.

Reset Section

Approved by	Approved	Name
Chair	pending	John Van Bolt
Co-chair		
Staff Liaison	s/	Danon Goodrum-Garland
Other		



p 517-346-6300

p 800-968-1442

f 517-482-6248

www.michbar.org

306 Townsend Street

Michael Franck Building

Lansing, MI

48933-2012

November 30, 2016

Larry S. Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2015-14: Proposed Amendments of the Judicial Tenure Commission Rules

Dear Clerk Royster:

The State Bar of Michigan (SBM) thanks the Michigan Supreme Court for the opportunity to comment on the proposed amendments to the rules on the Judicial Tenure Commission (JTC), Subchapter 9.200 *et seq.* of the Michigan Court Rules.

SBM is committed to promoting improvements in the administration of justice and strengthening the relationship between the legal profession and public. Judges play an integral role in the administration of justice and the public's perception of the legal profession; therefore, it is vital that the rules governing judges also promote these values.

Given the importance and extensiveness of the proposed amendments, SBM appointed an Advisory Workgroup composed of highly experienced judges and lawyers having particular knowledge regarding the JTC and attorney grievance proceedings to review the proposed amendments.¹ The Workgroup engaged in intensive examination and discussion of the proposed rules. Throughout its review, the Workgroup focused on the impact of the proposed rules on the interest of the public and the integrity of the judiciary. The Workgroup presented its recommendations to the SBM Board of Commissioners (the Board), which engaged in further review and discussion of the proposed rules to reach the following recommendations.

1. The Current Language of MCR 9.202(B)(2) Should Be Retained to Allow the JTC to Consider Allegations of Misconduct that Occurred While a Judge Was Previously Engaged in the Practice of Law.

The Board opposes the proposed amendment set forth in Rule 9.202(B)(2), which limits the jurisdiction of the JTC to "conduct that occurs during a judicial campaign or while the judge is service as a judicial officer." Under this amendment, the JTC does not have jurisdiction over

¹ The Advisory Workgroup was composed of the following members: John F. Van Bolt (chair), Hon. Marianne O. Battani, Richard O. Cherry, Thomas W. Cranmer, Nancy J. Diehl, Pamela R. Harwood, James W. Heath, Stephanie J. LaRose, Kenneth M. Mogill, Alisa Parker, Hon. David A. Perkins, Jeanne Stempien, Hon. Michael J. Talbot, Donald R. Visser, Hon. Tracey A. Yokich, Mark A. Armitage (ex officio), and Alan M. Gershel (ex officio).

any allegations of misconduct that occurred while a judge was engaged in the practice of law before taking judicial office. As the JTC noted in its October 10, 2016 letter to the Supreme Court (JTC Comments), the proposed amendment to Rule 9.202(B)(1) “creates a gap for misconduct by sitting judges that occurred while they were attorneys prior to taking office,” because “MCR 9.116(A) bars the Attorney Grievance Commission from acting against a sitting judge.” JTC Comments, at 1-2. Therefore, under the proposed Rule, a judge would be exempt from both the judicial and lawyer disciplinary systems for misconduct that occurred while an attorney and not engaged in a judicial campaign.

The interests of the public and the integrity of the judiciary are best protected if judges are subject to judicial discipline regardless of when the alleged misconduct occurred. While one may argue that limiting the jurisdiction as proposed by the Rule may be appropriate because the public offers its opinion on judicial fitness through the electoral process, there have been cases where the attorney misconduct did not come to light until after the lawyer took the bench. For example, a judge was removed from office for misappropriating clients’ settlement funds while engaged in the practice of law. It was not until the judge took office and the clients obtained new counsel that they discovered that their money had been converted. See *In re Loyd*, 424 Mich 514 (1986). Similarly, another judge was publicly censured for engaging in self-dealing while representing clients in a real estate transaction. See *In re Runco*, 463 Mich 517 (2001). If the proposed Rule had already been in effect, these sitting judges would have been immune from discipline, which would have resulted in substantial harm to the public.

Maintaining the JTC’s authority to consider allegations of misconduct that occurred while the judge was previously engaged in the practice of law is also supported by the American Bar Association (ABA). Rule 2 of the ABA Model Rules for Judicial Disciplinary Enforcement provides that “[t]he commission has jurisdiction over judges regarding allegations that misconduct occurred before or during service as a judge and regarding allegations of incapacity during service as a judge.”

Finally, the proposed amendment would not have a significant impact on the efficiency of the JTC to justify limiting its jurisdiction in this way. In 2015, only 1% of the grievances – approximately 5 grievances total – alleged that a judge engaged in misconduct as an attorney. See JTC Annual Report 2015, at 10, http://jtc.courts.mi.gov/annual_report/docs/2015AnnualReport.pdf (accessed November 22, 2016).

For these reasons, the Board recommends that the Court retain the current language of MCR 9.202(B)(2) that allows the JTC to consider allegations of misconduct “regardless whether the conduct occurred before or after the respondent became a judge or was related to judicial office.”

2. MCR 9.220(C) Should Not Impose a Presumptive Three-Year Statute of Limitations for Filing a Formal Complaint Against a Judge.

The Board opposes the proposed amendments set forth in Rule 9.220(C) imposing a presumptive three-year statute of limitations for filing a formal complaint against a judge.

The purpose of the JTC is to “preserve the integrity of the judicial system, to enhance public confidence in that system, and to protect the public, the courts, and the rights of judges.” MCR 9.200. Imposing a presumptive statute of limitations that would bar the filing of a formal complaint for conduct that occurred more than three years ago is antithetical to these purposes. While the amount of time that has passed may be relevant in determining whether and to what extent discipline should be imposed, misconduct, no matter when it occurred, is always relevant to a judge’s fitness to hold office.

While one may argue that imposing a statute of limitations ensures that grievants assert claims in a timely manner, there are several reasons that a substantial lapse of time between the date of the alleged misconduct and the filing of a formal complaint may occur. Procedurally, a formal complaint is not filed until (1) the grievant has submitted a Request for Investigation, (2) the JTC has completed its initial investigation, and (3) the respondent has had an opportunity to respond. Additionally, grievants may be unwilling to file a Request for Investigation against a judge until their case before that judge is resolved. As the JTC explained, “[l]itigants often want to wait until the case is over to file, as they do not want to complain about a judge who is presiding over their case.” JTC Comments at 4. Also, it may take considerable time to discover certain types of judicial misconduct, such as fraud. Even after a Request for Investigation is filed, the JTC must conduct a thorough investigation, including locating evidence and securing the cooperation of witnesses. Importantly, the JTC bears the burden of proof, requiring it to engage in a careful and thoughtful analysis of the evidence.

While the proposed Rule creates an exception to the statute of limitations upon a showing a good cause, the proposed Rule is silent as to what constitutes good cause. Even a well-defined good cause exception would not remedy the Board’s concerns because the JTC would still have discretion to bar allegations of misconduct that occurred over three years ago. All misconduct is relevant to a judge’s fitness to hold office; therefore, allowing the JTC to not file a formal complaint of misconduct solely because it is time-barred is detrimental to the interest of the public and the integrity of the judiciary.

Notably, the Michigan Rules of Professional Conduct (MRPC) do not impose a statute of limitations for the prosecution of attorney misconduct, and, in this respect, judicial misconduct should be treated the same under the Michigan Code of Judicial Conduct (MCJC). Michigan’s approach in the attorney discipline context is consistent with Rule 32 of the ABA Model Rules for Lawyer Disciplinary Enforcement, which explicitly exempts all statute of limitations for lawyer disciplinary proceedings. As the comments to ABA Rule 32 explain, “[s]tatute of limitations are wholly inappropriate in lawyer disciplinary proceedings. Conduct of a lawyer,

no matter when it has occurred, is always relevant to the question of fitness to practice.” Likewise, the ABA Model Rules for Judicial Disciplinary Enforcement do not include a statute of limitations for alleged judicial misconduct. The rationale articulated in the ABA comments is persuasive, and Michigan should continue to embrace this approach.

Therefore, the Board recommends that the Court not adopt the three-year statute of limitations set forth in proposed MCR 9.220(C).

3. MCR 9.225(A) Should Be Further Amended to Require Automatic Interim Suspension of a Judge Without Pay upon a Felony Conviction and Allow the JTC Broader Discretion When It May Recommend an Interim Suspension.

The Board proposes further amendments to MCR 9.202(A)(2) and (A)(3) to require automatic interim suspension of a judge without pay upon conviction of a felony and to expand the circumstances in which the JTC may recommend that a judge be placed on interim suspension.

a. MCR 9.202(A)(2)

The proposed amendment to subparagraph (A)(2), as currently written, raises two major concerns. First, the proposed Rule does not require an automatic interim suspension of a judge upon conviction of a felony, but rather a felony conviction may be “grounds for” an automatic suspension. Second, the proposed Rule does not require automatic suspension of judicial compensation, but instead the JTC retains discretion to determine whether the suspension is with or without pay.

The Board proposes further amendments to MCR 9.225(A)(2) to require automatic interim suspension of a judge without pay upon conviction of a felony as follows in bold:

(2) In extraordinary circumstances, the commission may petition the Supreme Court for an order suspending a ~~judge~~respondent from acting as a judge in response to a request for investigation, pending a decision by the commission regarding the filing of a complaint. In such a circumstance, the documents filed with the Court must be kept under seal unless the petition is granted. **Conviction of a felony shall result in is grounds for automatic interim suspension, with or without pay, pending action by the commission. If the respondent is suspended without pay, the respondent’s pay shall be held in escrow pending the final resolution of disciplinary proceedings.**

These changes better align with the rules governing attorney discipline. MCR 9.120(B) provides that “[o]n conviction of a felony, an attorney is automatically suspended until the effective date of an order filed by the hearing panel under MCR 9.115(J).” Because justices

and judges are required to be licensed to practice law to be qualified to hold judicial office,² the judicial disciplinary rules should parallel the attorney disciplinary rules in this respect. The JTC appears to agree with the Board's proposal. See JTC Comments, at 10 (approving of proposed Subrule 9.225(A)(2) "particularly as to a suspension *without pay*, if a judge is convicted of a felony" (emphasis in original)).

b. MCR 9.202(A)(3)

The Board proposes further amendment to MCR 9.202(A)(3) to allow the JTC broader discretion when it may recommend an interim suspension of the judge. As currently written, proposed Rule 9.202(A)(3) sets forth one additional circumstance – allegations of misappropriation of public funds – in which the JTC may petition the Supreme Court to suspend a respondent without pay. While an allegation of misappropriation of public funds may warrant an interim suspension, there are other circumstances in which the JTC should have the discretion to recommend an interim suspension of a judge. For these reasons, the Board proposes incorporating language from Rule 15 of the ABA Model Rules for Judicial Disciplinary Enforcement,³ as follows in bold:

(3) Notwithstanding any other provision of this rule, in a matter in which a respondent **poses a substantial threat of serious harm to the public or to the administration of justice** ~~is alleged to have misappropriated public funds~~, the commission may petition the Supreme Court for an order suspending a respondent from acting as a judge without pay in response to a request for investigation, pending a decision by the commission regarding the issuance of a complaint. The respondent's pay shall be held in escrow pending the final resolution of disciplinary proceedings.

With these changes, the JTC would have the discretion to recommend an interim suspension for a judge alleged to have misappropriated public funds and also for a judge alleged to have engaged in any other conduct that poses a substantial threat of serious harm to the public or to the administration of justice. This approach better aligns with the purpose of the JTC, specifically regarding protection of the public and ensuring the integrity of the judicial system. See MCR 9.200.

For these reasons, the Board recommends that the Court adopt its proposed changes to Rule 9.202(A)(2) and (A)(3), as presented above.

² Const 1963, art 6, § 19(1) ("Justices and judges of courts of record must be persons who are licensed to practice law in this state."); see also MCL § 168.391(1) (supreme court); MCL § 168.409(1) (court of appeals); MCL § 168.411(1) (circuit court); MCL § 168.426b(1) (municipal court); MCL § 168.431(1) (probate court); MCL § 168.467(1) (district court).

³ Rule 15(3) of the ABA Model Rule for Judicial Enforcement provides that "[u]pon receipt of sufficient evidence demonstrating that a judge poses a substantial threat of serious harm to the public or to the administration of justice, the highest court may transfer the judge to incapacity inactive status or suspend the judge pending a final determination in any proceeding under these Rules."

4. MCR 9.236 Should Be Further Amended to Allow the Master's Report to Only Include Findings of Fact, and Not Conclusions of Law.

The Board proposes additional amendments to MCR 9.236 to limit the role of the master to making findings of fact only. As currently proposed, MCR 9.236 continues to allow a master to issue a report setting forth both findings of fact and conclusions of law.

Historically, the master functioned solely as a factfinder. Over time, however, the report of the master has included both findings of fact and conclusions of law. Allowing the master's report to include initial conclusions of law poses the risk of transforming the JTC from an adjudicatory body to an appellate body. The Board believes that the public and the integrity of the judicial system are best protected by requiring the members of the JTC to exercise their judgment in reaching initial conclusions of law.

Therefore, the Board proposes deleting "and conclusions of law" from MCR 9.236, as follows in bold:

The court reporter shall prepare a transcript of the proceedings conducted before the master within 21 days of the conclusion of the hearing, filing the original with the commission, and serving copies on the respondent (or the respondent's attorney) and disciplinary counsel, by e-mail. Within 21 days after a transcript of the proceedings is provided, the master shall prepare and transmit to the commission ~~in duplicate~~ a report that contains a brief statement of the proceedings and findings of fact ~~and conclusions of law~~ with respect to the issues presented by the complaint and the answer. ~~The report must be accompanied by three copies of the transcript of the proceedings before the master. On receiving the report and the transcript, the commission must promptly send a copy of each to the respondent, unless the master has already done so.~~

5. MCR 9.244(B)(1), 9.245(B), and 9.245(C) Sets Forth Appropriate Disclosure Requirements of Prior and Pending Disciplinary Actions.

The Board supports the requirements that all prior and pending disciplinary actions are disclosed to the Supreme Court in commission reports and proposed consent agreements as set forth in MCR 9.244(B)(1), 9.245(B), and 9.245(C). As discussed in Section 2 above, the Board believes that all misconduct – no matter how old – is relevant to a judge's fitness to hold office; therefore, the Board believes that the Supreme Court should have access to at least as much, if not more, information that it has with regard to the attorney grievance process. To the extent that irrelevant information is included in these disclosures, the Board is confident that the Supreme Court can make appropriate relevancy determinations. For these reasons, the Board supports the disclosure requirements set forth in proposed Rules 9.244(B)(1), 9.245(B), and 9.245(C).

6. MCR 9.245(D) Provides the Supreme Court with Overly Expansive Authority to Intervene in JTC Proceedings.

The Board opposes the proposed amendment to Rule 9.245(D). The current Rule only allows the Supreme Court to intervene in a disciplinary proceedings if both the respondent and the commission consent. The proposed amendment to the Rule, however, expands the Supreme Court's authority to "impose a sanction or take other action at any stage of the proceedings under these rules" without requiring the parties' consent. Although this authority is included within the rule pertaining to consent agreements, the plain language of the proposed Rule permits the Supreme Court to intervene in a disciplinary action at any point "under these rules," meaning Subchapter 9.200. Therefore, MCR 9.245(D) would allow the Supreme Court to intervene in the disciplinary process at any time after the JTC has opened an investigation.

Even if the proposed amendment is intended to only apply to the Supreme Court's involvement in consent agreements, the proposed Rule is still problematic because it gives the Supreme Court authority to unilaterally change the terms of a consent agreement without the parties' consent and without giving the parties the opportunity to re-negotiate the consent agreement or proceed with a formal hearing.

For these reasons, the Board opposes the proposed revisions to MCR 9.245(D); instead, the current language of the Rule should be retained.

7. MCR 9.246(B)(2) Should Be Amended to Allow the JTC to Recover Transcript Costs.

Because the cost of transcripts is a substantial expense that the JTC incurs, the Board supports the JTC's recommendation to amend Rule 9.246(B)(1) to explicitly include the cost of transcripts in the costs that can be assessed, as follows in bold: "a respondent may be ordered to pay the actual costs, fees, ~~and~~ expenses, **and transcript expenses regarding the formal hearing** . . ." JTC Comments, at 9.

8. MCR 9.251(B) Should Require Commission Counsel, Rather than Disciplinary Counsel, To Advocate Before the Supreme Court on Behalf of the JTC.

The Board opposes the amendment to Rule 9.251(B), which requires that disciplinary counsel advocate only for the position recommended by the JTC when arguing before the Supreme Court. During JTC proceedings, disciplinary counsel holds a prosecutorial role limited to proving the allegations in the complaint, and disciplinary counsel is excluded from the JTC's deliberative process. Commission counsel, however, assists the JTC in preparing its decision and recommendation. Thus, commission counsel is in a better position to articulate the rationale underlying the JTC's position to the Supreme Court.

Therefore, the Board supports the JTC's recommendation to further amend MCR 9.251(B) as follows in bold:

Roles of Commission Counsel and Disciplinary Counsel. If a respondent submits a petition under subsection (A), commission disciplinary counsel shall appear on behalf of the commission, submit the brief of the Commission under sub-rule (C), and shall advocate only for the position recommended by the commission. Filing of documents with the Commission shall be deemed service on Commission Counsel. Disciplinary Counsel's involvement in the case is ended, unless the matter is remanded for further proceedings before the commission or master.

JTC Comments, at 9.

9. MCR 9.252(A) Should Not Alter the Lawyer Disciplinary Process After a Judge Has Been Removed from Office by the JTC.

The Board opposes the proposed amendment to Rule 9.252(A), which alters the attorney grievance process after a judge has been removed from office. Under this proposed amendment, the Attorney Grievance Commission (AGC) is required to investigate a judge who has been removed from office, regardless of the underlying misconduct. Once the AGC completes its investigation, instead of following the procedures set forth in Subchapter 9.100, the AGC may file recommendations for attorney sanctions directly with the Supreme Court, thereby bypassing the Attorney Discipline Board (ADB). The Board opposes both of these changes.

First, the AGC should not be given the option to bypass the usual disciplinary procedure and make its disciplinary recommendations directly to the Supreme Court. The more extensive procedural due process afforded all respondents subject to attorney discipline should continue to apply to attorneys who have been removed from the bench to ensure that respondents receive appropriate attorney discipline that is consistent with what the ADB has imposed in similar cases.

Second, the AGC should be allowed to maintain its broad discretion to decide whether to investigate a former judge who has been removed from office. The proposed amendment seemingly conflicts with MCR 9.116(B), which explicitly gives discretion to the administrator whether or not to take action against a former judge removed from office. While the proposed amendment requires that the AGC to investigate these former judges, a judge may commit judicial misconduct and be removed from office without necessarily committing lawyer misconduct.⁴ For these reasons, the Board opposes the requirement that the AGC conduct an investigation for every judge removed from judicial office.

⁴ As the Court is aware, judges are held to different ethical standards than attorneys. Judge are subject to the eight canons set forth in the Michigan Code of Judicial Conduct, which focus on the preservation of the integrity and independence of the judicial system. Lawyers, on the other hand, are subject to the Michigan Rules of Professional Conduct, which focus on the lawyer's role as a "representative of clients, an officer of the legal

Therefore, the Board opposes the proposed amendments to MCR 9.252(A).

10. MCR 9.261(D)(1) Should Not Delay Public Disclosure of the Complaint.

The Board opposes the proposed amendments to Rule 9.261(D)(1), which require that the complaint only be made public when the “answer has been filed in response (or the time for filing an answer has elapsed).”

While one may argue that temporarily withholding the complaint is beneficial because it allows the public to consider both sides of the matter simultaneously, the Board opposes withholding the complaint for any period of time after it has been filed. The interests of the public and the integrity of the judiciary are best served if there is no delay between the filing of the complaint and its availability to the public.

Delaying public disclosure of the formal complaint to protect the respondent against surprise is unwarranted because the respondent has already been provided with notice and an opportunity to respond to the allegations set forth in the Request for Investigation, and, therefore, should be prepared to address public concerns upon the filing of a formal complaint. Initially treating the complaint as confidential also raises procedural issues (i.e., is the complaint filed under seal, when and how is the seal lifted, etc.).

Therefore, the Board opposes proposed MCR 9.261(D)(1) and recommends that the Rule be amended to require complaints be made public when they are filed.

In conclusion, ethical and capable judges are essential to the administration of justice and maintaining the public’s confidence in our court system. We hope our feedback on the proposed rules is of value to the Court, and we thank the Court for the opportunity to convey the Board’s position.

Sincerely,



Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Lawrence P. Nolan, SBM President

system, and a public citizen having special responsibility for the quality of justice.” MRPC 1.0. Thus, a judge may commit judicial misconduct without also committing attorney misconduct.

State Bar of Michigan | 2016-2017 COMMITTEE ANNUAL REPORT

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

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

Alternative Fee Structures

Jurisdiction: Ad Hoc Committee on Alternative Fee Structures

Chair

P31680 Keefe A. Brooks
Brooks Wilkins Sharkey & Turco PLLC
401 S Old Woodward Ave Ste 400
Birmingham MI 48009-6613
Phone: (248) 971-1710
Fax: (248) 971-1801
e-mail: brooks@bwst-law.com

Member

Term Ending: 2017

P37914	Mark A. Armitage, Detroit
P48040	Mark A. Bank, Birmingham
P35075	Carol F. Breitmeyer, Detroit
P31680	Keefe A. Brooks, Birmingham
P38714	Jennie B. Bryan, Grand Rapids
P43088	Donald D. Campbell, Southfield
P43275	Denise D. Couling, Brighton
P76526	Jerome Crawford, Troy
P59565	Erika Lorraine Davis, Detroit
P29652	Alan M. Gershel, Detroit
P25681	Shirley A. Kaigler, Southfield
P17865	Kenneth M. Mogill, Lake Orion
P29987	Monika U. Holzer Sacks, Ann Arbor
P20977	Daniel T. Stepek, Mount Clemens
P53594	Dana M. Warnez, Center Line
P49219	Erane C. Washington, Ann Arbor
P74891	Bert Whitehead, IV, Livonia

State Bar Liaison

P53603	Danon D. Goodrum-Garland, Lansing
P38916	Nkrumah Johnson-Wynn, Lansing

Committee Meeting Schedule:

Please attach any additional information needed regarding Committee meetings as an addendum.

**Please keep meeting descriptions brief.*

Meeting Type	Date	Location
Description		
Meeting Type	Scheduled single meeting.	Apr. 4, 2016
Description	Reviewed and discussed workgroup purpose and established goals. Reviewed Court's administrative order on proposed amendments to Rule 1.5 (value added concept) and posted comments and discussed proposed amendments and comments regarding alternative fee arrangements.	
Meeting Type		
Description		
Meeting Type		
Description		
Meeting Type		
Description		
Meeting Type		
Description		
Meeting Type		
Description		

[Reset Section](#)
Resources provided by the State Bar of Michigan in support of committee work:

The State Bar provided staff support for the Workgroup through two staff counsel. As directed by the Workgroup Chair, Staff counsel conducted research of the comparable rules in other jurisdictions and prepared and distributed meeting materials as approved by the workgroup chair, facilitated email communication by the workgroup, and arranged for meeting space, food and beverage for meetings, and teleconferencing services.

[Reset Section](#)

Committee Activities:

Not applicable.

Future Goals and Activities:

Not applicable.

Other Information:

The workgroup was unable to reach consensus on the issue of results oriented/value-added fee provisions pertaining to domestic relations matters. The workgroup engaged in good conversation regarding other alternative fee arrangements, including nonrefundable fees, minimum engagement fees, fixed fees, and a variety of hybrid fee arrangements.

[Reset Section](#)

Approved by	Approved	Name
Chair	pending	Keefe A. Brooks
Co-chair		
Staff Liaison	s/	Danon D. Goodrum-Garland
Other		

[e-Mail Form](#)
[Reset Section](#)

STATE BAR OF MICHIGAN
Ad-Hoc Committee on Alternative Billing Structures

Monday, April 4, 2016, 9 a.m. – 4 p.m.
 Boardroom, Jaffe Raitt Heuer & Weiss, P.C.
 27777 Franklin Road – Suite 2500, Southfield, MI 48034
 (248) 351-3000

Chair and Facilitator: Keefe Brooks

COMMITTEE PURPOSE STATEMENT

Background

On March 25, 2015, the Michigan Supreme Court issued a [Proposed Amendment](#) to Rule 1.5 of the Michigan Rules of Professional Conduct.

Comments were posted regarding the Proposed Amendment:

[Richard S. Victor, Law Offices of Richard S. Victor, PLLC \(3/26/15\)](#)

[Susan E. Cohen, President, American Academy of Matrimonial Lawyers \(4/16/15\)](#)

[John W. Allen \(4/22/15\)](#)

[Lawrence S. Katz \(4/24/15\)](#)

[Gerald P. Cavellier \(4/27/15\)](#)

[Edward D. Gold \(4/27/15\)](#)

[Mathew Kobliska \(4/28/15\)](#)

[Donald D. Campbell \(4/28/15\)](#)

[James J. Harrington, III \(5/5/15\)](#)

[Comment Letter \(5/7/15\)](#)

(signed by: John F. Schaefer, Edward D. Gold, Mark A. Bank, B. Andrew Rifkin, John W. Allen, Richard S. Victor, Gerald Cavellier, James J. Harrington, III, Mathew Kobliska, Joseph Aviv, David S. Mendelson, Susan E. Cohen, Michael A. Robbins, Kurt E. Schnelz, James P. Cunningham, Thomas G. Plunkett, Harvey I. Hauer, Henry Gornbein, and Timothy T. Fryhoff)

[Scott Bassett \(5/29/15\)](#)

[The Law Firm of John W. Schaefer \(5/29/15\)](#)

(signed by: John F. Schaefer, David S. Mendelson, and B. Andrew Rifkin)

[Harriet B. Rotter, Rotter and Stone, P.C. \(6/1/15\)](#)

[John W. Allen \(second letter\) \(6/2/15\)](#)

[Attachment 1: High Court Shakes Up State Bars](#)

[Attachment 2: SCOTUS Decision in *NC State Board of Dental Examiners v FTC*](#)

[Attorney Grievance Commission \(5/21/15\)](#)

[Sheldon G. Larky \(6/24/15\)](#)

[Barbara L. McQuade, United States Attorney, Eastern District of Michigan \(6/29/15\)](#)

[Kenneth M. Mogill \(7/1/15\)](#)

On September 15, 2015, the State Bar Board of Commissioners sent the Supreme Court a [letter](#) stating its 21st Century Practice Task Force would be exploring in depth the use of alternative billing arrangements, including allowing enhanced fees for results obtained. “Rather than pre-

emptively taking a position on this one aspect of billing of legal services, the Board of Commissioners wanted to see what the Task Force recommends,” said the letter.

The Task Force completed its work March 1, 2016, and made several recommendations regarding attorney fee arrangements and use of alternative dispute resolution to resolve lawyer-client fee disputes.¹ The specific Task Force recommendation regarding MRPC 1.5 to be addressed by this Committee:

Draft amendments to MRPC 1.5 to include a definitional section on alternative fee arrangements and to clarify obligations for fee explanations in engagement letters, for consideration by the Representative Assembly.

Committee’s Charge

The Committee’s “deliverable” is to draft a proposed amendment to MRPC 1.5 that includes a definitional section on alternative fee arrangements and to clarify obligations for fee explanations in engagement letters.

Timing and Next Steps

Although the Task Force anticipated the Representative Assembly would consider the draft amendment to MRPC 1.5, the Representative Assembly meets on April 29, 2016, and the deadline for submitting proposals is 42 days beforehand, which is March 18, 2016 (after this committee meets). Therefore, the Board of Commissioners will take up the proposed amendment at its June 10, 2016 meeting on Mackinac Island and subsequently follow up with the Supreme Court.

Preparation for the Meeting

Committee members should review the prior proposed amendments and comment letters (see hyperlinked text above) prior to the meeting.

¹ Create a quick, responsive SBM system for advisory, prospective review of fee arrangements, in collaboration with the Attorney Discipline System; increase education of members on existing ethics opinions about fee arrangements and options; create an arbitration program to resolve attorney client fee disputes; and create a client fee dispute mediation program, excepting significant MRPC 8.3 violations.

State Bar of Michigan | 2016-2017 COMMITTEE ANNUAL REPORT

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

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

Modest Means

Member

Term Ending: 2017

P71716	Tanisha Monique Davis, Southfield
P63563	Anjanette Edwards, Southfield
P29119	Robert Fair Gillett, Ann Arbor
P53999	Mary Kavanaugh-Gahn, Traverse City
P67570	Elizabeth A. Kitchen-Troop, Ann Arbor
P66964	Angela S. Tripp, Ann Arbor

State Bar Liaison

P32078	Candace A. Crowley, Lansing
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Committee Meeting Schedule:

Please attach any additional information needed regarding Committee meetings as an addendum.

**Please keep meeting descriptions brief.*

Meeting Type	Date	Location
First of three phone meetings	December 8, 2016	Phone
Description		
Second of three phone meetings	January 6, 2017	Phone
Description		
Third and final phone meeting	February 7, 2017	Phone
Description		
Meeting Type		
Description		
Meeting Type		
Description		
Meeting Type		
Description		

[Reset Section](#)
Resources provided by the State Bar of Michigan in support of committee work:

Extensive research on modest means in Michigan and nationally, site visit to the Washtenaw County Bar Association, telephone consultation with Will Hornsby of the ABA Committee on Delivery of Legal Services, telephone meeting support, report writing.

[Reset Section](#)

Committee Activities:

The Committee on Justice Initiatives Co-Chairs Linda Rexer and Erika Davis appointed a Modest Means work group to assess what would be needed in Michigan to establish a modest means delivery system as recommended by the 21st Century Practice Task Force. Members were promised that work would be concluded within three telephone meetings. Members reviewed and reacted to extensive materials assembly by staff and provided direction and input for a final report.

Future Goals and Activities:

The report of the work group, attached, posed many questions and identified much work that needs to be done before a modest means program can be established in Michigan.

