STATE OF MICHIGAN

STATE BAR OF MICHIGAN

MEETING of the REPRESENTATIVE
ASSEMBLY of the STATE BAR OF
MICHIGAN

Proceedings had by the Representative Assembly of the
State Bar of Michigan at Radisson Hotel - Capitol
Rooms I & II, Lansing, Michigan, on Friday, October 1, 2004,
at the hour of 10:00 a.m.

AT HEADTABLE:

     DANIEL M. LEVY, Chairperson
     ELIZABETH A. JAMIESON, Vice-Chairperson
     LORI A. BUITEWEG, Clerk
     JOHN T. BERRY, Executive Director
     HON. ARCHIE C. BROWN, Parliamentarian
     GLENNNA PETERS, Staff Member

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1 Lansing, Michigan
2 Friday, October 1, 2004
3 10:16 a.m.
4 R E C O R D
5 CHAIRPERSON LEVY: Good morning. I begin by
6 calling the meeting to order, the Representative
7 Assembly, and ask the clerk to certify a quorum is
8 present.
9 CLERK BUITEWEG: Yes, there is a quorum
10 present, sir.
11 CHAIRPERSON LEVY: I would entertain a motion
12 for adoption of the calendar as presented in the
13 materials mailed out to you.
14 VOICE: Motion made.
15 VOICE: Second.
16 CHAIRPERSON LEVY: And a second. All in
17 favor.
18 Opposed.
19 Calendar is adopted.
20 I am aware of no objection having been made
21 to the previous meeting's minutes, summary of
22 proceedings. Without objection, I will deem them
23 approved.
24 And I will call upon Tom Rombach, former
25 Assembly chair, current Nominations and Awards

3 Committee chair, to present the new members to the
4 Assembly.
5 MR. ROMBACH: Good morning. I didn't expect
6 my appearance up front to be quite so quickly
7 forthcoming, but we have a couple obligations that we
8 need to get to before the beginning of the meeting.
9 The first is to fill the vacancies. Normally we could
10 do that from the floor, but I have one other issue
11 that we need to address.
12 If you can turn to the tab marked vacancies,
13 disguised in that manner. We have three people that
14 are listed that I would like to recognize. From the
15 6th judicial circuit, Cecil Cross from Hazel Park, who
16 is going to fill an immediate vacancy, a balance of
17 term expiring 2005. Is Cecil here this morning?
18 Thank you, Cecil. I appreciate your coming here, and
19 I know we all appreciate your service.
20 From the 25th judicial circuit we have Andrea
Michelle Monnett from Marquette. Is Andrea here too? She is going to actually fill the vacancy, and she is going to begin her term in January, but we are asking the Assembly to approve that at this juncture.

From the 34th judicial circuit we have an immediate vacancy, a balance of a term until 2006, and than's Susan Topp from Gaylord. Is Susan able to make it here yet today? I guess she will also start her term in January.

And, finally, we have Don Hiltunen, who is a late addition. Don served previously until he was term limited from the Upper Peninsula in the 12th judicial circuit, and he has been able to answer the call once again. Don, would you stand up and be recognized. That's Don.

At this time I would move on behalf of my committee to allow these people to have seats in the Representative Assembly. Do I have a second to that?

VOICE: Second.

MR. ROMBACH: That being moved and seconded, I will defer to the Chair.

CHAIRPERSON LEVY: All in favor.

Any opposed.

Welcome each of you to the Assembly.

(Appause.)

MR. ROMBACH: The second matter, which is a rather awkward position which we hope to be able to address later on this afternoon, is the awarding of the Michael Franck and our first ever Unsung Hero Award.

The Nominations and Awards Committee had met by conference call and had been very fortunate not only to take our own nominees for these positions but also to take in some of the State Bar applicants for a Lifetime Achievement Award, which in the eminent consideration of our Board of Commissioners was not awarded this year. In fact, the award was not even authorized, so we were very fortunate to get a wealth of very distinguished applicants, which we then rolled into the Michael Franck and Unsung Hero Award pool.

So this is a particularly competitive year, and we had asked that these be awarded to E. Christopher Johnson, who is vice president and general counsel of General Motors, North America, based in Detroit, for his efforts on behalf of the minority outside counseling networking conference in 2002 for which he got a Spirit of Excellence Award from the American Bar Association for his efforts in diversity and also his efforts on behalf of helping our foundation move forward with funding from a lot of the corporate interests.

Additionally, the second awardee was Dean Allen Robb. He is a very prominent Traverse City trial attorney and has been active in the civil rights movement since he began his legal career in 1949. In
fact, he was one of the Freedom Riders of legend going
down to the south during the days of civil rights

Unfortunately, typically we award these in
the morning and then we have an awards luncheon where
we actually hand out the awards so we are always
rubber stamping whatever this committee has done in
the past. Unfortunately, because our convention has
been reworked this year, these awards were actually
handed out last night with some very inspiring remarks
from our chair, Dan Levy, and the hosting abilities of
Nancy Diehl, soon to be president, and soon to be
ex-president, Scott Brinkmeyer, both Assembly members.

So on that basis I am asking that the
Representative Assembly retroactively approve the
awarding of these particular plaques, otherwise we'll
have our leadership swipe these folks' awards and
probably X them out and engrave them with other names
and humiliate themselves in front of friends and
family.

So at this time I am going to move to award
these different awards, at least the Michael Franck,

CHAIRPERSON LEVY: Did I hear a second on the
motion for Michael Franck Award?

VOICE: Support.

CHAIRPERSON LEVY: Any discussion?

All in favor say aye.
All those opposed.

Good. Thank you very much.

MR. ROMBACH: And, again, if anyone has any
concerns about the merits of our nominees, I have
additional Bar Journals -- I am sure you have already
read this already, but in case you have set that to
the side and haven't been able to study it in detail,
I have been able to get a few to hand out yet this
morning.

So the final award is the Unsung Hero Award.
This is the first ever presentation on behalf of the
Assembly. That has already gone to Henry Lukowiak,
Jr. He is a staff attorney for the Legal Aid and
Defenders Association. We had a record number of
support materials for him on behalf of virtually every
student who had ever gone through the Wayne State free
legal aid clinic, which he has run since 1979 with
great prominence, and on that basis this is a first
hopefully annual award that the Assembly will approve.
I would at this time move that he be given that award,
again retroactively.

CHAIRPERSON LEVY: Support?

VOICE: Support.

CHAIRPERSON LEVY: Having support -- any
All in favor, please say aye.
All opposed.
Thank you very much.

MR. ROMBACH: Thank you very much.

(Applause.)

CHAIRPERSON LEVY: Couple of housekeeping
matters that don't count against my ten minutes with a
captive audience. First off is there is a
photographer out front. He is taking digital photos
that are going to be used for the Assembly handbook
next year. If we don't have your photo on file from a
previous book and you haven't had your picture done
this morning, he is only going to be there until
11:30. You are excused from that portion of my
remarks necessary. Please do get your photograph
taken so that it can be in that journal. It gets
circulated to all the members and to the Board of
Commissioners. It's a really good way for us to help
identify each of you and for you to identify each
other, and if we get everybody in it it's ever so much
more helpful.

Also in the way of housekeeping, I would note
that you don't see them now and you won't see them
until the end of the meeting, but the attendance slips
that we will be circulating today have on them
questions about what interests you might have in
sections and committees of the Bar that you might be
willing to liaison to, about Assembly committees that
you might be interested in helping to serve on. Start
thinking about that now. Don't forget to check it off
when you get those slips later on this afternoon.

Picking up a little bit where Tom left off,
first off, in terms of the new members who were just
sworn in, this year -- and thanks to Elizabeth's
idea -- we also for the first time have identified
those people who won elections to begin serving on the
Assembly but who aren't members at this meeting, they
really become members in January, but we invited them
to come on down and observe, and I think it speaks
well of the half dozen plus people or half dozen
people who have actually taken the time out on their
own and come down to join us today.

They will be observing the meeting, they will
be participating in our small group sessions later on.
I just want to ask them to each stand up and wave and
identify themselves. Scott Wilson. He is getting his
picture taken. The next time we will tell these
people we are going to announce them. Goldie Adele,
William Ogden, LeRoy Kramer. Thank you. John

Hubbard, John A. Hubbard.
Scott Wilson walking in. Okay, I am sorry.
He is here. And Kent Bieberich. I guess I can't be
in trouble for mispronouncing it if he is still
going his picture taken, but I hope you will all
join me in welcoming them, making them feel at home.
They are, if not officially until the end of this
meeting, they are part of the Assembly family, and we
really appreciate the fact that they were so
interested in the service as to take the time to come
on down, but they are not officially members and they
don't get to actually vote.
Goldie just walked in I am told. Thanks for
coming on in.
(Applause.)

