State Bar Committee Work 2016

Thursday, September 29, 2016
Welcome and Introductions

Lawrence P. Nolan
President

Janet K. Welch
Executive Director

Fred K. Herrmann
Chair Representative Assembly
The State Bar of Michigan

Integrated Bar

Supreme Court Rules

State Bar Bylaws

Board of Commissioners  Representative Assembly

45,018 Members

45,018 Members
Introduction to Committee Work

- State Bar Strategic Plan
- Committee Resolution
- Role of standing committees
- Jurisdictions and membership
Serving the Public
Serving the Profession

Primarily Special Function

- Annual Meeting
- Awards
- BLI Advisory
- C&F
- Client Protection Fund
- Ethics
- Judicial Ethics
- Judicial Qualifications
- Law and Media
- Law Related Ed/Public Outreach
- Law School Deans
- Lawyer Referral Service
- Lawyers and Judges Assistance
- Libraries, Legal Research and Legal Publications
- Membership Services
- Past Presidents Advisory Council
- Professional Ethics
- Publications and Website Advisory (PWAC)
- Unauthorized Practice of Law
- Upper Michigan Legal Institute

Primarily Policy Development

- American Indian Law
- Justice Initiatives
- Civil Procedures and Courts
- Crim’l Jurisprudence and Practice
- Diversity and Inclusion Advisory
- Domestic Violence
- Justice Initiatives
- US Courts
Recent Task Force & New Work Groups

- 21st Century Practice Task Force, 3 committees
- Steering Committee
- Strategic Planning Committee
- Unbundling Work Group
- Special Committee on Civil Discovery Rules Review
- Advisory Workgroup on Proposed Amendments to the Judicial Tenure Commission Rules
Additional Need-To-Know

- Keller, Administrative Order 2004-1
- Policy work of committees
• Eddie Keller and 20 other members of the State Bar of California sued the Bar claiming that the Bar expended their mandatory dues to advance political and ideological causes to which they did not subscribe . . .
• . . . and that their compelled financial support of these activities violated their First and Fourteenth Amendment rights to freedom of speech and association.
Key Keller holding:

The compelled association and integrated bar are justified by the State's interest in regulating the legal profession and improving the quality of legal services. The State Bar may …constitutionally fund activities germane to those goals out of the mandatory dues of all members. It may not, however, in such manner fund activities of an ideological nature which fall outside of those areas of activity.
The U.S. Supreme Court provided guidance which activities are germane to the State’s interest in regulating the legal profession and improving the quality of legal services:
“Compulsory dues may not be expended to endorse or advance a gun control or nuclear weapons freeze initiative;
“At the other end of the spectrum petitioners have no valid constitutional objection to their compulsory dues being spent for activities connected with disciplining members of the Bar or proposing ethical codes for the profession.”
“Precisely where the line falls between those State Bar activities in which the officials and members of the Bar are acting essentially as professional advisers to those ultimately charged with the regulation of the legal profession, on the one hand, and those activities having political or ideological coloration which are not reasonably related to the advancement of such goals, on the other, will not always be easy to discern.”
In response to the Keller decision, at the urging of the State Bar of Michigan, the Michigan Supreme Court adopted an order regulating the State Bar’s ideological activities. The order tracked the Keller decision by restricting the use of State Bar dues to ideological activities reasonably related to...

- The regulation and discipline of attorneys.
- The improvement of the functioning of the courts.
- The availability of legal services to society.
- The regulation of attorney trust accounts.
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.
Report on Public Policy Position

Name of Section or Committee

Contact Person

Email or phone

Complete Only One of the Three Below

Bill Number

Proposed Court Rule or Administrative Order Number

Other

Date Position was Adopted

Process used to take the ideological position
- Position adopted after discussion and vote at a scheduled meeting
- Position adopted after an electronic discussion and vote
- Other, please explain below
If recommending State Bar action on this issue, complete the following:

List any arguments against the position

For Legislative Issues Only

This position falls within the following Keller-permissible category:
- [ ] The regulation and discipline of attorneys
- [ ] The improvement of the functioning of the courts
- [ ] The availability of legal services to society
- [ ] The regulation of attorney trust accounts
- [ ] The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.
State Bar Policies Regarding Committees

- Voting/Quorum/Robert’s Rules
- Discipline
- Awards
Role of Chair

• Carry out State Bar Strategic Plan
• Follow your jurisdiction
• Partner with staff liaison to set meeting dates and agendas
• See job description
Role of Members

- Communicate with chair and liaison
- Use best effort to attend meetings
- Communicate inability to attend meeting/request excused absence
- See job description
Role of Staff Liaison

- Notice meetings, prepare agenda and materials
- Communicate with members
- Request RSVPs and assure quorum
- Partner with chair and complete tasks as necessary
- See job description
Role of Subcommittees and Work Groups

- Work on projects between meetings
- Partner with staff liaison
- Communicate all activities to chair and committee
- Seek advance approval for projects and budget items
A Word about Communications

• The president speaks on behalf of the State Bar
• Very limited exceptions
A Word about Communications

Logo and design standards
Budget

• Discuss budget needs for next year and communicate through budget process
• Committee member expenses not reimbursed by State Bar
Importance of Leadership Development, Diversity, Inclusion

• Engaging new leaders
• Respecting diversity and inclusion
Question and Answer

• What’s on your mind?
• What do you need to be a great State Bar committee member?
What’s Happening this year?