

**STATE BAR OF MICHIGAN
2014-2015 COMMITTEE ANNUAL REPORTS**

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

No later than May 1 of each year, the chair of each committee and subentity 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 subentity.

Committee Name: Justice Initiatives

Jurisdiction: · Develop and recommend proposals for the effective delivery of high quality legal services in Michigan, equal and fair to all. This committee will include several initiatives whose activities include: ~Analyzing and making recommendations for positions on proposed legislation, court rules, and other policies relevant to the committee's jurisdiction. ~Developing policies and programs to benefit underserved populations, including juveniles and those with special needs. ~Encouraging and coordinating free or discounted civil legal services. ~Raising money for and otherwise working to increase resources for civil legal aid programs. ~Examining collateral civil consequences of criminal convictions and representational issues in the criminal justice system.

Chair(s) and Committee Members:

Officer	Name	Address	Telephone	Email
Co-Chair	Erika Lorraine Davis	615 Griswold St Ste 708 Detroit, MI 48226-3900	(313) 829-6326	erika@butlerdavis.com
Co-Chair	Linda K. Rexer	306 Townsend St Fl 4 Lansing, MI 48933-2012	(517) 346-6400	linda@msbf.org
State Bar Liaison	Candace A. Crowley	306 Townsend St Lansing, MI 48933-2012	(517) 346-6319	ccrowley@mail.michbar.org
State Bar Liaison	Janet K. Welch	306 Townsend St Lansing, MI 48933-2012	(517) 346-6331	jwelch@mail.michbar.org

Member/Advisor/Other	Member/Advisor/Other
Jennifer Zbytowski Belveal	Aaron Vaughn Burrell
Regina A. Berlin	Robert Fair Gillett
Michael J. Blau	Valerie R. Newman
Lorray S.C. Brown	Maya K. Watson

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Committee Meeting Schedule:

CJI meeting, teleconference, June 9, 2014

CJI Annual Kickoff meeting, in person, State Bar building, October 20, 2014

CJI meeting, teleconference, December 8, 2014

CJI meeting, teleconference, February 11, 2015

CJI meeting, teleconference, April 6, 2015

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

The State Bar provides the Committee on Justice Initiatives (CJI) with staff support and a budget to facilitate phone and in-person meetings and a wide breadth of projects.

Committee Activities:

- CJI convened its Fifth Annual Justice Initiatives Summit on April 28, 2014. [“Best Practices for Language Access in Michigan Courts”](#) brought together over 60 judges, court staff, access to justice advocates, language interpreters, community partners, U. S. Department of Justice representatives, and others. The Summit followed the adoption in September 2013 of MCR 1.111 (language access) and MCR 8.127 (Foreign Language Review Board). The keynote speaker was Lisa Wood, chair of the American Bar Association’s Standing Committee on Legal Aid and Indigent Defendants and active in the development of the ABA’s Language Access Standards.
- State Bar staff members presented information on the work of CJI and on pro bono opportunities at the June 2014 Young Lawyers Section New Member Orientation.
- In July, CJI submitted [comments](#) to the Michigan Supreme Court on the report of the Task Force on the Role of the State Bar of Michigan. CJI supported the continuation of the State Bar as a mandatory bar “because the legal profession’s unique role in facilitating access to justice for the public is greatly aided by a mandatory bar.” It expressed its opinion that any guidelines concerning budgets and policies should apply to all State Bar departments consistently; supported having clear Keller standards; recommended multiple levels of review through current structures within the State bar; opposed eliminating advocacy to “improve the functioning of the courts;” and opposed the carving out of particular impermissible areas for any SBM advocacy.
- CJI presented “Best Practice for Language Access in Michigan Courts” at the State Bar Annual Meeting in Grand Rapids on September 19, 2014. The program continued CJI’s focus on language access and provided practical information like how to use the Request and Order for Interpreter through Michigan Legal Help’s automated online request for interpreter form. Michigan judges discussed the use of judicial discretion in determining the need for an interpreter and introduced the new Spanish self-help resource [Ayuda Legal de Michigan](#), among other topics. An [audio recording](#) of the Annual Meeting program and materials are available online.
- CJI also co-sponsored the Diversity Reception held at the Annual Meeting in Grand Rapids.
- The CJI annual Kickoff meeting occurred at the State Bar building on October 20, 2014 and included a new member orientation. In a new development, the Kickoff was held in

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partnership with the State Bar Diversity and Inclusion Advisory Committee so the two groups could explore more deliberately the intersection between our work and how we might join forces to be more effective in achieving our shared goals. The Kickoff allowed our groups to conduct a shared conversation about the Report of the Task Force on the Role of the State Bar and to continue a more deliberate approach to our policy work. A presentation on innovations and the future of the profession was part of the day. The lunchtime table discussions focused on leadership and identified good ways to find future leaders, barriers to identifying and engaging new leaders for CJI work, good strategies for identifying and engaging new leaders, ideas to help new leaders develop leadership skills, what leadership skills will be especially needed given future changes in legal practices, and how to ensure that our leadership development promotes diversity and inclusion.