CHAIRPERSON LEVY: Remarks, I was trying to
think, my last Assembly meeting, I am supposed to say
something kind of profound, say something important.
Trying to come up with some way to work Bartamaus into
this speech, which technically I think I just now did.
I failed to come up with anything that's truly
profound. I do have a couple of scribbles here
though.
The most important thing I wanted to say is
about the breakout sessions we are going to do later
today. I want to make it really clear that the
breakout sessions are not filler because there wasn't
enough on the agenda, there wasn't enough before the
Assembly for us to fill a meeting. Just the opposite
is true. There are things that we have had on the
agenda for upcoming meetings that we have put off for
another meeting because we felt the small group idea
was a really important one.

It was suggested to us initially by Dadie
Perlov, who has been working with the Bar extensively
on our strategic plan, past being completed now and
the future one, but it was something we seized upon
because we really felt it was a way to try to get
everybody in the Assembly more involved, to try and
make sure that what we were doing as an Assembly was
listening to each of you, to each of the members, and
not just to those few of us who like to hear ourselves
talk enough to get to the microphone when we are
debating an issue, but all those who are here, because
they have something to say and because they are
representing a point of view that we are not going to
get otherwise, and we felt that it was really
important.

We also want you to think about the changes.
The Representative Assembly was formed in 1970. The
idea for it was formed in 1970. The Assembly itself
didn't meet until '72. Think about the things that
have changed since 1972 in the world as a whole, but
also think about what's changed in the practice of law
since 1972. Think about the fact that when the
Assembly was first formed our methods of
communications, our means to hear from people who were
far away were different by nature of technology than
they are now.

Think about the fact that the Keller decision, which we have talked about several times within the Assembly recently and over time, the Court Administrative Orders that came with it that restricted what we could do as an Assembly correctly, in my opinion, I want to state very firmly to those matters that are really key to the Bar's mission, because we are a unified Bar, we do represent all attorneys. People don't get choices whether to join, we shouldn't be off doing things like deciding whether or not the State Bar of Michigan is going to be declared as pro life or pro choice. Those are issues, though, that the Assembly when it was first formed would have been able to take up. So think about those sorts of issues when you think about the Assembly. I personally believe that having a larger representative body is critical to what the Bar is about, but I don't think my opinion is really the one that matters. The one that matters is the collective opinion, and if that's true, more important is that the Assembly needs to think about all those changes and think about the fact that the Assembly itself has changed incrementally during those same periods of time.

And we need to look at ourselves and say is this -- is this the most effective way we can be? Is this great? Have we not made changes, substantive changes, have we not made changes in the way we address questions, the type of questions we make because the way we are doing it is perfect or near perfect? Maybe so. I think some people may feel that this is the right way to do it and everything is the way it should be, and that's something we want to hear. But is it because change is so hard, because change is scary that we haven't tackled those issues, and if that's the case, as a representative body, as an assembly, it's really important, and key to all that is if we don't ask we won't know the answers, and we do need to express our opinion. We do need to do that as individuals and as a body, and we need to take a good look in the mirror at the Assembly, at ourselves, and make sure we are serving an important purpose and, if so, that we are serving it well.

And the questions that we have asked you in the small groups to talk about, to identify possible answers for us, the first two of them in particular, what has the Assembly done in the past that it's done well and what has it done that it didn't do so well, are designed to bring up those discussions, not in comparison to what anybody else has done, but in terms of us as an Assembly for what we should be, what we should be doing, have we been addressing the right issues, have we been doing it effectively, can a body of this size necessarily tackle all issues, or are
there issues we should be doing in other manners. If
so, what is it that we should be doing instead. Where
should the Assembly be going, what have we done well,
what have we not done well. Those are the discussions
we want you to have. Those are the questions we want
you to start answering.

This is not designed to give us answers so we
are going to go off and make changes. This is not
designed so that the questions that you are going to
be answering for us today are really the ultimate
questions or the end process. It's designed in part
because it gives us a starting place to look at the

Assembly, and by us I say mostly Elizabeth and Lori
and future Bar Assembly leadership, a starting place
to look at these issues, but it also is designed to
get you to start thinking about those questions. They
are important questions, they are questions the
Assembly really needs to take the time to think about
and to answer.

The latter two questions are really designed
to help identify what within the Rules of Professional
Conduct that we have already discussed at some length
and positions that we took that I think were extremely
helpful to other people who are looking at the issues
and where the Court Rules should go as to professional
conduct. But are there areas we missed?

The court at our request has extended their
deadline for public comment, literally to accommodate
the Assembly being able to meet in January. There is
a responsibility that comes with our having asked that
question, and that's that if we do anything we do it
constructively and we actually give them feedback
that's going to be helpful to the court, and I stress
that, because I don't think it's particularly helpful
if we go back and we just reiterate those issues that
we have already taken positions on or those that the
court may have suggested that it disagrees with. But

it's important that we look at whether or not there
were areas that we didn't discuss things or things
that we missed, and in terms of the rules, the
disciplinary rules, that we asked the court to
postpone making a decision on, that we ask ourselves
what part of that should we be addressing and in what
way, and Assembly leadership really does want your
feedback on that.

I think what I am trying to say, the new Dean
of Wayne State when I talked to him briefly when he
made a couple of remarks was talking about the fact
that it's his opinion he has always taken the premise
with his students that he doesn't think that good
lawyers are lawyers who don't make mistakes. He
thinks that good lawyers recognize they have made
mistakes and then fix them. And I think that that's
sort of the message that we have here. If the
Assembly is not doing things exactly right, it's our
responsibility to figure out what we are not doing right and to try and fix it.

When you break up into those small groups, I like to think of the Assembly sort of like a jury. The smartest judge there is, when they listen to, when he or she listens to a case, when he or she is presented with something, when there is a lot of facts in particular, might miss something. It's my experience though that when 12 average, run-of-the-mill folk spend the time to listen to something, to consider something, to think about something, they don't miss a thing.

My experience has been prosecuting. The things that I have worked over with other people a case for six months and defense counsel has done the same and when we talk to a jury afterward there is a fact there that, darn it, if we shouldn't have been arguing to them that we just totally missed because we were too close to whatever, and I think that's what we are trying to do here is break you up into groups so that collectively as you discuss these things you can bring things to the floor.

I also want to just take the chance while I have it to do a little bit of saying thank you. Primarily, or at least initially, to Elizabeth, to Lori, who have served as officers with me. It's not easy to explain just how much that means and how much having people have faith and go along with what it is that you are trying to do, offer constructive help, how much that can mean, and I thank them for that, playing that role.

I feel like I need to mention Tom Rombach, who spoke earlier, but also Julie Fershtman and Bruce Courtade, chairs who I worked closely under as I was sitting in those chairs. The examples they set, the strength of the body that they helped shape and passed on to me and entrusted me with was very much due to their efforts, and I thank them.

Mostly though at this moment what I want to do is go back to, and I don't know how many of you were at lunch yesterday, but something that Dennis Archer said when he was speaking. He talked a little bit about how associations, and he was talking about the American Bar and Bars in other states and about this Bar, but how associations of volunteer lawyers really depend upon professional staffs to make things happen, and it's so true. And the Michigan State Bar staff is really so good that it's often really invisible to most of us. Most of what they do we don't see. I can't take a final bow today, I can't. If it weren't for them, instead of standing here with all you listening, I would be ducking tomatoes. They are the folk who allow us to look good.

The ability to say, when we are having a phone call to talk about how can we prepare
facilitators for small groups, to say, you know, it
would really be nice to have a folder that included

all these materials so the facilitators would have it
and have the transparencies right before them and all
in one nice package when they got there, it would
really be nice to have it, and it happens.

There were times when I felt it, sort of
Jean-Luc Pricard, for those of you who have watched
Star Trek. You just say make it so and then you get
to not worry about it anymore, and when you show up
it's so. And that's amazing. I mean, you know, we
all work with staffs in our offices, and I think we
have some understanding of how amazing it is, but I
don't think most of you really know how much that's
happening, and I want to thank personally, to single
out John Berry, Janet Welch, Nancy Brown, Tom Byerley,
Anne Smith, members of the staff who have been
particularly helpful to me, Lisa Allen-Kost for
putting together in particular the trip up to the U.P.
which was an experience that you should all have.