Other Information:

Reset Section

Approved by	Approved	Name
Chair	/s/	Erika Davis and Linda Rexer
Co-chair		
Staff Liaison		
Other		

State Bar of Michigan
 Committee on Justice Initiatives
 Modest Means Workgroup
 Proposal Summary, approved by CJI on February 15, 2017
 To be read in conjunction with full report, attached

1. Client eligibility set at 200% of poverty guidelines
2. Additional category of clients includes those who are below poverty guidelines but whose legal matter does not fit within legal aid program's priorities (e.g. Chapter 7 bankruptcy to stop a wage garnishment)
3. Best to have an intake partner screen and refer callers from a specific geographic area; alternative is to develop online intake form or have State Bar LRS staff screen telephone callers. Note: Michigan Legal Help has offered to create an online intake interview form for this purpose, to get online visitors to a State Bar staff person on the other end; resource could be available this summer.
4. Pilot geographic area depends in part on ability to recruit critical mass of lawyers willing to participate
5. Participating lawyers are required to have online directory photo, bio, and malpractice insurance, to participate in a brief orientation program explaining goals and fee boundaries, and to comply with other panel requirements regarding fees, etc.
6. Participating lawyers can consider the work as pro bono under Michigan's Voluntary Standard
7. Applies to limited number of case types for a flat fee (e.g. \$500 bankruptcies) Research on appropriate cases and fees needs to be conducted
8. Applies to limited number of case types for a reduced fee (e.g. family law matters, \$75.00 per hour with a \$750.00 retainer.) Research on appropriate cases and fees needs to be conducted.
9. Mechanics of referral process and payment of fees flexible depending on other elements in the State Bar online legal resource and referral center
10. Lawyers and clients should be asked to make a good faith effort to complete online evaluation on completion of case
11. Fast timeline requires small and modest pilot
12. Project to be coordinated in collaboration with other stakeholders
13. Recommended that limited scope representation be decided promptly so more case options can be added to program (e.g. serve custody complain and obtain preliminary order)

TO: Committee on Justice Initiatives Co-Chairs Erika Davis and Linda Rexer

FROM: Modest Means Work Group Members:

Anjanette Edwards
 Tanisha Davis
 Bob Gillett
 Mary Kavanaugh-Gahn
 Elizabeth Kitchen Troop
 Angela Tripp

Staff support: Candace Crowley, Jeffrey Barker

DATE: February 7, 2017

RE: State Bar of Michigan
 Lawyer Referral Service
 Modest Means Panel Pilot Project Proposal
 In collaboration with (to be established with referral sources, CALL, MLH, bar association, SBM sections, others to be identified)

Introduction

This work group was appointed by CJI co-chairs Linda Rexer and Erika Davis in late November of 2016 to develop a proposal to explore modest means legal services in Michigan to be piloted as part of the State Bar's modernized and expanded Lawyer Referral Service (LRS) program. The proposal was to be guided by the recommendations in the 21st Century Practice Task Force report, and ready to be implemented in early 2017. The work group met by phone three times: December 8, 2016, January 6, and February 7, 2017. Because of the limited time available to develop such a program, the recommendations of the work group are modest; more time and thought would be necessary to develop a proposal larger in scope.

Modest Means Programs – National

The group reviewed a December 6, 2016 memo prepared by Jeff Barker regarding U.S. modest means program overview, and a snapshot of some modest means programs, attached. There are countless modest means programs successfully operating around the country. It also reviewed "Operating a Successful Modest Means Program" checklist presented at the October 2012 American Bar Association National Lawyer Referral Workshop in order to learn from the work of others and incorporate best practices into its proposal. The checklist is attached.

Modest Means Programs - Michigan

Staff identified five Michigan modest means efforts, and work group members familiarized themselves with those:

- The Washtenaw County Bar Association has a small family law modest means program that runs through its SBM-recognized LRS organized under Michigan Rule of Professional Conduct 6.3.
- Justice for our Neighbors in western Michigan is reported to have a sliding scale or a voluntary donation program for people over 200% of poverty guidelines.
- The Access to Bankruptcy Court Access to Justice (ATJ) program provides reduced fee services to people under 150% of poverty guidelines; the program pays lawyers up to \$400 for completion of a Chapter 7 bankruptcy filing. While not a service available to people over 150% of the poverty guidelines, it does show a willingness by some lawyers to accept reduced fee cases.
- The Marquette County Bar Association, with Legal Services of Northern Michigan, attempted a modest means program, with Northern doing intake and making referrals. There was little activity and it has been dormant for a few years.
- Legal Aid and Defender Association of Detroit proposed a modest means program in 2013 but it did not advance due to concerns of the SBM professional responsibility staff.

Proposal

After reviewing materials and discussing options three times, the work group makes this proposal for a pilot modest means program in Michigan. The proposal is limited to those with incomes under 200% of poverty level; it is not a sliding scale program for those with higher incomes¹. Work group members believe that establishing higher income levels might cause competition with local private practitioners, especially in more rural areas where private lawyers may charge less for legal services than larger or wealthier communities.

The proposal also uses relatively lower figures because one of its features is to consider the work as pro bono under Michigan Voluntary Pro Bono Standard #3, “Providing a minimum of thirty hours of professional services at no fee or at a reduced fee to persons of limited means...” In addition, intake numbers from Michigan’s Counsel and Advocacy Law Line (CALL), were reviewed when the group was considering income guidelines. When considering up to 300% income, there was a sufficient pool of potential clients to likely support a pilot program.²

Purpose:

This project explores the opportunities and challenges of

- Providing access to legal services to those who do not meet federal and legal aid program poverty levels but do not have resources to pay for unknown and unlimited legal services
- Providing access to legal services to those who meet federal and legal aid program poverty levels but whose legal matters do not fit within the priorities of their local legal aid program

¹ Poverty guidelines are attached; note that most Michigan legal aid programs apply a 150% poverty level to clients. To qualify as an Access to Justice Fund recognized program, no more than 200% of poverty level can be used.

² When considering what income level should be established, the group looked at CALL statistics to see that in 2016, 438 callers were ineligible for service because they were between 200 and 250% of poverty guidelines. About 200 callers were rejected because they were between 250 and 300% of poverty guidelines. More information on the types of cases involved is not readily available. *Work group member Edwards provided this update after the work of the group was completed: “From 1/1/2014-12/31/2016 there were a total of 193 cases that were rejected for folks between 150-200% of the poverty level. Of the 193 cases, 84 of those cases were rejected for being over income with no qualified expenses. The remainder of folks were rejected for being over asset.”*

- Addressing the perception of the public that legal services are not affordable
- Exploring an untapped market for legal services
- Assisting courts and judges in expanding representation to litigants in courtroom settings
- Making the most efficient, effective, and appropriate referrals between lawyers and clients
- Strengthening the legal services delivery system by coordinating with other organizational partners and exploring with them some innovations identified by the 21st Century Practice Task Force

What do we want to learn from the pilot project?

- Who can be helped by this program (data)
- Will lawyers readily participate
- Will the public avail itself of the program
- What is the capacity of SBM to successfully match clients and lawyers in a cost-effective manner
- What can SBM do to help panel members succeed in this practice
- What case categories are not on our list but requested by the public or identified by partners?
- Assuming success in the pilot, what must SBM do to expand the program?
- How do we assure the pilot is appropriate for eventual integration with statewide triage and online intake goals

Who is eligible for referrals to modest means panel lawyers?

- Those whose income is up to 200% of poverty guidelines, have less than \$5,000 in liquid assets³ and have an ability to pay
 - A \$xx consultation fee to the modest means panel member, to be credited to the flat fee legal fee if a retainer is signed⁴
 - The remaining legal fee at the time a retainer is signed OR
 - A \$xx consultation fee to the modest means panel member, to be credited to the reduced fee retainer agreement if a retainer is signed; the retainer fee must be paid at the time the retainer is signed
- Those whose income and assets are within their local legal aid program's guidelines, whose legal matter is not within the legal aid program's priority areas, and have an ability to pay
 - A \$xx consultation fee to the modest means panel member, to be credited to the legal fee if a retainer is signed
 - The remaining legal fee in a timely manner – i.e. half of the legal fee when a retainer agreement is signed and half of the legal fee when the case is about to conclude
 - OR
 - A \$xx consultation fee to the modest means panel member, to be credited to the reduced fee retainer agreement if a retainer is signed
- Those with legal issues in
 - Family law (reduced rate)

³ Income and asset levels vary in modest means programs around the country. This proposal uses relatively lower figures because one of its features is to consider the work as pro bono under Michigan Voluntary Pro Bono Standard #3, "Providing a minimum of thirty hours of professional services at no fee or at a reduced fee to persons of limited means...."

⁴ Many models are used to collect administrative or consultation fees from modest means clients. This is just one suggestion on how a modest means program could work in Michigan.

- Chapter 7 bankruptcy (flat fee)
- Immigration (define scope) appropriate for flat fee – I 130 for \$XXX)
- Expungement (flat fee)
- Others as evident from CALL data (request pending)

Who is eligible to be a modest means LRS panel lawyer?

- Those who are interested in exploring innovations in the delivery of legal services to people of modest means
- Those with tech competence and the ability to communicate with LRS through an online portal
- Those with an enhanced online directory presence including a photo and bio with information about qualifications in practice area
- Lawyers who meet the general LRS guidelines (malpractice and other) and who meet special modest means panel guidelines including a commitment to collecting the consultation fee from the client or otherwise complying with the modest means panel guidelines and fee requirements
- Lawyers who agree to participate in a brief orientation including information on goals of the program and appropriate fee boundaries
- Those who will provide flat fee legal services⁵ such as
 - \$500 for Chapter 7 bankruptcy (based on successful experience of ATJ Bankruptcy program in Eastern District – low income clients served by private lawyers paid by the program [not the client] a total of \$400 with half up front and half at time of discharge/case closure. The \$335 filing fee is generally subject to fee waiver but client must pay in some circumstances.)⁶
 - Reduced rates for family law matters, i.e., \$75 per hour with a \$750 retainer fee PROVIDED the client is furnished with a written guide on how to budget for legal fees and how to be most efficient in communicating with lawyer and moving case forward, and PROVIDED the lawyer and client touch base on progress and process moving forward when the agreed upon hours are about to be reached
 - Other rates and case types as indicated by data and further discussion

How will the program be evaluated?

- Lawyers and clients will be asked to complete an online evaluation survey at the conclusion of the case; appropriate questions need to be developed
- Other methods to be identified

Why would lawyers want to participate in the pilot?

- Newer lawyers:
 - Cases provide guaranteed income
 - Cases provide exposure and opportunity to interact with clients, court personnel, judges, other lawyers
 - Cases provide opportunities to market and build business

⁵ Additional work needs to be done to identify more case types and appropriate flat fees.

⁶ Work group members were also briefed by memo on *Goldfarb v Virginia State Bar*, 421 U.S. 773 (1975) and were satisfied that fixed fees like those used in many modest means programs do not violate the Sherman Act and do not constitute “price fixing.”.

- Mentorship possibilities. Note, this element would involve more administrative resources.
- More experienced lawyers:
 - Cases provide guaranteed income
 - Cases provide opportunity to give back
 - To the public
 - To newer lawyers through possible mentorship services
- All lawyers:
 - Cases qualify as pro bono under paragraph 3 of the Voluntary Standard
 - Build experience and skills in improving tech competency
 - Explore innovations in the delivery of legal services

Who will screen callers for income, asset, and case type eligibility?

- Preferably a willing organizational partner with existing intake screening and efficient referral skills that can refer/transfer callers to SBM LRS staff for phone assistance. CALL is one example. Note, however, that legal aid programs may be reluctant to spend additional resources on matters for which they are not funded. Other possibilities are
- 1. A willing organizational partner like MLH who can include a general income and case type screening and direct online intake visitors to click a link that sends an application to the State Bar LRS. Note: Michigan Legal Help has offered to create an online intake interview form for this purpose, to get online visitors to a State Bar staff person on the other end; resource could be available this summer.
- Potential clients unable to fill out the form online could be directed to call State Bar LRIS staff, who would fill out the online application via the phone, or
- A State Bar of Michigan developed online intake system similar to the State of Washington's, see https://mmoi.legalserver.org/modules/matter/extern_intake.php?pid=125&h=84ee0d or
- State Bar LRS telephone staff if necessary
Participating panel lawyers agree to accept the screening undertaken by staff and agree to contact staff for further eligibility review if they have cause to question income or asset information

Who will develop written standards, protocols, forms, and online or paper applications?

- This piece of the project could take considerable time, and sufficient resources need to be identified. Sample documents from the Oregon State Bar Modest means Program are attached.

How long will the project run and will it be limited by geography?

- TBD based on partnership possibilities

Other questions

- Who are our likely partners to embrace the program, refer clients, help recruit panel members?
- How do we engage them to join us?
- What level of experience is required of panel members/how is that evaluated
- What number of lawyers do we need before opening the program?

- Should we involve SBM sections in developing program and recruiting panel members?
- Should the program be limited to telephone callers only?
- Should we build in mentorship opportunities?
- How do we market and communicate?
- How do we communicate with other LRS programs and engage their understanding and support?

Other concerns

- Work group members understand the State Bar wants this to be developed and implemented quickly; it prefers that developing this panel be more carefully integrated with the statewide online intake/MLH/triage system
- Because of the rapid development of a new program, work group members recommend that the pilot project be very limited in case type and area served
- Work group members do not want to see the pilot program become a vehicle of conflict with other LRS, legal aid, or ATJ program providers, but encourage collaborations with others
- Work group members understand that the State Bar is interested in developing a sliding scale program but the complexity of understanding those issues and developing a project proposal require more time than contemplated by this assignment.

#

ATTACHMENTS

December 6, 2016 U. S. Modest Means Program Overview Memo

Operating a Successful Modest Means Program Checklist, October 2012

Poverty Guidelines

Oregon Modest Means Panel Information

Oregon Modest Means Application Forms

Washington State Online Application Start Page



To: State Bar of Michigan LRS Modest Means Workgroup

From: Jeff Barker, Legal Intern, Pro Bono Initiative

Date: December 6, 2016

Re: U.S. Modest Means Program Overview

I. Introduction

A number of lawyer referral programs around the country offer some sort of modest means program, either within the normal lawyer referral service or as a standalone project organized by local bar associations and also through the state bar's lawyer referral service. At least one modest means program is sponsored by a legal aid office, see information about the Legal Aid of Arkansas modest means panel at http://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/lrs_del_richardson_client-centric_slides.authcheckdam.pdf

II. Income Requirements

All of the modest means programs have a limit on income, though a few programs indicated that the ceiling, usually based on the Federal Poverty Guidelines, may be flexible, and that staff review each application to determine eligibility. When making the eligibility determination, program staff require documentation of income, assets, and debts, creating an accurate financial picture instead of a black-line rule based solely on household size and income. Most, however, have a ceiling between 250%-300% of the Federal Poverty Guidelines¹.

The Washington State Bar Association's Moderate Means program has a large window for acceptable incomes, covering between 200%-400%. To counteract any unfairness to clients or participating lawyers which could stem from such a wide range of incomes, they have implemented a sliding scale, gradually increasing the fee as the potential client's income increases. Oregon's program is similar, though with a lower default ceiling between 125%-225%, their fees are set at \$60, \$80, or \$100 per hour. Oregon's eligibility guidelines can be fluid, with LRS employees making determinations on a case-by-case basis after an in-depth review of a potential client's financial situation and ability to pay. Fee schedules will be discussed in more detail below.

¹ A range of income limits are attached as Appendix A.

III. Fee Schedules

Almost all of the Modest Means programs charge a moderate fee for the referral, which includes the initial client consultation. Many of these collect the fee before making the referral, presumably in an effort to establish that it is not a free service, and to partially cover the cost of program administration. Others have the lawyer collect the fee at the initial consultation.

In addition to the initial fee, the modest means programs have set caps on an hourly rate, and devised caps on fixed fees for specific services like uncontested divorces, simple wills, uncontested probate, etc. While many include a hard ceiling for an hourly rate, at least two modest means programs require lawyers to charge a percentage of their regular hourly rate. Washington's program requires participating lawyers to reduce their fee by 75% for people falling between 200%-250% of the poverty guidelines, but only by 25% for those at 400%. For those programs with a hard hourly rate ceiling, the most common amount is \$75 per hour, though some go as low as \$60, or as high as \$100 per hour.

In an effort to keep costs from getting out of control, many program set a maximum retainer of \$750, and require lawyers to discuss with the client before their accounts dip into the red. New Haven Connecticut's Modest Means Project requires clients to pay a \$500 retainer up front, with a maximum hourly rate of \$60. The Indianapolis Bar Association² has a unique approach to serving modest means clients. Indy's modest means program has three separate panels, Bankruptcy, Family, and Criminal, each with a slightly different approach to fees. While each panel limits income to 200%, hourly fees are limited to \$75 for family law cases, total cost for bankruptcy is limited to \$500, and the criminal cases have set fees depending on which court is hearing the case³. This innovative approach allows for flexibility within the programs, adapted to the needs of that particular type of practice. Some of the conversations around this issue relate to the developing "flat fee" retainer studied by the 21st Century Practice Task Force.

On a separate note about fee schedules, some ask whether fee schedules violate the Sherman Act. This question was addressed in *Goldfarb v Virginia State Bar et al*, 421 U.S. 773 (1975), and current modest means programs operate without violating the Sherman Act.

IV. Types of Cases

All of the modest means programs limit their services to specified legal topics, and none provide representation where the preferred outcome is only monetary compensation. Though these programs do not provide counsel on an infinite

² Indianapolis Bar Association <https://www.indybar.org/index.cfm?pg=ModestMeans>.

³ Cases in the "Community Court" are limited to \$250, with another \$250 due if it is transferred to the district court. Other Misdemeanors are limited to \$500, with another \$250 if the case goes to trial. Type "D" felony cases are limited to \$750, with another \$500 due if the case goes to trial.

number of legal issues, they still provide a wide array of services. Almost all programs provide support in family law, consumer protection, and probate cases. A large number also offer services for landlord/tenant (both to qualifying landlords and tenants) and even criminal cases.

V. Application Methods

Many of the modest means programs allow prospective clients to fill out the application form electronically, either by downloading a .pdf form to e-mail, mail, or fax back to the referring agency, or by completing the form entirely online. As a matter of client confidentiality, it would be best to limit the amount of information shared through less-secure means like e-mail. A best practice would be to have the application available through a secure web-based form to be completed entirely on the website, though a .pdf version should also be available for those wishing to mail in their application. Almost all of the programs also allowed clients to register via phone, being guided through the application by program staff.

After applications are reviewed and determined to be eligible, program staff contacts the potential client with the name and contact information for a participating lawyer. The lawyer (in Oregon's program⁴) will receive a copy of the application, review it with the potential client, and make the final eligibility determination. Many programs leave the final eligibility decision to the individual lawyer, who will have the closest interaction with the client.

Included with the application, as well as clearly stated throughout all program documentation is language indicating that these programs are not free, that attorneys will charge for representation, and that only clients that meet the income guidelines can participate. Notably, some of the applications mention that clients will be denied participation if their financial situation shows they will not be able to pay at all, no matter where in the poverty guidelines their income falls.

Some programs have a local legal aid organization do the initial screening to determine if the potential client has a case and meets the income requirements. Washington's program has law student volunteers provide client screening, conducting legal issue spotting and determining financial eligibility with supervision of program attorneys.⁵

On the lawyer side of the application, many programs outline the maximum fees to be charged and require that the lawyers agree to participate by the program guidelines, including the use of program's required retainer agreement.⁶ Almost all

⁴ Oregon's application packet: <https://www.osbar.org/docs/public/diy/modestmeansapp.pdf>.

⁵ Washington State Bar Association <http://www.wsba.org/Legal-Community/Volunteer-Opportunities/Public-Service-Opportunities/Moderate-Means-Program/Moderate-Means-Legal-Help/Moderate-Means-Client-Next-steps>

⁶ Akron Bar Association Modest Means <http://www.akronbar.org/wp-content/uploads/2015/01/MMRP-Application-1.pdf>.

of the programs also required the lawyer to have their own malpractice insurance coverage with \$100,000/\$300,000 limits.

VI. Conclusion

The existing Modest Means programs share a number of features: to qualify, persons must not qualify for a free legal aid program or other pro bono service; have an income below a threshold, usually between 250% - 300% of the federal poverty guidelines; have limited assets; and have a set ceiling for hourly rates or a fee schedule. Most allow clients to apply electronically or on the phone, and limit to specific legal topics. In addition to the limited hourly rates, many programs set a maximum retainer amount, and require participating lawyers to use a standard retainer agreement. These programs work to provide services to those who do not qualify for legal aid, but could not otherwise afford representation.

Postscript: A comprehensive listing of modest means programs was published by the ABA in 2008. The results report survey questions used on LRS panel members, program listings, standard financial guidelines, description of the financial screening process, description of the fee arrangements/parameters for attorneys, areas of law served, annual referrals and number of attorneys, means used to publicize the program, success ratings of programs and persistent issues.

http://www.americanbar.org/groups/lawyer_referral/resources/clearinghouse/modest.html

December 2016
Some Modest Means Snapshots

Prepared by Jeffrey Barker

*Unified state bar (Arizona, Oregon, Utah, Wisconsin, New Hampshire, Washington)

1. Arizona* - <https://www.azflse.org/modestmeans/>
 - a. To Apply - Call LegalLearn line 866-637-5341
 - i. 10- 12 & 1- 3 Monday - Friday
 - b. Initial Cost: \$75 for 1 hour consultation
 - c. Ongoing Rate - \$75
 - d. Income Requirements:
 - e. Case Types: Guardianships, Bankruptcy, Consumer Law (including appeals), misdemeanors, Employment, Family (Including appeals), Housing, Immigration, Mediation, Veterans issues, Wills and Trusts

2. Akron Bar Association –
 - a. <http://www.akronbar.org/wp-content/uploads/2015/01/MMRP-Application-1.pdf>
 - b. Initial Cost: \$30 for consultation (Which attorney remits to referral service)
 - c. Ongoing Rate: no more than \$60 hourly, Retainer no more than \$400
 - d. Income Requirements: 200% federal poverty Guidelines
 - e. Case Types: Post-decree Family law, custody, collections, automotive, personal bankruptcy, wills, and guardianship

3. Oregon* - <https://www.osbar.org/public/ris/#mm>
 - a. To Apply - <https://www.osbar.org/docs/public/diy/modestmeansapp.pdf>
 - b. Initial Cost: \$35 for consultation
 - c. Ongoing Rate - \$60/\$80/\$100 per hour, depending on income
 - d. Income Requirements: Based on 125%, 175%, 225%, taking other factors into consideration on a case to case basis.
 - e. Case Types: Family Law - Divorce, custody, child/spousal support, restraining orders, DV, grandparent/third party rights, document review; Criminal law – no capital charges; Real Property – Foreclosure, landlord/tenant (both sides), and mobile home

4. Utah* - <https://www.utahbar.org/modest-means-lawyer-referral-program/>
 - a. To Apply - <https://www.utahbar.org/modest-means-lawyer-referral-program/>
 - b. Initial Cost: \$25 for half-hour consultation
 - c. Ongoing rate – Up to \$50 or \$75 an hour or Flat Fee
 - d. Income Requirements: Up to %300 Federal Poverty Guidelines, and:
 - i. Maximum Asset amount - https://www.utahbar.org/wp-content/uploads/2015/03/ATJ_2015_Poverty_Guidelines.pdf

- e. Case Types: adoptions and guardianships, Bankruptcy, consumer, Criminal, Juvenile, expungements, Family Law, Foreclosures, Landlord/Tenant, Mechanics Lien, Real Property, Small Claims, Traffic, will, trusts, estate, or probate.
5. Indianapolis Bar Association - <https://www.indybar.org/index.cfm?pg=ModestMeans>
- a. Three different programs, with varying income and qualification requirements
 - b. Bankruptcy - <https://www.indybar.org/index.cfm?pg=ModestMeans#Bankruptcy>
 - i. Total Cost: No more than \$500 excluding filing and other court fees
 - ii. Income Requirements: 200% Fed Poverty
 - c. Family - <https://www.indybar.org/index.cfm?pg=ModestMeans#Family>
 - i. Initial Cost: \$75
 - ii. Ongoing Rate: No more than \$75/an hour, no more than \$750 retainer plus ancillary expenses
 - iii. Income Requirements: 200% Fed Poverty
 - d. Criminal - <https://www.indybar.org/index.cfm?pg=ModestMeans#criminal>
 - i. Cost varies depending on type of charge/trial. Traffic: \$150, Community court: \$250 (additional \$250 if transferred to reg court); Other misdemeanors \$500, including entering of plea, additional \$250 due for trial; "D Felony" \$750 including plea, additional \$500 for trial.
 - ii. Income Requirements: 200% Fed Poverty
6. Allegheny County Bar Association (Pittsburgh) – http://www.pittsburghprobono.org/Public_Legal_Services/ACBA_Modest_Means.asp
- a. Initial Cost: \$30 referral Fee
 - b. Ongoing rate: Lawyer agrees to provide a reduced rate
 - c. Income Requirements: 200% Fed Poverty
 - d. Case Types: Divorce, Custody, Support, PFA hearing, Simple will, living will, Power of attorney, and Bankruptcy The following types are eligible only if in the "Phoenix" specialty court setting: DUI, Retail Theft, Simple Possession, Bankruptcy
7. Atlanta Bar Association - <http://www.atlantabar.org/?LRISModestMeans>
- a. Application: <http://atlantabar.site-ym.com/?page=MMonlineapplication>
 - b. Initial Cost: \$25 Fee which includes initial 30 minute Consultation
 - c. Set Fees or low hourly rates, depending on legal need
 - d. Income Requirements:
 - e. Case Types: Flat Fee Services: Advance directives, Chapter 7 Bankruptcy, Name Change, Ppower of Attorney, Simple Will, Uncontested Guardianship of a Minor, some bundled services also exist. Hourly Fee cases: Child Support, contested

guardianship, custody, deed transfer, divorce, paternity, and separate maintenance.

8. Toledo Bar Association Lawyer Referral –
http://www.toledobar.org/TBA/Resources/Online_Referral_Request.aspx
 - a. Has one information form for all lawyer referral services, automatically provides “modest means” representation to those who qualify.
 - b. Case Types:

9. Orange County Bar Association LRIS - http://www.lrisoc.org/modest_means.asp
 - a. Initial Cost: \$25 fee, waived for Family Law
 - b. Ongoing Rate: No more than \$125, retainer no more than \$1,000, Also has a fixed fee schedule - <http://www.lrisoc.org/pdf/ModestMeansGuidelines.pdf>
 - c. Income Requirements: < \$60,000 Gross household income plus Cost of Living; < \$10,000 liquid assets, plus COLA; For Elder Law - \$50,000 in assets if own home, \$100,000 does not own home
 - d. Case Types: Bankruptcy, Consumer, Elder, Family, Housing (Landlord/Tenant) and Immigration

10. New Haven (Connecticut) - <http://www.newhavenbar.org/?page=MMP>
 - a. Initial Cost: \$25
 - b. Ongoing Rate - \$60 an hour, \$500 retainer paid up front
 - c. Income Requirements: %250 Federal Poverty, \$3,500 Liquid Assets, \$15,000 assets (Not including first vehicle, house, etc)
 - d. Case Types: Family Law, Landlord/Tenant, Unemployment, Minor Criminal Cases

11. El Paso County Bar (Colorado) - <http://www.elpasocountybar.org/legal-resources-for-the-public/modest-means-program/>
 - a. NOT CURRENTLY ACCEPTING NEW CLIENTS
 - b. Initial Cost: \$40
 - c. Ongoing Rate – up to \$125 with a retainer no more than \$750
 - d. Income Requirements:
 - e. Case Types: Bankruptcy; foreclosure; landlord/tenant; Family law, including divorce, custody and child support, family violence, interstate/foreign custody, child protective services issues, PPOs, adoption, paternity, and limited scope services like document prep and discovery; Criminal cases including felonies, misdemeanor, traffic violations, driver license restoration, juvenile, federal criminal defense, including criminal appeals; and probate issues including guardianship, powers of attorney, and wills.

12. State Bar of Wisconsin*

- <http://www.wisbar.org/forPublic/INeedaLawyer/Pages/Modest-Means.aspx>

- a. Initial rate: Maximum \$20 fee for initial half hour consultation
- b. Ongoing Rate: No set rate, lawyers are urged to provide lower fees to program referrals
- c. Income Requirements: between 125%-200% Federal Poverty Levels
- d. Case Types: Bankruptcy – Chapter 7, chapter 13, Foreclosure defense; Criminal Law – Misdemeanors, Ordinance Violations, pre-charging consultations, Traffic Offenses; Consumer Law – Construction Contracts, Consumer Fraud, Contracts, Identity Theft, Insurance Policy Disputes, Small Claims; Probate – Power of Attorney, Wills; Family Law – Child Support, Cohabital Property Division, Custody, Divorce, Grandparent's Rights, Guardianships, Maintenance, Paternity, Termination of Parental Rights, Visitation. Generally, tort cases with a primarily monetary award are not eligible for a reduced fee referral

13. New Hampshire Bar* - <https://www.nhbar.org/lawyer-referral/reducedfee.asp>

- a. Initial Rate: \$25 application fee at the time of the referral
- b. Ongoing Rate: No more than \$80 an hour
- c. Income Requirements
- d. Case Types: Bankruptcy; Civil Litigation Defense; Collections; Foreclosure; Consumer Issues; Contracts; Criminal; Education Issues; Family Law; Employment Issues; Immigration Law; Insurance Law; Landlord/Tenant; Medicaid/Medicare Related Issues; Mental Health Law; Municipal Law; Probate Law; Real Estate

14. Prince William County Bar Association - <http://www.pwcba.org/Find/modest.php>

- a. Initial Rate: \$35 application fee at the time of the referral, covers the first consultation
- b. Ongoing Rate: 1/3 the average rate
- c. Income Requirements: 250% Fed Poverty, and asset limitations
- d. Case Types: Civil Litigation

15. Washington State Bar Association* - <http://www.wsba.org/Legal-Community/Volunteer-Opportunities/Public-Service-Opportunities/Moderate-Means-Program/Moderate-Means-Legal-Help/>

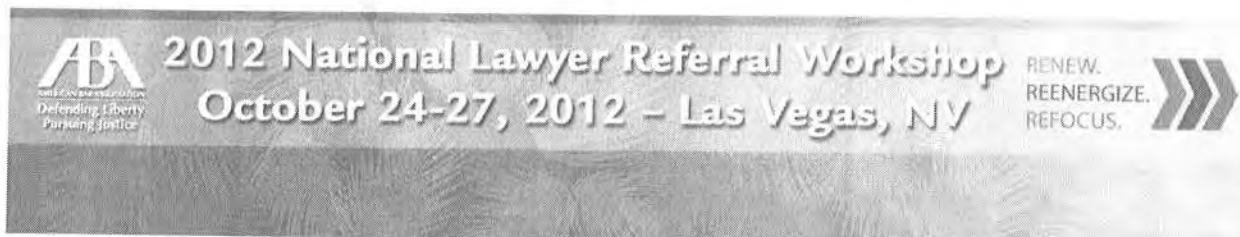
- a. Initial Rate: \$35 application fee at the time of the referral, covers the first consultation
- b. Ongoing Rate: 200-250% - Reduce fee by 75%; 250-350% - Reduce by 50%; 350-400% - Reduce by 25%
- c. Income Requirements: 200-400% Fed Poverty
- d. Case Types: Family, Housing, Consumer Law
- e. Notes – Law Students do the screening for income and legal issues, which is then referred to an attorney, and the attorney and client negotiate a rate.

16. Middlesex County Bar Association - <http://www.mcbalaw.com/?5>

- a. Initial Rate: \$30 Referral / application fee
- b. Ongoing Rate: \$75 per hour, also has fixed fee schedule
- c. Income Requirements: 300% Fed Poverty, \$4,500 liquid assets
- d. Case Types: Bankruptcy (Chapter 7 only), Criminal, Expungements, Family, Foreclosure defense, Landlord/Tenant, District Court, Name Change, Small Claims, Tort Defense.