- In addition to the ongoing and robust activities on the Equal Access, Justice Policy, Pro Bono, and Criminal Issues Initiatives, CJI worked on three other matters. It continued a more focused look at the civil right to counsel in Michigan, leadership development, and the impact of legal futurism on access to justice. It identified the impact of legal futurism on access as the topic for its next summit.
- In light of the creation of the State Bar 21st Century Practice Task Force, and the desire to use resources most efficiently, the committee decided to conduct its next summit in October of 2015, in conjunction with the Michigan State University Law Frank J. Kelley Ethics Lecture Series. The program is set for October 28, 2015 at MSU Law with featured speaker Chief Judge Jonathan Lippman of the New York Court of Appeals.
- The committee continued its practice of sending leaders and staff to national conferences that speak to our work. Erika Davis, Rob Mathis and Justin Sheehan will attend the Equal Justice Conference in Austin Texas in May; Erika will attend the ATJ Chairs meeting held at the end of that conference. Judge Cynthia Stephens and Gregory Conyers will attend the National Consortium on Racial and Ethnic Fairness in the courts in June in Buffalo New York.
- CJI supported the work of the State Bar in ABA Day to lobby for funding for the Legal Services Corporation. The State Bar delegation of Tom Rombach, Lori Buiteweg, Judge Ward Clarkston, Reggie Turner, Rob Mossel and Peter Cunningham was equipped with substantial information on the need for legal services in Michigan, the services provided by the LSC funded programs, case stories from each legislator's district, and more.
- CJI also celebrated CJI work group members Angela Tripp and Dawn Van Hoek for being recognized as Michigan Leaders in the Law, and recognized Linda Rexer as author of the Management Information Exchange article on why legal aid and access to justice leaders should be involved in the national futures process. Dawn Van Hoek was also recognized as a State Bar Champion of Justice. We celebrated CJI past members Mike Chielens and Holli Wallace who were posthumously presented with the Michigan State Bar Foundation's Access to Justice Award. As one example of words in action, CJI thanked members Maya Watson and Mike Blau for volunteering at the highly successful February and March expungement fairs sponsored by the Detroit Alumnae Chapter of Delta Sigma Theta Sorority where hundreds of community members received legal information and help.

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CJI and its initiatives supported a number of policy items throughout the year. Those included:

CJI Positions

- a. Comment on Michigan Supreme Court Task Force on the Role of the State Bar of Michigan.
- b. [2014-09 - Proposed Amendment of MCR 7.215](#) regarding clarification of the term “unpublished” Court of Appeals opinions. The CJI position reconciled positions from JPI and CII. **Committee Recommendation: Support the changes in Sections (A) and (B). Support the second sentence added to Section (C)(1), but recommends the removal of the following sentence from (C)(1): “A party who cites an unpublished opinion shall explain why existing published authority is insufficient to resolve the issue and must provide a copy of the opinion to the court and to opposing parties with the brief or other paper in which the citation appears.”**
SBM Action: No position on the proposed amendments to MCR 7.215(A) and MCR 7.215(B). Oppose the proposed amendments to MCR 7.215(C) for the reasons stated in Justice Markman’s dissent. Authorize sections and committees to transmit non-conflicting positions to the Court.

JPI Positions

- a. [ADM File No. 2013-22 - Proposed Amendment of Rule 4.201 of the Michigan Court Rules](#) clarifying procedure for setting aside a default judgment in MCR 2.603 that applies in landlord/tenant cases that result only in a default money judgment.
Initiative Recommendation: Support
SBM Action: Support
- b. [HB 5472](#) Family law; child support; alternative contempt track docket for certain individuals behind in child support; create.
Initiative Recommendation: Oppose
SBM Action: Defer to Committees and Sections
This bill was discussed on the July 2014 Board of Commissioners agenda, before extensive Keller memos were submitted. The Keller reasoning submitted by the Initiative is were (1) the improvement of the functioning of the courts; and (2) the availability of legal services to society. A more in depth explanation was also included.
- c. [ADM File No. 2015-03 – Amendment of Rule 1.15 of the Michigan Rules of Professional Conduct](#) The amendment adds “credit union” to the definition of “eligible institution” for deposit of IOLTA funds.
Initiative Recommendation: Support
SBM Action: Support
- d. H-1 of [HB 4038](#) Housing; landlord and tenants; notification of evictions; allow by electronic mail. Amends sec. 5718 of [1961 PA 236](#) (MCL [600.5718](#)).
Initiative Recommendation: Oppose
SBM Action: Oppose
SBM Keller Considerations:
The Justice Policy Initiative (JPI) offered this view of the bill’s Keller permissibility:

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This bill greatly limits the eviction notification to a tenant from a landlord by allowing electronic mail. The bill allows for personal delivery of an electronic form “if authorized in a written agreement.” Because e-mail communication is not a reliable form of communication and not every person has email availability, an individual might not receive an eviction notice which could eliminate their right to a timely court defense.

Proposed changes in statute that would predictably and systematically undermine the ability of attorneys to represent their clients are the type of changes that have been widely accepted as falling within the Keller category of “improvement in the quality of legal services.” Whether this proposal predictably and systematically undermines legal representation is questionable. The argument that it does is weakened by the amendments to the bill, which are an attempt to respond to the argument that the bill would have the effect of systematically degrading legal representation in landlord-tenant cases.