But mostly I want to say that if I am Captain
Pricard, if I get to say make it so, I got to thank
Glenna, I got to thank Glenna Peters, because if I am
Captain Pricard, she is my number one. She is the
person I say, hey, number one, do this, and that's all
I have to say. And that's a really neat feeling, and
to have it done with support and with enthusiasm and

with a love and a respect for what this body, the
Assembly, and what the body, the Board, and more
importantly what the body of the State Bar is, should
be, can be is invaluable, and I don't have words that
really express it beyond just being able to say thank
you.

I said yesterday that when I look back on
this experience next year, years from now, when I look
back on it, I am not going to remember what issues we
talked about, I am not going to remember what we
argued about, what we discussed. What I am going to
remember is the people. That's particularly true of
the people who I have already mentioned, but it's also
ture of every member of this Assembly, member of this Assembly.

It's a privilege to have held this position.
It's a joy to have worked with you. I thank each and
every one of you for the experience, but mostly, and
the part that I don't have words really to express, I
thank you for having the faith and the trust to put
this body that I believe in in my hands for a year.
That's a neat feeling. That's something that each of
you in one way or another contributed to my being able
to feel, and for that, personally, deeply, I do say
thank you.

(Appplause.)
CHAIRPERSON LEVY: Scott, they say don't follow an animal act. I don't know that I am an animal act, but you get to follow that, would you please.

PRESIDENT BRINKMEYER: Good morning. As we pass one another today throughout the day, if you notice that my smile is little broader, my step a little lighter, Tom Rombach gave you the reason why, in about two and a half hours I will be the former president of the State Bar of Michigan.

Last night, as Tom mentioned, I had the pleasure of assisting your incoming president, Nancy Diehl, as she presided over the awards banquet. I don't know how many of you had the pleasure of attending, but it really is a telling ceremony, and last night was no exception, about the wonderful things that lawyers do around the state, and if you heard former State Bar President Dennis Archer speak as the keynote speaker at the luncheon yesterday, his talk on what it means to be a lawyer was certainly motivating and uplifting.

As I stood there last night and passed out those many awards for a seemingly unending period of time, although every moment was certainly worth it, and watched the folks as they ate their dinner, I couldn't help but reflect that it wasn't that long ago that I was chair of this Assembly and handed out the first Michael Franck Award to then Bar President Ed Brady, and Mrs. Franck assisted me in presenting that to Ed that particular year. I was proud of that, and I was proud to be the chair of this Assembly.

I will have to say with candor that was not always the case. I was approached by former president, State Bar President Jon Muth, the longest sitting president of the State Bar, many years ago, seemingly an historic time ago, and asked to run, first for the Board, which I declined because at that time it was far too much for my practice to bear.

But then he persuaded me to run for the Assembly, and I did so and served the first three-year term, at the end of which I went back to Jon and I said, Jon, I am afraid I am going to have to disappoint you. I am going to resign from the Assembly. And he said, Why are you going to do that? I said, I am bored, I don't think they are doing much of any substance, I am dismayed with what we are dealing with and the way in which the issues are presented and the way in which so many Assembly members are approaching them by trying to redefine committee work that had been ongoing for months or even years in some cases and worrying about syntax and going back and forth about this sentence or that. I said, I just don't have the time to do that. It
doesn't seem like it's very relevant and it doesn't seem like people are really getting the big picture.

Jon thought for a moment, and he gave me some of the best advice, looking back now, that I probably ever got. He said, Look, don't quit, run for the chair, run for the clerk, get to be an officer and change things. So he persuaded me. Little did I know what lay ahead.

But in any event, my first daunting task was to get myself known in the Assembly. I did not have a history with the State Bar, but I did find that it had been about 15 years or more since anyone outside of the southeast quadrant of the state had been an officer, which surprised me, because this is a representative body. So I contacted every member of the Assembly and I reminded them of that fact, but next I learned that the two persons I was running against were none other then my good friends Kurt Schneelz and the Honorable Archie Brown. Kurt at that time had been president of the Young Lawyers Section, already a member here, and his father was the long-term parliamentarian of this very body.

So to make a long story short, the particular day of the election there were two votes, and that afternoon after lunch as we awaited the results of the last vote I was actually writing the congratulatory speech to Kurt, expecting, of course, that he was going to be elected. The most surprised person in the room when the results came back was me.

What's happened since, of course, is that Kurt succeeded me the following year, Archie is now our parliamentarian, we are good friends, and I went on to be the chair and then jumped into the chairs of the State Bar.

I believed what Jon said, and that began a rather long, devoted trail and travail of the officers and all of those who succeeded me working very hard to improve the lot of this group in the sense of bringing back credibility in what this group does throughout the Bar, and I mean credibility that will stand with the courts, that will stand with the Legislature, that will stand with the Board, and that will stand with our members. And, of course, you know for the past many years you have had some outstanding leaders -- Kim Cahill, Tom Rombach -- and I know you have just shown by your applause our current chair, Dan Levy, and I know that the future is bright with Elizabeth and Lori coming along, they will be no exception to that rule.

I mentioned this history today because I want to echo what Dan said. This task that you have is, I expect, the beginning of a process of self-analysis that is very, very important. I believe that there should be an Assembly. I believe that Michael Franck was right when he got the idea for and got the
Assembly created that we do need representation for the lawyers from around the state, and it's very important to have that representation in a body like this.

Now, exactly what you do with that and how you do it are what's on the table, and I would recommend that you really take a close look and, as Dan said, think about how you can best represent the lawyers from your various circuits and how you can best do their work so that it does have credibility throughout the Bar and elsewhere and that that credibility resonates in everything that you do.

So please take it seriously. I think it's very important. It could be the foundation upon which the future direction of these decisions and this body are built. But what we don't want to do is backslide, I don't think, because too much hard work from these folks that I have mentioned has been done, and you have seen the effects of that, as have I, in the work you have done in the past few years, it is excellent work, and I am proud now to be a part of it and have been ever since I got into the chairs here, and I want to carry that pride with me on into the future. You do good work, you can do great work, but I think you need to look at exactly what is the best way you can do that work for the people you represent.

I will echo what Dan had said. I have to say that the U.P. trip is a great experience. If you can have it, I would recommend it. If you can ever drop by when we -- speaking of venues up there, when the future officers do take that opportunity, it's great fun. Getting around the state has been an outstanding experience, meeting many folks, many of the officers from different Bar associations and learning just how right Dennis Archer is about what we do and how important what we do is in our society. Never forget that.

And as you go forward keep in mind, and I will recommend one way to do it is periodically go to your Bar Journal directory, look up the oath of office and read it over and take it again. If you read that, I think that will remind you of exactly what it is we and you are about, and it will remind you what you swore to be when you became a lawyer.

Thank you for a great privilege. It's been an honor to serve, I appreciate it, and do good work in the future. Thank you very much.

(Applause.)

CHAIRPERSON LEVY: Sort a symbolic passing of the gavel for what we will see for real not too long from now. Nancy, will you please make a few remarks.

Incoming State Bar president, Nancy Diehl.

(Applause.)

PRESIDENT-ELECT DIEHL: Good morning, everyone. What a fine looking group. He said a few
comments from me. He didn't say that for the others, did he? That's my friend, Dan, and I am so proud of Dan and am so pleased with the leadership that he has shown the Assembly this past year. He has just been terrific. I have appreciated Dan's leadership, not only of the Assembly, but his position on the Commissioner's Public Policy Committee and his position at our table. He always has thoughtful comments to make, and we appreciate it, and he has represented the Assembly extremely well, you can be sure of it. (Applause.)

