

SBM State Bar of Michigan
2013-2014 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.

Committee Name: Standing Committee on the Unauthorized Practice of Law

Jurisdiction: Pursuant to SBR 16, the State Bar of Michigan is authorized and empowered to investigate matters pertaining to the unauthorized practice of law (UPL). The Standing Committee on the Unauthorized Practice of Law (UPL Committee) investigates and provides guidance on matters involving the alleged unauthorized practice of the law. The UPL Committee makes recommendations to the Board of Commissioners to file and prosecute actions seeking to enjoin those engaged in the unauthorized practice of law. The UPL Committee proposes and supports measures to educate the public and the legal profession about unauthorized practice of law issues. The UPL Committee may have more than 15 members.

Chair and Committee Members:

Officer	Name	Address	Telephone	Email
Chair	Barbara Baker Omerod (P52724)	Aamazon Legal Services PLLC 312 N Water St Owosso, MI 48867	(989) 723-8222	bbo@attybbo.com
Staff Liaison	Danon D. Goodrum-Garland (P53603)	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933-2012	(517) 346-6333	dgarland@mail.michbar.org
Commissioner Liaison	NOT ASSIGNED			
Members			Members	
Robert C. Anderson (P30102)		Nadine R. Hatten (P73789)		Edwin H. Selwocki, Jr. (P54828)
Lisa Michelle Barwick (P72938) (Resigned effective 4/25/14)		Christine Marie Heckler (P73382)		James Albert Smith (P20667)
Christopher J. Berry (P68849)		Brian P. Henry (P33876)		Perry B. Thompson (P66464) (Resigned effective 4/24/14)
Kathleen Marie Branigan (P75132)		Patsy L. Holmes (P72380)		Theresa Valentine (P38857)
Howard Henry Brauckmuller (P69745)		Clinton J. Hubbell (P72321)		Corey J. Wiggins (P71603)
James Booth Burr (P11444)		Nora M. Hudson (P33991)		Advisors
Sean Michael Cowley (P72511)		Lisa M. Robinson Martin (P58801)		David M. Dell (P61778)
Sara Lynn Doyle (P50990) (Resigned effective 1/22/14)		Michael D. Murray (P62580)		Richard M. Delonis (P47904)
Amy Jo Dugan (P76129)		Peter M. Neu (P68725)		David R. Dyki (P66167)
Katherine Sue Gardner (P59050)		Meghan Kennedy Riordan (P44184)		Stephen J. Gobbo (P56521)
Lisa C. Hagan (P64721)		Kandra K. Robbins (P53974)		Michael A. Gunderson (P28487)
Christopher G. Hastings (P40861)		Phillip A. Schaedler (P35047)		Robert E. Zielinski (P69250)

Committee Meeting Schedule:

Meeting Type	Date	Location
Description		
Regularly scheduled meeting.	July 25, 2013	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
<p>The UPL Committee received an update regarding the Michigan Supreme Court’s request for additional information regarding proposed SBR 16.1 defining the practice of law. The response letter will be drafted by the Professional Standards Division Director with input from UPL staff counsel and the ad-hoc work group. The UPL Committee reviewed and discussed UPL complaints, directed additional follow-up by staff counsel on several matters to informally resolve them, directed some matters to be administratively close, and recommended eight matters for litigation. In an effort to educate State Bar members and the public about UPL concerns, the UPL Committee discussed approaches for preparing UPL informational articles that may be posted on the UPL home page and the concept of a monthly UPL newsletter.</p>		
Regularly scheduled meeting.	October 24, 2013	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
<p>Chair BakerOmerod conducted new member orientation and reviewed the quarterly meeting schedule. The UPL Committee reviewed and discussed UPL complaints, directed additional follow-up by staff counsel on several matters to informally resolve them, directed some matters be administratively closed, and recommended six matters for litigation. Staff counsel provided a brief background on proposed SBR 16.1 defining the practice of law, the letter from the Michigan Supreme Court’s requesting additional information, and the efforts of the ad-hoc workgroup in reviewing the State Bar’s draft letter response to be issued under the Executive Director’s name. Staff counsel gave a brief summary of the recommendations of the UPL Strategic Planning Subcommittee to establish UPL Subcommittees to work on projects and programs intended to educate the public and the legal profession about unauthorized practice of law issues. The UPL Committee also discussed other outreach efforts to educate the community about UPL concerns.</p>		
Regularly scheduled meeting.	January 23, 2014	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
<p>The UPL Committee reviewed and discussed UPL complaints, directed additional follow-up by staff counsel on several matters to informally resolve them, directed some matters to be administratively closed, and recommended nine matters for litigation. Staff counsel reported that after review and approval by the Board of Commissioners, the response letter was issued to the Michigan Supreme Court on January 21, 2014, regarding proposed SBR 16.1. Staff counsel reported that all members made a commitment to at least one UPL Subcommittee. Staff counsel gave a brief summary of the recommendations of the UPL Strategic Planning Subcommittee to establish UPL Subcommittees to work on projects and programs intended to educate the public and the legal profession about unauthorized practice of law issues. Staff counsel reported that the UPL</p>		