- e. [ADM File No. 2014-45 – Proposed Adoption of Rule 5.731a of the Michigan Court Rules](#)
The proposed rule would require clinical certificates to be marked and filed as confidential and would allow only persons who have been found by the court to have a legitimate interest in the confidential documents to be granted access.
Initiative Recommendation: Support
SBM Action: Support

CII Positions

- a. 2015-03 - [Amendment of MRPC 1.15](#)
The amendment of MRPC 1.15 adds “credit union” to the definition of “eligible institution” for deposit of IOLTA funds. This change reflects a recent federal statutory amendment that extends federal
Initiative Recommendation: Support
SBM Action: Support
- b. 2014-02 - [Proposed Amendment of MCR 6.106](#) clarifying that a court would determine issues concerning defendant’s pretrial release, if any, at the time of defendant’s arraignment on the complaint and warrant.
Initiative Recommendation: Support
SBM Action: Support
- c. [HB4176](#) Criminal procedure; expunction; expunction of all information in arrest record when individual is wrongly accused under certain circumstances; require. Amends 1927 PA 175 (MCL 760.1 - 777.69) by adding sec.26a to ch. IV.
[HB4177](#) Law enforcement; law enforcement information network (LEIN); promulgation of rules to effectuate expunction and destruction of all arrest record information from LEIN and other databases by C.J.I.S. under certain circumstances; require. Amends sec. 4 of 1974 PA 163 (MCL 28.214).
[HB4178](#) Criminal procedure; pretrial procedure; expunction and destruction of biometric data; eliminate certain exceptions. Amends sec. 3 of 1925 PA 289 (MCL 28.243).
Initiative Recommendation: Oppose

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SBM Action: Oppose HB 4176 as written, but support the concept of expungement of criminal files of people who have been found not guilty or have their charges dropped in appropriate cases.

SBM Keller Considerations:

As drafted, HB 4176 would curtail judicial discretion by requiring a court to dismiss charges if a complaining witness recants his or her statement, affidavit, or testimony prior to a trial. A judge would be required to do so regardless of other witnesses or evidence. In addition, if a witness alters his or her story or recants only a portion of their prior statements, this would likely result in additional hearings to determine what charges need to be dropped. The State Bar has a long and to date uncontroversial history of considering proposals to eliminate judicial discretion as Keller-permissible, defending judicial discretion as an inherently indispensable feature of a well-functioning justice system.

HB 4177 and HB 4178, although tie-barred to HB 4176, pertain to police procedures in carrying out court orders, and do not directly impact legal services.

The Criminal Jurisprudence & Practice Committee concluded that the bills were Keller permissible because they would substantially alter the functioning of the courts in potentially undesirable ways. The bills require the court to dismiss a case if certain situations apply, without consideration of other evidence or judicial discretion. The bills also require the court submit a specific order for the destruction of the arrestee's record, biometric data, fingerprints, and information in LEIN.

Future Goals and Activities:

CJI is looking for the right opportunity to reexamine its structure and work to respond to the changing landscape including the growing role of the State Planning Body, the intersection of interest with the Diversity and Inclusion Committee, any possible action on the Report of the Task Force on the Role of the State Bar of Michigan, and the work of the 21st Century Practice Task Force and its Affordability and Access Committee.

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Committee Name:

Criminal Issues Initiative

Jurisdiction:

Examines collateral civil consequences of criminal convictions and representational issues in the criminal justice system.

Chair(s) and Committee Members:

Officer	Name	Address	Telephone	Email
Co-chair	Valerie R. Newman	State Appellate Defender Office; 645 Griswold St Ste 3300; Detroit, MI 48226-4215	313.256.9833	vnewman@sado.org
Co-chair	Regina Ann Berlin	Hackney Grover Hoover & Bean PLC; 3514 Rivertown Point Ct SW Ste B; Grandville, MI 49418-2727	616.257.3900	rwright@hghblaw.com
Staff Liaison	Peter Cunningham	State Bar of Michigan; 306 Townsend St.; Lansing, MI 48933-2012	517.346.6325	pcunningham@mail.michbar.org

Member/Advisor/Other	Member/Advisor/Other
Erika R. Breitfeld, Member	Hon. Mabel Johnson Mayfield, Member
Hon. Jeffrey J. Dufon, Member	Janet A. Napp, Member
Heather J. Garretson, Member	Hon. Angela Kay Sherigan, Member
Hon. Katherine L. Hansen, Member	

Committee Meeting Schedule:

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

Meeting Type	Date	Location
Initiative Meeting	May 8, 2014	Teleconference
Initiative Meeting	June 4, 2014	Teleconference
Initiative Meeting	October 20, 2014	In Person
Initiative Meeting	December 18, 2014	Teleconference
Initiative Meeting	February 19, 2015	Teleconference
Initiative Workgroup Meeting	February 24, 2015	Teleconference
Initiative Workgroup Meeting	March 17, 2015	Teleconference
Initiative Meeting	March 19, 2015	Teleconference

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Initiative Meeting	April 2, 2015	Teleconference
Initiative Workgroup Meeting	April 21, 2015	Teleconference
Initiative Workgroup Meeting	May 19, 2015	Teleconference
Initiative Meeting	May 21, 2015	Teleconference

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

The Initiative receives staff support from Peter Cunningham and Carrie Sharlow.

Committee Activities:

UCCCA:

The Committee continues to have the Uniform Collateral Consequences of Conviction Act as one of its major policy initiatives. While the issue was put on hold as a legislative priority collateral consequences issues continue to be a big part of our work.