PRESIDENT-ELECT DIEHL: And besides, he is a prosecutor. All right, all right. I am so looking forward to working with Elizabeth Jamieson and Lori and your soon to be elected clerk, and you know that everybody talks about the U.P. tour. They all talk about the U.P. tour. You hear different things, but I hear right now before I am about to go on the U.P. tour with Elizabeth, they are saying it's a great thing, so that's good, guys, you got me thinking it's a great thing, and we are actually looking forward to it, it's a wonderful opportunity. Do you know what that is? They keep saying go to the U.P. You think it's all fun and games? You did say it was going to be fun and games, didn't you, John? It's a wonderful opportunity to see the lawyers in the Upper Peninsula, and so we spend a week and we tour the whole Upper Peninsula, visiting with all the lawyers in the Bar associations there, and so we are really looking forward to it, and, Elizabeth, you are coming with me, right? VICE CHAIRPERSON JAMIESON: Last I heard. PRESIDENT-ELECT DIEHL: She said she is looking on the weather report. But we are looking forward to it. Some of my firmest roots with the State Bar of Michigan are right here in the Representative Assembly. I was trying to figure out, someone asked me the other day when it was that I started here, and I think I began my Assembly work in 1992, and I was here about 1996 when Victoria Roberts was a member, because she was president-elect of the State Bar of Michigan, and Victoria said to me, you know, Nancy, there is an open seat from Wayne County on the Board of Commissioners, and it really would be nice to have you on the Board when I serve my year as president. And I said, wow, Board of Commissioners, that sounds pretty good. I like the Representative Assembly, but Board of Commissioners sounded pretty good, and I have long respected Victoria Roberts, so I did, and I joined the Board. Of course, I had to leave you for a short period of time, but when we end up now back on Executive Committee and as an officer of the State Bar we rejoin the Representative Assembly.
19        Assembly. So I was only gone for a short time and
20        have been able the last number of years to rejoin you.
21        I love this group, and what I love about this
22        group is the way that you debate issues, and, you
23        know, speaking of debates, there was a debate. Was
24        there a debate recently?
25        But you have been debating important issues

1        for a long time, and think about it, you go up to the
2        microphone, and you debate with respect. There is
3        civility. I never heard people attack others in terms
4        of their position. You come to the microphone and you
5        make your position heard in an a respectful manner.
6        And we have wonderful back and forth, and it's amazing
7        with a group this size, think about how often we come
8        to an agreement. Takes a little bit of work. Tom
9        Rombach is running around the room working out
10        compromises. Isn't that wonderful, once in a while
11        you take that break, he goes out of the room -- I am
12        not sure what magic Tom pulls, but he gets it together
13        and comes back with an agreement. That's democracy in
14        action, that's lawyers in action, that's folks trying
15        to come together and come together with the best
16        possible conclusion that you can.
17        Look what you did when you passed our
18        strategic plan and put the proposal to the Supreme
19        Court on the dues increase. Thank you. That was hard
20        work. You said yes, that's a good strategic plan, we
21        are behind. Now, Supreme Court, give us the money
22        that we need to proceed, help us. Well, we got part
23        of it, and that's good. We didn't get all of it. But
24        something else the Supreme Court did, they didn't
25        listen to you, did they, about the senior lawyers.

1        But you didn't give up, and we went back, and the
2        Supreme Court now has an emeritus status, and look
3        what you are doing today.
4        This is an example of what you do time and
5        time again. If you don't get everything you want, you
6        come back, you work for maybe a compromise, and what
7        you are doing today is giving more dignity and respect
8        to our senior lawyers with the proposal you are going
9        to be debating later. Keep up the good work, enjoy
10        your group discussions today. I expect you to bring
11        back good ideas and good information about the future
12        direction of the Assembly, and I look forward to
13        working with you next year. Thank you.
14        (Applause.)
15        CHAIRPERSON LEVY: I am just taking a quick
16        look at my time, and I think it's important that we
17        have time to use the small groups. I would hear a
18        motion that we ask Executive Director John Berry to
19        speak to us at 2:30 this afternoon, move it on the
20        calendar.
21        VOICE: So moved.
22        VOICE: Support.
23        CHAIRPERSON LEVY: All in favor.
Terri Stangl here? Next item on our calendar is the consideration of the proposed amendment to add attorneys with emeritus status to the court rule that currently allows law students to practice. The initial proposal is being made by the Legal Aid Committee, the Standing Committee on Legal Aid, and Terri Stangl, chairperson, will address you.

MS. STANGL: Good morning. The proposal before you is in your materials on the tab on 8.120. This proposed resolution is offered by both the Legal Aid Committee and the Standing Committee on Justice Initiatives, and their proposal is in a resolution, and on the back page of the first page and the third page there.

This proposal would give a volunteer opportunity for attorneys who have elected the emeritus status. As you may recall, those are attorneys with either 30 years of practice or who are 70 and older. They can elect that status and then not have to pay Bar dues, but they can continue to get some of the services and publications of the Bar.

These attorneys are a wealth of experience and of expertise within the Bar, and on occasion some of those attorneys would like to offer that on a pro bono basis to organizations that serve the indigent, such as legal aid and defender organizations.

The proposed resolution would allow these attorneys to do so under the same Court Rule that we currently apply to law students who provide those services. However, they would work without compensation and their expenses could be reimbursed.

So we feel that this is a very good opportunity to recognize that resource within our Bar and to allow them to serve organizations that in turn serve many people in Michigan that are in need, and I would move for the adoption of the resolution that has been submitted.

CHAIRPERSON LEVY: Is there support for the motion?

VOICE: Support.

CHAIRPERSON LEVY: Any discussion? I believe that the prosecutors have asked somebody to make a motion on their behalf. Kim Eddie, also State Bar Commissioner.

MR. EDDIE: We as prosecutors, and I work with prosecuting attorneys coordinating counsel, also on the Board of Commissioners, and I have spent --

CHAIRPERSON LEVY: I am sorry, your circuit?

MR. EDDIE: I am sorry, do I need a circuit?
CHAIRPERSON LEVY: Parliamentarian says you should identify your circuit.

MR. EDDIE: Kim Eddie from the Board of Commissioners. Will that due? Thank you.

For a full disclosure, I have been a prosecutor for 31 years, and I come to you to hopefully amend it to add in the first line governmental offices in place of the words legal training programs, and in paragraph two to modify that to read law students, recent law graduates, and attorneys with emeritus status may work in the office of the county prosecuting attorneys, corporation counsel, city attorneys and attorney general.

As you go north in Michigan you will find many very small prosecutor's offices. This would certainly help them. Many of those offices are one and two people offices, and to have somebody -- to have a weekend off would be nice -- to come and assist you, and there are emeritus lawyers I think that would like to do that. I don't think it greatly impacts the programs. We currently have law students working in prosecutor's offices. I think it simply clarifies it, so I would like to move to amend the proposal to read as I have indicated.

CHAIRPERSON LEVY: Thank you. I guess there is some question as to whether as a not present member of the executive board I can recognize you to speak but I can't, whether I can recognize you to make a motion, so fortunately Nancy just made the same motion. So I would ask if the original moving party would accept that as a friendly amendment.

MS. STANGL: The Legal Aid Committee does. The Standing Committee on Justice Initiatives did not have an opportunity to take a position on this.

CHAIRPERSON LEVY: And if that looks like it was prearranged, it's because it was prearranged. The point being that both sides would like to be included on this matter, both sides wanted to represent themselves, and we asked them to do so. There is now a motion on the floor, there is an amendment to it. I believe there has been support expressed, so I would call upon discussions.

Is there support for the motion as amended?

VOICE: Support.

CHAIRPERSON LEVY: Thank you. Is there any discussion on it?

The exact language is not there, and it's lengthy, but it is in Appendix A of the calendar, so it has been published to all members. You have the initial motion before you in the calendar under the tab, and immediately following that is the amended language which adds the prosecutors to the same, so it has been submitted in writing in a timely fashion and...
is before you.

VOICE: Call the question.

CHAIRPERSON LEVY: Before I move to call the question on the amendment, I am being told that if you look at Appendix A under Section B, the first two words being legal training, it being legal training programs, the word government was substituted for legal training, so it's government programs.

VOICE: Government offices.

CHAIRPERSON LEVY: Government offices. If you would just pass up a little bit more at the letter B, instead of legal training programs it's government offices. Just government offices, period, no programs.

Am I understanding, Kim?

MR. EDDIE: That's correct.

CHAIRPERSON LEVY: That was the way you were moving it?

With that clarification, I would call the question on whether -- on the amendment. Would all those in favor of adding the amendment --

MR. ROMANO: How about the title, the title of the rule, it also references --

CHAIRPERSON LEVY: You need to identify yourself at a microphone.

MR. ROMANO: Vince Romano, 3rd circuit. The title of the rule also references legal training programs. Is that to be changed as well?

MR. EDDIE: Yes.

CHAIRPERSON LEVY: Yes, and that is an amendment also accepted as friendly. So, again, with those clarifications having been made, the amendment is before the body. Would all those in favor of the amendment as presented please indicate by saying aye.

Any opposed.

Thank you. That leaves us with the now amended proposal as a whole. Is there any discussion on the proposal?

Hearing no discussion on the proposal, would all those in favor indicate by saying aye.