17. Colorado State Bar Association: Colorado is not a unified bar but published information in 2016 about its modest means program:

http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ATJReports/12_Modest%20Means.authcheckdam.pdf



Operating a Successful Modest Means Program

October 25, 2012, 1:00 PM

Carla Brown, LRIS Director, Atlanta Bar Lawyer Referral Service

George Wolff, LRIS Director, Oregon State Bar

Step by Step Process on How to Create and Operate a Successful Modest Means Program

Step 1: Solicit Support

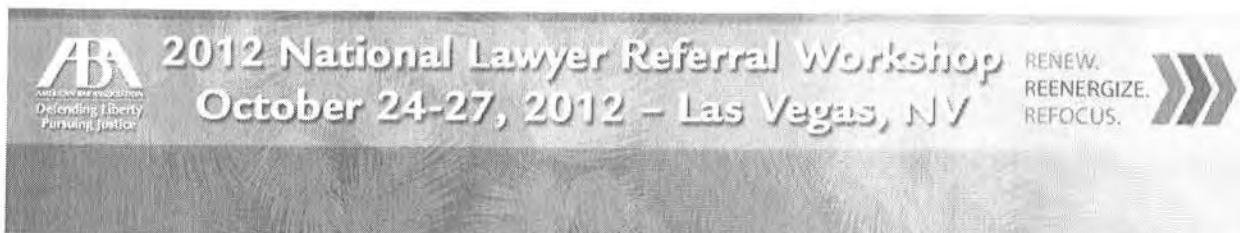
- ✓ Obtain internal and external informal buy-in
 - Is your LRIS Committee/Board supportive of the idea?
 - Are there other local organizations with a common goal willing to collaborate in some way?

Step 2: Create Task Force

- ✓ Establish task force or committee that includes representatives from bar leadership and stakeholder constituencies

Step 3: Research and Evaluate

- ✓ Research and evaluate fully-functioning Modest Means Programs:
 - mission and goals
 - models
 - forms and criteria
 - areas of law
 - degree of success, public and panelist participation
 - degree of overlap and/or cooperation with other legal services



Operating a Successful Modest Means Program

October 25, 2012, 1:00 PM

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- technological and human resource requirements, and costs
- ✓ Research and evaluate all possible influences, including
 - institutional memory/history
 - fiscal and resource constraints
 - mission and goals
 - political atmosphere
 - internal/external stakeholder perspectives and opinions
- ✓ Analyze national and local demographic statistics
- ✓ Read national and local legal needs studies
- ✓ Survey, interview and/or evaluate local organizations that provide legal and/or social services
- ✓ Analyze other national and local legal and social services' application evaluation criteria --
 - Federal Poverty Guidelines
 - history of criteria development and modification, and rationale for deviation from or modification of national models
- ✓ Assess all internal and external resources available, including personnel and technology



Operating a Successful Modest Means Program

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- ✓ Define target market niche:
 - geographic territories
 - areas of law
 - services provided
 - demographic segmentation
 - outreach strategies

Step 4: Program Development

- ✓ Solicit stakeholder participation in Modest Means Program development, including
 - bar leadership
 - practitioners from representative geographic and substantives areas
 - legal aid
 - court personnel, judges
 - executive committees of substantive law practice areas
 - local and state government
 - non-profit, public agency and other personnel that regularly come into contact with target population, including, e.g., patient care counselors, social workers, spiritual advisors, school personnel, librarians, etc.



Operating a Successful Modest Means Program

October 25, 2012, 1:00 PM

Carla Brown, LRIS Director, Atlanta Bar Lawyer Referral Service

George Wolff, LRIS Director, Oregon State Bar

- ✓ Task all stakeholder participants to develop evaluation criteria
- ✓ Task stakeholder participants to develop draft
 - mission and goals
 - milestones and roadmap for rules, policies and procedures
 - timeline and rollout of program
- ✓ Create client intake application form
- ✓ Draft rules, policies and procedures for applicants, panelists, and staff
- ✓ Create attorney registration form/application
- ✓ Train staff
- ✓ Develop and implement attorney recruitment strategy
- ✓ Develop and implement grass roots marketing strategy
- ✓ Thank all stakeholder participants and commit to following up with them

Step 5: Board or Committee Approval

- ✓ Formalize approval from applicable board and/or committee(s)



Operating a Successful Modest Means Program

October 25, 2012, 1:00 PM

Carla Brown, LRIS Director, Atlanta Bar Lawyer Referral Service

George Wolff, LRIS Director, Oregon State Bar

Step 6: Advertise and Monitor

- ✓ Advertising & Branding:
 - Brochures
 - Word of mouth
 - Referring LRIS callers to the Modest Mean Program
- ✓ Monitor participation:
 - survey and solicit feedback from both public and panelists
 - award and appreciate panelists
 - inform stakeholders of progress
- ✓ Review, evaluate, and revisit all aspects of program:
 - expand/contract areas of law
 - develop more restrictive or liberal application evaluation criteria depending upon community standards
 - streamline all processes

2016 Federal Poverty Guidelines

Federally facilitated marketplaces will use the 2016 guidelines to determine eligibility for Medicaid and CHIP.

Household Size	100%	133%	150%	200%	250%	300%	400%
1	\$11,880	\$15,800	\$17,820	\$23,760	\$29,700	\$35,640	\$47,520
2	16,020	21,307	24,030	32,040	40,050	48,060	64,080
3	20,160	26,813	30,240	40,320	50,400	60,480	80,640
4	24,300	32,319	36,450	48,600	60,750	72,900	97,200
5	28,440	37,825	42,660	56,880	71,100	85,320	113,760
6	32,580	43,331	48,870	65,160	81,450	97,740	130,320
7	36,730	48,851	55,095	73,460	91,825	110,190	146,920
8	40,890	54,384	61,335	81,780	102,225	122,670	163,560

*Oregon State Bar Modest Means Program, P.O. Box 1689, Lake Oswego, OR 97035
(503) 620-0222, ext. 408 or Toll Free in Oregon (800) 452-8260, ext. 408*

Modest Means Program

Dear Modest Means Attorney:

Thank you for your participation in the Modest Means Program. We look forward to your continued participation. To prepare for the coming year, a summary of your current registration is attached. Please review the enclosed Modest Means Program Policies and Procedures, Attorney Information Sheet, and referral categories.

To renew your registration, please complete and return the 2003-2004 registration form. The registration form now has a space to indicate whether you prefer to receive referral notices by e-mail or fax rather than by U.S. mail. If you would like to continue to participate in the program with your current registration, simply return the form. If you would like to make changes to your registration please do so and return the form.

Thank you again for your support of the Modest Means Program. By continuing your registration with the Modest Means Program, you will be contributing to the OSB membership's commitment to Access to Justice for low to moderate income Oregon residents. Your continued participation is very much valued and appreciated by the Oregon State Bar.

Please call the RIS staff at (503) 620-0222 ext. 408 (Portland metro) or (800) 452-8260 ext. 408 if you have any questions.

*Oregon State Bar Modest Means Program, P.O. Box 1689, Lake Oswego, OR 97035
(503) 620-0222, ext. 408 or Toll Free in Oregon (800) 452-8260, ext. 408*

2003-2004 Modest Means Program Registration

Please check the referral categories under each panel for which you would like to receive referrals, complete the signature and acknowledgment section, and return this form to MMP at the above address.

Criminal

- ☐ 507M Misdemeanor
- ☐ 508M DUII/DWS
- ☐ 510M Parole/Probation
- ☐ 599M Other

Family

- ☐ 701M Dissolution (General)
- ☐ 704M Custody/Visitation
- ☐ 705M Support/Modification
- ☐ 711M Juvenile/SCF issues
- ☐ 715M Paternity
- ☐ 719M Restraining Orders
- ☐ 799M Other

Pro Se Assistance

- ☐ 756M Process questions
- ☐ 757M Domestic violence
- ☐ 758M Grandparent/3rd party rights
- ☐ 759M Spousal support
- ☐ 760M Child support rebuttal
- ☐ 761M Contested custody
- ☐ 774M Pro Se Coaching
- ☐ 775M Document Review

Landlord/Tenant

- ☐ 1107M General/FED
- ☐ 1118M Mobile Home
- ☐ 1122M Writ of Assistance
- ☐ 1123M 72-Hr.Notice/FED
- ☐ 1199M Other

Other Services

- ☐ Evening Appointments
- ☐ Weekend Appointments
- ☐ Federal Court Cases
- ☐ Senior Problems
- ☐ Out-of-Office Appointments

- ☐ Disability-related Issues
 - ☐ AIDS-related Issues
 - ☐ Native American Issues
 - ☐ Sexual Orientation Issues
 - ☐ Appeals
 - ☐ Arbitration
 - ☐ Mediation
 - ☐ Payment Plans
 - ☐ Credit Cards
 - ☐ Office is accessible to the disabled
 - ☐ Active Other State Licenses

 - ☐ Other Languages
 - ☐ Other Information
-

Signature and Acknowledgment

I will comply with the MMP Policies and Procedures.

Signature

Date

(Print Name)

Bar #

Address

City/State/Zip

Phone

Fax

Email

I prefer to receive notices by (circle one) e-mail, fax, mail

Modest Means Panelist Information

The Modest Means Program (MMP) is a reduced-fee referral panel designed to make legal services accessible to lower and moderate income people who are ineligible for legal aid. Attorneys who accept MMP referrals agree to charge no more than \$35 for an initial consultation, and no more than \$60 per hour for any additional services.

Program staff screen client calls for general eligibility (subject matter, client income and location of dispute) and send an application to the potential client. Except for 72-hour eviction cases, clients cannot qualify for MMP without submitting a written application.

As soon as the client returns a completed application, staff reviews the application and determines whether the client qualifies for the program. The staff reminds each client of potential fees including the attorney's hourly rate (set at approximately ½ of the regular rate), the \$35 consultation fee, the need for a retainer fee, and other costs such as filing and service fees. Clients are told that the Modest Means participants are private attorneys with regular caseloads who agree to perform services at a reduced fee for a limited number of clients.

Clients for the MMP qualify if their income does not exceed 200% of the federal poverty guidelines, which translates to approximately \$1,496 monthly for a single person or \$3,067 for a family of four. The income caps are adjusted annually based on adjustments to the Federal Poverty Guidelines. Restrictions on client assets also apply.

Qualified clients are referred to the MMP attorney who most closely matches the subject matter of the problem within the geographic area of the client. It is up to the attorney and client to decide whether to continue the attorney/client relationship beyond the first office visit.

For further information, call the Referral Services staff at (503) 620-0222 or 1-800-452-8260, extension 408.

Modest Means Policies and Procedures

1. Program

A. Overview

The Modest Means Program is designed to make legal services available to lower income people who are ineligible for legal aid but unable to afford regular attorney fees.

B. Operation

The Referral & Information Services (RIS) Manager shall develop and revise referral procedures and shall be responsible for the operation of the program. Procedures and rules shall be consistent with the program goals and the following guidelines:

1. Staff may not comment on the qualifications of a Panelist and may not guarantee the quality or value of legal services.
2. Staff shall not make referrals on the basis of race, sex, age, religion, sexual orientation, or national origin.
3. No more than three referrals may be made to a client for the same legal problem.
4. RIS staff may provide legal information and referrals to social service agencies for callers for whom a legal referral would not be appropriate, and may develop agency resource lists.
5. Callers complaining about possible ethical violations by Panelists shall be referred to the Oregon State Bar Client Assistance Office.

C. Client Eligibility and Attorney Fees

1. Client income must not exceed 200% of the Federal Poverty Guidelines, with allowable adjustments based on guidelines of the Legal Services Corporation.
2. Attorney fees shall be set at a maximum of one-half of the statewide average of attorneys working in each particular area of law. Fees are to be calculated based on the most recent edition of the Oregon State Bar Economic Survey. The client fee for an initial consultation is \$35.

II. Panelists

A. Eligibility

Attorneys satisfying the following requirements shall be eligible for participation in the program:

1. A Panelist must remain an active member of the Oregon State Bar in good standing with malpractice coverage from the Professional Liability Fund and not be the subject of a formal disciplinary proceeding.
2. Panelists against whom disciplinary proceedings have been approved for filing shall be immediately removed from MMP until those charges have been resolved. Disciplinary proceedings shall include those authorized to be filed pursuant to Rule 3.4 of the Rules of Procedure. A matter shall not be considered resolved until all matters relating to the disciplinary proceedings, including appeals, have been concluded and the matter is no longer pending in any form.
3. A Panelist whose status changes from "active member of the Oregon State Bar who is in

good standing shall be automatically removed from the MMP.

B. Rules For Panelists

In order to remain eligible to receive referrals each Panelist shall:

1. Participate only on those panels reasonably within the Panelist's competence.
2. Refer back to MMP any client with whom the Panelist has a conflict of interest.
3. Cooperate with the MMP staff by responding promptly to requests for information.
4. Immediately notify staff if the Panelist is unable to accept referrals due to vacation, leave of absence, heavy caseload or any other reason.
5. Fill out and return all MMP referral notices within two weeks of the referral date.
6. Submit any fee disputes with clients referred by MMP to the Oregon State Bar Fee Arbitration Program.

Modest Means Program

*Oregon State Bar, Modest Means Program, PO Box 231935, Tigard, OR 97281-1935
Voice: (503) 431-6408 Fax: (503) 431-6444*

Modest Means Panelist Information

The Modest Means Program (MMP) is a reduced-fee referral panel designed to make legal services accessible to lower and moderate income people who are ineligible for legal aid. Attorneys who accept MMP referrals agree to charge no more than \$35 for an initial, in-office consultation, and a reduced rate for any additional services.

Referral & Information Services staff screens calls for general eligibility (subject matter, client income and location of dispute) and either send an application to the client or direct him/her to the MMP program information and PDF application on the bar's website. Except for 72-hour eviction cases, clients cannot qualify without submitting a written application.

Upon receipt of the client's completed application, staff reviews it and determines whether the client qualifies for the program. They remind each client of potential fees including the attorney's hourly rate, the \$35 initial consultation fee, the need for a retainer deposit, and other costs such as filing and service fees. Clients are told that Modest Means attorneys are private attorneys with regular caseloads who agree to perform services at a reduced fee for a limited number of clients.

Staff pre-qualifies MMP clients. To be eligible, applicant income must be less than or equal to at least one current eligibility tier of the MMP. Tiers are based upon set percentages of the current Federal Poverty Guidelines. Restrictions on client assets also apply. Attorneys' fee levels are set to correspond with the eligibility tiers. Attorneys' fee levels are currently set at \$60, \$80 and \$100 per hour. When a referral is made the attorney receives notification of which tier and fee level applies.

Staff sends a copy of the client's application to the attorney. Since the MMP attorney spends more time with the client, and may discover undisclosed assets during the course of the initial consultation, the attorney remains the final arbiter of whether a client qualifies for the program.

Pre-qualified clients are referred to the attorney whose practice most closely matches the subject matter of the problem and whose office is located near the client. Clients are told that the MMP attorneys do not travel, nor do they ordinarily take clients who live outside of their city/ town.

It is up to the attorney and client to decide whether to continue the attorney/client relationship beyond the initial, in-office consultation. If no attorney-client relationship is established, the attorney refers the client back to the MMP.

For further information call the Referral & Information Services staff at (503) 620-0222 or (800) 452-8260, extension 408.

Modest Means Policies and Procedures

I. Program

A. Overview

The Modest Means Program (MMP) is designed to make legal services available to lower income people who are unable to afford regular attorney fees.

B. Operation

The Referral & Information Services (RIS) Manager shall develop and revise referral procedures and shall be responsible for the operation of the program. Procedures and rules shall be consistent with the program goals and the following guidelines:

1. RIS Staff ("Staff") may not comment on the qualifications of a participating MMP Panelist Attorney ("Panelist") and may not guarantee the quality or value of legal services.
2. Staff shall not make referrals on the basis of race, sex, age, religion, sexual orientation, or national origin.
3. No more than three referrals may be made to an applicant for the same legal problem.
4. Staff may provide legal information and referrals to social service agencies for callers for whom a legal referral would not be appropriate, and may develop agency resource lists.
5. Callers complaining about possible ethical violations by Panelists shall be referred to the Oregon State Bar Client Assistance Office.

C. Client Eligibility and Attorney Fees

1. To be eligible, applicant income must be less than or equal to at least one current eligibility tier of the MMP ("Tier"). Tiers are based upon set percentages of the current Federal Poverty Guidelines, with allowable adjustments based on guidelines of the Legal Services Corporation.
2. Attorneys' fee levels ("Levels") shall be set to correspond with the Tiers, after giving due consideration to the most recent edition of the Oregon State Bar Economic Survey and common billing practices for each area of law addressed by the MMP. In consultation with the Public Service Advisory Committee, Staff shall periodically adjust the Tiers and Levels. Tier and Level adjustments may be reviewed by the Board of Governors, who shall determine whether the adjustments were reasonable. The client fee for an initial consultation shall not exceed \$35. MMP attorneys are entitled to request a reduced initial retainer deposit ("Reduced Retainer"). "Reduced Retainer" shall mean an amount that is less than the amount of an initial retainer deposit requested for non-MMP cases of similar complexity and duration.
3. Panels with separate eligibility and attorney fee guidelines may be adopted periodically on a trial basis. Please contact RIS staff for more information.

II. Panelists

A. Eligibility

Attorneys satisfying the following requirements shall be eligible for participation in the program:

The attorney must:

1. be in private practice; and
2. be an active member of the Oregon State Bar who is in good standing; and
3. maintain malpractice coverage with the Professional Liability Fund; and
4. have no Disciplinary Proceedings pending.

"Disciplinary Proceedings" shall include those authorized to be filed pursuant to Rule 2.6 of the Rules of Procedure.

Modest Means Policies and Procedures *(continued)*

Attorneys satisfying the following additional requirements shall be eligible for participation in special subject matter panels. The attorney must: a) meet standards for eligibility in the MMP; and b) meet the standards set for the specific subject matter panel.

B. Registration

1. Qualifying attorneys shall be accepted as Panelists upon submission of the signed registration form which includes an agreement to abide by MMP Policies and Procedures.
2. Applications for special subject matter panels shall be reviewed by Staff in accordance with eligibility guidelines set by the Board of Governors. Challenges to an Staff decision on eligibility shall be reviewed by the Public Service Advisory Committee (PSAC), whose decision is final.

C. Enforcement

1. Panelists against whom Disciplinary Proceedings have been approved for filing shall be immediately removed from MMP until those charges have been resolved. A disciplinary matter shall not be considered resolved until all matters relating to the Disciplinary Proceedings, including appeals, have been concluded and the matter is no longer pending in any form.
2. A Panelist whose status changes from “active member of the Oregon State Bar who is in good standing” shall be automatically removed from the MMP. A Panelist may be removed from the program or any MMP panel if the Panelist fails to continue to maintain eligibility or otherwise violates the Rules for Panelists Upon written request, the PSAC will review a decision to remove a panelist at its next regularly scheduled meeting. Such written request must be submitted to the PSAC within 30 calendar days of the date notice of the decision is given to the removed panelist. The PSAC’s decision regarding removal is final.

D. Rules For Panelists

1. Each panelist shall continuously be an active member of the Oregon State Bar who is in good standing with malpractice coverage from the Professional Liability Fund and have no pending Disciplinary Proceedings;
2. Panelists agree to charge potential clients who live in Oregon and are referred by the MMP no more than \$35 for an initial 30-minute consultation, except that no consultation fee may be charged where:
 - (a) Such charge would conflict with a statute or rule regarding attorneys’ fees in a particular type of case (e.g., workers’ compensation cases), or
 - (b) The panelist customarily offers or advertises a free consultation to the public for a particular type of case.
3. If the potential client and panelist agree to continue consulting beyond the first 30 minutes, the panelist must make clear what additional fees will apply.
4. Panelists will participate only on those panels and subpanels within the panelist’s competence and where the LRS has approved the panelist to participate on one or more special subject matter panels, as applicable;
5. Panelists will use a written fee agreement for any services provided beyond the initial consultation;
6. Panelists will communicate regularly with MMP staff, including updating online profiles and providing notice if a panelist is unable to accept referrals for a period of time due to vacation, leave of absence, heavy caseload or any other reason;
7. Panelists will keep clients reasonably informed about the status of their matters and respond promptly to reasonable requests for information. Panelists will return calls and emails promptly and will provide clients with copies of important papers and letters.
8. Panelists agree to submit any fee disputes with clients referred by MMP to the Oregon State Bar Fee Arbitration Program.



Modest Means Program

Oregon State Bar, Modest Means Program, PO Box 231935, Tigard, OR 97281-1935
Voice: (503) 431-6408 Fax: (503) 431-6444

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Modest Means Program Registration

Select your areas of practice by clicking the boxes and type any additional information in the spaces provided. **Please print your completed form, sign it, and fax/mail it back to us.** You may wish to print an additional copy for your records.

Criminal Law

- ☐ DUII/DWS
- ☐ Expungement
- ☐ Lesser Felony***
- ☐ Major Felony***
- ☐ Misdemeanor
- ☐ Parole/Probation
- ☐ Other _____

Family Law

- ☐ Coaching (General)
- ☐ Custody/Parenting Time
- ☐ Divorce/Separation
- ☐ Document Review
- ☐ Domestic Violence
- ☐ Grandparent/3rd Party Rights
- ☐ Juvenile/DHS issues
- ☐ Paternity
- ☐ Process Questions
- ☐ Restraining Orders
- ☐ Spousal Support
- ☐ Support/Modification

Real Property

- ☐ Foreclosure
- ☐ Landlord-Tenant (Tenant)
- ☐ Landlord-Tenant (Landlord)
- ☐ Mobile Home (Tenant)
- ☐ Mobile Home (Landlord)
- ☐ Other _____

Other Services

- ☐ Arbitration
- ☐ AIDS-related Issues
- ☐ Appeals
- ☐ Credit Cards
- ☐ Disability-related Issues
- ☐ Evening Appointments
- ☐ Federal Court Cases
- ☐ Mediation
- ☐ Native American Issues
- ☐ Office is accessible to the disabled
- ☐ Out-of-Office Appointments
- ☐ Payment Plans
- ☐ Senior Problems
- ☐ Sexual Orientation Issues
- ☐ Weekend Appointments
- ☐ Active Other State Licenses

- ☐ Other Languages _____
- ☐ Other Information _____

Signature and Acknowledgment

I agree to comply with all the Modest Means Program Policies and Procedures.

Signature _____

(Print Name) _____

Address _____

City/State/Zip _____

Fax _____

Date _____

Bar # _____

Phone _____

Email _____

I prefer to receive notices by: ☐ email ☐ fax

*** Additional subject matter registration and qualification forms are required for these sub-panels. The additional forms are available at www.osbar.org/forms

06/2016

Start

Applicant Information

Opposing Party

Household & Income

Legal Issue Qualifier

Eligible
ApplicantProgram
ID

● Start

● How do I use this website?

0% Complete

WSBA Moderate Means Program Application for Service

Welcome to the WSBA Moderate Means Program online application. Before you begin the application, we need to provide you with some introductory information. Please read this screen and select the response that indicates that you understand and agree.

What to Expect: This application is designed to help us provide legal assistance to more people than we can if people apply by telephone. We will ask for information about your income, the people who live in your household, and your legal issue. It will take you approximately 10-15 minutes to complete this application. You cannot save this application, so please make sure you have time to finish. To complete the application, you will need information about your household income and the people who live with you.

Privacy: We are collecting this information to determine if you are eligible for the WSBA Moderate Means Program. We will keep all information you provide through this online application confidential. We may share your information with lawyers participating with the WSBA Moderate Means Program during our case referral process.

No Guarantee of Help: This application is a preliminary screening tool. Completing an application does not guarantee that we can help you. You will still need to talk with one of our intake student volunteers to verify your eligibility for the WSBA Moderate Means Program. We cannot handle urgent cases and we cannot guarantee that your case will be referred before your court dates or deadlines.

The WSBA Moderate Means Program does not provide immediate assistance. It can take up to three weeks to place a case, and the program cannot guarantee a referral, **particularly in some rural communities where attorney resources are limited.** Other legal resources are available if you need immediate assistance.

No Attorney-Client Relationship: Completing an application does not make you a client of the WSBA Moderate Means Program and does not create an attorney-client relationship between you and the WSBA Moderate Means Program.

I have read the information above and agree to the terms described.

I Agree* :

- ☐ Yes
☐ No

State Bar of Michigan | 2016-2017 COMMITTEE ANNUAL REPORT

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

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

Online Pro Bono Workgroup

Member

Term Ending: 2017

P61522	Shayla Dawn Blankenship, Flint
P24054	Mary E. Drolet, Niles
P29119	Robert Fair Gillett, Ann Arbor
P60458	Kirsten A. Inquilla, Kalamazoo
P56921	Julie E. Nichols, Flint
P28571	Linda K. Rexer, Ann Arbor
P66964	Angela S. Tripp, Ann Arbor

State Bar Liaison

P32078	Candace A. Crowley, Lansing
P66868	Robert G. Mathis, Jr., Lansing

Committee Meeting Schedule:

Please attach any additional information needed regarding Committee meetings as an addendum.

**Please keep meeting descriptions brief.*

Meeting Type		Date	Location
Description			
Meeting Type	Teleconference	09/06/2016	Phone
Description	First Meeting - The workgroup reviewed the current ABA Free Legal Answers platform and discussed implementing a pilot project in a Michigan region or county before considering offering services through the website on a state-wide basis. See below for more detailed information for each meeting.		
Meeting Type	Teleconference	10/31/2017	Phone
Description	Second Meeting - Legal Services of Eastern Michigan (LSEM) and the Genesee County Bar Association (GCBA) partnered with the SBM to plan and implement the Genesee County Pilot Project.		
Meeting Type	Teleconference	11/17/2016	Phone
Description	Third Meeting - The workgroup discussed implementing strategies to help ensure that attorneys and visitors participating on the MI Free Legal Answers website have positive and worthwhile experiences.		
Meeting Type	Teleconference	2/23/2017	Phone
Description	Fourth Meeting - There was consensus of the workgroup members to move forward and officially launch the pilot project in Genesee County.		
Meeting Type			
Description			
Meeting Type			
Description			

[Reset Section](#)
Resources provided by the State Bar of Michigan in support of committee work:

See attached information packet.

Robert Mathis, Pro Bono Service and Justice Initiatives Counsel, will serve as the State Administrator of the MI Free Legal Answers website. PBI interns and other State Bar support staff will assist with the day-to-day administration and oversight of the project.

Sarah Nussbaumer provided design expertise for visitor and attorney outreach and recruitment materials.

[Reset Section](#)

Committee Activities:

First Meeting Cont'd.

Without much data being available from other states on the amount of time needed to properly administer the project, the workgroup expressed interest in first establishing a pilot project in one geographic area (or county) in Michigan before committing resources to a statewide roll-out. For the initial pilot project, there was consensus among the workgroup members to partner with a local legal services provider and a local bar association to help with "client" and attorney recruitment. The workgroup decided to refer to website "clients" as visitors. After considering several Michigan legal service providers, Legal Services of Eastern Michigan (LSEM) was identified as a potential pilot project partner. Throughout the pilot project, data will be collected to help the workgroup make a decision on future expansion of the project.

Second Meeting Cont'd.

LSEM accepted the workgroup's invitation to participate as a pilot project partner. The workgroup also submitted a formal proposal to the Genesee County Bar Association (GCBA) requesting that it also partner with the State Bar to bring the MI Free Legal Answers to Genesee County, which was approved by the GCBA's Executive Committee. For the Michigan pilot project, the workgroup developed a detailed information packet on various aspects of the pilot project (attached). The information packet will also help guide the possible possible expansion of the pilot project service area.

Third Meeting Cont'd.

To help ensure that visitors and attorneys have positive and worthwhile experiences on the MI Free Legal Answers website, the workgroup proposed a mandatory Michigan specific training for participating pro bono attorneys. An attorney member of State Bar staff will serve as the State Administrator. At the direction of the State Administrator, support staff will assist in the day-to-day administration and oversight of the program. The workgroup proposed an initial site launch in early 2017, with initial outreach being targeted to attorneys only. Once a threshold number of attorneys are recruited, the site will open for visitors to post their questions.

Fourth Meeting Cont'd.

The workgroup reviewed the information packet and the attorney training webinar and approved the materials and the roll-out of the Genesee County Pilot Project. Currently, the MI Free Legal Answers is open and accepting pro bono attorney registrations. Staff anticipates opening the site for visitor questions in a couple weeks.

Future Goals and Activities:

Other Information:

Reset Section

Approved by	Approved	Name
Chair		
Co-chair		
Staff Liaison		
Other		

Introductory Information



MI Free Legal Answers

The high ethical standards of the legal profession should not be diminished simply because a visitor does not have the financial resources to pay for his own counsel. Pro bono visitors should have access to quality legal care, and this website provides one method for accessing that care.

The purpose of this document is to enable a discussion of the MI Free Legal Answers Genesee County Pilot, make determinations on website documentation, and provide guideposts for that discussion.

How it Works

Visitors will go to a website (<https://mi.freelegalanswers.org>) to register for an account, then log in to a secure portal where, after income and geographic verification¹, the visitors will have the opportunity to select from a number of legal topic areas and ask their question.

Visitors will be limited to 3 legal questions per year, with only one legal question per “legal area.” After posting their question(s), the visitors will log out of the website. When a volunteer lawyer answers their question, or asks for follow-up information, the visitor will receive an email letting them know a lawyer has responded, and that they need to log into the website to see the response.

No confidential information is sent via e-mail, all lawyer-visitor communications occur within the secure portal.

Lawyers will go to the same website, and will select the “Volunteer Attorney Registration” option. The website will collect the lawyer’s registration information, including P Number and contact information. This information is forwarded to the State administrator (SBM Staff), who will verify that the lawyer is a member in good standing and authorized to practice in Michigan.

Once their registration is approved, and after watching a short training video, lawyers will be able to log in to the secure portal where they will see their dashboard. Here, lawyers will have the opportunity to review all available questions, and will be able to sort by legal topic. Lawyers can click a “Preview” button next to each question to view more information about the question, including any deadlines. Only once a lawyer has selected the question are they able to see the visitor’s name and the full question. After reviewing the available questions, participating lawyers will move the question they wish to answer to their personal queue, which will remove it from the public queue. They will then be able to

¹ Visitors will be restricted based upon their income at 200% of the federal poverty guidelines in accordance with Michigan’s pro bono policy. Since this is a pilot project, only clients from Genesee County will be allowed to participate at initial rollout.

ask for more information, do necessary research, and answer the question. If the lawyer at any time discovers they are unable to answer the question, or becomes aware of a conflict or other issue, they can remove the visitor question from their queue, at which time it goes back into the public queue for a different lawyer to select and respond. Once a lawyer has determined the question has been answered, and that the visitor understands the response, they will close the question. On subsequent visits, lawyers will see their dashboard, which shows the questions that have been added to their personal queue (a maximum of five questions at any one time), a list of answered questions as well as the list of all available visitor questions. There are also links across the top of the secure portal which contain training resources, answered question history, FAQ (Frequently asked questions), and others.