Juvenile Collateral Consequences Workgroup

The Initiative formed a workgroup to discuss the possibility of a jointly-led Annual Meeting program with the Children’s Law Section regarding Juvenile Justice, Collateral Consequences for Juveniles, and Adjudication. The workgroup is chaired by Judge Mabel Mayfield and Judge Katherine Hansen and includes Regina A. Berlin, Valerie Newman, Christina Piatkowski (Chair of the Children Law Section), Patricia Carey (Street Democracy), and Gennel Laluna-Schaffer.

The workgroup is planning a program for this year’s Annual Meeting 2015. We are planning the program in three different time formats and will look for other opportunities to present this information. The workgroup is also considering a program at UMLI 2016.

Other Public Policy:

The Initiative discussed several pieces of legislation and offered the following recommendations to the Committee on Justice Initiatives:

- a. 2015-03 - [Amendment of MRPC 1.15](#)

The amendment of MRPC 1.15 adds “credit union” to the definition of “eligible institution” for deposit of IOLTA funds. This change reflects a recent federal statutory amendment.

Initiative Recommendation: Support

- b. 2014-02 - [Proposed Amendment of MCR 6.106](#)

The proposed amendment of MCR 6.106(A) would clarify that a court would determine issues concerning defendant’s pretrial release, if any, at the time of defendant’s arraignment on the complaint and warrant.

Initiative Recommendation: Support

- c. [2014-09 - Proposed Amendment of MCR 7.215](#)

The proposed amendments of MCR 7.215(A)-(C) were submitted by the Court of Appeals. Proposed MCR 7.215(A) would clarify the term “unpublished” as used in the rule. The proposed amendment of MCR 7.215(B) would provide more specific guidance for Court of Appeals judges regarding when an opinion should be published. Finally, in response to what the Court of Appeals describes as an increased reliance by parties on unpublished opinions, the proposed revision of MCR 7.215(C) would explicitly note that citation of unpublished opinions is disfavored unless an unpublished decision directly relates to the case currently on appeal and published authority is insufficient to address the issue on appeal.

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Initiative Recommendation: Support the changes in Sections (A) and (B). The Initiative also supports the second sentence added to Section (C)(1), but recommends the removal of the following sentence from (C)(1): “A party who cites an unpublished opinion shall explain why existing published authority is insufficient to resolve the issue and must provide a copy of the opinion to the court and to opposing parties with the brief or other paper in which the citation appears.”

- d. [HB4176](#) (Lucido) Criminal procedure; expunction; expunction of all information in arrest record when individual is wrongly accused under certain circumstances; require. Amends 1927 PA 175 (MCL 760.1 - 777.69) by adding sec.26a to ch. IV.
- [HB4177](#) (Lucido) Law enforcement; law enforcement information network (LEIN); promulgation of rules to effectuate expunction and destruction of all arrest record information from LEIN and other databases by C.J.I.S. under certain circumstances; require. Amends sec. 4 of 1974 PA 163 (MCL 28.214).
- [HB4178](#) (Lucido) Criminal procedure; pretrial procedure; expunction and destruction of biometric data; eliminate certain exceptions. Amends sec. 3 of 1925 PA 289 (MCL 28.243).

Initiative Recommendation: Oppose

Future Goals and Activities:

The Initiative will continue reviewing public policy items, discussing matters relating to Juvenile Justice, and looking for opportunities for UCCCA.

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Committee Name: Equal Access Initiative

Jurisdiction: Developing policies and programs to benefit underserved populations, including juveniles and those with special needs.

Chair(s) and Committee Members:

Officer	Name
Co-Chair	Aaron Vaugh Burrell
Co- Chair	Maya K. Watson
State Bar Liaison	Gregory Congers

Members:

Samuel R. Bagenstos, Ann Arbor	J. Kay Felt, Grosse Pointe Shores
Hon. William J. Caprathe, Bay City	Hon. Patricia P. Fresard, Detroit
Raymond J. Carey, Detroit	Phoenix J. Hummel, Lansing
Mark A. Cody, Lansing	Linda D. Johnson, Detroit
Syeda Farhana Davidson, Clinton Township	Nicholas M. Ohanesian, Grand Rapids
Erika Lorraine Davis, Detroit	Paul S. Teranes, Grosse Pointe
Yasmin J. Elias, Detroit	Michael T. Woodyard, Detroit
	Erica Lynne Zimny, Jackson

Committee Meeting Schedule:

October 20, 2014- JI Kickoff
December 4, 2014
February 12, 2015
April 9, 2015
June meeting to be rescheduled

Disabilities Workgroup:

November 4, 2014
January 5, 2015
February 9, 2015
March 2, 2015
April 13, 2015

Jury Curriculum:

January 21, 2015

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Right to Counsel:
January 22, 2015
February 12, 2015
March 5, 2015

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

Staff support, teleconference number, catering for in person meetings, off site event staff support, and print materials for the committee and events.

Committee Activities:

This year at the October 20th Kickoff members of both the Justice Initiatives and the Diversity and Inclusion communities gathered to discuss the issues embedded in each groups work plan for the year. This allowed us to explore more deliberately the intersection between our work and how we might join forces to be more effective in achieving our shared goals. We heard highlights from JI and DIAC about upcoming work. EAI in particular is closely aligned in its goals with DIAC, which evolved in part from work began at as a part of the Diversity Project group. EAI currently has several workgroups.