<p>Committee has been asked to consider and propose amendments to the BOC regarding SBR 16 as follows: UPL investigative subpoenas; absolute immunity provision; and disclosure to out-of-state UPL investigatory authorities. Staff counsel discussed the mission of the UPL Trust Mills/Estate Planning Outreach Subcommittee is seeking volunteers to present at the “Who Should You Trust” seminar. The UPL Committee also discussed other outreach efforts to educate the community about UPL concerns through multiple UPL Subcommittees.</p>		
<p>Regularly scheduled meeting.</p>	<p>April 24, 2014</p>	<p>State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933</p>
<p>The UPL Committee reviewed and discussed UPL complaints, directed the administrative closing of several matters, requested additional follow-up by staff counsel on a few matters to informally resolve them, and recommended seven matters for litigation. The Committee discussed options to obtain reconsideration by the Michigan Supreme Court of its decision declining to post for comment the proposed State Bar Rule to define the practice of law. The Committee continues to believe that the proposed Rule is needed and would be beneficial to the public. Staff counsel reported that litigation has been brought by a UPL Respondent against the Bar and staff counsel based on the administrative closing of the UPL complaint regarding the Respondent. The Committee reconfirmed its decision regarding the matter. Subcommittee Chair Katie Branigan reported on the planning efforts of the UPL Trust Mills/Estate Planning Outreach Committee regarding the August 6th “Who Should You Trust?” program.</p>		

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

The State Bar provides staff support via the administrative assistance of a paralegal and staff counsel who provides legal services and manages the State Bar’s UPL Department. The UPL has been supported by legal services provided by a contract lawyer since April 2013. The contract terms ends mid-May 2014. The additional legal services are much needed resource. Staff counsel seeks to make this a permanent fulltime position, so the productivity of the UPL Department may continue going forward.

The State Bar also provides meeting facilities, food and beverage for meetings, SharePoint, teleconferencing services, meeting materials, document production services, and a small budget to support the UPL Committee’s community outreach projects. In addition, the State Bar staff provides informational pamphlets to SBM members, the general public, and to other institutions serving the public to educate the public and legal profession about the UPL.

Committee Activities: On August 6, 2014, as a result of the community outreach planning efforts of the UPL Trust Mills Subcommittee, the UPL Committee in conjunction with the SBM Probate and Estate Planning and the Elder Law and Disability Rights Sections will present the “Who Should You Trust? seminar at about 100 senior centers, in about 45 counties across Michigan to warn about estate planning scams and “trust mills” and provide practical estate planning information. This is a substantial expansion of the program first done in August 2012, at 28 senior centers, in 9 counties across Michigan.

Future Goals and Activities: The Committee will continue to expand its community outreach activities to educate the public and State Bar members regarding the UPL and develop and use creative and proactive measures in addressing the UPL. A UPL Strategic Planning Subcommittee was formed in the summer of 2013 to consider the feasibility of various programs, prioritize them, and make recommendations to the UPL Committee about how to proceed. The Committee fully embraced the recommendation to increase its public outreach and member education through formation of the following Subcommittees: UPL Trust Mills/Estate Planning Outreach (Chair Kathleen Branigan), UPL Family Law Outreach (Chair Katherine Sue Gardner), UPL Petitions for Guardianship (Christine Marie Heckler), UPL Immigration Subcommittee (Meghan Riordan Kennedy), UPL Real Property Outreach (Brian Henry), UPL Communication (Seam Cowley), UPL Social/Web-based Media (David Dyki), and Strategic Planning Subcommittee (Chair Barbara BakerOmerod).

As result of the efforts of Member Meghan Riordan, the Committee has formed an active partnership with USCIS – Detroit Office to address persons engaged in the unauthorized practice of law regarding immigration matters. The USCIS’ fraud unit does the initial investigation based on information presented to it and then submits the UPL Complaints to the State Bar with its investigative information. The recalcitrant persons who continue taking advantage of immigration applicants despite warnings are the primary focus.

The UPL Committee’s last quarterly meeting for this bar year is scheduled for July 24, 2014.

Other Information: Not applicable.