No confidential information is sent via e-mail, all lawyer-visitor communications occur within the secure portal.

Administrator will have access to all account information, questions, and answers for visitors and lawyers. This is not unlike the way a law firm partner would have access to the files of their associate lawyers, or the way a tech systems administrator would have access to all electronically stored information at a law firm. The national administrator² also has this level of access for all participating states (including Michigan).

To ensure that visitors are protected from bad information, the state administrator must manually approve every lawyer applicant, after verifying that the lawyer is a registered member of the bar, is currently in good standing, and otherwise authorized to practice law in the State of Michigan. The administrator will need to regularly verify that all volunteer lawyers continue to maintain good standing, this process should be done on a weekly basis, as suspensions or other admonishments come down from the ADB. Additionally, the Michigan administrator will review the first three responses of every lawyer, and periodically check a random selection of all responses.

Additionally, the Michigan administrator will review the first three responses of every lawyer, and periodically review a random selection of all questions and responses. This is to monitor questions and answers for misuse, abuse, and/or inaccurate legal information.

² Currently Tali Albuherk at the ABA headquarters in Chicago. Ms. Albuherk is Staff Attorney and Pro Bono Projects Manager at the ABA. Email: tali.albuherk@americanbar.org

Michigan Free Legal Answers

Genesee County Pilot Project

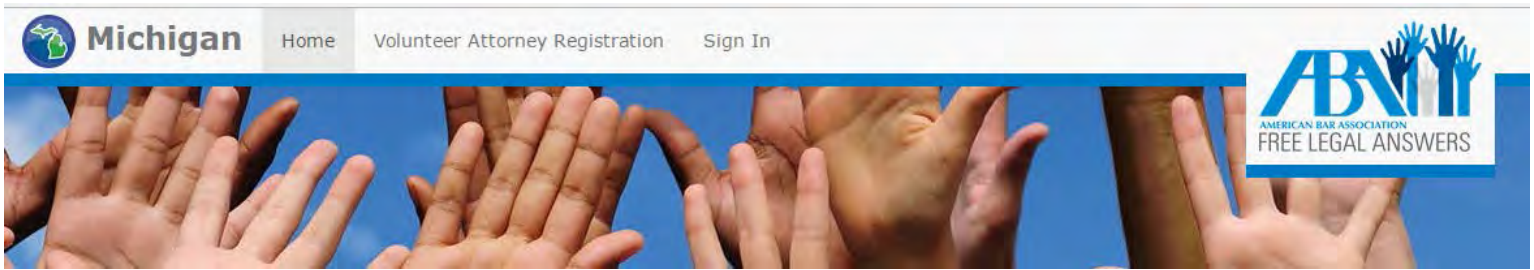
Thresholds and Metrics to Evaluate the Pilot Project

Thresholds for Stages of the Roll-Out

- Threshold number of volunteer attorneys that have registered and successfully completed the training webinar before the site will allow visitors to register and post legal questions= ~30
- Once the site allows visitors to register and post questions, promotion to visitors during the first week will be limited primarily to pilot project partners making direct referrals to the website. The one-week “testing” period will enable staff to monitor and make sure the site is working properly.
- Estimated number of volunteer attorneys needed for ongoing support of the site, post roll-out = ~40+ (This number of attorneys is based on the eligible population in Genesee County compared to the eligible population in Tennessee and the number of attorneys needed for successful ongoing administration of that program.)
- State Administrator will monitor website interactions to ensure that visitors are receiving timely and appropriate answers to their questions, are allowed follow-up questions when appropriate, and are referred to another resource when necessary.

Metrics to Monitor, Record, and Analyze (~Six month period post website roll-out)

- Number of visitors successfully registering for the site
- Number of visitor questions submitted
- Number of visitors questions answered
- Average income of visitors
- Visitor evaluation survey responses (Surveys sent by the ABA)
- Volunteer attorney evaluation survey (SBM generated survey)
 - Initial attorney survey at time of registration, after viewing the training webinar
 - Have you provided pro bono service in the past
 - Have you accepted pro bono cases from LSEM
 - Are you interested in receiving information about other pro bono opportunities at LSEM.
 - Monthly survey to attorneys that have answered a question in the previous month
- New site volunteer attorneys interacting with LSEM staff (LSEM feedback and initial attorney survey)
- Visitors that are provided information about the GCBA Lawyer Referral Service
- Questions reviewed by the State Administrator that required corrective action



Site Documents



How it Works.



Client Screening

tn.freelegalanswers.org

ABA Tennessee Home Volunteer Attorney Registration Sign In

What happens now?

1. We'll ask you some questions to see if we can help you. Always answer honestly. If we can help, you'll make an account.
2. Ask your non-criminal legal question. Remember, our volunteer lawyers can't call you and can't represent you in court. **(If you already have a court date or other important legal deadline, we can't promise you will have an answer before that day.)**
3. We will e-mail you when your question receives a response. Come back to this web site and sign in to read the response.

Do you still want to ask a question?

Yes No

ABA Tennessee Home Volunteer Attorney Registration Sign In

New Client Information (optional)

The questions on this page are optional. Your answers to the questions on this page will not affect your ability to ask questions on the site.

Gender

☐ Male
☐ Female
☐ Other
☐ I'd rather not answer

What is your marital status?

☐ Single
☐ Married / remarried
☐ Separated
☐ Divorced or Widowed
☐ I'd rather not answer

Racial / Ethnic identity (please check all that apply)

☐ African American
☐ African
☐ Arab
☐ Asian
☐ Caucasian
☐ East Indian
☐ Latino or Hispanic
☐ Native American or Alaska Native
☐ Native Hawaiian / Pacific Islander
☐ Slavic
☐ Other
☐ I'd rather not answer

Are you currently serving in, or have you have ever served in and been discharged from, the Active Duty, Reserve or National Guard component of the U.S. Army, Navy, Air Force, Marines or Coast Guard?

☐ Yes
☐ No
☐ I'd rather not answer

Please help us find you if we ever need to reach out for questions or feedback.

Phone (optional)

Phone number should be provided in the format (XXX-XXX-XXXX)

Next

Client Screening (Income)



New Client Information (required)

How old are you?

20

Are you currently in a jail or prison?

☒ Yes ☐ No

How many people live in your household?

2

Enter the total estimated income for yourself and the members of your household

\$ 200.00 .00

Please select how often you receive the above income

Weekly

Do you have a checking account?

☒ Yes ☐ No

How much is in it right now?

\$ 500.00 .00

Do you have a savings account?

☒ Yes ☐ No

How much is in it right now?

\$ 200.00 .00

Do you have any stocks or bonds?

☒ Yes ☐ No

How much are they worth?

\$ 5.00 .00

Next



New Client Information - Confirm Your Responses

How old are you?

Your answer: 20 years old

Are you currently in a jail or prison?

Your answer: No

How many people live in your household?

Your answer: 2

Enter the total estimated income for yourself and the members of your household

Your answer: \$200.00, Weekly

Do you have a checking account?

Your answer: Yes, with an estimated balance of \$500.00

Do you have a savings account?

Your answer: Yes, with an estimated balance of \$200.00

Do you have any stocks or bonds?

Your answer: Yes, with an estimated worth of \$5.00

You are not eligible at this time.

Based on one or more of your responses to our required questions, this site cannot help you at this time. Below is a list of other places to find help.

If you need to hire an attorney, this resources will get you in touch with a local private attorney (you will have to pay the attorney):

- [Genesee County Bar Association Lawyer Referral Service](#) – 1-810-232-6000
 - Office Hours: Monday – Friday (9am-12pm, 1pm-5pm)

If you want to see which attorneys are licensed in your area:

- [State Bar of Michigan Member Directory](#) – This is the list of every licensed attorney in Michigan, searchable by name and location.
 - 24 hour access

You can find free legal information at:

- [Michigan Legal Help](#) – has legal information and tools to help you handle many legal problems on your own. Toolkits for common legal problems include: Articles to help you learn more, Do-It-Yourself tools to prepare forms, and Checklists that guide you through each step of the process. There are also referrals to other resources that can help you, including lawyers, Self-Help Centers, and community organizations.
 - 24 hour access

Need help with food, clothing, shelter, medicine or other services?

- [Michigan 211](#)
 - 24 hour access

Need help with a criminal case?

- If you are facing the possibility of time in jail or prison, you are entitled to an attorney. You should have received a form to request a lawyer when arrested. **If you did not**, fill out [this form](#) as best you can and turn it in to the court as soon as possible.

Other places to find legal help and information in Genesee County:

Free Legal Information and Self-Help Tools:

[Michigan Legal Help](#) has legal information and tools to help you handle many legal problems on your own. Toolkits for common legal problems include: Articles to help you learn more, Do-It-Yourself tools to prepare forms, and Checklists that guide you through each step of the process. There are also referrals to other resources that can help you, including lawyers, Self-Help Centers, and community organizations.

You can also find legal information at the [Michigan Courts Self-Help Center](#).

Free Legal Aid programs in Michigan

The following organizations provide free legal help. Mostly they help people whose family income is low. Sometimes they help people no matter how much they make - mostly people who are abused or over age 60. They don't take criminal cases, only cases that can't send you to jail.

- [Legal Services of Eastern Michigan](#) or call **1-800-322-4512**
- [Counsel and Advocacy Law Line](#) – Call **1-888-783-8190**
- The State Bar of Michigan's [Legal Aid Program](#) search tool

If you have a criminal legal question, we are unable to help you through MI Free Legal Answers, if you cannot afford a criminal attorney, contact the Genesee County [Public Defender Program](#) or call: 1-810-257-3484 for free assistance.

If you need to hire a lawyer, find a local one (not free):

- **Genesee County Bar Association [Lawyer Referral Service](#) – for lawyers in Genesee County or call: 1-810-232-6000**

Need help with food, clothing, shelter, medicine, or other services?

- [Michigan 2-1-1](#)

Training/Resource Materials For Pro Bono Lawyers

The links below provide introductory information about various areas of the law; the information is organized by MI Free Legal Answers Category. To view the topic in a new tab, right click the topic name and select 'Open Link in New Tab'.

Benefits Category

Topic	Source
<u>Food Stamps</u>	Michigan Legal Help
<u>Social Security Administration's FAQ Page</u>	United States Social Security Administration

Debts and Purchases Category

Topic	Source
<u>Consumer / Cars / Debt Collection / Judgments</u>	Michigan Legal Help

Family/Divorce/Custody Category

Topic	Source
<u>Self-Help Divorce Information and forms</u>	Michigan Legal Help
<u>Name Change</u>	Michigan Legal Help
<u>Step Parent Adoption</u>	Michigan Legal Help
<u>Child Custody Guidelines</u>	Michigan Friend of the Court Bureau
<u>Child Welfare Toolkit</u>	Michigan Supreme Court Administrative Office
<u>Family Law General Info</u>	State Bar of Michigan
<u>Michigan Parenting Time Guideline</u>	Michigan Supreme Court Administrative Office
<u>Michigan Child Support Handbook</u>	Michigan Department of Health & Human Services

Housing or Property Owned Category

Topic	Source
<u>Resources for tenants facing eviction</u>	Michigan Legal Help

**[Foreclosure Assistance - AG
Tenant/Landlord Guide](#)**

**Michigan Office of the Attorney General
MSU College of Law Housing Law Clinic**

Inheriting Property Category

Topic

**[Informal Probate toolkit](#)
[Probate Administration Guide](#)
[Probate Court Procedure](#)**

Source

**Michigan Legal Help
Probate and Estate Planning Section
Michigan Court Rules**

Emancipation & Delinquency Category

Topic

[Emancipation Toolkit](#)

Source

Michigan Legal Help

Work or Worker's Comp Category

Topic

**[Michigan Labor Laws](#)
[Guide to Unemployment Insurance](#)**

Source

**Michigan LARA Wage & Hour Division
Michigan Unemployment Insurance Agency**

Other Category

Topic

**[Expungement](#)
[Conservators Handbook](#)**

Source

**Michigan Legal Help
Michigan Long Term Care Ombudsman Program**

Frequently Asked Questions from Volunteer Attorneys

[Watch an instruction video for attorneys](#)

Who is the administrator?

The Michigan state administrator is Robert Mathis, Pro Bono Service & Justice Initiatives Counsel at the State Bar of Michigan. Contact Robert by email at freelegalanswers@mail.michbar.org or by phone at 517-346-6396 with questions about using the site.

How does MI Free Legal Answers work?

MI Free Legal Answers is based on the walk-in clinic or dial-a-lawyer model where visitors request brief advice and counsel about a specific civil legal issue from a volunteer lawyer. Lawyers provide information and basic legal advice without any expectation of long-term representation. MI Free Legal Answers does not allow lawyers to provide advice in criminal matters.

Eligible, income-qualified visitors (see **Eligibility** below) sign the Use Agreement, create an account, and post a legal question. Visitors select a category (such as “housing” or “debt”) that best describes their question, and provide relevant facts about their legal issue, including photos or documents. The lawyer may ask for additional information before responding to the visitor’s request. Only a visitor’s name and county will be shared with the lawyer, but no personal information about the lawyer will be shared. If a question is not answered within 30 days, the state administrator will tell the visitor their question was not answered, and provide a list of other resources where the visitor can seek help.

Volunteer lawyers must create an account, provide their contact information and P-number, sign the Use Agreement for Lawyers, and watch a short (less than 10 minute) training video. Before the lawyer’s account is activated, the state administrator (State Bar of Michigan Staff) will verify the lawyer is a licensed member in good standing with the State Bar of Michigan. Once approved by the state administrator, the lawyer will receive an e-mail notification that the account is fully activated, and the lawyer can begin answering visitor questions.

Lawyers can log in at any time, from any location, to review the list of visitor questions, filter by legal topic area, and select the one(s) they want to answer. A lawyer will have the opportunity to read the full question before deciding to take it from the list and provide an answer. Once a lawyer takes a question from the list, the lawyer has 3 days to provide a response. Lawyers will be allowed to ask follow-up questions, or request additional information as needed to be sure the visitor’s question is answered. **The lawyer’s identity is not revealed to the visitor.**

Once a lawyer answers a question, the visitor can either accept the answer or send a follow up question to the lawyer. The lawyer should allow time for the visitor to send a follow-up question, before closing the question. The conversation can continue as long as necessary to fully answer

the visitor's question. Once the lawyer feels the question is fully answered, they may "close" the question and end the conversation. Once a conversation is closed, it cannot be reopened.

Visitors may only ask 3 questions per year, so please do not close a question until it is fully answered. Please also remember that the visitor may need help beyond your legal advice, so whenever appropriate, refer the visitor to self-help resources that can help them fully address their legal problem.

Lawyers will be able to view a log of questions they have answered.

Who is eligible to use Mi.freelegalanswers.org?

Eligibility is limited to the following:

- People with household income less than 200% of the federal poverty level
- People with less than \$5,000 in liquid assets (including checking and savings account balances, as well as the value of any stocks or bonds)
- People who are not currently incarcerated
- Residents of Genesee County
- Only 3 questions per year, and only one question per legal topic

What kinds of lawyers should participate?

All Michigan-licensed lawyers are welcome! While there are certain types of legal questions that regularly come up at legal clinics, we need lawyers with different areas of expertise and practice to volunteer. We hope the website will appeal to lawyers who want to give back but have been unable to participate in traditional pro bono work due to family obligations, schedule constraints, or geographic location. We also hope to engage lawyers who already provide pro bono and are willing to give more of their time to those who need it.

What happens if I cannot answer a visitor's question?

You may be unable to answer a visitor's question for a number of reasons. There might be a conflict of interest, or the visitor fails to respond to your questions, or the question falls outside your area of expertise. If you cannot answer a question, place the question back into the queue so that another volunteer lawyer may answer it. If you take a question and do not respond within 3 days, the question will automatically return to open questions queue. However, questions unanswered within 30 days will be closed by the state administrator, so please do not hold on to questions that you cannot answer.

What type of relationship exists between me and the visitors of MI Free Legal Answers?

When a visitor submits a question and a lawyer provides an answer, a lawyer/client relationship is formed between that visitor and lawyer. This lawyer/client relationship is limited to providing an answer to the legal question within the MI Free Legal Answers website, and will not involve any continuing representation.

The lawyer will provide short-term, limited legal services to the visitor without expectation by either the lawyer or the visitor that the lawyer will provide continuing representation in the matter. Both the eligible visitors and lawyers consent to the limited nature of this relationship when they accept the terms of the use agreement and create an account. Eligible visitors and lawyers who do not accept the terms of the use agreement will not be allowed access to the site.

How do lawyers check for conflicts of interest?

Due to the pro bono, limited-scope representation provided through the MI Free Legal Answers website, the conflict of interest exception provided for in MRPC 6.6 applies. A lawyer may not answer a question if they know that doing so will create a conflict of interest.

What about professional liability insurance coverage?

Malpractice insurance coverage is provided at no cost to the lawyer by the American Bar Association, limited to liability for those claims made against you in relation to the legal guidance you provided on MI Free Legal Answers. If you receive notice of a claim, you must provide the [ABA national administrator](#) written notice of the claim, with full details including the date received, the claimant's name and address (if known), the dates of the communications on ABA Free Legal Answers, and the alleged wrongful act as soon as practicable, but in no event later than thirty (30) days after the claim is first made.

How does MI Free Legal Answers ensure confidentiality?

This site is designed to ensure visitor privacy. The web program is administered via the internet through a secure platform that limits access, and only the lawyer, visitor, and website administration have access to the conversation between a visitor and a lawyer. Information available to the website administrator and the lawyer responding to a visitor request shall remain confidential, subject to the limitations of the Privacy/Confidentiality Policy included in the User and lawyer use agreement. However, visitor requests for information and the response of the lawyers participating in MI Free Legal Answers may be maintained in a database for review by administration, to assess the effectiveness of the project. Steps will be taken to maintain the security of this database and it will only be utilized by the administrator, but an absolute guarantee of security is not possible when using the internet and internet-based systems.

Aggregate information is collected on the pages visitors access or visit on this website.

The information collected is used to improve the content MI Free Legal Answers and is not shared with other organizations for commercial purposes. Information may be disclosed when legally required at the request of government authorities conducting an investigation, to verify or enforce compliance with the policies governing our website and applicable laws, or to protect against misuses or unauthorized use of our website.

Navigating the Website and Selecting Questions to Answer

When your account has been approved, you will receive a notification email. To get started, go to mi.freelegalanswers.org and select “Sign In” at the top right side of your screen. After you enter your username (which is your email address) and password, you will be directed to a page that lists all the questions that have been posted for lawyers to answer.

You will notice that the questions are coded by flags. These flags let you know how long each question has been in the queue. Questions with red-outline flags are those that have been in the queue for more than 10 days and questions with filled-in red flags are questions that have been in the queue for at least 25 days and will soon be closed. Questions that are not answered within 30 days will be closed and the visitor will be notified.

There are four ways to view questions in the queue:

1. You can view a list of all the questions in the queue; this is the default view.
2. You can view a list of questions that have been in the queue for 25 days or longer by clicking on the “Importance” option under the “Sort” button.
3. You can view questions by legal categories by clicking on the “Filter” button.
4. You can easily view any question you have taken to answer by clicking “Home” on the menu and looking at questions in your personal queue.

The visitor is asked to use the Subject line to tell you, in their own words, what the question is about (eviction, divorce, bankruptcy, etc.). The Category and Subject functions are tools to help lawyers quickly decide which questions they would like to review and answer.

Selecting Questions You Want to Answer

You can read the first few lines of each posted question by clicking the “Preview” button. If you decide you want to see more of the question, click the subject to be taken to the question detail page. When you have found a question you’d like to answer, click the “I want to answer this question” button on the bottom of the question detail page. If you decide you do not want to answer a question you have selected, click the “I want to return this question” to send it back to the queue. You can also decide if you want to answer a question immediately by clicking “Answer Now” or answer the question later by clicking “Answer Later”. Please respond within 3 days of taking a question. If you fail to respond within 3 days, the question will be moved back into the queue.

Once you have taken the question, you will be able to reply to the visitor and provide an answer or ask follow up questions. The visitor will not know your identity unless you choose to provide it. If you ask the visitor a question, you will receive an email when the visitor responds and a prompt to log back into the website to respond.

How Do I Subscribe to a Category?

If your area of practice is specialized and you only want to answer certain types of questions, you can subscribe to a Category and receive an email notification each time a question in that particular Category is posted.

To subscribe to a Category (for example, immigration), click on the “Manage Subscriptions” tab at the top of the screen. Scroll down to the Category you are interested in and click on the red circle. When the red circle changes to a check mark, you have successfully subscribed to that category. You may also choose where you want to get subscription emails. To change it from your username email, click on your email address next to the green check and enter your different email address. Click the save icon to save your email address. You can unsubscribe at any time.

How do I keep track of hours?

Each time you attempt to log out of the website, you will be prompted to enter the time you have spent researching and answering questions. You may log your time in tenth of an hour increments. You may view your hours at any time by clicking on “Log My Hours” from the menu.

How do I contact the administrator with a question?

If you have a question or run into a technical problem with the site, you may contact the administrator by freelegalanswers@mail.michbar.org or calling 517-346-6396.

What Training is required?

To be eligible for the site, volunteer lawyers must watch a short (less than 10 minutes) training video, or participate in an on-site or virtual training.

What supervision or assistance is offered?

The Michigan state administrator will periodically review answers for training and quality assurance purposes. The first three questions answered by lawyers new to the program will be reviewed by the state administrator. If a lawyer needs assistance, they can reach the state administrator by e-mailing freelegalanswers@mail.michbar.org or calling 517-346-6396.

Use Agreement for Lawyers

ABA Free Legal Answers is a website operated by the American Bar Association (ABA) and by an entity or entities in the state where the client lives. The purpose of the website is to increase access to advice and information about non-criminal legal matters to those who cannot afford it. There is no fee for the use of the system or for the advice and information provided by the lawyer.

Who Can Use ABA Free Legal Answers

Michigan is using 200%, but this form is used nation-wide, so we can't change the information here.

Eligibility for use of ABA Free Legal Answers is limited to the following:

- The user must have household income less than 250% of the federal poverty level (with exceptions for certain states as requested by that state);
- The user may not have liquid assets exceeding \$5,000 in value (this includes your checking and savings account balances, as well as the value of any stocks or bonds);
- The user may not be incarcerated;
- The user may not request assistance with criminal law matters.

Before users are allowed to request legal advice, they will be asked questions to establish eligibility.

Users agree to answer those questions truthfully.

The information that users provide to these questions are confidential. Answers not associated with the client's name will be collected for data sharing. Attorneys will only see information associated with their client's legal issue.

Users must provide their name, state and county in order to ask for advice.

If a user is not eligible to use the system, the user will be denied access to it and provided with some alternate resources for help.

What Happens When Clients Use ABA Free Legal Answers

After eligibility is established, the user will create a secured account.

The user will post a request for legal advice/information and provide facts that will help the lawyer answer the question. Users will be able to go back to their posted question to add information. The lawyer may ask for additional information before responding to the user's request. The user will have a choice to respond to that request or not.

Lawyers must be licensed and in good standing in the state for which they have registered with ABA Free Legal Answers and must be authorized to give pro bono advice/information. Attorneys eligible under that criteria will be authorized to use the system and to respond to user's requests. Lawyers will only answer questions they choose to answer. If no lawyer responds to a

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request after 30+ days, the request will be removed and an administrator will notify the user. If a lawyer responds to a user's question, the user will see the written response through the website.

Users will not know the name of the lawyer who answers their questions unless the lawyer chooses to provide it or it is required by a court of law. The lawyer must answer according to the law of the state in which he/she is licensed and caution the client if that state's law might not apply.

The lawyer will not take any action to help the user except to respond to the request for advice and information that is posted on the website.

Lawyer/Client Relationship

There is no lawyer/client relationship between the client and the administrator of this website (ABA). In the event a client submits a question and receives an answer from a lawyer, there will be a lawyer/client relationship formed between that client and the lawyer who responds. That relationship, however, will be limited in scope and duration as described in this agreement. The representation will be limited to providing an answer to the legal question and will not involve any continuing representation of the client beyond the act of providing such an answer. The lawyer will provide short-term, limited legal services to a client (the eligible user of this site) without expectation by either the lawyer or the client (the eligible user of this site) that the lawyer will provide continuing representation in the matter.

By accepting the terms of this use agreement, you consent to the limited nature of this relationship both as to scope and duration, given the client's level of competency and the complexity of the question asked.

Conflicts

Under the ethics rules adopted in most jurisdictions, many of which include a rule patterned after ABA Model Rule of Professional Conduct 6.5, because of the pro bono publico nature of the limited scope representation provided through ABA Free Legal Answers, the general rules for lawyers as to conflicts of interest do not apply to lawyers' participation in ABA Free Legal Answers. Instead, the only conflicts of interest that would preclude a lawyer from answering a question for an eligible user of ABA Free Legal Answers are conflicts of interest that the lawyer actually knows of at the time that they receive or answer a client's question. This means that the possibility exists, and the clients agree that they understand, that a lawyer who answers a question, or another lawyer with whom they practice in a firm, may actually be representing other parties with an interest in the question. The names of the client and anyone adverse to the client concerning the subject matter of the question will be provided to the lawyer so that the lawyer can make sure not to answer the question if the lawyer knows that he would have a conflict of interest. If based on the information the client provides, whether client name or any details of the question, the lawyer actually knows of a conflict of interest precluding him from answering, the question will be referred to another volunteer lawyer. Depending on the state in which the lawyer is licensed, the lawyer may be required to perform a conflicts check.

Privacy Policy/Confidentiality Statement

ABA Free Legal Answers is designed to insure client privacy. Information available to the ABA and the lawyer responding to a client request shall remain confidential, subject to the limitations of this Privacy/Confidentiality Policy and unless the lawyer must reveal the information to prevent bodily harm, to prevent the client from committing a crime or to establish a defense in a controversy with the client. However, client requests for information and the response of the lawyers participating in ABA Legal Answers may be maintained in a database for review in order to measure the effectiveness of the project. Steps will be taken to maintain the security of this database and it will only be utilized by the ABA, but an absolute guarantee of security is not possible when using the internet and internet based systems. Information collected on this website may be destroyed after three years.

For each visitor to the site the web server automatically recognizes only the consumer domain name. This is the information that is collected for statistical purposes.

Aggregate information is collected on what pages are accessed or visited by consumers.

The information collected is used to improve the content of the Web page and is not shared with other organizations for commercial purposes. Information may be disclosed when legally required at the request of government authorities conducting an investigation, to verify or enforce compliance with the policies governing our website and applicable laws or to protect against misuses or unauthorized use of our website.

With respect to cookies: Two non-personal temporary cookies are sent. These are eliminated when you log out of the site.

With respect to Ad Servers: There is no partnership or special relationship with any ad server company.

Accepting Pro Bono Cases

If a lawyer chooses to communicate with a client outside of the ABA Free Legal Answers website for the purposes of taking the client's case on a pro bono basis, lawyers are asked to contact their state and/or national administrator. The ABA does not provide malpractice insurance for your services beyond the legal guidance you provide on the ABA Free Legal Answers website. The lawyer may contact his/her state administrator to find out whether malpractice insurance is available to cover additional pro bono representation of the client and any applicable reporting requirements. We would like to keep track of the number of pro bono cases that are generated from the website so please let your state and/or national administrator know if you do decide to continue pro bono representation of your client.

If a lawyer decides to communicate outside of the ABA Free Legal Answers website and provide pro bono representation or services, the lawyer/client relationship formed on-line is ended. A new lawyer/client relationship is started when the lawyer communicates outside or provides pro

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bono services outside of ABA Free Legal Answers. The ABA is not liable for any communication services provided outside of the website.

Lawyers Professional Liability Policy

Malpractice insurance coverage is limited to liability for only those claims that are made against you in relation to the legal guidance you provided on ABA Free Legal Answers. If you receive notice of a claim, you must provide the ABA national administrator written notice of the claim, with full details including the date received, the claimant's name and address (if known), the dates of the communications on ABA Free Legal Answers, and the alleged wrongful act as soon as practicable, but in no event later than thirty (30) days after the claim is first made.

The lawyer has reviewed the rules of professional conduct of his or her jurisdiction and believes that participation in this program is consistent with those rules. [See, e.g. ABA Model Rules of Professional Responsibility](#)

The lawyer has adhered to any and all additional requirements by their state administrator for registration with this site.

This Use Agreement for Lawyers is subject to amendment or modification at any time. Any such amendment or modification will be accompanied by written notification to all registered lawyers of this site.

Agreement

By clicking the "I Agree" button you agree:

- I have read the Use Agreement for Lawyers and I understand the terms of the Use Agreement.
- The information that I will provide is true and correct.
- If I do not agree to the Use Agreement for Lawyers, I will not be able to use the system.

What you need to know to use ABA Free Legal Answers

You can use this website IF all of these are true for you:

- Your income is low for a family the size of yours.
- The value of your checking account, savings account, stocks or bonds are low.
- You aren't in jail or prison.
- Your legal problem isn't related to a criminal charge.
- You don't already have a lawyer to help you with your legal problem.
- You are an adult.

We will ask questions to make sure you meet these rules. You must tell the truth. If you don't meet these rules you can't use this website. If you can't use the website, we will let you know of other places where you might get help.

What We Offer

By using this website, you are asking a lawyer to give you legal help on your specific legal questions. They will be your lawyer for this limited purpose and will not do anything for you other than provide this help. The lawyer will answer your questions through the website and does not have to separately email you an answer or have a phone call or meeting to answer your questions. When the lawyer is finished answering your question, the lawyer will no longer be your lawyer. If you have a court date or you need to file something with the court by a specific date, a lawyer may not answer your question in time. You should keep looking for a lawyer while you wait to see if a lawyer will answer your question. Unfortunately, not all questions posted to the site will receive an answer. If an attorney cannot assist you, an administrator will notify you.

You can use the website to ask 3 different legal questions each calendar year. You can't create a new account to ask additional questions. You must meet our rules every time you use the website.

About The Lawyers

The lawyer who answers you is helping you for free. The lawyer will only write about the problem you put on the website. The lawyer will not help you after that or do anything else for you. The lawyer will not:

- make calls or file papers for you;
- go to meetings for you
- go to court for you.

If you use this website, it means you understand this. The lawyer who answers you can practice law in the state where you live. The lawyer will help you understand your state's laws only and laws may be different in other states. The people who run this website do not provide the legal advice. They are not responsible for the advice the volunteer lawyer gives you through this website.

Rules Lawyers Must Go By

User Agreement - Unable to Edit - national document

Lawyers can't knowingly help both sides of a legal issue or a case. For example, they can help either a renter or the renter's landlord in a dispute. But they can't help both of them on opposite sides of the same dispute. The lawyer or the law firm or office they work for may be helping the other side in your case and the lawyer answering your question may not know it. If the lawyer or office **does** know that they are helping the other side of your dispute, they can't answer your question. Using this website means you understand that the lawyer may be part of a firm or office where another lawyer in their workplace is helping the other side.