All those opposed.

I would like the record to reflect the fact that that was an unanimous vote in favor.

With that we will break up quickly into small groups. Let me just do a little bit of logistics here quickly to make this hopefully run smoothly, but I want to give you as much time as possible.

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You will see that in your packet that you have identified what group that you are in. Find your name, it's the blue sheet. Each of you has a blue sheet in your packet. It will identify which group you are in. I am going to have the facilitators stand in a second and introduce themselves, but even without knowing their faces immediately, the first group is going to meet against the wall. In this section here
we'll have groups two, three, and four, two in the
front, three in the middle, four in the back. From
the center section, five, six, seven, five in the
front, six. And seven in the rear. In this section,
eight, nine, and ten, eight being in the front, ten
being in the rear. And then against the wall over
here would be the 11th group.

Robert Buchanan, would you stand and wave, is
the facilitator for group one. For group two is
Teresa Bingman, over here. For group three is Tom
Evans.

As I announce the facilitators, if you want
to start walking towards your section so people know
where you are going. Everybody else, if you just hold
on in your seats for a second so that people can spot
the facilitators as they are moving.

Susan Haroutunian is over here will be group
number four. Katherine Kakish, Kathy right here, is
five in the center. Bill Knight is group six, just be
moving back a little bit. Lynn Moon is group seven,
right up front here.

Moving over to the section here, Fred Neumark
is all the way to the back, will be in the center of
this section, group eight. Group nine is Vince
Romano, in the back of this far section -- I am sorry,
the middle. In the back, Mike Riordan is right over
here, and then against the wall is Laurin' Thomas
Roberts right here. If you could please enter your
groups and then begin your conversations.

As you are moving to those sections, if
somebody can just make a quick motion that we not
transcribe each of the 11 groups.

VOICE: So moved.
CHAIRPERSON LEVY: I here it moved. Do I
hear a second?
VOICE: Second.
CHAIRPERSON LEVY: All those in favor of not
reporting that, please say aye.
Any opposed.

Thank you. We are off the record.
(Small group breakout sessions.)
(Lunch break taken.)
there is a possibility that if you don't check anything somebody will figure out what it is that you are interested in for you, so that pick the ones that you are kind of interested in to avoid getting something you are really not at all interested in. Also, just note at the very end, and I promise we will get there sooner rather than later. After adjournment it says refreshments. We are going to have nothing real extreme or fancy but a small sort of reception afterward where you can come and congratulate our new chair and talk to each other on the way out.

The way I want to handle the small group presentations is if the people who are going to be speakers would, two or three groups before them, they're up -- if you are number four, when one or two is presenting sort of gravitate over towards the overhead projector. I'll meet you down there. I am going to ask the people that are doing the presenting to come up to this microphone, and we are going to begin with those.

So if the groups one, two, three want to sort of meet me there, and as your group is coming up close, come on down and meet me.

MR. ADELE: Our group is group one, and basically regarding our response to question number one, which is based upon the personal observations and the Keller guidelines what types of issues/resolutions/items does the Representative Assembly handle well, and our view was addressing the philosophical issues, i.e., moral compass of the collective Bar. We gave some examples, the emeritus status, which is just an issue that just passed through, also the Access to Justice program for underprivileged citizens.

And number two is providing direction plus input on ethical issues, expressing the practical implications to those who decide. Basically getting information from those who are actually out there practicing and getting that information and passing the information on to the decision makers. That's what we had for number two.

CHAIRPERSON LEVY: As I am sliding this down, could I ask you to state your name and circuit on the record.

MR. ADELE: Goldie Adele, 30th circuit.

Sorry.

And number two question, our response was pace of action is slow, and an example of that is drafting and work written by entire Assembly should be delegated or positions anticipated before meetings.

Basically we are talking about the fact that issues keep on being dragged on because of one word or one phrase and all of that, and we feel that those issues should be taken care of at the committee level
before it’s actually presented to the entire Assembly.

Issue number two, our response is weighting
of votes not representative of the entire Bar, and in
such a case our example is the fact that some
districts have, for example, 3,000 members, some
districts have about 200 members, and both districts
have one vote, and so the observation was that
district with 3,000 should basically have more say or
like more options compared to a district that has 200
members.

Our response to the next issue is yes. We
need to effectively and persuasively voice our piece
with solid reasoning to have an impact on the moral
code that impacts everyone, otherwise we allow the
Supreme Court to unilaterally select our rules, rules
that impact us.

Basically we have to be able to have solid
reasoning behind our rules and our presentations to
the Supreme Court and kind of have a very substantial
input in whatever the decisions are that affect your
profession. And so we have to basically create or get
solid reasoning behind our suggestions to them
regarding the changes in rules.

And the last one is, keeping in mind the
Keller guidelines, what issue/issues would you like to
see the Assembly address in the future, and we talked
about judicial debates, basically candidates coming up
and having debates on what their stand is on issues.
Basically they have to follow the ethical guidelines
when they are discussing that, but just to present the
candidates to the public.

Another issue which we discussed was local
districts through model that we actually formulate.
Number two, undertake programs in which we present and
not rely on others to approve and reject. The third
issue is regarding legal training, and basically
focus on legal training, not just in the law schools
but eventually when they become lawyers to create some
kind of resident program which is seen in the medical
profession whereby new lawyers are trained and given
the right guidance to basically get into the
profession. And that was our response to the last
question.

CHAIRPERSON LEVY: Thank you.

MS. CULLITAN: Hello, I am Colleen Cullitan
from the 2nd circuit. I was the reporter for group
two.

For the issues that the Representative
Assembly has handled well, we had a nice mix in our
group of people who had been on for a while, people
who had only been on for a few meetings. Of those
they decided that they thought that at one point
selection of judges, appointment, election had been
discussed, they thought that was handled well. The
meeting where we discussed the proposed Michigan Rules
Michigan Court Rules in general.

We had a discussion about some procedure problems and possibly problems with Roberts Rules of Order and that not everyone is as well versed in it as perhaps they should be. Some people constrained when they might want to make a comment. It was suggested that possibly there is a shortened version or a cliff note on the Robert's Rules of Order that could be given to Assembly members so they would be a little bit better prepared.

Also, we have appreciated at some points when there have been some suspensions of the rules or some moderations of the rules to allow for a fuller discovery, we thought that might be helpful. Obviously amendments from the floor and group editing is difficult, and we appreciate the fact that the language has to be right. Sometimes it takes too long, and we noted that it was I think the last meeting we sent something away to the Assembly Drafting Subcommittee to fine tune the grammar and the wording. We thought that was a good use of time.

We felt very strongly that the Assembly should look at the Michigan Rules of Professional Conduct again, thought that it was a beneficial discussion and that we need to be very proactive then in representing the lawyers in the state, because it's very important to all the lawyers and that we make our opinions known to the Supreme Court.

We thought that selection of judges is something that probably is going to come up again. We thought some standardizing rules regarding court appointments and then also payment for court-appointed attorneys, that people are finding in their practices that those rules vary so much across the state, people are licensed to practice all over the state but the rules vary so much.

Also, there were some comments made about the recent rules for attorneys and guardian ad litem that people thought should be addressed at some point.

Thank you.

CHAIRPERSON LEVY: Did you put your name and circuit? I am sorry.

MR. EVANS: I am Tom Evans from group number three. I represent the 5th circuit. Our recorder was Steven Drakos from the 6th circuit. We had a very enjoyable and cerebral discussion. Even if the notes burn to the ground, I think we are all the better for it.