The Disabilities Workgroup is focused on issues effecting practitioners working with the disabled community and those that have disabilities. The group publishes an “e” newsletter quarterly that addresses particular issues useful to the nearly 750 subscribers it reaches. In November of 2004 the first disabilities newsletter, "Deaf and the Hard of Hearing," was distributed to Michigan attorneys and others interested in disabilities issues. To celebrate its 10th anniversary, the State Bar of Michigan Disabilities Project Newsletter has undergone a redesign. The revamped electronic newsletter has been reformatted to be more useful and informative. Volunteers are submitting short, to-the-point, informational writings that link to reports, forms, and resources for more information on each topic. This year the workgroup is systematically going through each of the submissions to check for the necessity of updating the material.

The Jury Curriculum Project includes members of the Law Related Education Committee (LRE) and EAI. Over the last year the workgroup has begun revising the materials from “This is Our Town Too” Educating for Everyday Democracy: The Jury Process.

The focus of the group work is to revamp the project and ensure that it provides a useful way to promote respect for the jury process, and the importance of jury duty and diverse jury pools.

The first step in this regard is to streamline the materials to make them accessible to students and easy to present for teachers and volunteers. The joint workgroup reviewed the underlying story “This is Our Town Too” and made recommendations on how to shorten its length while maintain key content. The end result is more direct and should provide presenters with enough material to be flexible in terms of the depth of the discussion, allowing it to be used in various classroom settings.

The next step is to work on the actual curriculum that accompanies the story. One challenge is to remain current with the core study areas teachers are expected to focus on, so that the lessons fit into the broader goals of the class. We have been advised that providing a “ready-made” approach or lesson plan may be useful, but here we want work with educators to ensure we are on the right path.

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Similarly, we want teachers' feedback on the depth of the material in the lesson. The plan is to again simplify the materials for ease of use, and to provide substantial reference material as an appendix to make it useful for those who want to pursue a more in depth lesson. We also need lawyers to update where necessary any of the pertinent case law or rules.

This year CJI has asked EAI to form the Right to Counsel Workgroup to study a right to counsel in civil matters. In 2006, the ABA passed a resolution supporting a civil right to counsel. On April 1, 2014, EAI presented a "Right to Counsel: A Right to Counsel in Civil Matters," which provided a national update on civil right to counsel laws and provided a perspective on where Michigan fit into the national landscape.

As a follow up, CJI voted to support in principle the conclusions of the ABA and in May of 2014 CJI sought and received support from the Board of Commissioners of the State Bar to explore the issue. CJI then appointed EAI to review and suggest next steps on the 2006 ABA Resolution. The following initial steps have been determined:

1. Michigan law that might support the concept must be identified. CJI believes that there should be a broader review of the circumstances where Michigan law currently recognizes a civil right to counsel and a broader discussion of which categories of cases might be prioritized for an expanded right to counsel in Michigan. The Workgroup will develop a Memo outlining current case law.

In addition, several states have embarked on pilot projects to provide representation in some specific civil matters. Some jurisdictions have had the support of their legislatures or Supreme Court justices to champion the efforts. Notably (and most recently), in 2014, state supreme courts in Hawaii, Indiana, and Montana found a right to counsel in various parental rights proceedings. In others, precedent has been set by court decisions. Each state's approach is guided by law specific to the state. The Workgroup will also examine this information.

2. There is work to be done coordinating assistance to individuals, understanding that often indigent people require a mixture of needs. System shortfalls in either criminal or civil cases can have adverse or unintended impacts. The Workgroup will examine current legal services practices as a beginning step.

3. The fiscal climate in Michigan will require significant groundwork to develop support for public funding in the categories of representation identified in the resolution. While indications are that savings and efficiencies can be gained in the long term, more support and research is likely needed to buttress any argument for additional public resources.

The recent success in passing legislation to improve the provision of indigent defense in criminal matters is encouraging but many challenges remain. Michigan is only at the threshold of implementation. CJI believes following the above outlined approach of analysis is the beginning point for laying a similar foundation to address improving civil legal counsel in Michigan.

Future Goals and Activities:

EAI is planning to continue work in the area of right to counsel in order to educate members about national efforts. The Disabilities Work Group will continue to focus on mental health courts and school to prison pipeline and quarterly e newsletters on topics of importance to practitioners. Once the revisions are complete the Jury Curriculum project will be offered to students across the state in

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partnership with educators and volunteer lawyers and judges. Additional programs regarding language access and issues related to access to courts for underrepresented groups are being considered.

Other Information:

EAI continues to focus on providing newer lawyers with opportunities to develop in leadership positions within the initiative.

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Committee Name: Justice Policy Initiatives

Jurisdiction: Analyzes and recommends positions on proposed legislation, court rules, and other policies relevant to the Justice Initiatives.