We do our best to keep what you say secret

We will do our best to keep what you put on this website secret. You should know the law could require us to report what you say on this website. For example, if you say you are going to hurt yourself or someone else, or you say that you or someone you know is abusing a child, the law may require us to tell someone. For a limited time, we keep records of:

- What kind of legal problem you had.
- What the lawyer told you.
- Which county you live in.
- Where you went on our website.
- All other information you give us.

We keep this information to help us make our website better. We will not sell it. We won't share it with people in a dispute with you unless a judge orders us to do so or you ask us to do so to help resolve a concern about the lawyer helping you. Also, there are people who help us run our website and legal aid organizations that support the website who may see your question and the lawyer's answer. These people help our lawyers make sure they do a good job trying to answer your questions. Also, all volunteer lawyers for this website can see the questions that you type into the website but will not share them unless a judge orders them to do so. You agree that this is alright with you.

- You read this, understand and agree to the above rules.
- You agree to tell the truth and give all the information you know about your legal problem.
- You agree to post only three separate legal questions in any calendar year.
- You will not create a new account to ask additional questions.

If you don't agree, you can't use this website.

Frequently Asked Questions from Site Users:

Why is my question closed?

Questions can be closed if:

1. The attorney who answered your question closed it because they had nothing else to say;
2. The state administrator closed the question and said why it was closed;
3. You did not respond to the attorney's answer within 5 days, so it was automatically closed.

Please remember, you cannot ask a more than 1 question per legal area, so if a question is closed, please do not re-post it to the general queue or it will be closed by the state administrator.

I have asked 3 questions and can't ask any more. What can I do now?

You may only ask three (3) questions per year. Look at our list of [other places to find help](#) for more resources.

How can I get help using this site?

[Email the state administrator](#) with questions about using the site. The state administrator cannot answer legal questions.

Beyond Scope of MI Free Legal Answers	<p>Dear MI Free Legal Answers Visitor,</p> <p>MI Free Legal Answers is a question and answer website. The question you posted may need more legal help than we are able to provide. You can reach out to one or more of the resources listed below for possible help with your legal issue as soon as you can. Many legal issues have time deadlines that you must meet.</p> <p>The resources listed below provide different types of legal help in the area where you live, but one or more of the resources listed below should be able to offer some assistance with your legal issue.</p> <p>Be sure to let them know you've already used the MI Free Legal Answers website.</p> <ul style="list-style-type: none"> • Legal Services of Eastern Michigan or call 1-800-322-4512. • Michigan Legal Help – A website to help people handle simple civil legal problems without a lawyer. • Call the Counsel Advocacy Law Line (1-800-783-8190) to find other civil legal resources that might be able to help you. • Genesee County Bar Association Lawyer Referral Service – 1-810-232-6000 (This is a referral to a private lawyer, and you will have to pay for their services) <p>Thank you, MI Free Legal Answers Administration</p>
Criminal	<p>Dear MI Free Legal Answers Visitor,</p> <p>The question you posted was about a criminal legal issue. We cannot help with criminal legal issues. This question will be closed.</p> <p>You may contact the 7th Circuit Court's Public Defender Program at 810.257.3484 to be appointed an attorney if you cannot afford one. You may also wish to fill out this form and give it to the judge in your criminal case.</p> <p>Thank you, MI Free Legal Answers Administration</p>

No Question Asked Withdraw question – not “Close”	<p>Dear MI Free Legal Answers Visitor,</p> <p>MI Free Legal Answers is a question and answer website. Visitors, like you, ask specific civil legal questions about your legal issue and volunteer attorneys answer by providing advice and information, if possible.</p> <p>Because your question was not a specific civil legal question, it will be closed. Please feel free to post again by asking a specific question about your non-criminal legal issue that you would like the volunteer attorney to answer.</p> <p>Thank you, MI Free Legal Answers Administration</p>
Closing Question - 35+ days old	<p>Dear MI Free Legal Answers Visitor,</p> <p>Unfortunately, none of our volunteer attorneys were able to help with your civil legal issue. We apologize for this inconvenience. Please visit or call the listed civil legal resources that might be able to help you.</p> <ul style="list-style-type: none"> • Legal Services of Eastern Michigan or call 1-800-322-4512. • Michigan Legal Help – A website to help people handle simple civil legal problems without a lawyer. • Call the Counsel Advocacy Law Line (1-800-783-8190) to find other civil legal resources that might be able to help you. • Genesee County Bar Association Lawyer Referral Service – 1-810-232-6000 (This is a referral to a private lawyer, and you will have to pay for their services) <p>Be sure to let them know you’ve already used the MI Free Legal Answers website.</p> <p>Thank you, MI Free Legal Answers Administration</p>
Closing Question - past court date	<p>Dear MI Free Legal Answers Visitor,</p> <p>Unfortunately, none of our volunteer attorneys were able to help with your civil legal issue by the court date you listed. We apologize for this inconvenience Please use the list below to find other civil legal resources that might be able to help you.</p> <ul style="list-style-type: none"> • Legal Services of Eastern Michigan or call 1-800-322-4512. • Michigan Legal Help – A website to help people handle simple civil legal problems without a lawyer. • Counsel Advocacy Law Line (1-800-783-8190)

	<p>Be sure to let them know you've already used the MI Free Legal Answers website.</p> <p>Thank you, MI Free Legal Answers Administration</p>
Over Income	<p>Dear MI Free Legal Answers Visitor,</p> <p>This site is meant for visitors who cannot afford to pay a lawyer to receive legal advice. Based on the content of your question, it appears your income level or amount of assets may be high enough for you to pay to work with an attorney.</p> <p>To conserve resources for those who do not have enough income or assets to pay for legal help, your question will be closed.</p> <p>Please use the Genesee County Bar Association Lawyer Referral Service – 1-810-232-6000 to find your own attorney.</p> <p>We wish you the best with your civil legal issue.</p> <p>Sincerely, MI Free Legal Answers Administration</p>

ABA AMERICAN BAR ASSOCIATION



Case Closed Survey

Providing you with the highest quality legal service is our priority. Please tell us about your experience with ABA Free Legal Answers so that we can better serve you and others in the future. This survey should take no more than 3 to 5 minutes to complete.

All answers you provide are confidential and anonymous.

If you have questions, please contact us at abafreelegalanswers@americanbar.org.

Which ABA Free Legal Answers site did you use?

In general, how satisfied are you with the help you received from ABA Free Legal Answers?

☐ Very satisfied

☐ A little satisfied

☐ Not satisfied

ABA Free Legal Answers helped me get information that I would not have been able to afford otherwise.

☐ Yes

☐ No

I received enough advice from ABA Free Legal Answers in answer to the situation I described in my question to help me understand my legal rights and options.

☐ Yes

☐ Not Sure

☐ No

Comments

I was able to understand what the attorney said.

☐ Yes

☐ Not Sure

☐ No

Comments

The website was easy to use.

☐ Yes

☐ No

I got a response in a timely manner.

☐ Yes

☐ No

Do you believe that the information or advice you received will

help you address your legal problem?

☐ Yes

☐ No, I was told there is no legal solution for my problem.

☐ No, I received information, but I did not find it helpful.

☐ Other

Ne>> >

Client Survey - 30 Days



Case Closed Survey

Please help us improve our services!

We are contacting you because sometime in the past month or so you visited the ABA Free Legal Answers website. We are checking in to see how things are going with your legal problem.

This survey will only take 3 to 5 minutes.

If you have questions, please contact us at abafreelegalanswers@americanbar.org.

Which ABA Free Legal Answers site did you use?

Michigan ▼

Approximately how long ago did you visit the ABA Free Legal Answers website?

- ☒ Within the past month
- ☐ Within 1 to 2 months ago
- ☐ Other

Next ►

ABA AMERICAN BAR ASSOCIATION

Did an attorney respond to your question?

- ☒ Yes, an attorney responded to my question
- ☐ No, an attorney did not respond to my question

◀ Prev

Next ▶

Client Survey - 30 Days



Did you understand the information or advice you received?

- ☐ Yes
- ☐ Mostly
- ☐ Somewhat
- ☐ No

Comments

Did the information or advice you received help you with your legal problem?

- ☐ Yes, it helped me solve problem
- ☐ Yes, it helped, but my problem is not fully resolved
- ☐ No, I was told that there was not a legal solution for my problem
- ☐ No, it did not help me address my problem

How would you rate the overall fairness of the legal system?

- ☐ Very Unfair
- ☐ Unfair
- ☐ Fair
- ☐ Very Fair

Next →



To help us understand more about how our service helps different users, would you be willing to answer some optional questions about you? Your information is confidential and anonymous.

- ☐ Yes, I will help.
- ☐ No, thank you.

← **Prev**

Next →

Client Survey

Optional Demographic Information



Please indicate your gender below.

- ☐ Male
- ☐ Female
- ☐ Other (please specify)

Please indicate your age below.

- ☐ 17 years, or younger
- ☐ 18-24 years
- ☐ 25-40 years
- ☐ 41-60 years
- ☐ 61-75 years
- ☐ 76 years, or older

Please indicate your ethnicity below.

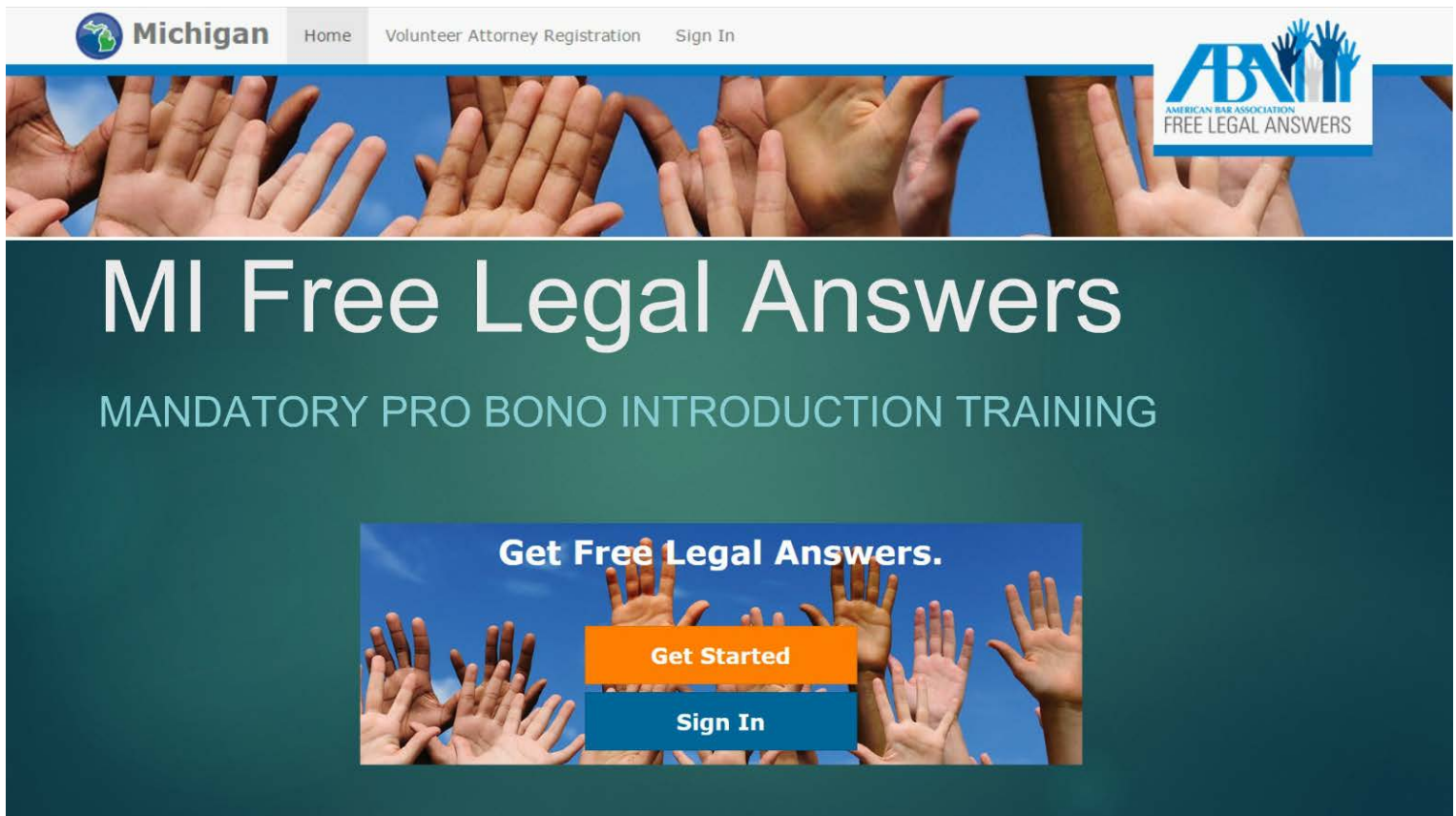
- ☐ American Indian or Alaskan Native
- ☐ Asian or Pacific Islander
- ☐ Hispanic or Mexican American
- ☐ Black or African American (Non – Hispanic)
- ☐ White (Non – Hispanic)
- ☐ Other (please specify)

If you have any additional comments, please enter below.

Training Materials



Attorney Training Webinar



The screenshot shows the top section of the Michigan Free Legal Answers website. At the top is a navigation bar with a logo for Michigan, links for Home, Volunteer Attorney Registration, and Sign In, and the ABN logo with the text 'AMERICAN BAR ASSOCIATION FREE LEGAL ANSWERS'. Below the navigation bar is a large banner featuring a background image of many hands raised against a blue sky. The banner contains the text 'MI Free Legal Answers' in large white letters, followed by 'MANDATORY PRO BONO INTRODUCTION TRAINING' in smaller white letters. At the bottom of the banner is a smaller image with the text 'Get Free Legal Answers.' and two buttons: 'Get Started' (orange) and 'Sign In' (blue).

Michigan Home Volunteer Attorney Registration Sign In

ABN
AMERICAN BAR ASSOCIATION
FREE LEGAL ANSWERS

MI Free Legal Answers

MANDATORY PRO BONO INTRODUCTION TRAINING

Get Free Legal Answers.

Get Started

Sign In

<https://michbar.adobeconnect.com/p8g7ao7yos7>

Attorney Outreach Materials

What if you could
provide pro bono
service with your
morning coffee?

Join MI Free Legal Answers!

Sign up today! mi.freelegalanswers.org

What Is MI Free Legal Answers?

MI Free Legal Answers is a pro bono website where attorneys can provide answers to the pressing legal questions facing low-income Michiganders. The site is provided in partnership with Legal Services of Eastern Michigan, the Genesee County Bar Association, the State Bar of Michigan, and the ABA.

Why MI Free Legal Answers?

- Choose the questions you want to respond to at any time, from anywhere.
- There is no required time commitment.
- Clients know that you will not go to court with them or prepare any paperwork.
- Free malpractice coverage for legal guidance provided through the website.
- The site is mobile-friendly; help from your phone or tablet.

Who Can Participate?

All attorneys, licensed and in good standing with the State Bar of Michigan. All you need to do is watch a short training video (less than 10 minutes) and sign up on the site!

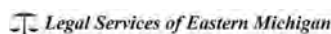
For more information, contact freelegalanswers@mail.michbar.org
Visit the Attorney FAQs at mi.freelegalanswers.org/AttorneyFAQ.



MI Free Legal Answers Partners

Legal Services of Eastern Michigan
Genesee County Bar Association
State Bar of Michigan
American Bar Association





Pro Bono Service
Connecting Lawyers with Opportunities

Contact: Robert Mathis
Pro Bono Service Counsel
rmathis@mail.michbar.org
(517)346-6412

www.michbar.org/probono



Provide **PRO BONO** Service **ONLINE!**

It's Easy

Go to mi.freelegalanswers.org, create an account, watch a short training video, and start helping to bridge the justice gap!

It's Mobile

The website is mobile friendly, no need to download any apps—just visit mi.freelegalanswers.org from your office, the coffee shop, or your couch!

Sign Up

Interested? Go to mi.freelegalanswers.org and click “Volunteer Attorney Registration”

STATE BAR OF MICHIGAN | PRO BONO INITIATIVE

MAKE A DIFFERENCE WHEREVER YOU ARE

Nearly 3.4 million individuals in Michigan are eligible to receive pro bono legal assistance. While legal aid organizations serve many, statewide data show that for every person helped, another is turned away due to lack of resources.

Not every legal need requires full representation, and many people can be helped by having a lawyer answer their legal questions.

THAT'S WHERE YOU COME IN

The State Bar of Michigan and the ABA have partnered on a new web-based pro bono project—volunteer attorneys answer online legal questions. All you need is an Internet connection and some time to share your legal expertise.

Interested?

Just go to the website below and click

Attorney Registration

mi.freelegalanswers.org

A pro bono partnership with the

- Genesee County Bar Association
- Legal Services of Eastern Michigan
- State Bar of Michigan
- American Bar Association

Help bridge the Justice Gap in Michigan

State Bar of Michigan | 2016-2017 COMMITTEE ANNUAL REPORT

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

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

Payee Notification

Member

Term Ending: 2017

P37914	Mark A. Armitage, Detroit
P68592	Julie H. Pfitzenmaier Cotant, Farmington Hills
P24030	Timothy H. Howlett, Detroit
P40445	Diane Hutcherson, Detroit
P57430	Starr M. Hewitt Kincaid, Livonia
P16887	John J. Lynch, III, Troy
P68725	Peter M. Neu, Holt
P38854	Rhonda Spencer Pozehl, Detroit
P19560	Robert H. Roether, Dearborn Heights
P34301	Mark L. Teicher, Bloomfield Township

State Bar Liaison

	Robin Lawnichak, Lansing
P62825	Alecia M. Ruswinckel, Lansing

Committee Meeting Schedule:

Please attach any additional information needed regarding Committee meetings as an addendum.

**Please keep meeting descriptions brief.*

Meeting Type	Date	Location
Description		
Meeting Type Ad Hoc Committee Meeting	December 15, 2016	The Googasian Firm PC, 6895 Telegraph Road, Bloomfield
Description The committee determined that the best avenue for implementation is legislation and identified key supporters.		
Meeting Type Email	January 20, 2017	Email
Description The committee determined that its recommendation to the Representative Assembly will be submitted in September, 2017.		
Meeting Type Ad Hoc Committee Meeting	April 17, 2017	The Googasian Firm PC, 6895 Telegraph Road, Bloomfield
Description The committee will outline a plan for obtaining support for payee notification.		
Meeting Type		
Description		
Meeting Type		
Description		
Meeting Type		
Description		

[Reset Section](#)
Resources provided by the State Bar of Michigan in support of committee work:

The State Bar provides staff support for the work of the Committee through one staff counsel and the Client Protection Fund Paralegal. The State Bar also provides meeting facilities, food and beverage for meetings, teleconferencing services, meeting materials, dropbox, and other resources as needed to support the work of the Committee.

[Reset Section](#)

Committee Activities:

The committee has discussed avenues for implementation of payee notification, researched support and opposition in other jurisdictions, identified supporters and opposition in Michigan, researched the impact of payee notification in other jurisdictions, is determining the potential impact of payee notification in Michigan, and created an initial draft of a proposal to the Representative Assembly.

Future Goals and Activities:

The committee members will develop a plan to submit a resolution to the Representative Assembly at its meeting in September, 2017.

If the Representative Assembly passes the resolution to allow the State Bar of Michigan to support proposing legislation to enact payee notification in Michigan, the committee will work with Director of Government Relations to lobby Michigan congresspersons.

Other Information:

Payee notification could have prevented millions of dollars in losses resulting from attorneys stealing from their clients. Recommended by the American Bar Association Center for Professional Responsibility, payee notification is a loss prevention program, wherein payees are notified when an insurance company delivers settlement proceeds to the lawyer of record in payment of a liability claim. Payee notification serves both the preventive and maintenance purposes of a client protection program by improving transparency and accountability when an insurer remits a check to resolve a liability claim.

[Reset Section](#)

Approved by	Approved	Name
Chair		
Co-chair		
Staff Liaison	3/23/2017	Alecia M. Ruswinckel
Other		

e-Mail Form
[Reset Section](#)

State Bar of Michigan | 2016-2017 COMMITTEE ANNUAL REPORT

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

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

Advisory Workgroup on Regulatory Objectives

Jurisdiction: - Identify and outline strengths and weaknesses of the existing regulatory framework of the legal profession
 - Develop a regulatory purpose statement focused on protection of the public and promoting confidence in the legal profession
 - Recommend regulatory objectives for adoption by the Michigan Supreme Court reflective of the stated purpose and goals

Co-Chairs

P40861 Christopher G. Hastings

Thomas M. Cooley Law School
 111 Commerce Ave SW Grand
 Rapids, MI 49503-4105

P66964 Angela S. Tripp

Michigan Poverty Law Program
 220 E. Huron St Ste 600A
 Ann Arbor, MI 48104-1947

Members

P13029 William B. Dunn, Grand Rapids

Robert E. Hirshon, Ann Arbor

P53827 Stephanie J. LaRose, East Lansing

P25193 Milton L. Mack, Jr., Lansing

P47291 Valerie R. Newman, Detroit

P73964 Mwanaisha Atieno Sims, Lansing

Paralegal/Legal Assistant Section Member

Ex Officio

P37914 Mark A. Armitage

P29652 Alan M. Gershel

Staff Liaisons

P53603 Danon D. Goodrum-Garland

P38916 Nkrumah Johnson-Wynn

P66868 Robert G. Mathis, Jr.

P62825 Alecia M. Ruswinckel

Committee Meeting Schedule:

Please attach any additional information needed regarding Committee meetings as an addendum.

**Please keep meeting descriptions brief.*

Meeting Type	Date	Location
Meeting Type Undetermined at this time.		
Description		
Meeting Type		
Description		
Meeting Type		
Description		
Meeting Type		
Description		
Meeting Type		
Description		
Meeting Type		
Description		

[Reset Section](#)
Resources provided by the State Bar of Michigan in support of committee work:

Formation of this workgroup is ongoing. It is expected that the usual staff support will be provided, including assisting in meeting scheduling, preparation and distribution of meeting materials, and arranging for meeting location and refreshments.

[Reset Section](#)

Committee Activities:

Not applicable.

Future Goals and Activities:

Not applicable.

Other Information:

In late December 2016, President Larry Nolan approved the overall framework for this workgroup and the members identified for participation. It is anticipated that the workgroup will meet three times over a two month period. Staff liaisons have secured participation of the listed members consistent with President Nolan's plan. Staff's facilitation of this workgroup was interrupted to support the launch of the LRS pilot. Staff resources will now be redirected to move forward with this workgroup.

[Reset Section](#)

Approved by	Approved	Name
Chair		
Co-chair		
Staff Liaison	s/	Danon Goodrum-Garland
Other		

[e-Mail Form](#)
[Reset Section](#)

State Bar of Michigan | 2016-2017 COMMITTEE ANNUAL REPORT

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

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

Strategic Planning

Chair

P44120 Lori A. Buiteweg
 Nichols Sacks Slank Sendelbach & Buiteweg PC
 121 W Washington St Ste 300
 Ann Arbor MI 48104-1300
 Phone: (734) 994-3000
 Fax: (734) 994-1557
 e-mail: buiteweg@nsssb.com

Member

Term Ending: 2017

P39401 Dennis M. Barnes, Detroit
 P72470 Danielle Michelle Brown, Lansing
 P25508 Robert A. Buchanan, Grand Rapids
 P44120 Lori A. Buiteweg, Ann Arbor
 P55501 Jennifer M. Grieco, Birmingham
 P65419 James W. Heath, Detroit
 P25908 Lawrence Patrick Nolan, Eaton Rapids
 P48109 Daniel D. Quick, Troy
 P26723 Donald G. Rockwell, Flint
 P53594 Dana M. Warnez, Center Line

State Bar Liaison

P42091 Anne M. Vrooman, Lansing
 Janet K. Welch, Lansing

Committee Meeting Schedule:

Please attach any additional information needed regarding Committee meetings as an addendum.

**Please keep meeting descriptions brief.*

Meeting Type	Date	Location
Description		
Meeting Type		
Description		
Meeting Type		
Description		
Meeting Type		
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Meeting Type		
Description		
Meeting Type		
Description		

[Reset Section](#)
Resources provided by the State Bar of Michigan in support of committee work:

See full version of Strategic Plan, attached; plan only can be viewed at
<https://www.michbar.org/file/generalinfo/pdfs/strategicplanreport17.pdf>

[Reset Section](#)

Committee Activities:

Future Goals and Activities:

Other Information:[Reset Section](#)

Approved by	Approved	Name
Chair		
Co-chair		
Staff Liaison		
Other		

e-Mail Form[Reset Section](#)



State Bar of Michigan Strategic Planning Report March–December 2016

Overview

The State Bar of Michigan (SBM) has developed a national reputation as a leader and innovator. While tending to its core mission, the SBM institutionalized a culture of inquiry that has enabled the bar to recognize and address emerging challenges facing the profession and the justice system.

The 2003 strategic plan played an important role in the bar's evolution. In addition to establishing organizational priorities, the plan spoke directly to organizational culture. It highlighted values that guide the way business is conducted by staff and by the bar's elected leadership. The plan's implementation required individual bar leaders to think beyond their own terms in order to address problems of magnitude. That evolution has enabled the bar to lead important conversations such as those undertaken by the Judicial Crossroads Task Force in 2009-2010 and the 21st Century Practice Task Force over the last two years.

It was a priority for the bar, then, to preserve the components of the 2003 plan that still have efficacy and meaning. The planning process was one that wove those existing threads with new ideas raised by the 21st Century Practice Task Force and also gave voice to other member interests and concerns. The resulting fabric reflects a diverse range of voices from the SBM community.

Components of the Report

The strategic planning report consists of three parts: 1) the narrative summary of the planning process (this document); 2) a plan overview that includes the SBM purpose, statement of values, goals and strategies; and 3) the appendices that include notes from the June, August and December sessions and the SBM member survey results.

Information Gathering and Preparation

A Strategic Planning Group that included Lori Buiteweg (chair), Dennis Barnes, Danielle Brown, Rob Buchanan, Jennifer Grieco, James Heath, Lawrence Nolan, Dan Quick, Donald Rockwell and Dana Warnez met in the fall of 2015. Jennifer Lewin, the consultant from the ABA Division for Bar Services, was invited to assist the group in January 2016.

During preliminary conversations with the SBM staff in March 2016, it was determined that much of the background research and stakeholder outreach that is typical of a planning process had already been conducted in the context of the 21st Century Task Force's work. Direct feedback from members about

existing and potential services had not been gathered, however, and it was determined that a membership survey would provide helpful feedback that would further ground the planning group's discussions.

The membership survey was conducted by the State Bar of Michigan staff in April and May 2016. Preliminary results were provided to the planning group in time for its first meeting on June 6. Final results were available for the discussion on August 30. The survey results are included in the appendices.

The June 6 Session

The first meeting of the planning group with the ABA consultant was held on June 6, 2016. The purpose of the four-hour session was to discuss expectations for the plan, discuss national trends among bar associations, explore how the SBM membership survey results supported or diverged from those trends, and identify the broad areas upon which the next strategic plan would focus.

According to Strategic Planning Committee members, the 2017-2020 plan and process should include:

- A framework that provides consensus about the way forward
- Metrics that help the Board of Commissioners evaluate the success of individual programs and efforts
- In addition to priorities, an identification of what *not* to do, and where to shift resources to appropriately support new efforts
- More specificity about what the SBM wants to achieve
- More board involvement in ongoing implementation and monitoring

That discussion was followed by a discussion of national mandatory bar trends and the specifics of the SBM 2016 Membership Survey results. Discussion highlights included:

- Increasing member expectations about value
- The challenging climate for mandatory bars
- The access to justice crisis driving major innovation and collaboration
- Economic shifts in supply and demand for legal services
- Overarching justice system challenges compromising community confidence
- The continuing challenges for new admittees
- The increase in challenges related to the graying of the profession
- Needing to balance the many different modes of member affiliation and communication
- The efficacy of traditional governance structures in the current environment

Finally, after a review of the previous plan, the group identified the following four areas of priority for the 2017 plan:

1. Member success and satisfaction
2. Educating and assisting the public
3. Maintaining the highest ethical standards in the profession and advocating for improvements in the justice system
4. Nimble and responsive infrastructure

Additional notes from the session can be found in part 3 of this report.

The August 30 Session

In advance of the August session, the Strategic Planning Committee received: 1) a final report of the SBM membership survey results, 2) an overview of the SBM finances that provided a snapshot of the bar's current funding priorities, 3) results from a brief survey of senior staff regarding bar priorities, 4) highlights from the consultant's conversation with Lynn Chard, Executive Director of ICLE, regarding ICLE's and the SBM's future, and 5) a draft matrix that incorporated the priority areas identified at the June session, along with strategies from the 21st Century Practice Task Force report.

After discussing the background resources, the group spent the majority of the session refining the goal and strategy language. A brief final discussion addressed possible measures of success, and people and entities that should be involved in the strategy development.

Additional notes from the session can be found in part 3 of this report.

The December 2 Session

Prior to the final meeting of the Strategic Planning Committee, the SBM senior management met to further develop the framework that was created in August. The staff identified the current programs and activities that support each strategy; suggested areas that could be augmented, transformed or downgraded; and compiled the new ideas or activities that would support the strategies moving forward. At the session, small groups of planning committee members had an opportunity to discuss the goals in more detail and offer additional suggestions and approaches. These suggestions have been captured either in the working grid or in the notes from the session in part 3 of this report.

The goals were refined as follows:

- Goal 1:** The State Bar of Michigan provides resources to help all of its members achieve professional excellence and success in the practice of law.
- Goal 2:** The State Bar of Michigan champions access to justice, and builds public trust and confidence in the justice system in Michigan.
- Goal 3:** The State Bar of Michigan maintains the highest conduct among its members, and initiates and advocates for improvements that facilitate accessible, timely justice.
- Goal 4:** The State Bar of Michigan structures itself to achieve its strategic goals in a responsive and cost-efficient manner.

Other particularly notable components of this plan include:

1. **A statement of values.** During the review of the framework in November, the staff identified the need to capture the values that had been integrated in the previous plan. At the December session, the planning group agreed that a statement of values should accompany the strategic framework. That statement was developed by a small group of planning committee members in December.
2. **The fundamental importance of collaboration and partnerships.** The group recognized the need to diligently ask, What can the SBM uniquely do? What can others do better than we can, and how can we support their efforts?
3. **The way value is delivered will continue to shift and the bar must remain responsive.** Whether it is delivering education and knowledge to members or assistance to the public, delivery mechanisms are evolving. Finding the right mechanisms for important bar functions is a continuing strategic priority throughout the plan.
4. **The commitment to developing outcome metrics that will better establish how well programs and initiatives are addressing the challenges for which they were created.** This is a significant cultural shift. Institutionalizing this way of working will require commitment from both the staff and the board.