As to question one, we talked about what items is the Assembly handling well already. Voice
for defense and other minority positions. Basically we felt that anyone can step to the floor here with any proposal and get a fair shot of some people who are willing to listen and give their proposals a shot. A good self-policing organization and that the members of this Assembly have dedicated a fair amount of time to regulating the conduct of lawyers successfully, and that I think goes hand in hand with protecting the profession of law standards of professionalism. Some things that we felt that the Assembly has not handled well, let's see, recommendations not given significant weight, no teeth in that ultimately, and maybe it's just the nature of the bylaws of the Assembly, but our resolutions don't always become the rules or the law. We felt that in some way a lack of publicity is possible, public relations that could be used in maybe leverage and publicity, I guess both to the Bar and to the public in that, number one, there was a feeling among our group that not all members of the Bar understand the positions that the Assembly is taking and the efforts that we are making, and also the medium hold does not do that, and it might be a great and a useful tool to us should we be able to reach more people and say, hey, the lawyers are trying to regulate themselves. They are trying to get rid of

should the Assembly further address the proposed Michigan Rules of Professional Conduct, and if so on what issues or rules. No, the people in my group thought that basically those issues have been hashed out fairly recently and no further discussion was needed by this body at that time. Keeping in mind the Keller guidelines, what issue should the Assembly address? Big thing was the depoliticization of judicial races, prosecutors, sheriff, AG, drain commissioner. All those races kind of can get bogged down in unnecessary politics. To the extent this Assembly is isolated from the wackos pursuant to Keller, a lot of attorneys think that would be great if we could minimize that in some extent. Some people said it's an incredible burden when it says Joe Schmoe versus Jane Schmoe, judge of the circuit court, things like that. Another suggestion was some type of regional orientation in that members from various circuits that are nearby might meet in between full Assembly meetings or there may even be a regional spokesperson or wit as needed to spread news about the Assembly to

local members of the Bar and media groups. Another suggestion was that we look into CLE for both attorneys and judges. Thank you.
MS. GRAMZOW: Kirsten Gramzow from the 6th circuit.

Based on your personal observations and Keller guidelines, what do we handle well in the Representative Assembly? We also, as with other groups, had a mix as to members that have been around for quite a while and members that were new.

Some issues that we thought handled well were the debate of the Rules of Professional Conduct, the dues debate recently, discussion on budget matters, as well as that my group wanted to point out that they thought it was essential that we continue to meet face to face, especially in light of in today's day and age we are able to speak to one another by e-mail, fax, and other correspondence, but our group was adamant about continuing to be able to come together as a group because you can better understand one another and better get an idea as to where our viewpoints, what our viewpoints are and where we come from.

With regard to the second question, what don't we handle well? On the scheduling issues, as far as the time constraints are concerned, my group is concerned with the fact that the Rep Assembly meeting is at the same time as the section meetings. This doesn't give an opportunity for the people who want to go to section meetings to be able to do so if they are on the Rep Assembly, and also it doesn't allow for discussion with some section meeting members with the Rep Assembly.

As far as the structuring is concerned, my group wants to put forth maybe that those issues which require no debate could maybe be conveyed in writing to the members. This would allow for issues requiring significant debate to be given more time in the Rep Assembly meetings.

With regard to communication, communication was a big issue you will see not only on the second question here but also on three and four. My group is very into making sure that the communication vehicle is strengthened between the Rep Assembly and State Bar members. For instance, some just suggestions were made that, although it's been changed recently, that the e-journal return to a one-page format and/or that there be fewer links. They would like to add a Representative Assembly section to the e-journal with a link for comments by members to upcoming issues.

Within the Bar Journal suggestions were made to have a tentative agenda for the Rep Assembly so that members of the State Bar are able to know what's going on with the Rep Assembly and be able to communicate to the constituents within the member of the representative area as to how they feel on issues that the Representative Assembly will be discussing. Also what's happened in the Representative
Assembly after we have had a meeting to allow members
of the State Bar to know what's been voiced or decided
or recommended, whatever the issue is.
And, finally, listing the Representative
Assembly members in the State Bar Journal with an
e-mail and/or a link, or excuse me an e-mail and/or
phone number so that members know who you are and also
how they can contact you, whether they are able to
contact you by e-mail or not.
On the third question the answer was yes.
However, we didn't really go into what specific issues
or rules needed to be discussed, instead we kind of
looked at the fact that there needs to be a longer
lead time before debate on issues, that the
Representative Assembly members need to be able to
have the information a lot sooner than it actually
does in order to make our meetings more productive.

In addition, that goes hand in hand with
allowing members and section committees to know what
exactly is going on and what will be discussed with
regard to Rules of Professional Conduct so that they
may voice their opinions, concerns, or issues to the
Representative Assembly members so those could be
discussed at our meetings.
On the fourth issue, what could be done in
the future, our group felt very strongly about
reexamining the term limits, especially in light of
recent or ongoing vacancies.
New member orientation, even if it's just a
half hour before the first meeting, an orientation
book or cheat sheet, as someone has previously
addressed with regard to the Robert's Rules of Order,
maybe even a discussion or a little introduction with
the chairperson so that they get an idea what a
Representative Assembly meeting is all about.
A third issue is identification of the
Rep Assembly members at the annual meeting with a
ribbon. Apparently this has been done in the past but
for whatever reason it is not being done now. This
would allow State Bar members the opportunity to see,
recognize you as a Representative Assembly member, to
know who it is in their district, and to allow them to
bring issues to your attention that they either, A,
don't know who you are or they -- you being here would
give them a better opportunity of speaking with you.
They may not want to take up the time and effort to
look up who you are and then seek you out.
As far as the fourth one is concerned,
communication between the Representative Assembly and
State Bar members as well as committee/sections. As
with the other questions, communication and the lack
thereof between the Rep Assembly and State Bar members
as well as committee sections/meetings is a strong
point and should be continued to be looked into in the
future in strengthening in order to have better ideas
to what issues and concerns are with the members and
how we can help them.

MS. KIRSCH-SATAWA: I am Lisa Kirsch-Satawa,
6th circuit. In group five with our observations
about the Representative Assembly I think are
attributed to all of you and that we thought that one
thing that this group did the best was that we were
able to look at different policies, vetting policy
that impacts the profession and the public and the
Rules of Professional Conduct, and in doing that we
were able to look at each other, respect everyone's
opinions, learn from each other and recognize our
diversity and really use it as a tool to maximize what
we were doing in this room.

We felt that the Representative Assembly
serves and gives voice to all circuits in Michigan,
all sides of the Bar and every aspect of law and that
for the most part that the large scale debates on
important issues were done very well by this group to
keep our direction.

On the flip side, it was very frustrating to
our group the amount of time that is spent doing
amendments from the floor, and so we -- our thing that
this group needs to do better is to properly follow
the Representative Assembly's rules and Robert's Rules
when making amendments by submitting them in writing
in advance, perhaps the drafters might do their own
friendly amendments with other amendments if they are
done in the proper manner.

They also thought that there were too many
topics being covered in one meeting and too much
information being considered in one meeting to be
fully effective, and that makes more issues have to be
tabled and trying to eliminate that delay in getting
things resolved.

Speeches and thank-yous being too lengthy and
then out of courtesy and respect when we are thanking
people we have always given an opportunity to then
respond and make a little speech. Group five thought
that the gracious thank-you is enough.

(Laughter.)

I am sorry, I didn't want to be the speaker.
I told them I would write if I didn't have to speak,
and here I am.

And then we thought that it would be very
effective and something that this group could do
better if everyone understood the source or the
background of issues that were being brought to the
floor. So we knew if a, you know, educated group of
people who work in that area, that whatever we were
going to discuss affects has thoroughly contemplated
it and evaluated or are we just having, you know, one
individual from here who thinks -- here being
wherever -- thinking it's important. We thought that
that would help everyone to understand and maybe
adjust their level of scrutiny if we had more
information about the source.

As far the Rules of Professional Conduct, my
group was very adamant that we need to be involved in
the Rules of Professional Conduct and it's very
important to debate and decide them, and our group
thought that there should be a committee of this
assembly that deals specifically with reviewing the
rules, making sure they are updated and that they are
in conformity with policy.

In addition to that, we would like to see the
Assembly address the public perception of attorneys
and, coupled with that, sending a message of what
exactly this group does and what we are working on and
how we are spending our long meetings.

And then we felt very strongly -- so hold on
to your seats -- that this Assembly should have the
power to approve the budget after it goes through the
Board of Commissioners. And the reason that they felt
this was important was because when this Assembly has
been asked to review raising dues, has actually
certain members of this Assembly have been involved in
going around the state and soliciting funds for
various purposes, and they felt frustrated that when
they were soliciting these funds or going to these
other Bar associations or individual groups they would
say, well, where does the money go, and nobody really
had an answer. And so they -- group five believes
that we should all have the approval and veto power
over the State Bar budget so that we never have a cost
everrun on building a building again.

MS. LIEM: Veronique Liem, 22nd circuit, and

I try to keep this short, two minutes, no more, just
like last night.

What we thought the Representative Assembly
does well, as other groups have found, are the
handling of Court Rule issues, Rules of Professional
Conduct, issues concerning our dues. We also feel
like the Representative Assembly has an important role
on issues of civil rights, separation of power issues,
preserving the separation of power.

In terms of areas for improvement, we don't
think we do too well with legislative issues because
of time constraints, and there were some similar
concerns about how to deal with the Rules of
Professional Conduct.