Chair(s) and Committee Members:

Officer	Name	Address	Telephone	Email
Co-Chair	Lorray S.C. Brown	Michigan Poverty Law Program, 220 East Huron St, Suite 600A, Ann Arbor, MI 48104	(734) 998-6100	lorrayb@mplp.org
Co-Chair	Michael J. Blau	35145 Oakland St, Farmington, MI 48335-3344	(248) 943-6148	Mikeblau924@gmail.com
Staff Liaison	Peter Cunningham	State Bar of Michigan, 306 Townsend, 48933	(517) 346-6325	pcunningham@mail.michbar.org

Member/Advisor/Other	Member/Advisor/Other
Heather Renee Abraham, Member	Kenneth C. Penokie, Member
Jessica S. Fox, Member	Tonya Myers Phillips, Member
Hemant Madhusudan Keskar, Member	Christine N. Seppala, Member
Daniel M. Levy, Member	Hon. Cynthia D. Stephens, Member
Nancy L. Mullett, Member	Thomas K. Thornburg, Member
Jill L. Nylander, Member	

Committee Meeting Schedule:

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

Meeting Type	Date	Location
Initiative Meeting	May 9, 2014	Teleconference
Initiative Meeting	July 11, 2014	Teleconference
Initiative Meeting	October 20, 2014	State Bar of Michigan offices
Initiative Meeting	March 13, 2015	Teleconference
Initiative Meeting	April 10, 2015	Teleconference

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

The committee receives staff support from Peter Cunningham and Carrie Sharlow.

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Committee Activities:

Over several meetings, the Initiative made the following recommendations on policy items:

- a. [ADM File No. 2013-22 - Proposed Amendment of Rule 4.201 of the Michigan Court Rules](#)
This proposed amendment would clarify that the typical procedure for setting aside a default judgment in MCR 2.603 applies in landlord/tenant cases that result only in a default money judgment.
Initiative Recommendation: Support
- b. [HB 5472](#)(Rendon) Family law, child support; Family law, parenting time. Family law; child support; alternative contempt track docket for certain individuals behind in child support; create. Amends secs. 2 & 35 of 1982 PA 295 (MCL 552.602 & 552.635) & adds sec. 36.
Initiative Recommendation: Oppose
- c. [ADM File No. 2015-03 – Amendment of Rule 1.15 of the Michigan Rules of Professional Conduct](#)
The amendment of MRPC 1.15 adds “credit union” to the definition of “eligible institution” for deposit of IOLTA funds. This change reflects a recent federal statutory amendment that extends federal insurance protection to IOLTA deposits held in credit unions. PL 113-252.
Initiative Recommendation: Support
- d. H-1 of [HB 4038](#) (Forlini) Housing; landlord and tenants; notification of evictions; allow by electronic mail. Amends sec. 5718 of [1961 PA 236](#) (MCL [600.5718](#)).
Initiative Recommendation: Oppose
- e. [ADM File No. 2014-45 – Proposed Adoption of Rule 5.731a of the Michigan Court Rules](#)
The proposed rule would require clinical certificates to be marked and filed as confidential and would allow only persons who have been found by the court to have a legitimate interest in the confidential documents to be granted access.
Initiative Recommendation: Support
- f. [ADM File No. 2014-09 - Proposed Amendment of Rule 7.215 of the Michigan Court Rules](#)
The proposed amendments of MCR 7.215(A)-(C) were submitted by the Court of Appeals. Proposed MCR 7.215(A) would clarify the term “unpublished” as used in the rule. The proposed amendment of MCR 7.215(B) would provide more specific guidance for Court of Appeals judges regarding when an opinion should be published. Finally, in response to what the Court of Appeals describes as an increased reliance by parties on unpublished opinions, the proposed revision of MCR 7.215(C) would explicitly note that citation of unpublished opinions is disfavored unless an unpublished decision directly relates to the case currently on appeal and published authority is insufficient to address the issue on appeal.

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Initiative Recommendation: Support the proposed changes to (A) and (B) and oppose the proposed changes of (C). The Initiative believes that the law as currently written is appropriate and should not be amended as proposed.

More Initiative positions on public policy items are expected before the end of the State Bar Fiscal Year due to upcoming meetings in May and June.

Future Goals and Activities:

JPI would welcome more opportunities to participate in discussions about important policy positions with other bar entities.

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

No later than May 1 of each year, the chair of each committee and subentity 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 subentity.

Committee Name: Pro Bono Initiative (2014-2015)

Jurisdiction: To support and encourage lawyers' efforts to comply with the Voluntary Pro Bono Standard by performing pro bono legal services and by making donations to organizations providing free legal services to the poor.

Chair(s) and Committee Members:

Officer	Name	Address	Telephone	Email
Co-Chair	Jennifer Z. Belveal	660 Woodward Ave Ste 2290 Detroit, MI 48226	(313) 465-7382	jbelveal@honigman.com
Co-Chair	Robert F. Gillett	420 N 4 th Ave Ann Arbor, MI 48104	734-665-6181 ext. 24	rgillett@lsscm.org
Staff Liaison	Candace Crowley Robert Mathis Benjamin Ensroth	SBM	517-346-6319 517-346-6412 517-346-6396	ccrowley@mail.michbar.org rmathis@mail.michbar.org bensroth@mail.michbar.org
Commissioner Liaison	n/a			

Member	Member
C. Michael Bryce	Sandra D. Parker
Margaret (Peggy) Costello	Kimberly Paulson
Hon. Denise Page Hood	Linda K. Rexer
Joan Glanton Howard	Marcy L. Rosen
Kirsten A. Inquilla	Amy L. Sankaran
Ashley E. Lowe	Justin M. Sheehan
Todd M. Morgan	Robert L. Willis, Jr.
Keith L. Morris	
Heidi A. Naasko	

Committee Meeting Schedule:

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

Meeting Type	Date	Location
Teleconference	June 20, 2014	n/a
Teleconference	September 11, 2014	n/a

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In-person/Teleconference	October 20, 2014	State Bar of Michigan
Teleconference	December 3, 2014	n/a
Teleconference	March 25, 2015	n/a

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

The State Bar of Michigan provides the Pro Bono Initiative (PBI) with staff support and an initiative budget to facilitate projects and meetings.