Next Steps

The State Bar of Michigan Board of Commissioners will receive the strategic framework and have an opportunity to discuss it at its January meeting. The framework that is adopted will then be operationalized by the SBM staff. That operational plan will include recommendations regarding entities that should be responsible for advancing the action items as well as the implementation timeline.

The Strategic Planning Committee recommends that the board subcommittees be restructured to accommodate the components of the new plan, and that the subcommittees have a role in monitoring the implementation process.

Additional Recommendations Regarding Implementation

1. When delegating to existing groups, clearly communicate expectation regarding:
 - Why the activity/program/service is important
 - Who the activity/program/service serves
 - How impact will be measured
 - How implementation will be monitored
 - What the timeframe is for the initial phase of the implementation plan
 - What resources are available for implementation, including staff, volunteer, and financial resources

2. Communicate and build plan support, including how existing activities support the goals and strategies. This is crucial given the importance of cultivating member awareness and engagement in this plan.
 - Share the plan with staff and volunteer leadership throughout the organization
 - Communicate the importance of committee and section work that supports the plan
 - Communicate with membership about the plan. Because members participated through the surveys, it is important to let them know how their input informed the planning group's choices about the future of the organization.
 - Create a parallel staff operational plan and board governance plan. These plans should include milestones and target measures to evaluate success
3. Adjust and adapt as circumstances warrant.

Surely, modifications to the plan will be necessary. Circumstances change and external shifts in the environment occur—the political landscape changes, important partners experience transitions in leadership, a disruptive technology appears. This is to be expected; the plan should evolve. While discussion of the plan should take place at every board meeting, time should be set aside at least once a year for deeper reflection on the bar's progress vis-à-vis the goals and benchmarks it has set. What did the bar accomplish? Are the initiatives the bar is undertaking helping it make progress toward its goals? Do the definitions of success continue to be realistic and meaningful?

4. Steady goes the race.

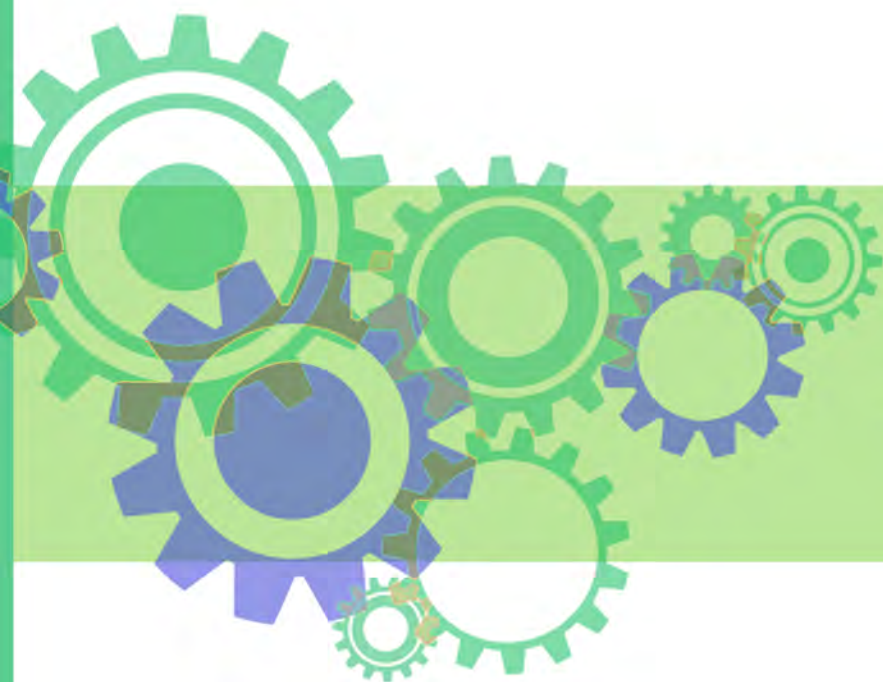
Effective strategic planning is a marathon that is run like a relay race. It is a group effort, and oftentimes the finish line is not in sight. Success requires agreement on strategy, effective use of resources over time, and understanding the capacity of the runners on various parts of the course. By taking on too much at once, the bar can stretch itself too thin and do its members and other constituents a disservice. Be selective about where to place your efforts so that you are making the appropriate investment for success.

In Conclusion

Throughout this process, the SBM Strategic Planning Committee and SBM staff have thoughtfully explored the opportunities and challenges present in the current environment. This new roadmap for the future, coupled with the SBM's openness and culture of exploration, will enable the organization to continue to serve the lawyers and citizenry of Michigan with efficacy and integrity.

Respectfully submitted,

Jennifer Lewin
Director, Knowledge Management & Governance
ABA Division for Bar Services
January 6, 2017



State Bar of Michigan
STRATEGIC PLAN
2017-2020

Statement of Purpose

A statement of purpose, or mission, is designed to define an organization's fundamental reason for being, and for whom. It also establishes the scope of its major activity areas, providing the framework for selecting the goals and strategies required to move the organization forward. The Supreme Court Rules Concerning the State Bar of Michigan provide:

"...The State Bar of Michigan shall aid in promoting improvements in the administration of justice and advancements in jurisprudence, in improving relations between the legal profession and the public, and in promoting the interests of the legal profession in this state."

This statement provides the foundation upon which the State Bar of Michigan Strategic Plan is built and positions the State Bar of Michigan to:

- Promote the professionalism of lawyers
- Advocate for an open, fair and accessible justice system
- Provide services to members that enable them to best serve their clients

Statement of Core Values

These core values direct fundamentally how the State Bar of Michigan will conduct itself as it works to achieve our goals and fulfill our mission.

Justice

In fulfilling our mission to promote improvements in the administration of justice and advancements in jurisprudence, the State Bar of Michigan finds it essential to our mission to advocate for an open, fair and accessible justice system for all.

Service

The State Bar of Michigan, as an organization, its staff, and volunteers, who carry out the work of the bar, shall undertake service to its members and the larger legal community, being especially attentive to the needs of the public, who is served by the justice system.

Professionalism

We respect the rule of law, and will promote ethical conduct, personal integrity, and civility in all our deliberations, decisions, and interactions within the organization and with all others participating within the justice system.

Diversity and Inclusion

The State Bar of Michigan recognizes that as an association we are more effective when we bring different perspectives, experiences, backgrounds, talents and interests to decision-making about how we carry out our mission. In addition to promoting greater diversity in the profession, the State Bar of Michigan embraces a culture within its leadership and governance processes that is open to and respects differing views and perspectives.

Innovation

We will continually strive to explore and advance new ways to provide excellent service to our members and to the public, and to promote ethical use of technology and high standards of performance in the practice of law.

Goal 1: The State Bar of Michigan provides resources to help all of its members achieve professional excellence and success in the practice of law.

We will achieve this by:

- Strategy 1: Helping new lawyers to be practice ready
- Strategy 2: Supporting each active member's professional competence and continuing professional development
- Strategy 3: Engaging members in learning about and implementing innovative delivery methods
- Strategy 4: Promoting greater member engagement to connect members with the bar, its resources and each other

Goal 2: The State Bar of Michigan champions access to justice, and builds public trust and confidence in the justice system in Michigan.

- Strategy 1: Creating and maintaining an accessible, coordinated online foundation of legal resources for the public
- Strategy 2: Creating and maintaining greater public awareness and competence around legal issues that affect them
- Strategy 3: Expanding opportunities for SBM members to participate in access to justice initiatives through traditional means including pro bono and by partnering with public service organizations, local and affinity bars
- Strategy 4: Encouraging improved diversity and inclusion of the profession as a fundamental component of the public's respect for the rule of law and confidence and trust in the justice system
- Strategy 5: Expanding collaboration with professional organizations and communities outside of the legal community
- Strategy 6: Providing timely, targeted messages to promote understanding of the rule of law and role of judiciary and the legal profession

Goal 3: The State Bar of Michigan maintains the highest conduct among its members, and initiates and advocates for improvements that facilitate accessible, timely justice.

- Strategy 1: Working with our partners to effectively regulate the legal profession in Michigan
- Strategy 2: Educating members on ethical rules and regulations
- Strategy 3: Reviewing ethical rules and regulation, and adapting them to eliminate barriers to innovation
- Strategy 4: Conducting research and development that promotes innovation and forecasts change
- Strategy 5: Pursuing permissible and achievable public policy goals, while minimizing divisiveness and encouraging member input and diverse points of view on public policy issues
- Strategy 6: Promoting respect for diversity as an important element of professionalism

Goal 4: The State Bar of Michigan structures itself to achieve its strategic goals in a responsive and cost-efficient manner.

- Strategy 1: Developing governance, member and administrative structures that provide for broad-based decision making and timely action
- Strategy 2: Employing practices that strengthen the State Bar of Michigan's fiscal position and responsible use of resources
- Strategy 3: Ensuring the technology infrastructure follows best business practices and is poised to meet the future needs of members and the State Bar of Michigan
- Strategy 4: Targeting the State Bar of Michigan's communications to build awareness of bar programs and initiatives among members and the recipient community

GOAL		We will achieve this goal by:	Current Supporting Activities:	Activities to Augment, Evolve, Downgrade, Phase Out or Stop	New Activities or Ideas
<p>Goal 1: The SBM provides resources to help all of its members achieve professional excellence and success in the practice of law.</p>	1	Helping new lawyers to be practice ready	PMRC; Tips and Tools; Mentor Center; Trust Account Seminars; presentations and cooperation with the law schools, local/affinity bars and Inns of Court; section memberships; webinars; YLS Orientation; pro bono training; ethics helpline; Economics of Law Practice Report; R&D; MBJ; eJournal; SBM Today; SBM website; Bar Journal; SBM Connect; Professionalism in Action; LJAP; lawyer referral service; online platform; services to sections; unbundling training and resources	Mentor Center (consider downgrade or shift focus to support existing/ facilitate new local bar programs) – proposed workgroup to explore	More active, concrete collaboration with ICLE to develop members' access to and meaningful participation in CLE.
	2	Supporting each active member's professional competence and continuing professional development		Static print communications evolve into more dynamic media More on-demand information on the website	Dynamic social media tools for targeted engagement (e.g. pop-up events in collaboration with sections, local bars)
	3	Engaging members in learning about and implementing innovative delivery methods	21 st CPTF, twitter, blog, Bar Journal, modernized lawyer referral service, UP Tour, BLF, JI Initiatives, Annual Meeting and other outreach opportunities	Reassess large meeting strategy (Annual Meeting, BLF, UMLI) – proposed workgroup to evaluate Modernize LRS "Smart Marketing" tools Develop project management expertise, webinars and podcasts	Toolbox of "smart marketing" ethical tools Help focus legal profession on Michigan's niche in new/innovative industries and technologies
	4	Promoting greater member engagement to connect members with the bar, its resources and each other	Committees, special initiatives, workgroups, task forces, sections, RA, BOC, BLF, UMLI		Justice Innovation Center

GOAL		We will achieve this goal by:	Current Supporting Activities:	Activities to Augment, Evolve, Downgrade, Phase Out or Stop	New Activities or Ideas
<p>Goal 2: The SBM champions access to justice, and builds public trust and confidence in the justice system in Michigan</p>	1	Creating and maintaining an accessible, coordinated online foundation of legal resources for the public	MLH coordination/funding, public resources on SBM website, lawyer referral service, online directory	LRS modernization Widen network of collaboration	Public Service Announcements Widen network of collaboration with public service organizations, local and affinity bars, professional organizations and other communities
	2	Creating and maintaining greater public awareness and competence around legal issues that affect them	LRE clearinghouse/programs, public seminars, JI, A Lawyer Helps, YLS service programs, media relations, Legal Milestones, EAI, section programs to target populations, Jury Awareness Program, Rapid Response Media Plan, UPL outreach programs	Cultivate dynamic social media tools for targeted audiences. Expand A Lawyer Helps to Twitter, blog	Respond via social media to “teachable moments” in current events to advance rule of law appreciation, understanding.
	3	Expanding opportunities for SBM members to participate in access to justice initiatives through traditional means including pro bono and by partnering with public service organizations, local and affinity bars	Pro bono reference manual, training, October activities, MABE, CJI, EAI, Pro Bono Initiative, Justice Policy Initiative, Criminal Issues Initiative	Online directory and LRS modernization	MDP Pilot Project
	4	Encouraging improved diversity and inclusion of the profession as a fundamental component of the public’s respect for the rule of law and confidence and trust in the justice system	JI, DIAC, pipeline program support	Intentional showcasing of diverse membership in targeted programming Next level of bias awareness programming	
	5	Expanding collaboration with professional organizations and communities outside of the legal community			
	6	Providing timely, targeted messages to promote understanding of the rule of law and role of judiciary and the legal profession	Regulatory functions, Client Protection Fund, media relations	Become more prominent source of explanation about legal system	

GOAL		We will achieve this goal by:	Current Supporting Activities:	Activities to Augment, Evolve, Downgrade, Phase Out or Stop	New Activities or Ideas
<p>Goal 3: The SBM maintains the highest conduct among its members, and initiates and advocates for improvements that facilitate accessible, timely justice.</p>	1	Working with our partners to effectively regulate the legal profession in Michigan	AGC/ADB/JTC/MSC collaboration, Character and Fitness, LJAP, PMRC, Judicial Council, law schools	Consistently consider collaborative opportunities to achieve common goals (workgroups on JTC Rules, payee notification program, regulatory objectives, FAQs to avoid UPL)	Justice Innovation Center Monitoring national and international trends, and actively looking for opportunities to collaborate on a national international basis
	2	Educating members on ethical rules and regulations	Ethics helpline, MBI, Tips and Tools, Trust Accounts seminar, Ethics Rules, ethics articles and opinions easily accessible online	Improvements to ethics resources/search functionality in process	Develop and implement receivership program Increased member accessibility to ethics tools
	3	Reviewing ethical rules and regulation, and adapting them to eliminate barriers to innovation	Ethics committees		Payee notification program
	4	Conducting research and development that promotes innovation and forecasts change	R&D, 21 st CPTF, blog, collection of relevant demographic information		Monitor and implement work of Task Force
	5	Pursuing permissible and achievable public policy goals, while minimizing divisiveness and encouraging member input and diverse points of view on public policy issues	Committee structure, online vehicles		
	6	Promoting respect for diversity as an important element of professionalism	JJ, DIAC, Diversity Pledge, conscious diversity on committees and work groups, collaboration with affinity bars		

GOAL		We will achieve this goal by:	Current Supporting Activities:	Activities to Augment, Evolve, Downgrade, Phase Out or Stop	New Activities or Ideas
<p>Goal 4: The SBM structures itself to achieve its strategic goals in a responsive and cost-efficient manner.</p>	1	Developing governance, member and administrative structures that provide for broad-based decision making and timely action	Task forces and workgroups, surveys, commissioner committee structure	<p>Reassess existing structures, including standing committees</p> <p>Greater use of focus groups, spot surveys</p> <p>Ongoing BOG attention to the strategic plan</p> <p>Realign board committees (Programs and Services to include communications)</p>	Work group to review structure and governance re broad-based decisions, timely action
	2	Employing practices that strengthen the SBM's fiscal position and responsible use of resources	Audit, budget processes, Finance Committee structure and timetable, board policies, research and analysis		<p>Review Affinity Partnerships</p> <p>Systematic review of all programs and services</p> <p>Establish key indicators of performance for all programs and services</p>
	3	Ensure the SBM's technology infrastructure follows best business practices and is poised to meet the future needs of members and SBM	Regular technology audits, ongoing extensive training of IT staff, multiple cyber security strategies		Justice Innovation Center Independent technology audits for long-term viability
	4	Targeting SBM's communications to build awareness of bar programs and initiatives among members and the recipient community	EBlasts, SBM Today, Member Benefit brochure, Bar Journal, media relations, website, listserv, social media	Transition appropriately from static print medium to diversified communication tools	Evolve interactive digital technology



State Bar of Michigan Strategic Planning Report Part 3 – Appendices

Notes from the June, August & December Strategic Planning Discussions
State Bar of Michigan 2016 Membership Survey



Strategic Planning Discussion Notes

June 6, 2016, 10am – 2pm

Introductions, Experience with Planning Initiatives & Expectations for the New Plan

Lori – participated in the '05 planning initiative; significant changes to the plan with reordering/reprioritizing; use peacemaking rules

Dana – planning with a local bar; interested to learn about the process, listen to comments; would like to develop a communications strategy

Peter – involved in the '05 process; interested in the role of the state bar in public policy; we're making much more thoughtful consideration about involvement

Dan – has been involved with firm and OCBA planning; challenged by Task Force recommendations; wants to make forward progress

Jim – Director of Finance/Admin; this is his fourth strategic plan; understand priorities so that we can fund them; develop metrics so that we know we're meeting those priorities

Fred – planning in the military, his firm, other organizations; listen to the voice of our members and align with the plan; see planning as two-way communication

Jennifer – 2013 iteration of the plan and OCBA; would like regular updates and board involvement in the plan; resources – what should we not be doing?

Janet – previous iterations of this plan, with the Supreme Court; would like consensus about how we're moving forward

Candace – worked on original plan; appropriate resources to carry it out

Danny – previous two strategic plans, plans with other groups; working document to manage the bar/work ahead, including measurable

James – much experience with planning, continue to learn how to move forward

Rob – primarily business planning, other nonprofits; would like the plan to be more specific, clarity; make choices about what not to do



Introductions, continued

Anne – end up with a plan that's useful; helpful to operationalize parts of plan from year to year; specific focus of resources

Danon – planning with special-focus bars; understand background, expectations of leaders and resources

Don – Genesee County, state bar, university plans; anticipate and hope; reprioritize plan; focus on 21 Century Task Force recommendations and resources

Danielle – participated in Task Force on State Bar in Michigan, excited to learn about this process

Major Trends/Environmental Considerations

- Increasing member expectations about value
- Challenging climate for mandatory bars
 - Balance between offense and defense
- Access to justice crisis driving major innovation and collaboration (client-centric)
- Economic shifts
- Overarching justice system challenges compromising community confidence
 - Diversity and inclusion conversations
- Challenging era for new admittees continues
 - Job market, debt burden, education alignment
- "Silver tsunami" related challenges
 - Transition planning, age-related impairment, fiscal impact on the bar, institutional knowledge
- Different modes of affiliation and communication
 - Mobility, speed, tech expectations, the "AND" environment
 - Should we speaking more directly to the public?
- Volume does not equal value
- Balance between responsive leadership and inspirational leadership
- Governance – are our structures working in the current environment?



Previous Plan/Priority Areas Discussion

1. Member success and satisfaction

- Leading ultimately to improved justice system
- Expression of member value
- Attracting the best and the brightest
- Member development
- Competence needs to be in the mix

2. Educating and assisting the public

- Communications emphasis – do you want us to up our game in this area?
- Court efficiencies

3. Maintaining the highest ethical standards in the profession and advocating for improvements in the justice system

- Modernized regulation part of this

4. Nimble and responsive infrastructure

- Communications – undecided if this should be throughout or if consolidated in one area
- Fiscal responsibility
- Structure and governance
- Tech infrastructure



Strategic Planning Discussion Notes

August 30, 2016, 9am – 4pm

Survey/Feedback Discussion

- Are member benefits worth the effort?
- Work/life balance less important than anticipated
- Lack of awareness of younger attorneys re what we do (especially under 30 and 31-40)
- Good stewardship of member funds must be a primary concern
- Commentary regarding dues, especially seniors
- Surprised by number of lawyers who are marginalized
- Student/YL engagement
- Outreach in a focused way
- Survey more regularly with narrower focus
- Are we doing an adequate job of looking at cost/benefit? Need metrics to evaluate

Majority of Day was Framework Development and Refinement

Final Framework Brainstorm

Goal 1 Brainstorm

Strategic Area	Progress outcomes	Existing programs that support	Home/involved/ partners	Resources - \$/staff/ volunteers	Priority
Practice ready	Utilization of programs Surveys Reduction of GC complaints	Casemaker, PMRC, Tips and Tools, IOLTA seminars, Solo/small firm UMLI, Bar Journal; e-journal	Mentors Law students Law schools YLS	Charge seminars/ Use fees to keep costs low	2
Prof competence		ICLE	ICLE		3 b/c of heavy ICLE
Innovative delivery methods	Enhanced client service ATJ	21CPTF BLF orientations	Innovative attys, Futures Law School(s), Vendors, YLS	\$\$ Develop	1
Member engagement					Not ranked

Goal 2 Brainstorm

Strategic Area	Progress outcomes	Existing programs that support	Home/ involved/ partners	Resources - \$/staff/ volunteers	Priority
1.	Online platform Content/# of hits				Already underway - 1
2.	MI legal help (triage) Lay tech navigators Warning of dangers How many people reached # of LRIS cases			Partnerships Outreach \$ - staff training Accreditation	2
3.	Define opportunity Clearinghouse – LRIS type match MI Legal HELP Court partnership			MI Legal Help (partner support) ATJ – Legal services help referrals SCAO	4
4.	Public survey/polling Diversity in the profession Pipeline programs			Local/affinity bars Volunteers needed/staff+	3

Goal 3 Brainstorm

Strategic Area	Progress outcomes	Existing programs that support	Home/ involved/ partners	Resources - \$/staff/ volunteers	Priority
Review ethical rules and regs (add commentary)	Turnaround time	Helpline Prof ethics cmt		Prof standards	2
Educating members on ethical rules and regs	Bulletins issued, Hits on info Data from AGC and ADB Webinars/tedtalks with feedback	Helpline Presentations Bar journal Online		More staff for webinars and tedtalks	1
Conduct r&d that promotes innovation	# of changes and new ideas and improvements	21CTF staff		Evaluate existing staff and free up	4
Public policy	Timeliness, positions adopted, diversity and amount of input	PPII		Katie Carrie	3
Diversity and inclusion – professionalism	Stats, survey lawyers re satisfaction, pledge, responsiveness to call to action			Greg Anne	5

Goal 4 Brainstorm

Strategic Area	Progress outcomes	Existing programs that support	Home/ involved/ partners	Resources - \$/staff/ volunteers	Priority
Structure & Governance	Increased diversity on EC, BOC, RA and committees Timelines for action	BOC needs staff input on existing programs and where they fit		Existing staff/volunteer	1
Fiscal	Annual budget Annual audit All programs must include SMART goals and assessment of progress			Existing staff with additional analysis	2
Technology infrastructure	BBP re 21 st Century TF There are so many pieces to this one; need more information			Requires big \$\$ Needs prioritization by BOC	4 (comment: we put this last because we didn't have enough info)
Communications	Google analytics Surveys Report cards on engagement Public – ID how they found us			Existing staff and resources	3



Strategic Planning Discussion Notes

December 2, 2016, 9am – 4pm

Statement of Purpose Discussion

Proposal to incorporate explicit language relating to diversity in the statement of purpose

Final decision to keep wording as is, but incorporate diversity into values statement

Statement of Core Values Discussion

Collaborative effort to develop with staff, Dana and Jennifer

Highlights/Comments around Grid Overview

Overarching Strategies

- More deliberate about considering unique role of state bar and local bars and exploring opportunities for collaboration
- Strong role as convenor of stakeholders
- Micro and macro strategies – paying attention to how they work and thinking about why; measuring impact to know which strategies are most successful

Mentoring

- Observation regarding potential support for mandatory mentoring
- Work with other locals to facilitate mentoring programs – programs like mentor match hit all goal areas

Connection between Legal Hub – similar flow from ICLE to mentors?

- Take advantage of speakers' willingness to volunteer

More on-demand information on the website

How do we expand the conversation about diversity beyond the core group of committed?

Current tech supports status quo, but the future less well



Structure

- What's the role of the board? Can it be more powerful and helpful?
- What's the board's involvement in the strategic plan?
- We have two decision-making bodies – are they working in the way they were intended? More clarity about which questions go where

Thoughts on New Ideas/Opportunities to Augment Existing Programs and Services

Goal 1

1. Workgroup to look at 1) professional coaching, 2) pro bono mentor match opportunities; 3) mentor program
 - Could SBM Connect or other things we already have in place be used as a helpline?
2. Committee – Education/Events OR Programs/Services to review use of annual meeting/BLF
 - Idea: solicit local bar involvement, what's drawing you to attend?
3. Ethics resources/search functionality – improvements in process
 - Catalog questions that get asked that there isn't a clear answer to
 - Is there a way to connect professional standards committee activity to the board?
 - Suggested readings based on search – e.g., you might be interested in X; explore Casemaker options

Goal 2 – Focus of discussion was on communications

1. PSAs – should include diversity in all elements
 - Use section leaders to help spread message
 - Collaboration with other organizations
 - Targeted audiences
2. Reach out internally (judges' associations; partners)
3. Find audiences who would be willing to come and talk – we listen
4. Outreach to other professions (medical, CPAs, etc.)
5. Programs and services could pull this together
6. Recommendation that committees/sections have social media chairs
7. Bolster ICLE partnership (condensed material that could be shared with the public)
8. Hands-on, practical tools about bias awareness
9. Possible partnership/exchange with small business association (what's happening in your universe? What's happening with ours?)



Goal 3

Additional partners – law schools, deans – should they be added? Judicial Council

Utility of an ethics app? Make use of existing SBM app? Research re what's accessed most by phone
Improved search capability

Emphasis – looking at national and international trends

Goal 4

1. How can the SBM run most effectively?
 - Workgroup to assess
 - Reapportionment issue
2. BOC committees very focused on tasks, not broader picture
3. Independent tech audits for long-term viability; evaluate needs
 - Explore capacity of tech-savvy members to contribute to the discussion, as well
4. Communications

Budget is the strategic plan – that is the reality

Should BOC expand its involvement?

More meetings? Longer meetings?

Pre-budget assessment

Add communications to Program/Services group

Board Meeting January 20

Draft plan to committee two weeks prior (January 6)

State Bar of Michigan | 2016-2017 COMMITTEE ANNUAL REPORT

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

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

Unbundling System Work Group

- Jurisdiction:
- Propose a package (e.g., guidelines, education, rules, forms, referral mechanisms and other components) to implement a comprehensive, effective limited scope representation/unbundling system in Michigan which promotes the following goals:
 - o identify specific policy and other action necessary to implement an effective system
 - o assist private and pro bono lawyers in best practices for unbundled practice
 - o educate lawyers, judges, court staff and the public regarding unbundling, including education for lawyers on successful unbundled practice business models
 - o address questions and concerns of lawyers, judges, court staff and the public
 - o propose an ethical, effective system for referrals to qualified unbundled lawyers
 - o assist access to civil legal services to the poor, modest means, middle income persons
 - o link unbundled systems to self-help resources (MLH) and SBM directory (Zeekbeek)
 - o increase public trust and confidence in the rule of law
 - o consider expansion to criminal and business matters in the future

Chair

P28571 Linda K. Rexer
 2156 Overlook Ct
 Ann Arbor MI 48103-2336
 Phone: (517) 896-1797
 e-mail: lrexer@sbcglobal.net

Member

Term Ending: 2017

P59565 Erika Lorraine Davis, Detroit
 P40861 Christopher G. Hastings, Grand Rapids
 P27711 Hon. Elizabeth Pollard Hines, Ann Arbor
 P69520 Deborah J. Hughes, Grand Rapids
 P27788 Margaret J. Nichols, Ewart
 P23224 Edward H. Pappas, Troy
 Eliza Qualls Perez-Ollin, Detroit
 P28571 Linda K. Rexer, Ann Arbor
 P66964 Angela S. Tripp, Ann Arbor
 P23748 John F. Van Bolt, Plymouth

Advisor

P75146 Robert D. Aicher, Lake Leelanau
 Katherine Alteneder, Washington
 P37914 Mark A. Armitage, Detroit
 P43088 Donald D. Campbell, Southfield
 P29652 Alan M. Gershel, Detroit
 P29119 Robert Fair Gillett, Ann Arbor
 P54128 Shaheen I. Imami, Bloomfield Hills
 H Lalla Shishkevish, Ann Arbor
 P37075 Elizabeth A. Silverman, Farmington Hills
 P31638 Douglas A. Van Epps, Lansing
 P71349 Maya K. Watson, Detroit

State Bar Liaison

P32078 Candace A. Crowley, Lansing
P53603 Danon D. Goodrum-Garland, Lansing
P42091 Janet K. Welch, Lansing

Voting Member Count: 10 Voting member quorum: 6
Total Count: 24

Committee Meeting Schedule:

Please attach any additional information needed regarding Committee meetings as an addendum.

**Please keep meeting descriptions brief.*

Meeting Type	Date	Location
Description		
Meeting Type Inaugural meeting	June 23, 2016	Phone
Description In this meeting the five work groups were established and work group chairs were appointed. They were asked to and did meet independently and reported progress at subsequent meetings of the work group of the whole.		
Meeting Type Work Group	June 30	Phone
Description		
Meeting Type Work Group	July 21	Phone
Description		
Meeting Type Work Group	July 25	Phone
Description		
Meeting Type Work Group	July 29	Phone
Description		
Meeting Type Work Group	August 2	Phone
Description		

[Reset Section](#)
Resources provided by the State Bar of Michigan in support of committee work:

Staff support, telephone meeting facilitation, document drafting, technical support, calendar management, and more.

[Reset Section](#)

Committee Activities:

The Unbundling System Work Group was appointed by then President Lori Buiteweg on June 20, 2016, immediately after the Justice Initiatives Summit on Unbundling. Chaired by Linda Rexer, the group formed five subgroups - rules, forms, education and community support, referrals, and evaluation. Each group met countless times between June 20 and August 10 when a work product representing some of the key elements of its work was submitted to the Representative Assembly. The August 10, 2016 memo to the Assembly is attached. That was reformatted by Assembly leaders and presented to the Assembly at its September 22, 2016 meeting. The Committee on Justice Initiatives submitted written comments to the Assembly, and CJI co-chairs Linda Rexer and Erika Davis joined work group member Ed Pappas in presenting the proposal to the Assembly. The proposal was adopted and transmitted to the Supreme Court on October 27, 2016. We anticipate that the Court will place the matter on an administrative agenda shortly, and hopefully no later than June of 2017.

Future Goals and Activities:

The work group will watch for the Court's administrative agenda and continue to strategize how best to move this important piece of innovations in the delivery of legal services forward.

Other Information:[Reset Section](#)

Approved by	Approved	Name
Chair	/s/	Linda Rexer
Co-chair		
Staff Liaison	/s/	Candace Crowley
Other		

e-Mail Form
[Reset Section](#)



p (517) 346-6300
p (800) 968-1442
f (517) 482-6248

Michael Franck Building www.michbar.org
 306 Townsend Street
 Lansing, MI 48933-2012

MEMORANDUM

TO: Members of the Representative Assembly

FROM: The Committee on Justice Initiatives

RE: Proposed Rule Amendments to Support Limited Scope Representation (LSR)

DATE: August 10, 2016

You may recall that at the last Representative Assembly meeting, co-chairs of the 21st Century Practice Task Force presented information on the work of the Task Force and noted that many of the recommendations of the Task Force would require action by the Representative Assembly. Several recommendations called for the implementation of “unbundled” legal services, also known as limited scope representation.