Same problem with the efficiency of the
meeting as was previously mentioned, the speeches may
be a bit long. Sometimes the agenda, there is an
issue about how the agenda gets defined. We would
like to see a little more efficiency there.

In terms of what we do, we don't exactly --
this is still on what we can do better, but we don't
always know what happens with our resolutions or the
follow-up. It would be nice to have some feedback,
like we did this morning. We had a couple items of feedback about the dues and, you know, that we made a difference, but we don't always know that we make a difference, so it would be helpful to know that, as well as being able to recruit new Assembly members by telling them that we do accomplish quite a bit. So maybe at the meeting, at some of the meeting or all of them we could find out what's been accomplished in the recent past.

I think there was one more. Yeah, reactive rather than proactive. We tend to be reactive because our frequency of meeting is limited. We feel maybe there could be a way to deal with meetings so that we can be more proactive, maybe have more e-mail kind of communication or decision making.

We do think we should address the Rules of Professional Conduct, it's a very important area of concern to lawyers. And in terms of the ones to focus on next would be the ones when at the previous meeting we didn't have a consensus, maybe we could retackle them.

And then in terms of what we would like to see the Assembly address, whether or not we should have an integrated Bar, whether we should be mandatory members. The way the judicial elections are funded we think should be addressed. It's a more narrow topic related to judicial elections.

The use of sanctions in litigation, the balance between trying to discourage frivolous lawsuit versus the abuse of deep pocket power in claiming that the lawsuit is frivolous and trying to discourage the lawsuit, and then we would like to see us involved in promoting funding to prosecute UPL.

MR. MILLER: Randall Miller, 6th circuit, group number seven.

With regard to issue number one, what is it we think we do well, our group felt very comfortable with the intra-Bar regulatory activities. We found that most resolutions are well researched, well presented, that the committees behind the scenes really do a lot of work for us. I think this morning was a great example where there really was no commentary necessary, and those of us that read the materials, which was most of us, were really prepared for the issues, that those that did the background work were very strong in that respect, and that goes for the sections as well.

We also felt that the Rep Assembly is the best group to identify policy positions affecting public legal issues, and that would include the debate, for example, between judicial appointments and elections. That was one example we came up with, and
we felt that since the public really isn't in a
position to comment on that one way or another,
because they don't know, we should be the ones to take
care of that kind of an issue.

Now that he is gone he doesn't want to know
what we don't do well.

What we thought we didn't handle well, for
example, was strategic planning. While we were
complimented earlier on the strategic plan that we
have passed, what we discussed within our group was we
really didn't have any input into the strategic plan.
It was something that was well laid out with pie
charts and graphs, but we were not involved in the
actual compilation of any of those plans.

Other things we felt that we were weak were
Bench/Bar relations and Bench public relations, and we
will talk about that more in a minute. And then
really the most important of those, and you can take
it away because I am familiar with it, is the
communication of the Rep Assembly to both the people
that we represent and to the State Bar itself, and,
like I said, we will get to that in a moment.

With regard to the Rules of Professional
Conduct, there was an absolute yes, hence the
exclamation point.

Stricter reporting and penalties for
wrongdoers, and this again comes up with regard to
number four, how do we improve the image of our
profession, and one way was to implement stricter
regulation on compelling, turning in people that are
wrongdoers, not on the minor stuff as much as the
important elements that really are the things that
make the news and make lawyers look as bad as we do in
the media these days.

Another point was strong efforts to compel
Bar members to increase the Access to Justice, whether
it be through pro bono work or through funding of that
kind of program.

And the last was increase public service
efforts, and, again, this came down to trying to get
lawyers out and into the community, letting people
know that we really are good people, that, you know,
there are a few bad eggs that ruin the name of the
profession but most of us really are good people and
have our hearts in the right place.

With regard to the last issue, issues that we
would like to address in the near future. The first
is more RA involvement in the development of the
strategic plan, which we talked about a moment ago.
That kind of goes along with the state budget type of

increase communication between Bar members
and the Rep Assembly and Bar and the members themselves, both to disseminate information and obtain input for Assembly business. I think our group found that there was very little communication between the State Bar and the members that are here in this body that typically were voting on behalf of ourselves and our own thoughts, but we are really not communicating with the people that are in our districts.

Improving the image of lawyers was an issue, we would like to address ethical issues, and improving Bench/Bar relations.

MR. NEUMARK: I am Fred Neumark, of course, from the 6th circuit, and I was the facilitator of our group number eight. I want to thank my group and also Julie who did the recording, but, unfortunately, I couldn't get her up to be the reporter. So I can't read anything here. All right.

You guys can see what we talked about. (Laughter.) I am going to try anyway. What do we handle well. Debate about or discussion of rules and other matters that came before the Assembly. We seem to have a good debating society here, for sure.

Jeez, this is terrible. Who wrote this? Handling continuing education -- I have got a staff here -- handling continuing education well, which was in the past that we did this, and we give the Assembly kudos for the way it was handled. And also we felt that the Assembly also handles pro bono services well or could handle them well.

The things that we didn't feel were done as well as we could were disseminating information regarding our function as a Representative Assembly. We feel that we seem to be a body without teeth as far as we are looked at by people, our constituents. Promoting ourselves to the rest of the Bar goes along with that. We don't seem to be able to let the rest of the Bar know what we are doing here. And, again, how can we be heard by more lawyers, it goes along with promoting ourselves to the Bar.

This is something that people are saying that we should have here, and that's an orientation for new members. I heard that once before already, perhaps a half day session or a couple hours before a meeting to tell the new members how we work and to get them eased into the program.

As far as the continuing on with the Rules of Professional Conduct, we believe that that's necessary for us to do, but we need more lead time. It's great to have somebody here who can read. We need more lead time. We are just not getting enough time to get into a good discussion over something that's vital. Rule promulgators. Yes, in other words, we feel that we do serve a good, a good job promulgating the rules not just reacting to them.
Implementing disciplinary rules, for example -- you guys can read this thing. I can't read it, but you guys can. And, oh, jeez.

(Laughter.)

They have got a whole lot of things, you know, what we would like to see the Assembly address in the near future. Is there anybody that can't hear me? Okay. Representative Assembly -- I still can't read.

(Laughter.)

Pro bono work, discussion the State Bar, should we only be concerned with rules of conduct and discipline or should we be concerned with all of the structures of the State Bar. Dealing with part-time practitioners. This was an important discussion area that we got into. There are a lot of part-time practitioners who we need to communicate better with because they are not into it on a full basis and they have got their own needs.

Long-term strategic planning and a couple more issues and thank you for putting up with me.

(Applause.)

MR. ROMANO: Good afternoon. I am Vince Romano from the 3rd judicial circuit. It's interesting to me that as we are hearing these that some common themes now are starting to emerge and be identified.

Our group was very well representative geographically, I think, of the Bar. We had people from metropolitan area, western Michigan, the Upper Peninsula of. Most of our members were experienced Representative Assembly members. I served as the facilitator of the group. Victoria Radke was our reporter, and I drew this straw.

We felt, frankly, that we handle our core mission, that is policy issues and matters, very well, and any of us could conjure up, you know, the rules debate we had or the strategic plan and dues increase debate that we had to see how well we do that, and we point to we think that's quality leadership and the leadership functions that the Bar staff helps us provide, we are always well prepared for these things.

We think issues and resolutions are pretty well. We did identify some items that we thought we could do better, and here is the commonality of theme that we are starting to see. We don't disseminate our information and our actions back to our constituencies very well. I am from the 3rd judicial district, and I have no way to really get feedback from or to my constituents, and I really wish that I could.

Also, we think some kind of a discussion forum for the body's membership prior to meetings would be helpful. We think that it might facilitate the debate in the proceedings that we have here, and
suggestions with both of those involve a better use or adaptation perhaps of existing resources because, you know, we are certainly not advocating that we put a lot more money into doing these things, but still we have some existing resources that perhaps we could use better or adapt better.

No, the short answer. We thought that we had a very, a thorough and extensive discussion of the rules as they were before us. We also -- there was a mention, and all of you would agree with this I am sure, that there is a great diversity here. When we started debating those Rules of Professional Conduct we had expertise throughout this room that we could rely on for every bit of minutia that might be in those rules. Someone here could stand up and speak to it from experience and so forth, have reference to it, and we think that that's the kind of thing that will play out into the future. If the rules need further tweaking or further changes, we will see those things brought before us, but, frankly, we don't think we should just embark on some kind of a general review.