Committee Activities:

The PBI has numerous committees and workgroups, including:

1. ABA Day (Governmental Relations)
2. Assessment of Pro Bono in Michigan Report and Implementation
3. ATJ Fund Eligible / PBI Approved Organization--Application Review
4. Circle of Excellence--Yearly Application Review
5. Homelessness Workgroup
6. John W. Cummiskey Pro Bono Award
7. MI-LAPP Malpractice Insurance for Pro Bono Administration
8. MI-LAPP Patent Pro Bono Project
9. MI-LAPP Tax Pro Bono Referral Panel Program Administration
10. MI-LAPP QDRO Pro Bono Panel Program Administration
11. Celebrate Pro Bono Month
12. Pro Bono Reference Manual / Law Related Organizations Search Database
13. Michigan Pro Bono Definition Workgroup
14. Spring Pro Bono Workshop
15. Veteran Resources Workgroup

The **John W. Cummiskey Award** was presented to attorney **Susan Kornfield** of Bodman at the SBM awards dinner at the annual meeting in Grand Rapids. The award includes a \$3,000 donation to an ATJ program to be made through the Access to Justice Fund. Susan asked that the award be designated to the ACLU - Michigan.

Nominations for the **2015 John W. Cummiskey Award** will be reviewed and a nominee identified in May 2015.

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MI Pro Bono Assessment Report - The Assessment Report has been publicized and is now widely known by Michigan's pro bono community and other key stakeholders. Members of the PBI have been pleased with the reaction to the report.

With the guidance and support of consultant John Tull, the group is proceeding with the development of a self-assessment tool which will allow each program to look critically at its own delivery of pro bono services, one of the recommendations contained in the Assessment Report.

The Sixth October as Pro Bono Month Celebration occurred in 2014, which included 75 events throughout Michigan during the Pro Bono Month 2014 season. The **Pro Bono Month website** included a list of upcoming pro bono month events, talking points, a sample speech, and many other resources. Looking forward to 2015, the workgroup wants to continue to increase the number of pro bono events; the promotion of the need for pro bono legal services for the poor; and the collaboration by law firms, attorneys, and LSPs on pro bono events. As part of the planning process for Pro Bono Month 2015, the workgroup is working with the Spring Pro Bono Workshop workgroup to incorporate a Pro Bono Month piece in the agenda, with the goal of getting people thinking about Pro Bono Month early, and to assist in the facilitation of more collaboration between law firms, attorneys, bar associations, and LSPs in sponsoring Pro Bono Month events.

Michigan Governor Rick Snyder signed a proclamation declaring October 2014 as Pro Bono Month.

The **Seventh Annual October as Pro Bono Month** is set for October 2015.

The State Bar's "**A Lawyer Helps**" website continued to highlight the good work of many Michigan attorneys, with more than 20 stories posted on the website in 2014. "A Lawyer Helps" focuses first on the legal profession's priority of pro bono—free legal help for the poor and financial donations to help nonprofit legal aid agencies. But "A Lawyer Helps" also honors lawyers who additionally volunteer time to other efforts that benefit their communities. Please visit <http://www.michbar.org/alawyerhelps> for information on how to submit stories for inclusion on the website.

2014 was another successful year for **MI-LAPP's QDRO Referral Program**. In 2014, the program closed more than 40 QDRO referral cases and 50 cases were referred to the QDRO program by Michigan legal services providers. The great success of the program in 2014 was due in very large part to the program's dedicated volunteer Drafters. In 2014, the program's volunteers included: **Joseph Cunningham, Robert (Bob) Treat, Nancy Keppelman, David and Jackie Roessler, Mary Ade, and Mickey Bartlett**. Each QDRO case that is prepared by a Drafter, on average, requires four hours to complete. MI-LAPP continues to rely on the QDRO Administration Committee, spearheaded by Joseph Cunningham of **Joseph W. Cunningham JD, CPA, PC** and Bob Treat of QDRO Express LLC.

Expansion of the MI-LAPP Malpractice Insurance Program continued. Lawyers without malpractice insurance coverage can apply for coverage through the State Bar/MI-LAPP Malpractice Insurance Program. Also, lawyers that accept cases from ATJ & Non-ATJ programs without malpractice insurance can also be provided coverage. **In 2014, there were 19 requests from pro bono attorneys** wishing to utilize the MI-LAPP malpractice insurance program; attorneys that

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otherwise would have been unable to offer pro bono legal services due to their lack of malpractice insurance.

The **Sixth Annual Spring Pro Bono Workshop, “*The Power of Pro Bono,*”** occurred on **May 14, 2014**. More than 55 people attended the workshop, including pro bono attorneys and representatives from various legal aid agencies. The special guest speaker was State Bar of Michigan President, Tom Rombach. The evaluations from the workshop were all very positive, with all attendees reporting that they would attend the 2015 workshop.

The **Seventh Annual Spring Pro Bono Workshop, entitled, “*The Power of Pro Bono: For Your Program & For Michigan,*”** is slated for May 19, 2015 at the State Bar. The workshop sessions are designed to encourage interactive discussions, with increased opportunities for attendees to network to discuss strategies for increasing pro bono legal services in Michigan.