Because of the number of rules that are involved, and in order to demonstrate how this practice would work in Michigan, the committee is asking for an enlargement of the number of pages submitted.

1. What the Representative Assembly is Being Asked to Do

The Assembly is being asked to approve amendments to seven (7) rules for submission to the Michigan Supreme Court to support limited scope representation in Michigan. The proposed rule amendments and brief explanations of rule changes appear in Section 3 below. The drafters of the amendments looked carefully at all rules that could affect a LSR practice; their proposals are presented as a package to be moved on for action by the Supreme Court. The proposed rule changes reach both the Michigan Court Rule and the Michigan Rules of Professional Conduct. The Rules are treated in order and affect:

MCR 2.107	Service and Filing of Pleadings and Other Papers
MCR 2.117	Appearances
MCR 6.001	Scope; Applicability of Civil Rules, Superseded Rules and Statutes
MRPC 1.0	Scope and Applicability of Rules and Commentary
MRPC 1.2	Scope of Representation
MRPC 4.2	Communication With a Person Represented by Counsel
MRPC 4.3	Dealing With an Unrepresented Person

Background

The proposed rules follow the recommendations of the 21st Century Practice Task Force to establish an effective “unbundled” or LSR practice (first in civil matters, and then to explore LSR for criminal matters), are based on information and input received from many stakeholders at the June 20, 2016 Justice Initiatives Unbundling Summit, are informed by the successful limited scope representation

work in over 30 other states, and were drafted by an Unbundling Work Group appointed by State Bar President Lori Buiteweg. That work group was chaired by Linda K. Rexer and included Erika L. Davis, co-chairs of the CJI. CJI has ten members, nine supported the proposal and one was unavailable to provide input.

Information in Section 2 (Why is LSR important?) and Section 4 (Other components: education, referral systems, evaluation, forms) is not offered for action by the Representative Assembly. Rather it illustrates how a comprehensive high quality LSR system could operate successfully under the proposed rule amendments in Michigan. In its recommendation that a comprehensive LSR system be established in Michigan, the State Bar of Michigan's 21st Century Practice Task Force contemplated these additional components beyond rule amendments: forms (attorney and court), educations (attorneys, courts, the public), referral and evaluation. All are necessary to assure adequate protection of clients and attorneys and to maximize successful results for all. The State Bar of Michigan would take the lead in developing actual modules in these areas like the outlines and samples provided for illustration here.

2. Why is LSR important?

In limited scope representation (LSR), which is also referred to as “unbundling,” attorneys provide only discrete legal services agreed upon in advance, rather than full representation. LSR often involves providing legal advice, coaching, and document preparation for parties proceeding *pro se* or as self-represented litigants (*SRL*). LSR attorneys may also mediate conflicts, negotiate settlements or make limited appearances in court on behalf of clients who otherwise represent themselves.

Since LSR requires a much lower level of attorney commitment than full-representation, it is less costly, putting legal assistance within the reach of many low and moderate income individuals. Clients benefit from legal representation in critical areas of a matter, attorneys benefit from having more paying clients, and courts benefit from increased efficiency due to an attorney's expertise on an otherwise self-represented litigant's case.

Without an LSR system, many persons who cannot afford to hire a lawyer and must represent themselves would have no access to legal help with parts of their case they cannot handle themselves. In Michigan and nationally, nonprofit civil legal aid programs turn away more than half of those who seek their assistance due to lack of resources to represent them. Michigan has also seen a rapid and remarkable increase in use of the nonprofit statewide self-help program, Michigan Legal Help on whose website over 200 sets of court forms are completed each day.

Self-represented litigants are the primary beneficiaries of high quality LSR programs which can to support ethical, accessible and effective legal services that increase access to justice for self-represented litigants. However, to achieve these goals, the LSR rules must consider the perspective of attorneys. If attorneys are not willing to offer the LSR services clients need most, neither *pro se* litigants nor the courts will benefit. Experience in other states has shown that it is only when rules and other resources provided assurances, protections and procedural guidance that significant numbers of private practice attorneys become willing to provide LSR

While most jurisdictions simply started with the adoption of the model rule allowing LSR, a version of which now exists, in all 50 states over many years of practice it has become clear that additional

rules and supports are essential to provide vital procedural guidance and protections for both attorneys and clients.

Some limited scope practices are already practiced in Michigan and selected non-litigation practices allowed under State Bar of Michigan Ethics Op.: RI-347 (April 23, 2010). However, Michigan is **NOT** among the over 30 states that have now gone beyond the model rule to provide additional rules and resources to provide increased clarity and encourage the practice. This guidance addresses issues such as obtaining consent and documenting the limited scope agreement, entering limited appearances and withdrawing by notice, whether and how document preparation assistance must be disclosed, who should get service in an LSR context, how to determine whether communication should be directed toward the self-represented litigant (SRL) or the LSR attorney, and the provision of orientation and practical resources for all stakeholders. In addition, supportive components have been developed in many states, including practice support, educational resources, referral mechanisms and integration with self-help resources help ensure that LSR programs are high quality and easily accessible. The national experience, and the supports and resources available, have also assuaged initial fears that malpractice coverage would not be available, would be too expensive, or that LSR would generate increased claims.

3. Proposed Rule Amendments

The proposed rule changes below reach both the Michigan Court Rule and the Michigan Rules of Professional Conduct. For clarity, the entire text of each rule is presented with the proposed added language in **boldface and underlined** and the proposed deleted language ~~struck through~~. *Italicized Notes* provide insight from the drafters. The Rules are treated in order and affect

MCR 2.107

MCR 2.117

MCR 6.001

MRPC 1.0

MRPC 1.2

MRPC 4.2

MRPC 4.3

I. Michigan Court Rules

Rule 2.107 Service and Filing of Pleadings and Other Papers

(A) Service; When Required.

(1) Unless otherwise stated in this rule, every party who has filed a pleading, an appearance, or a motion must be served with a copy of every paper later filed in the action. A nonparty who has filed a motion or appeared in response to a motion need only be served with papers that relate to that motion.

(2) Except as provided in MCR 2.603, after a default is entered against a party, further service of papers need not be made on that party unless he or she has filed an appearance or a written demand for service of papers. However, a pleading that states a new claim for relief against a party in default must be served in the manner provided by MCR 2.105.

(3) If an attorney appears on behalf of a person who has not received a copy of the complaint, a copy of the complaint must be delivered to the attorney on request.

(4) All papers filed on behalf of a defendant must be served on all other defendants not in default.

(B) Service on Attorney or Party.

(1) Service required or permitted to be made on a party for whom an attorney has appeared in the action must be made on the attorney except as follows:

- (a) The original service of the summons and complaint must be made on the party as provided by MCR 2.105;
- (b) When a contempt proceeding for disobeying a court order is initiated, the notice or order must be personally delivered to the party, unless the court orders otherwise;
- (c) After a final judgment or final order has been entered and the time for an appeal of right has passed, papers must be served on the party unless the rule governing the particular postjudgment procedure specifically allows service on the attorney;
- (d) The court may order service on the party.

(e) If an attorney files a Notice of Limited Appearance under MCR 2.117 on behalf of a self-represented party, service of every paper later filed in the action must continue to be made on the party, and must also be made on the limited scope attorney for the duration of the limited appearance. At the request of the limited scope attorney, and if circumstances warrant, the court may order service to be made only on the party.

(2) If two or more attorneys represent the same party, service of papers on one of the attorneys is sufficient. An attorney who represents more than one party is entitled to service of only one copy of a paper.

(3) If a party prosecutes or defends the action on his or her own behalf, service of papers must be made on the party in the manner provided by subrule (C).

(C) Manner of Service. Service of a copy of a paper on an attorney must be made by delivery or by mailing to the attorney at his or her last known business address or, if the attorney does not have a business address, then to his or her last known residence address. Service on a party must be made by delivery or by mailing to the party at the address stated in the party's pleadings.

- (1) Delivery to Attorney. Delivery of a copy to an attorney within this rule means
 - (a) handing it to the attorney personally, or, if agreed to by the parties, e-mailing it to the attorney as allowed under MCR 2.107(C)(4);
 - (b) leaving it at the attorney's office with the person in charge or, if no one is in charge or present, by leaving it in a conspicuous place; or
 - (c) if the office is closed or the attorney has no office, by leaving it at the attorney's usual residence with some person of suitable age and discretion residing there.
- (2) Delivery to Party. Delivery of a copy to a party within this rule means
 - (a) handing it to the party personally, or, if agreed to by the parties, e-mailing it to the party as allowed under MCR 2.107(C)(4); or
 - (b) leaving it at the party's usual residence with some person of suitable age and discretion residing there.
- (3) Mailing. Mailing a copy under this rule means enclosing it in a sealed envelope with first class postage fully prepaid, addressed to the person to be served, and depositing the envelope and its contents in the United States mail. Service by mail is complete at the time of mailing.

[Balance of rule omitted]

Notes: *New section (B)(1)(e) explains that the LSR attorney who has appeared in the action is entitled to receive papers filed until the limited representation is terminated. The final sentence permits the LSR attorney to ask the Court that he or she not be served. This addresses the case where a client wishes an attorney to sign a court paper, but have no ongoing involvement following its filing.*

Rule 2.117 Appearances

(A) Appearance by Party.

- (1) A party may appear in an action by filing a notice to that effect or by physically appearing before the court for that purpose. In the latter event, the party must promptly file a written appearance and serve it on all persons entitled to service. The party's address and telephone number must be included in the appearance.
- (2) Filing an appearance without taking any other action toward prosecution or defense of the action neither confers nor enlarges the jurisdiction of the court over the party. An appearance entitles a party to receive copies of all pleadings and papers as provided by MCR 2.107(A). In all other respects, the party is treated as if the appearance had not been filed.

(B) Appearance by Attorney.

- (1) In General. An attorney may appear by an act indicating that the attorney represents a party in the action. An appearance by an attorney for a party is deemed an appearance by the party. Unless a particular rule indicates otherwise, any act required to be performed by a party may be performed by the attorney representing the party.

(2) Notice of Appearance.

- (a) If an appearance is made in a manner not involving the filing of a paper with the court, the attorney must promptly file a written appearance and serve it on the parties entitled to service. The attorney's address and telephone number must be included in the appearance.

- (b) If an attorney files an appearance, but takes no other action toward prosecution or defense of the action, the appearance entitles the attorney to service of pleadings and papers as provided by MCR 2.107(A).

(c) Pursuant to MRPC 1.2(b), a party to a civil action may appear through an attorney for limited purposes during the course of an action, including, but not limited to, depositions, hearings, discovery, and motion practice, if the following conditions are satisfied: (1) The attorney files and serves a Notice of Limited Appearance with the court before or during the relevant action or proceeding, and all parties of record are served with the limited entry of appearance; and (2) The Notice of Limited Appearance identifies the limitation of the scope by date, time period, and/or subject matter. An attorney who has filed a Notice of Limited Appearance, must restrict activities in accordance with the attorney's appearance or any amended limited appearance. Should an attorney's representation exceed the scope of the limited appearance, opposing counsel by motion, or the court, by order to show cause, may set a hearing to establish the actual scope of the representation.

(3) Appearance by Law Firm.

- (a) A pleading, appearance, motion, or other paper filed by a law firm on behalf of a client is deemed the appearance of the individual attorney first filing a paper in the action. All notices required by these rules may be served on that individual. That attorney's appearance continues until an order of substitution or withdrawal is

entered, **or a conforming Notice of Withdrawal of a Notice of Limited Appearance is filed as provided by subrule (C)(3).** This subrule is not intended to prohibit other attorneys in the law firm from appearing in the action on behalf of the party.

(b) The appearance of an attorney is deemed to be the appearance of every member of the law firm. Any attorney in the firm may be required by the court to conduct a court ordered conference or trial.

(C) Duration of Appearance by Attorney.

(1) Unless otherwise stated or ordered by the court, an attorney's appearance applies only in the court in which it is made, or to which the action is transferred, until a final judgment or final order is entered disposing of all claims by or against the party whom the attorney represents and the time for appeal of right has passed. The appearance applies in an appeal taken before entry of final judgment or final order by the trial court.

(2) **Unless otherwise stated in this rule, an** ~~An~~ attorney who has entered an appearance may withdraw from the action or be substituted for only on order of the court.

(3) An attorney who has filed a Notice of Limited Appearance pursuant to MCR 2.117(B)(2)(c) and MRPC 1.2(b) may withdraw by filing a Notice of Withdrawal from Limited Appearance with the court, served on all parties of record, stating that the attorney's limited representation has concluded; certifying that the attorney has taken all actions necessitated by the limited representation; and providing to the court a current service address and telephone number for the self-represented litigant. If the Notice of Withdrawal from Limited Appearance is signed by the client, it shall be effective immediately upon filing and service. If it is not signed by the client, it shall become effective 14 days after filing and service, unless the self-represented client files and serves a written objection to the withdrawal on the grounds that the attorney did not complete the agreed upon services.

(D) Nonappearance of Attorney Assisting in Document Preparation. An attorney who assists in the preparation of pleadings or other papers without signing them, as authorized in MRPC 1.2 (b), has not, and shall not be deemed to have filed an appearance. This provision shall not be construed to prevent the court from investigating issues concerning the preparation of such a paper.

Notes: There is a need to accommodate two competing interests. On the one hand, a limited scope representation attorney must have comfort that the attorney's limited appearance will indeed be limited consistent with the identified scope of the representation. On the other hand, attorneys must not use limited scope representation abusively or in a manner to avoid the established requirements of general representation. Thus, the proposed rule casts an affirmative obligation upon all counsel and the court to ensure limited representation is properly limited.

Rule 6.001 Scope; Applicability of Civil Rules; Superseded Rules and Statutes

(A) Felony Cases. The rules in subchapters 6.000-6.500 govern matters of procedure in criminal cases cognizable in the circuit courts and in courts of equivalent criminal jurisdiction.

(B) Misdemeanor Cases. MCR 6.001-6.004, 6.005(B) and (C), 6.006, 6.102(D) and (F), 6.103, 6.104(A), 6.106, 6.125, 6.202, 6.427, 6.435, 6.440, 6.445(A)-(G), and the rules in subchapter 6.600 govern matters of procedure in criminal cases cognizable in the district courts.

(C) Juvenile Cases. The rules in subchapter 6.900 govern matters of procedure in the district courts and in circuit courts and courts of equivalent criminal jurisdiction in cases involving juveniles against whom the prosecutor has authorized the filing of a criminal complaint as provided in MCL 764.1f.

(D) Civil Rules Applicable. The provisions of the rules of civil procedure apply to cases governed by this chapter, except

- (1) as otherwise provided by rule or statute,
- (2) when it clearly appears that they apply to civil actions only, or
- (3) when a statute or court rule provides a like or different procedure.

(4) with regard to limited appearances and Notices of Limited Appearances.

Depositions and other discovery proceedings under subchapter 2.300 may not be taken for the purposes of discovery in cases governed by this chapter. The provisions of MCR 2.501(C) regarding the length of notice of trial assignment do not apply in cases governed by this chapter.

(E) Rules and Statutes Superseded. The rules in this chapter supersede all prior court rules in this chapter and any statutory procedure pertaining to and inconsistent with a procedure provided by a rule in this chapter.

Notes: Limited scope representation could be available in some criminal as well as civil matters, but this proposal excludes criminal representation in accordance with instruction from the 21st Century Practice Task Force that civil matters should be prioritized first.

II. Michigan Rules of Professional Conduct

Rule 1.0 Scope and Applicability of Rules and Commentary

[Includes Proposed Additions to Terminology Section only]

TERMINOLOGY

“Confirmed in writing,” when used in reference to the informed consent of a person, denotes informed consent that is given in writing confirming an oral informed consent. If it is not feasible to obtain or transmit the writing at the time the person give informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter.

“Informed consent,” denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.

Rule: 1.2 Scope of Representation

(a) A lawyer shall seek the lawful objectives of a client through reasonably available means permitted by law and these rules. A lawyer does not violate this rule by acceding to reasonable requests of opposing counsel that do not prejudice the rights of the client, by being punctual in fulfilling all professional commitments, or by avoiding offensive tactics. A

lawyer shall abide by a client's decision whether to accept an offer of settlement or mediation evaluation of a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, with respect to a plea to be entered, whether to waive jury trial, and whether the client will testify. In representing a client, a lawyer may, where permissible, exercise professional judgment to waive or fail to assert a right or position of the client.

(b) A lawyer licensed to practice in the State of Michigan may limit the ~~objectives~~ scope of ~~a~~ the representation if the ~~client consents~~ limitation is reasonable under the circumstances and the client gives informed consent, preferably in writing. Such lawyer may file a limited appearance in a civil action and act as counsel of record for the limited purpose identified in that appearance.

A lawyer licensed to practice in the State of Michigan may draft or partially draft pleadings, briefs, and other papers to be filed with the court. Such assistance does not require the signature or identification of the lawyer, but does require the following statement, "This document was drafted or partially drafted with the assistance of a licensed Michigan lawyer pursuant to Michigan Rule of Professional Conduct 1.2(b)."

The filing of such documents is not and shall not be deemed an appearance by the lawyer in the case. Any filing prepared pursuant to this rule shall be signed by the party designated as "self-represented" and shall not be signed by the lawyer who provided drafting preparation assistance. Further, the lawyer providing document preparation assistance without entering a general appearance may rely on the client's representation of facts, unless the lawyer has reason to believe that such representation is false, seeks objectives that are inconsistent with the lawyer's obligation under the Rules of Professional Conduct, or asserts claims or defenses pursuant to pleadings or papers that would, if signed by the lawyer, violate MCR 2.114, or which are materially insufficient.

(c) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is illegal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good-faith effort to determine the validity, scope, meaning, or application of the law.

(d) When a lawyer knows that a client expects assistance not permitted by the Rules of Professional Conduct or other law, the lawyer shall consult with the client regarding the relevant limitations on the lawyer's conduct.

***Notes:** The Bar should provide access to, and encourage, continuing legal education in this area. It should be promoted as free, accessible online, and valuable to the attorney as a means to ensure that he or she can provide limited scope engagements in an ethical and professional manner.*

Official commentary to a revised MRPC 1.2(b) should include a discussion of what it means for a limited representation to be "reasonable under the circumstances." Our sense is that in almost all cases, parties are better off with limited representation than they are with no representation. Yet limited scope representation is not always reasonable. Factors to weigh in deciding whether the limitation is reasonable under the circumstances include but are not limited to: the apparent capacity of the person to proceed effectively given the complexity and type of matter, under the facts as communicated to the attorney, with the limited scope assistance and other self-help resources available. For

example, some self-represented persons may seek objectives that are inconsistent with an attorney's obligation under the Rules of Professional Conduct, or assert claims or defenses pursuant to pleadings or motions that would, if signed by an attorney, violate MCR 2.114 [Signatures of Attorneys and Parties; Verification; Effect: Sanctions]. Attorneys must be reasonably diligent to ensure a limited scope representation does not advance improper objectives.

Parties seeking representation may be agitated, pressed for time, and disorganized, due to the stresses of litigation, or for other reasons. Some parties may be illiterate, mentally or emotionally disabled, or have poor communication skills. A lawyer considering limited scope representation should decline such representation when the lawyer is unsure that the client understands or agrees to the objectives to be realized or the limits of the representation.

It is seldom, if ever, reasonable for an attorney to attempt to divide up what the client wishes to be a general representation into a series of limited scope representations, with each ensuing representation conditioned on the replenishment of a retainer. In such cases, the attorney must file a general appearance in the action.

Rule: 4.2 Communication With a Person Represented by Counsel

In representing a client, a lawyer shall not communicate about the subject of the representation with a ~~party~~ **person** whom the lawyer knows to be represented in the matter by another lawyer, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.

An otherwise self-represented person receiving limited representation in accordance with Rule 1.2(b) is considered to be self-represented for purposes of this Rule unless the opposing lawyer knows of, or has been provided with, a written Notice of Limited Appearance comporting with MCR 2.117(B)(2)(c) or other written communication advising of the limited scope representation. Oral communication shall be made first to the limited scope representation lawyer, who may, after consultation with the client, authorize oral communications directly with the client as agreed.

Until a Notice of Termination of Limited Scope Representation comporting with MCR 2.117(B)(2)(c) is filed or other written communication terminating the limited scope representation is provided, all written communication, both court filings and otherwise, shall be served upon both the client and the limited scope representation attorney.

Notes: *Amendments to this rule must conform to proposed changes to MCR 2.107 (Service), which requires service of court-filed documents on both the client and the limited scope representation attorney. We believe it prudent to require all written communication to be made in that fashion. Oral communication should be made first to the limited scope representation attorney, to permit discussion between that attorney and his or her client as to how to proceed. Our language differs from the State of Washington's language, which we found unnecessarily unwieldy.*

Rule: 4.3 Dealing With an ~~Un~~Self-Represented Person

In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the ~~unself~~-represented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding.

Clients receiving representation under a Notice of Limited Appearance comporting with MCR 2.117(B)(2)(c) or other written communication advising of the limited scope representation are not self-represented persons for matters within the scope of the limited appearance, until a Notice of Termination of Limited Appearance Representation comporting with MCR 2.117(B)(2)(c) is filed or other written communication terminating the limited scope representation is provided. See Rule 4.2.

Notes: The proposed language, rather than repeat proposed additions to MRPC 4.2, simply points back to them.

4. Other Components of a Comprehensive LSR System

A. Education

The Bar should provide access to, and encourage, continuing legal education for attorneys in this area. It should be promoted as free, accessible online, and valuable to the attorney as a means to ensure that he or she can provide limited scope engagements in an ethical and professional manner. In addition to lawyers, educational information about LSR should be available to judges and courts and to the public. Members of the Unbundling work group reviewed information and samples from many other states with highly developed materials and were more than satisfied that Michigan could easily adapt comprehensive educational supports based on the work of others.

Topics covered should include:

- a. Rules/ethics
- b. Forms: court forms and practice forms
- c. Online/other referral systems, including indicating which lawyers have had LSR training
- d. Business models for a successful LSR practice
- e. Tips and best practices for LSR
- f. How to file a grievance if needed

Education can occur in:

- a. SBM practice management center
- b. ICLE
- c. Michigan Judicial Institute³
- d. Law firm internal trainings
- e. Online handbook for lawyers
- f. Webinars
- g. Videos
- h. Toolkits
- i. Listservs (or other group/forum for discussion among lawyers of issues and solutions)
- j. Paper handout for the public on what is LSR, why it may help and how to find an LSR attorney
- k. Bench book for judges

B. Referral Systems

Effective referral of cases to qualified unbundled attorneys will require:

- 1) Creation of online and other systems to direct potential clients to qualified unbundled lawyers
- 2) Compliance/coordination with established/recognized state/local lawyer referral systems

- 3) Integration with triage systems, Michigan Legal Help, future online Pro Bono efforts, and any other platform where large numbers of potential LSR clients turn for assistance and information
- 4) Consistency of information/wording between key systems (e.g., MLH and ZeekBeek)
- 5) Education of lawyers, courts and the public on how/when to use LSR referral systems
- 6) Adequate technology to make the use of (possible multiple) systems seamless and user friendly
- 7) Mechanism to advise potential clients which lawyers have taken LSR training
- 8) Mechanisms to filter and print lists of qualified LSR lawyers by geography, specialty, other(already exists in ZeekBeek)

The above considerations are part of larger ongoing discussions among the State Bar, the State Court Administrative Office, the Michigan State Bar Foundation, and Michigan Legal Help. This coalition should continue to work together to assure coordinated, effective, consistent, user friendly, seamless statewide technology for customers.

The State Bar's online lawyer directory ("ZeekBeek") should be designed so any lawyer who wants to hold himself or herself out as an LSR attorney can check a box in their ZeekBeek profile to self-verify they have been through LSR training (see section 4.A. above). In that way, MLH or any other source can refer self-represented litigants to information that will tell them who has been through the training, also hopefully in their geographic area and the type of legal problem they have. Potential clients can find this themselves online (and it will be promoted and explained on the SBM and MLH sites and perhaps others), or this will allow judges, legal aid or others to filter the names and print out a list of lawyers trained in LSR (and also any others who have not check that box but who take LSR cases if desired). If there remain other LRIS systems in Michigan that operate independently of ZeekBeek, similar referral mechanisms may be set up with them also.

C. Evaluation

I. Purpose of an Evaluation Component

The primary goal of evaluation is to assess the effectiveness of Limited Scope Representation in Michigan and to allow for course correction--adjustment and improvement--intending to increase access to effective, affordable, accessible legal services. This goal will be accomplished with shared learning by understanding:

- the adoption rate of LSR services among attorneys
- who is offering LSR services,
- who is using LRS services,
- the types of LSR services being provided,
- how LRS services are being used,
- costs to consumers and time spent by attorneys
- what challenges affect LSR service providers,
- what challenges affect LSR service consumers,
- what challenges, if any, affect opposing counsel or pro se parties in cases where LSR is being provided
- how LSR services affect the courts,
- how LSR services affect litigants,
- how effective are the LSR training resources and support,
- how effective referral mechanisms are with connecting SLRs to high-quality, affordable LSR attorneys willing to provide the services they need

- the quality of LSR services being provided,
- whether there are any patterns of abuse that need to be addressed,
- whether LSR services are advancing access to justice by providing representation those unable to afford traditional legal services, and
- whether there are any changes recommended to the rules and/or other areas of the LSR system to increase the quality, effectiveness and accessibility of LSR in its goal of increasing ATJ

II. Evaluation Constituents

These impacted groups should be included for evaluation: LSR providers (lawyers), opposing counsel, LSR consumers (clients), and courts (judges, staff). Additional data could come from court filing data (# limited appearances, # SRL/attorney prepared filings), self-help centers and programs, the lawyer discipline system (complaints), and malpractice providers (complaints, claims).

III. Evaluation Tools

A. LSR Program Surveys

Surveys are the most common evaluation tool used by existing LSR projects. Surveys are easy to offer, complete, and compile. They are affordable.

B. LSR Program Interviews

Interviews, although more time intensive and more costly than surveys, can provide more detailed and nuanced feedback.

C. Early Adopter Cohorts

Early adopters identified by participating in early training (and/or certification, if required) could consent to serve as a feedback cohort providing either ongoing or periodic input on benefits and challenges of developing and using a LSR practice model. With consent, their clients could provide early feedback. Early adopter cohorts could be identified within the court.

D. Court Filing Data

If possible, all courts or representative courts could track and provide data on the number of limited scope appearances and data to compare with traditional appearances and LSR no appearance filings and the number of attorney prepared filings for SRL's if so required to be disclosed on filings.

E. Self Help Center/MLH Data and Surveys

Both Self Help Centers and MLH routinely survey constituents. Questions about LSR could easily be incorporated and results shared.

F. Court Satisfaction Surveys

Courts offer customer satisfaction surveys. Those courts willing to help educate the public about LSR services may be willing to include questions about awareness of LSR services and willingness to use or use of LSR services.

G. Claims Data

To assess quality assurance, data on complaints and claims could be collected from the attorney discipline system and from leading attorney insurance providers.

IV. Evaluation Timing

A. Early Evaluation

Early evaluation is appropriate around the LSR program roll out. It can include snap surveys following in person or online training of lawyers, judges, and other court staff with questions around clarity, comprehensiveness, understanding of rules, forms, resources and support,

intention to engage in LSR, and willingness to join an early adopter cohort. Early evaluation will also include information learned from support networks (listserv, LSR section, hotlines, etc.). This feedback will support course corrections and improvements of training, forms, and support.

B. Post Implementation Evaluation

Fuller assessment of the program success and implementation should come only after adequate time for education and broader adoption of LSR services. This evaluation component should begin no sooner than 1 year from the effective date with the expectation of reporting progress with recommendations for improvements or changes within 2 years.

V. Sample Questions

The following are a sampling of possible evaluation questions for providers (attorneys), consumers (clients) and the court. Those directing evaluation when it occurs will craft, place, and tailor questions to circumstances and evaluation tool including offering a selection of answers and assuring that questions posed, particularly to the public, are crafted in plain language.

A. Providers/Attorneys

- How did you learn about limited scope legal services?
- How did you get education and training about limited scope? How effective was the training in helping you gain the knowledge and resources you needed to competently practice LSR?
- In the last 12 months, how many limited scope clients have you represented?
- What kinds of limited scope services did you provide?
- What kinds of tasks were reserved to the client?
- What is your fee structure?
- How much time do you usually spend on a case?
- How much time did you expect to spend on a case, vs. how much time was actually spent
- Did you have a limited scope service agreement?
- Did the scope of services change during the representation?
- Do you intend to continue to provide limited scope services in the future?
- Are there any additional resources, rules, or support that would help you better provide LSR?

B. Consumers/Clients

- How did you learn about limited scope legal services?
- Were you able to find an attorney to provide the LSR services you requested?
- If so, how did you find your limited scope attorney?
- What kinds of limited scope services did your attorney provide?
- Were the services affordable? How much did you pay? (With ranges, and whether hourly, flat fee, etc.)
- Did you sign a limited scope services agreement with your attorney?
- Was it clear to you from the beginning what tasks your attorney would do?
- Were you satisfied with the limited scope services your attorney provided? Did the legal services provided help you to better understand for and prepare for your case? Were you able to receive all the services you requested, or that you needed to adequately complete your case?
- Would you recommend limited scope legal services to others?

- Would you have hired an attorney if your only choice was full representation?

C. Courts

- How did you learn about limited scope services including limited appearance?
- Do you support attorneys providing limited scope services?
- Do you support allowing a limited scope appearance?
- Have you had limited appearance attorneys in your court?
- Did having a limited scope attorneys appear to benefit the litigant?
- Did having a limited scope attorney benefit the court? If yes, how?
- Have you shared information about limited scope services with litigants?
- How are litigants directed to find limited scope attorneys?

D. Opposing Counsel or Opposing Parties, if pro se

- *(To the extent they can be identified; if they cannot, related questions could be asked of the court)*
- Do you think LSR had an impact on your case? If so, how? Did opposing a party who was receiving LSR appear to help or hinder the process?
- Were the processes and your responsibilities clear to you? (I.e., regarding issues such as service and communication)
- Is there anything you would recommend to help counsel or parties who are opposing litigants receiving LSR?

The Unbundling work group reviewed LSR evaluation resources from many other states and is satisfied there is ample experience to support Michigan's work .

D. Forms

Below are sample forms consistent with the proposed rule amendments to illustrate the kinds of tools that would assist attorneys, clients and courts. The Unbundling work group reviewed additional resources and found many more high quality practice support forms. Included here are

- LSR Scope of Agreement and Engagement Letter
- Consent
- Notice of Limited Scope Appearance in Civil Action
- Notice of Limited Scope Representation for the Purposes of Communication
- Form for withdrawal of Limited Scope Appearance in Civil Action
- End of Representation Letter

Law Firm or Attorney Name

Street Address
 City, Michigan XXXXX
 (XXX) XXX-XXXX (Telephone)
 (XXX) XXX-XXXX (Facsimile)
 email@domain.com
 website address

Date

VIA _____

Client First and Last Name
 Client Street Address
 Client City, Michigan XXXXX

Re: Limited Scope Representation

Dear Mr./Ms. Client Last Name:

Thank you for choosing Law Firm or Attorney Name to represent you. This letter explains the firm's billing procedures, what you can expect from me (and the firm), and what we expect of you.

The firm's representation in this matter is limited to representing you only, and does not extend to anyone else. We have performed a preliminary conflict check, which shows we have no conflict in representing you. If this changes, we will tell you as soon as possible.

We have agreed to provide the following limited services for you:

[CLEARLY DESCRIBE SCOPE OF SERVICES]

You understand and agree that the services described above are limited in nature. You also understand and agree that:

- 1. I DO NOT HAVE TO GIVE MORE HELP than what is described above.**
- 2. I am not promising any particular outcome in your case.**
- 3. Because I am providing limited services, I have limited my investigation of the facts to what is necessary to carry out the services listed above.**

I will perform these services in a timely, professional manner. We may communicate with you by regular mail, fax, or email. There are some security risks to communicating by email or fax. If you would prefer that we not do so, please tell me as soon as possible.

My billing rates may change from time to time. My current billing rate is \$_____ per hour. However, for this engagement I have agreed to _____ [EXPLAIN FEE ARRANGEMENT HERE, including whether flat fee or hourly].

In addition to paying for the legal services described above, you are responsible for paying or reimbursing out-of-pocket expenses related to your case. These may include things like:

- filing fees
- notary fees
- postage, overnight or express delivery fees
- courier, process server and investigator fees
- out-of-town travel costs
- faxes and long distance charges
- parking fees
- court reporter fees and transcription costs

I expect you to pay me each month when I send you a bill. [or] When your case is over, I will send you an invoice. If you have a question about any invoice, disbursement, or about the services performed, please call me when you receive the invoice. If I don't hear from you within fifteen (15) days of when the invoice is dated, we will assume that you have reviewed it and find it acceptable.

We expect you to pay our bill within fifteen (15) days of its date. If you cannot pay the bill within 15 days, contact me to make other arrangements.

If we need to use legal measures to collect our fees, you will be responsible for all costs of collection, including reasonable attorney's fees and costs

If at any time you want our firm to stop providing you our services, please notify me in writing. If at any time we are unable to continue in our role as your legal counsel, we will notify you in writing. As soon as possible after any such termination, we will send you a final invoice along with any remaining balance from the retainer you paid for these services, if any.

These are the terms and conditions of our agreement to represent you. Please sign below if you agree. Please keep a copy for your records. If you have a different understanding of our agreement, please contact me immediately.

Sincerely,
Law Firm Name

AGREED AND ACCEPTED

Attorney Name

Date

Client Name

Date

*Consent***CONSENT TO LIMITED REPRESENTATION**

To help you in with your legal matter, you and a lawyer may agree that the lawyer will represent you in the entire matter, or only in certain parts of it. "Limited representation" occurs if you retain a lawyer only for certain specific legal work.

When a lawyer agrees to provide limited representation, the lawyer must act in your best interest and give you competent help. However, when a lawyer and you agree that the lawyer will provide only limited help,

the lawyer **DOES NOT HAVE TO GIVE MORE HELP** than the lawyer and you agreed.

the lawyer **DOES NOT HAVE TO** help with any other part of your case.

If you and a lawyer have agreed to limited representation, you should complete this form and sign your name at the bottom. Your lawyer will also sign to show that he or she agrees. If you and the lawyer both sign, the lawyer agrees to help you by performing limited services. It is recommended, but not required, that any agreement you reach with the lawyer be in writing.

Consent

I have read this Consent to Limited Representation Form and I understand what it says. As the lawyer's client, I understand and agree that:

the lawyer who is helping me with these services is not my lawyer for any other purpose and does not have to give me any more legal help; and

the lawyer is not promising any particular outcome; because of the limited services to be provided, the lawyer has limited his or her investigation of the facts to those necessary to do the listed tasks competently and according to court rules.

Below is my permanent address and a telephone number where I may be reached. I understand that it is important that my lawyer, the opposing party and the court handling my case be able to reach me at this address. I will inform my lawyer, the Court, and any opposing party or attorney, of any change in my permanent address or telephone number.

_____(signature)

Attorney Name and PNumber

Attorney Address

Attorney City, State, Zip

Attorney Telephone Number

Dated: _____

_____(signature)

Party Name

Party Address

Party City, State, Zip

Party Telephone Number

Dated: _____

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF _____

Plaintiff/Petitioner)	
v.)	Case No.
Defendant/Respondent)	

NOTICE OF LIMITED SCOPE APPEARANCE

1. Attorney _____ (P _____), and the Party, _____, have agreed that Attorney will provide limited scope representation to the Party in this above-captioned matter in accordance with Paragraphs 3 and 4, below.

NOTE--If this notice amends a previously filed Notice of Limited Appearance, check here:

- ☐ **AMENDMENT:** This Notice amends Notice filed _____
☐ by adding an appearance for the matter(s) indicated in Paragraph 3
☐ other: _____

2. The Party is: Plaintiff Petitioner Defendant Respondent in this matter. (Circle one)

3. Attorney appears pursuant to MCR 2.117(B)(2)(c). This appearance is limited in scope to the following matter(s) in which the attorney will represent the Party (check and complete all that apply):

- ☐ Depositions
☐ of: _____
☐ all depositions

- ☐ All matters related to (list issue(s)): _____

- ☐ From the time period of _____ until _____.

- ☐ Status/Scheduling Conference scheduled for: _____

- ☐ And in any continuance of that proceeding

- ☐ Hearing and drafting of the order, if applicable, on the following motion(s): _____ (state the name of the motion) on the following date: _____

- ☐ And in any continuance and subsequent order of that proceeding

- ☐ Alternative Dispute Resolution (Circle one): Mediation Case Evaluation Arbitration

Other: _____

¹ Adapted using the Illinois Limited Appearance Model and New Hampshire Consent to Limited Representation Forms.

- ☐ And in any continuance of that proceeding
- ☐ At the trial on the following date: _____
- ☐ And in any continuance of that trial
- ☐ And until judgment and submission of order
- ☐ At the following proceeding(s): _____ (please describe)
- ☐ And in any continuance of that proceeding

4. CONSENT: Party has signed the Consent to Limited Representation contained on the reverse side of this form.

5. SERVICE:

- ☐ Pursuant to MCR 2.107(B)(1)(e), service shall be made on both the litigant and the limited scope attorney for the duration of this limited appearance
- OR
- ☐ The attorney will concurrently file a motion requesting an order that service be made only on the party

6. COMMUNICATION-Pursuant to MRPC 4.2:

- ☐ Opposing counsel may communicate directly with litigant on all matters
- OR
- ☐ Opposing counsel shall direct all communications to the limited scope attorney until further notice
- OR
- ☐ Opposing counsel may communicate directly with litigant, except for the following issues, for which communication shall be made only through counsel:
 - ☐ All issues within the scope of the Limited Appearance until the appearance is terminated or notice is otherwise given in writing
- OR
- ☐ _____

7. DURATION: Upon termination of representation indicated above, the Attorney will file a Withdrawal of Limited Appearance pursuant to MCR 2.117(C)(3) in this Court, and serve a copy upon the party and opposing counsel/party.

_____(signature)
 Attorney Name and PNumber
 Attorney Address
 Attorney City, State, Zip
 Attorney Telephone Number
 Dated: _____

_____(signature)
 Party Name
 Party Address
 Party City, State, Zip
 Party Telephone Number
 Dated: _____

CONSENT TO LIMITED REPRESENTATION

To help you in with your legal matter, you and a lawyer may agree that the lawyer will represent you in the entire matter, or only in certain parts of it. "Limited representation" occurs if you retain a lawyer only for certain specific legal work.

When a lawyer agrees to provide limited representation, the lawyer must act in your best interest and give you competent help. However, when a lawyer and you agree that the lawyer will provide only limited help,

the lawyer **DOES NOT HAVE TO GIVE MORE HELP** than the lawyer and you agreed.

the lawyer **DOES NOT HAVE TO** help with any other part of your case.

If you and a lawyer have agreed to limited representation, you should complete this form and sign your name at the bottom. Your lawyer will also sign to show that he or she agrees. If you and the lawyer both sign, the lawyer agrees to help you by performing limited services. It is recommended, but not required, that any agreement you reach with the lawyer be in writing.

Consent

I have read this Consent to Limited Representation Form and I understand what it says. As the lawyer's client, I understand and agree that:

the lawyer who is helping me with these services is not my lawyer for any other purpose and does not have to give me any more legal help; and

the lawyer is not promising any particular outcome; because of the limited services to be provided, the lawyer has limited his or her investigation of the facts to those necessary to do the listed tasks competently and according to court rules.

Below is my permanent address and a telephone number where I may be reached. I understand that it is important that my lawyer, the opposing party and the court handling my case be able to reach me at this address. I will inform my lawyer, the Court, and any opposing party or attorney, of any change in my permanent address or telephone number.

_____(signature)
 Attorney Name and PNumber
 Attorney Address
 Attorney City, State, Zip
 Attorney Telephone Number
 Dated: _____

_____(signature)
 Party Name
 Party Address
 Party City, State, Zip
 Party Telephone Number
 Dated: _____

Notice of Limited Scope Representation for the Purposes of Communication

Law Firm or Attorney Name

Street Address
 City, Michigan XXXXX
 (XXX) XXX-XXXX (Telephone)
 (XXX) XXX-XXXX (Facsimile)
 email@domain.com
 website address

Date

VIA _____

NOTICE OF LIMITED SCOPE REPRESENTATION FOR THE PURPOSES OF COMMUNICATION

In the matter of: _____

Opposing counsel/party First and Last Name
 Opposing counsel/party Street Address
 Opposing counsel/party City, Michigan XXXXX

Re: Communication with client receiving Limited Scope Representation

Dear [Opposing counsel name/opposing party name]:

Pursuant to MRPC 1.2(b), I am providing limited scope representation to [client name] in case # [if applicable].

Pursuant to MRPC 4.2:

All written communication, both court filings and otherwise, shall be made upon myself and my client.

All oral communication regarding the following matters shall only be made through counsel:

This notice shall remain in effect until further written notice.

Sincerely,

[Attorney Name]

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF _____

Plaintiff/Petitioner)	
v.)	Case No.
Defendant/Respondent)	

**NOTICE OF WITHDRAWAL OF ATTORNEY
ON CONCLUSION OF LIMITED ENTRY OF APPEARANCE**

In accordance with the agreement between the undersigned attorney and (name of party) for limited representation, the undersigned attorney withdraws as an attorney of record in this case.

1. Pursuant to MRPC 1.2(b) and MCR 2.117(B)(2)(c), I entered a Notice(s) of Limited Entry of Appearance on the following date[s]:

2. I have completed all services within the scope of my representation related to above the appearance(s).

3. The last known service address for (name of client) is:

[insert address unless confidential by court order or rule]

4. The last known phone number for (name of client) is:

[insert phone number unless confidential by court order or rule]

5. **EFFECTIVE DATE:** Pursuant to MCR 2.117(C)(3), my withdrawal pursuant to this Notice will be effective immediately upon filing and service if signed by party, or, if unsigned, 14 days from the time of filing and service unless the party files a timely objection on the grounds that the agreement has not been completed.

6. **SERVICE:** Pursuant to MCR 2.107(B)(1)(e), service on attorney is no longer required, and shall be made only on the party.

² Adapted from United States District Court of Kansas Form.

7. **COMMUNICATION:**

☐ Pursuant to MRPC 4.2, the party is no longer represented for the purpose of communication, and all communication may be made directly to the party.

OR

☐ Pursuant to MRPC 4.2, the party is still represented for the purpose of communication, regarding the matters outlined in written notice dated _____.

(Attorney's Signature)

Attorney's Name
PNumber
Address
Telephone Number
[Fax Number]
[E-mail address]

(Client's Signature)

Client's Name
Address
Telephone Number
[Fax Number]
[E-mail address]

CERTIFICATE OF SERVICE

The undersigned certifies that on the _____ day of _____, 20____, a copy of the above Notice of Withdrawal of Attorney on Conclusion of Limited Appearance was served as follows:

[List name and nonconfidential address of each person served.]

(Signature)

End of Representation Letter

Law Firm or Attorney Name

Street Address

City, Michigan XXXXX

(XXX) XXX-XXXX (Telephone)

(XXX) XXX-XXXX (Facsimile)

email@domain.com

website address

Date

VIA _____

Client First and Last Name

Client Street Address

Client City, Michigan XXXXX

Re: End of Limited Scope Representation

Dear Mr. /Ms. Client Last Name:

Thank you for choosing {Law Firm or Attorney Name} to represent you. I have finished all of the tasks we agreed my firm (or I) would do in our agreement dated _____. As far as I know, there is nothing else you have asked me to do for you. At this point, my work on your matter is concluded. **If you believe that I am incorrect, please contact me right away.**

For cases in court: [Choose one if a limited appearance was filed:] I have filed [the Notice to Withdraw from Limited Appearance you signed, which is effective immediately.] OR [a Notice to Withdraw from Limited Appearance, which will be effective 14 days from [date filed] unless you file an objection with the court before then. You can object if you think I have not yet completed all the items in the limited scope agreement we entered into on _____]; OR [a substitution of counsel]. I have enclosed a copy for your records.

Also enclosed is a copy of the Court's scheduling order. Please note that the next scheduled matter in your case is _____, on [date, time, and place] where you will be representing yourself. From this point on, the [opposing counsel/opposing party] will contact you directly for all matters related to your case. Finally, I am enclosing your original documents. Thank you again for choosing [us/me] to represent you.

Sincerely,

Law Firm Name

Attorney Name

Opposition

Opposition may arise in the form of resistance to change or fear of uncertainty in the implementation.

Prior Action by Representative Assembly

Prior action by the Assembly would have occurred in the recommendation of the original rules; the Assembly has not before been asked to adopt LSR rules changes.

Fiscal and Staffing Impact on State Bar of Michigan

Modest fiscal and staffing impact on the State Bar of Michigan may be involved.

STATE BAR OF MICHIGAN POSITION By vote of the Representative Assembly on September 22, 2016

Should the Representative Assembly adopt the proposed amendments to:

MCR 2.107	Service and Filing of Pleadings and Other Papers
MCR 2.117	Appearances
MCR 6.001	Scope; Applicability of Civil Rules, Superseded Rules and Statutes
MRPC 1.0	Scope and Applicability of Rules and Commentary
MRPC 1.2	Scope of Representation
MRPC 4.2	Communication With a Person Represented by Counsel
MRPC 4.3	Dealing With an Unrepresented Person

To support limited scope representation in Michigan?

- (a) Yes
- or
- (b) No

State Bar of Michigan | 2016-2017 COMMITTEE ANNUAL REPORT

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

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

21st Century Steering Committee

Jurisdiction: Determining where each of the 21st Century Task Force's recommendations should proceed for development and implementation, and develop a tentative timetable.

Chair

P44120 Lori A. Buiteweg
Nichols Sacks Slank Sendelbach & Buiteweg PC
121 W Washington St Ste 300
Ann Arbor MI 48104-1300
Phone: (734) 994-3000
Fax: (734) 994-1557
e-mail: buiteweg@nsssb.com

Member

Term Ending: 2017

P37914	Mark A. Armitage, Detroit
P39401	Dennis M. Barnes, Detroit
P44120	Lori A. Buiteweg, Ann Arbor
	Phyllis L. Crocker, Detroit
P30439	Hon. Joseph J. Farah, Flint
P29652	Alan M. Gershel, Detroit
P55501	Jennifer M. Grieco, Birmingham
P49519	Fred K. Herrmann, Detroit
P39624	John A. Hubbard, Detroit
P16496	Don LeDuc, Lansing
P43770	Joseph Patrick McGill, Livonia
P25908	Lawrence Patrick Nolan, Eaton Rapids
P40635	Eric J. Pelton, Birmingham
P48109	Daniel D. Quick, Troy
P28571	Linda K. Rexer, Ann Arbor
P26723	Donald G. Rockwell, Flint
P40392	Thomas C. Rombach, New Baltimore
P66964	Angela S. Tripp, Ann Arbor
P23748	John F. Van Bolt, Plymouth

State Bar Liaison

P32078	Candace A. Crowley, Lansing
P53603	Danon D. Goodrum-Garland, Lansing
P42091	Janet K. Welch, Lansing

Committee Meeting Schedule:

Please attach any additional information needed regarding Committee meetings as an addendum.

**Please keep meeting descriptions brief.*

Meeting Type	Date	Location
Description		
Meeting Type First and only meeting	March 21, 2016	State Bar of Michigan
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Resources provided by the State Bar of Michigan in support of committee work:

Established meeting date, created template for analyzing possible prioritization, lead organizations, collaborating organizations, challenges, existing work, future work, and time frames.

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Committee Activities:

This steering committee met one time to begin assessing how the work of the 21st Century Practice Task Force might be undertaken. It identified many of the elements necessary to proceed implementing the Task Force recommendations.

Future Goals and Activities:[Reset Section](#)

Other Information:[Reset Section](#)

Approved by	Approved	Name
Chair	/s/	Lori Buiteweg
Co-chair		
Staff Liaison		
Other		

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Elements/ <i>First Steps</i>	Prerequisites	Lead Organization	Collaborating Organization(s)	Challenges	Existing Work	Future Work	Time Frames
Problem 1: Dysfunctional Legal Marketplace							
On-line legal platform with multiple access points and a legal triage module, including basic information about the court system, legal problems, and possible solutions in clear, easily readable form in English and other major languages spoken in Michigan.		Joint work group - MLH, SBM including Sections, SCAO	SBM, SCAO, ADR, legal services org, law schools, SBM Sections (e.g. criminal law sections)	UPL concerns, concern about competition with paying clients	Existing platform MLH; direct appropriate people to legal services; refer to other services;	Expansion of services, including unbundling; grow collaboration with other legal services;	
s		MJI, SCAO, Office of Chief Justice	law schools	courts - conflicts of interest		Role of courts; assisting	
Develop legal health check up tool, linked to online pro bono resources and remote legal advice from MI lawyers		Joint work group - MLH, SBM including Sections, SCAO					
Standardize and simplify court forms and practices		Joint work group - MLH, SBM including Sections, SCAO					
Use lay navigators online and at Legal Help Centers to connect public with professionals for legal and non-legal assistance		Joint work group - MLH, SBM including Sections, SCAO					
Design pilot projects for appointment of counsel to indigent litigants in certain civil cases		SBM Committee on Justice Initiatives (CJI); Michigan Supreme Court for implementation			Expansion - termination of parental rights example; BOC already approved in principle so initial SBM policy		
Assure consistent treatment requests for fee waivers MCR 2.002		CJI					
Explore reporting pro bono work on dues statements	PBI to develop report for presentation to RA	PBI and then RA to review; policy question					
Work with and support MICDC on delivery of services		CJI					
Develop proposed specialty certification standards guiding principles and utilization for assisting consumers in choosing lawyers	Preparation of report for review and approval of RA, John Hubbard, Dan Quick, ICLE, Prof. Stds Committee will work together	Create Standing Committee - SBM (RA and BOC), ICLE, SBM Sections		Affordable for all members; attractive enough for service providers to spend money on R&D, speed of development each speciality; higher standard of care may be associated with certification			Prepare proposal for RA to review in September
Make public whether private practitioners carry malpractice insurance	Preparation of report for review and approval of RA, John Hubbard, Dan Quick, and ICLE to work; Prof. Stds Committee	MSC, Prof Stds Committee; RA					
Establish tech development team and work plan for online platform		SBM Work Group, collaboration			SCAO have forms; natural partnership		
Develop lay explanations of court system and legal services		SBM Work Group			Some information already on MLH, e.g. divorce forms already there		

Build consensus on common explanations of legal problems and solutions		SBM Work Group					178
Create special committee to develop lay navigator standards and training		SCAO, MLH, SBM, Ad Hoc work group			Legal resources in Wastenaw County, help consumers in courthouse to figure out what forms need to be completed, paralegals, supervised by a lawyer		
Develop speciality certification standards		Create Standing Committee - SBM (RA and BOC), ICLE, SBM Sections					
Test pilot certification programs		Create Standing Committee - SBM (RA and BOC), ICLE, SBM Sections					
Prepare draft rule on public disclosure of malpractice for consideration by R/A	Preparation of draft State Bar rule for review and approval of RA, John Hubbard, Dan Quick, ICLE, Prof. Stds Committee will work together	Ad Hoc Work Group to prepare draft State Bar rule for review and approval by RA; RA to present proposed State Bar rule to Michigan Supreme Court for adoption		Insurers may charge more if holding out as higher standards; nuance used creative so can avoid higher costs;			
Problem 2: Significant Issues for New Lawyers; New Challenges for Experienced Lawyers							
Support law schools' efforts to expand clinical and skills-based training opportunities		SBM Law School Deans Standing Committee	Dialogue with MSC up front; SBM involvement				Law School Deans Committee will meet first and then decision what's next
Revamp admissions testing to test relevant Michigan legal knowledge and practice-readiness, starting earlier in the law school education process		SBM Law School Deans Standing Committee	Dialogue with MSC up front; SBM involvement				
Couple new lawyer skills training with service to indigent and lower income populations; Evaluate and explore opportunities to locate law schools' incubator law firms near Legal Help Center; Support , encourage and develop programs that connect new lawyers with low-income clients under supervision of experienced lawyers	SBM Strategic Planning Committee	SBM Law School Deans Standing Committee; SBM, legal help centers, affinity bars, legal services					
Implement robust package of high quality continuing legal education innovations and incentives		ICLE, SBM, MSC					
Promote and support technology competence as an important element of legal practice	SBM Strategic Planning Committee	ICLE, PRMC, Law Practice Management Section and IT Law Section					
Enhance training for judges and lawyers on the ethical use of technology		ICLE, MJJ, SBM					

<i>Develop specialty certification standards that will advance ethical, quality legal representation in specialty law practices and help consumers in choosing a lawyer</i>		Create Standing Committee - SBM (RA and BOC), ICLE, SBM Sections					179
<i>Develop State Bar resources to promote and support each active member's professional competence and maintenance of a continuing professional development plan</i>	SBM Strategic Planning Committee	Create Standing Committee - SBM (RA and BOC), ICLE, SBM Sections					
<i>Prepare position paper on: (1) Offering the Multistate Professional Responsibility Exam (MPRE) as soon as the first year of law school; (2) Offering a multi-state test earlier after the core doctrinal courses are completed; (3) Creating practice-ready and Michigan law testing after the J.D. as the final admissions test; (4) Requiring the completion of a certain number of hours of supervised experience in law practice activities through law schools or through a separate BLE-approved program as a condition of admission</i>		SBM Law School Deans Standing Committee					
<i>Develop guidelines for individualized law school financial planning, advising law students prior to the beginning of the first year and after the first and second years</i>		SBM Law School Deans Standing Committee; Financial Planners					
<i>Amend rules to expand opportunities for law students to represent low income clients in court with lawyer supervision; proposed rule change by RA</i>		SBM Law School Deans Standing Committee; RA to review proposed rule change; Justice Zahra		Need rule change			Not Sept 2016; need more time to develop approach
<i>Support law school curricular reform to expand training, including experiential learning, and evaluate granting academic credit for compensated field placements</i>		SBM Law School Deans Standing Committee; RA to review proposed rule change; Justice Zahra					
Problem 2: Significant Issues for New Lawyers; New Challenges for Experienced Lawyers - CONTINUED							
<i>Develop specialty certification guidelines and utilize specialty certification to help consumers in choosing a lawyer</i>		Create Standing Committee - SBM (RA and BOC), ICLE, SBM Sections					
<i>Test pilot certification programs to evaluate the features and standards for innovative approaches to certification</i>		Create Standing Committee - SBM (RA and BOC), ICLE, SBM Sections					
Problem 3: Inefficient Legal Processes							
Modify court rules of civil discovery to reduce expense and burden	Dan Quick will help Lori to establish, Jon Muth	SBM Ad Hoc (Sections, MSC, Steering Committee)					
Research whether the amount of pre-trial discovery and practice should be tailored on a case-by-case basis		SBM Ad Hoc					
Modify court rules and administrative procedures to further promote mediation and alternative dispute resolution		SBM Ad Hoc					

Promote business process analysis and problem-solving court principles and best practices to courts, law firms, legal aid agencies and other justice system entities	Discuss with work group that made recommendation to determine key organization involvement	SCAO, Legal Services Assoc of MI, Justice Innovations Center (JIC); NCS CTS	Business community, Business Schools, LegalRnD				180
Make problem-solving courts and specially trained judges available to all through statewide venue provisions, more flexible assignment provisions , and apply problem solving principles and best practices to conventional legal processes		MSC and legislature; last clause is JIC					
Streamline probate and entry of consent divorces; identify types of cases that might be succesfully removed from judicial process; traffic tickets	SCOA, magistrates, U of M/Prescott	SBM Ad Hoc	SBM Probate and Family Law Sections	legislature change required			
Standardize and simplify all court forms and practices, while preserving the ability for lawyers to provide supplemental information as needed to address particular clients' needs		Create Standing Committee - SBM (RA and BOC), ICLE, SBM Sections					
<i>Develop a strategy for promoting an expectation and culture of regular business process analysis for ongoing improvements in legal services delivery and court processes</i>	Include all above	JIC					
<i>Create a SBM special committee to make recommendations on pre-trial practice innovations and whether some types of cases might be removed from judicial process</i>		SBM Ad Hoc					
<i>Establish a special committee to develop comprehensive amendments to court rules concerning mediation, promoting the use of a properly trained mediator or special master in a quick, shorter discovery process</i>		SBM Ad Hoc					
<i>Develop member understanding of new and successful innovative law practice forms, such as the primary care, sliding scale, and not-for-profit law firm models that can improve the economic viability of solo and small firm pracrices and also expand service to underserved geographic areas and populations</i>		SBM - strategic planning; Legal Services of Northern MI					
Problem 4: Regulatory Hurdles							
Create quicker, more responsive system for ethical rules guidance as technology poses new questions about the application of the rules of professional conduct	Resource issue - how to pull information together; greater use of members	SBM - strategic planning; perhaps Professional Ethics Committee super committee with AGC/ADB involvement					
Continuously review ethical rules and regulations and where needed adapt them to eliminate unnecessary barriers to innovation, consistent with the highest standards of ethical obligations to clients and the public		SBM - strategic planning					
Reorient State Bar resources from traditional bar association service delivery toward greater focus on technological expertise		SBM - strategic planning					
Develop proactive, preventative, and client-focused policies and strategies aimed at promotion of ethical conduct, practice management skills, prevention of misconduct, and improvement in client satisfaction, using state and national data on grievances and misconduct		SBM - strategic planning					
Encourage and support interpretations of the current rules of professional conduct and the development of new rules that promote new models of service delivery (e.g., limited scope representation) and improve accountability (e.g., guidance on fee agreements)		Ad hoc committee on fee agreements; CJI					RA in Sept

<i>Implement a high-quality, comprehensive limited scope representation system, including guidelines, attorney and client education, rules and commentary, and court forms focusing on civil cases.</i>		CJI					181
<i>Include certified LSR training component on both the SBM directory and MLH, and ultimately on the unified online legal services platform</i>		CJI					
<i>Develop clearer ethical guidance concerning online marketing</i>		SBM - perhaps enhancement to existing PEC					
<i>Amend commentary to MRPC 1.1 to promote tech competence in legal practice for consideration by R/A</i>		PEC, Paralegal Section, PRMC, Law Practice Management Section and IT Law Section					
<i>Develop and evaluate mutidisciplinary (MDP) business models for family, probate, real property for consideration by the Representative Assembly</i>		JIC; with RA approval after development					
<i>Evaluate whether to amend applicable rules, statutes, and regulations and standards governing lawyers without Michigan licensure practicing without examination in ADR, representing organizational clients, and handling federal law matters</i>	Chambers of Commerce, Governors office, International Law Section, Business Community	Ad hoc Committee - Major law firms, Business Law Section, BLE, possible new managing law partners					
<i>Develop proactive management-based regulatory measures to help lawyers avoid ethical problems</i>	study what UK is doing - longterm; payee notification, random audits	JIC					
<i>Develop an SBM Tech Advisor or department to assist in complying with MRPC 1.1</i>		SBM stragetetic plan and budget					
Problem 4: Regulatory Hurdles - CONTINUED							
<i>Identify essential technological competencies by practice type, develop and update curricula, including, cybersecurity, cloud computing, e-discovery, internet-based investigations and marketing, and “new law” technology, and encourage ongoing training on the use of existing and emerging technologies and court systems</i>	vendor selling services to law firms; use them for attorney education; fund JIC	SBM - PMRC and PEC; Sections; ICLE (also SBM Strategic Planning Committee)	ICLE; vendors selling products to law firms			Work available nationally based ABA rule	
<i>Determine the practicality of a rule-based definition of the practice of law</i>		JIC					
<i>Determine the practicality and usefulness of regulating all legal service providers (from simple registration to full licensing)</i>		JIC					
<i>Use formally-adopted regulatory objectives as a tool to rigorously evaluate the effectiveness of current and proposed regulatory measures</i>		JIC					
Problem 5: Cultural Resistance to Innovation							

Develop Justice Innovations Guidelines for adoption by SBM and other interested stakeholders for identifying and promoting justice system efficiencies and innovations.		JIC			Groups around country looking around country to see how technology impacting this; existing online systems users don't pay - court pay fees; if changes creating system where some may not be able to pay; e.g. e-filing; algorithms - e.g. sentencing guidelines, std but transparent		182
Create a non-profit Justice Innovations Center housed and staffed in the State Bar with an advisory board from the State Bar, MSBF, MLH, the disciplinary system, legal aid, law schools, practice management experts, relevant executive branch agencies, the business community and universities. The JIC would help advance the Task Force recommendations beyond the First Steps...		SBM Strategic Planning Committee					
<i>Monitor and evaluate other regulatory models on an ongoing basis, including entity and outcomes-based regulation and licensing/regulation of non-JDs, and advise on the desirability of adapting elements of those models to the regulation of legal services in Michigan</i>		JIC					
<i>Evaluate the feasibility and desirability of adopting a rule-based definition of the practice of law in light of recent U.S. Supreme Court decisions</i>		JIC					
<i>Create a taxonomy of legal services and how they are delivered. Determine the practicality and value of creating standards for those services, and of regulating the individuals and entities that provide them (from simple registration to full licensing).</i>		JIC					
<i>Develop performance measures for delivery of legal services by lawyers, staff to aid lawyers in self-evaluation</i>		SBM - strategic planning					
<i>Develop standards for on-line dispute resolution</i>		JIC					
<i>Develop blueprint for on-line dispute resolution system for low-level, non-jail offense negotiation and small claims provided there are no collateral consequences</i>		JIC					
<i>Explore partnerships in the development and evaluation of ethics-based alternative business structure (ABS) models</i>		JIC					
<i>Research the feasibility of using non-judicial officers to enter consent divorce decrees based on signed notarized forms</i>	see above, Dan's group	SBM ad committee					