The **2014 Circle of Excellence** appeared in the June 2014 Michigan Bar Journal. For the 2014 Circle of Excellence, which considers service and donations made in 2013, there were 54 firms on the Circle, up from 45 firms in 2013. The 2014 COE recognizes those firms whose aggregate financial contributions reflect \$300 per lawyer. The 2014 COE also included a “Leadership Level” which recognized firms whose aggregate financial contributions reflect \$500 per lawyer. Of the 54 firms on the COE, 23 of those firms are on the Leadership Level. In the beginning of 2015, personalized letters were mailed to law firms that have previously appeared on the COE, as well as Michigan’s largest firms not previously appearing on the COE. The letters, which included a message from SBM President Tom Rombach, were intended to advise firms of the 2015 COE applications. 2015 COE applications were due on April 24, 2015.

Tax Pro Bono Referral Panel Program. On Saturday, June 28, 2014, attorneys participated in the second-annual program training. The in-person training was at Cooley’s Lansing Campus, with simultaneous broadcast to Cooley’s Ann Arbor, Auburn Hills, and Grand Rapids Campuses. An upcoming Tax Training webinar is slated for Thursday, June 25, 2015. There are currently approximately 90 attorneys on the Tax Program’s pro bono panel. The program opened eight cases in 2013 and 38 cases in 2014.

State Bar of Michigan President Thomas C. Rombach appointed distinguished legal leaders to a new **21st Century Practice Task Force** to recommend how the State Bar can best serve the public and support lawyers' professional development in a rapidly changing legal marketplace. **PBI member, Linda Rexer, will serve as Co-Chair of the Affordability / Access Committee**, along with the Honorable Libby Hines.

The ABA adopted **“Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means.”** The standards are very helpful and provide guidance on many interesting pro bono related topics. The standards will be highlighted at the 2015 Spring Pro Bono Workshop.

The **Patent Pro Bono Project** officially launched on **November 18 at 4:00 p.m. during an event at the USPTO satellite office in Detroit**. Speakers at the event included USPTO Pro Bono Coordinator Jennifer McDowell, State Bar President Thomas Rombach, State Bar Treasurer Jennifer Grieco, and IP Section Council member David Berry. The Patent Project is a product of the America Invents Act's mandate directing the United States Patent & Trademark Office (USPTO) to

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establish patent pro bono programs in all 50 states by the end of 2014. In addition to the launch event, Staff, along with IP Section Member David Berry, will be holding two information sessions to provide information and answer questions about providing pro bono assistance through the Project.

In 2014, UD Mercy started an incubator program, and received a grant from the ABA. The program worked with the SBM and ICLE to assist with trainings. As part of UD Mercy's program, participants will devote 75% of their time towards developing a private practice, 20% towards providing pro bono, and 5% towards training. The Oakland County Bar Association also kicked off an incubator program. The **OCBA Incubator Program** is designed to partner second year students from each of the five law schools in the state with distinguished Oakland County attorneys.

Judge Denise Page Hood, Joan Glanton Howard, and Bob Gillett attended the 40th Anniversary of LSC in Washington D.C. There were many distinguished guests at the event including former Secretary of State Hillary Clinton, Vice President Joe Biden, U.S. Supreme Court Justices Elena Kagan and Antonin Scalia, U.S. Attorney General Eric Holder, and more than 100 other leaders of the legal community, government and the private sector.

Judge Denise Page Hood attend the LSC Board meeting at the White House on April 13 & 14, 2015, and spoke on a panel of judges about pro bono collaboration in Michigan.

Robert Mathis attended the 2014 ABA Equal Justice Conference in Portland, Oregon, along with Justin Sheehan (Michigan Community Resources). Erika Davis attended the Access to Justice Chair's meeting.

The **Michigan Legal Help** website (michiganlegalthelp.org) continued to help people handle simple civil legal problems without a lawyer. The website features articles for people to learn about a specific area of the law and toolkits to help them prepare for self-representation in court. Some forms contained on the website are completed automatically once simple questions are answered. The Michigan Legal Help website does not provide legal advice, and it is not intended as a substitute for having a lawyer. PBI members applauded the MichiganLegalHelp.org as an incredible service that has proven to be very helpful for people that cannot afford an attorney and cannot get assistance from an LSP. Highlights of the website include almost 10,000 visits to the site each week and almost 1.7 million page views since its launch. In terms of pro bono service, law students are providing live assistance to clients needing help navigating the website and answers to questions not requiring legal advice. Additionally, a Spanish version of the site was launched.

The **Pro Bono Reference Manual** continues to offer the searchable Michigan Law Related Organizations Search function which allows users to search by legal service area and county. The information in the search function is verified and updated frequently.

The **Homelessness Workgroup** continues to research and determine what legal resources are available for Michigan's homeless, what barriers currently exist that prevent the homeless from accessing legal services, and suggest strategies for overcoming these barriers. The workgroup will continue to focus its attention on the coordination of efforts between pro bono lawyers and the existing legal services programs in each of the different areas of the state.

PBI intern, Benjamin Ensroth, continues to provide support to the many workgroups, projects, and subcommittees of the PBI.

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Future Goals and Activities:

Most of the project work described in this report occurs annually, and efforts will be directed to replicating and improving those projects. In the coming year, the PBI will continue efforts to improve the delivery of pro bono services to the poor throughout Michigan.