Looking at the, looking at things in the near future, it struck us that that's one of the few mechanisms that this body really doesn't have, that is a visionary, a futuring kind of function where we can get a heads up, you know, allow -- again, we are looking at this like some of the other groups, looking at this proactive/reactive continuum. We would like the opportunity to be proactive, but, frankly, somebody has got to give us some guidance as to, you know, what those issues are, where, how can we identify them and how can we take some kind of action, but we really need to maintain this, what we deemed our efficient reactivity to issues, and then, again, addressing unauthorized practice. Many of our group members, it was just about unanimous, that we do need to spend some more attention to that. Thank you.

MR. TAUBITZ Dennis Taubitz, 3rd circuit, drafted by group ten. We believe that the Representative Assembly handles multiple matters well, including the guiding the body on broad policy matters. We feel that that's an area where this Assembly has some expertise and we do that well. We also believe that because of the broad range that this group encompasses we facilitate a wide range of practice areas and we are able to understand and relate to different practice areas.

The final point is, and apparently our person who wrote this down had a few problems. It wasn't me. I told them I couldn't write or spell.

We believe that we have excellent committees which we can place a great deal of trust in, and we do.

The problems are -- and there is, with our group, an overriding or overarching theme, and it's
communication, and that's what we are going to speak about now, what we don't handle well.

We believe that there is poor follow-up, and by that we mean this body goes and passes resolutions, we take positions, but we never know what happens afterwards. We would like to be able to find out where things go after that.

We believe there is a lack of historical background, that this body has been in existence for decades, and that we need to be more cognizant of what's been done in the past and be able to take that into consideration.

And our final point here, although we believe we have excellent committees that we trust, we believe that the committees need to be given more authority and be given time lines that are reasonable to allow them to be able to do their job.

Our third point is, yes, absolutely, we believe this issue needs to be readdressed, but what we are talking about here is our belief that there are differences with the positions we have adopted with what the Supreme Court is proposing, and that's what we believe should be looked at. And, again, continuing the communication theme, we believe that a resolution of those differences with the Supreme Court in an open forum, and what the members are talking about there is to bring the Supreme Court Justices in front of this body and allow us to have a discussion regarding these rules and procedures.

And, finally, where do we want to go in the near future? We would like to see this Representative Assembly be more active in the rule making process earlier, again communication, and, again, you will see we say it, better communication, and we are thinking of examples of a bulletin board or chat room. We need to be able to converse with the people we represent, we need for the Bar to be able to converse with us.

And, again, continuing our communication theme, we need to follow-up, have some follow-up on our recommendations, what the Representative Assembly has said and considered, and that's where we would like to see things go. Thank you.

MS. WIDENER: Linda Widener, 30th circuit.

Our group had a pretty lively discussion, and we certainly appreciated our facilitator, Laurin', who was very helpful to us in kind of keeping on track of what we were talking about. And, like Lisa Kirsch-Satawa, I also thought by agreeing to write everything and be the recorder I would not have be the reporter, but the group felt otherwise.

A lot of what I have been hearing are going to be echoed in what we discussed as well. We felt that the Representative Assembly does, handles discussions very well with the Rules of Professional Conduct and other issues that come before this body.
We are very pleased that minority views are able to be heard. In fact, I think one of our members mentioned, Attorney Abel, who would come up and give his viewpoint, no matter what kind of a discussion that would result in, and it is very appreciative to be able to hear those viewpoints. And we had -- this was interesting. We had members who felt that we represent the constituents well, but you are going to see down below that we also felt that that was something that maybe wasn't done as well as it should be. Down at the bottom, the communication with constituents could probably be better.

We also felt that we had a problem with feedback. Basically, what happens after the Representative Assembly acts? Once we do something, where does it go? There is a feeling of are we really being effective in anything.

One member felt that the meetings were not exciting, I think the word boring was used, but it was not -- I didn't feel that we got the blood boiling enough in our discussions, and so it simply wasn't an exciting process. And that person I believe has been on the Representative Assembly for many years.

The scheduling of meetings during the first day of hunting season. This is bow season today, and apparently some of our northern communities, this is like a holiday and they don't have school and things like that, so it was very strongly expressed that we should not be having meetings the day before or the day of the opening of our various hunting seasons.

And then, again, the communication with constituents we thought could be improved.

We also had a resounding yes for this particular issue, and not simply when there are amendments to be discussed. We felt that since the Rules of Professional Conduct are what basically govern all of us in our practice of law, that that is something that is very important, it affects all of our constituents in the state of Michigan and should continually be reviewed and discussed as needed, and that also would apply to the disciplinary rules as well.

With respect to the things that we would like to see in the near future, this was interesting, because some of the things we discussed we weren't really sure if this was the appropriate body to do that. We had a very lengthy discussion involving the fact that apparently Cooley Law School is going to be opening two new branches and just pouring out the attorneys and is that not a good thing for us, on many different levels. Touching upon the competency of
attorneys, should we have something that will help us
maintain the level of integrity and competency in the
attorneys who are practicing before our courts and
representing members of the public?

We talked also about the training of new
lawyers, and there was an expression made by one of
our members that it would be nice if when law students
got out of law school there was some kind of mandatory
training where they were hooked up with somebody who
had experience to actually gain some experience and
actually practicing law and not simply coming out and
understanding the black and white letter of the law
but understanding what it means to actually be a
practicing attorney, and that too often you have
attorneys who, they are out of law school, they hang
up a shingle, and they really don't know what to do.
So we discussed that perhaps that is something that we
could look to in future meetings. Thank you.

(Applause.)

CHAIRPERSON LEVY: Just five or six points in
rebuttal. No, I am sorry. In poor taste I believe.
I would like to recognize Rachel Drenovsky,
pretty close, who is with the Michigan Supreme Court
Learning Center. We asked her to speak to us about
the Learning Center, about opportunities that it

offers, not so much directly to us as an Assembly that
we want the Assembly involved, but because we as
lawyers and we as community people should know that
this is a resource that's being offered and one that
reflects positively on the profession, and I would
recognize her.

MS. DRENOVSKY: Thank you for letting me
address you today. Now that I have heard all of your
what you think you do well and don't do well, I am
kind of frightened to address you all. I hope I am
exciting.

When I was told I was going to speak at 2:30
in the afternoon, someone in my office said, oh, no,
that's deadly, so I promise I am going to cover three
points; that is, I am going to introduce you to the
Learning Center, I am going it talk a little bit about
what we can do for State Bar members. I am also going
to talk a little bit about what State Bar members can
do for the Learning Center.

I was told I have about ten minutes to speak.
I have my watch here. I plan to take about eight
minutes and reserve two minutes for questions or
comments.

You should have received a brochure about the
Learning Center. I see you do have it there, so I am

going to refer to that a little bit during my talk.

You can see on the overhead, that's a photo
of the Learning Center. We are located in the Hall of

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Justice. How many have been to the Learning Center?
Oh, good. Some of you are introduced to it. If you
haven't been there, it's a wonderful facility. We are
on the first floor of the Hall of Justice. It was put
in there for the public education of our citizens and
our state.

We want everyone to know how the court system
and the law affects their everyday lives, and when it
was conceived of the idea was that there are many ways
that the law affects everyone. It's very broad, it's
very deep, and it's not all necessarily throwing
someone in jail.

When you come to the Learning Center -- we
have a lot of school groups that come through, and
their two things are they know that some of the
consequences are you go to jail and the other is
Judge Judy. We try to dispel both those.

Another point I want to make is the Learning
Center is unique. We are the only state in the
continental 48 states that has a public facility of
such height. Hawaii is the other one. I haven't
gotten a junket to go see it yet. And, in fact, the

Learning Center is a model. There are other states
who really, really, really want to have a public
education center of this type. I know that Florida
has contacted us, and Ohio is currently building a
Learning Center after they have come to visit ours.
In about a year and a half we'll have a partner
nearby, but right now we are the only ones in the 48
continental United States.

The good news about the Learning Center, it's
free and open to the public. We are open Monday
through Friday, 9 until 4. If you happen to be in the
Hall of Justice, please stop by. You can take a look
around on your own. We also offer guided tours with
reservations. So if you happen to know of a school
group who wants to come and visit us or if you have
perhaps a rotary club, or we have also had law
students come and visit us, please give us a call.
There is information on the back side of your
brochures that tells you how to do that. Just give us
a call, and we will be able to schedule a tour. We
have guided tours.

Now that I have introduced you to the
Learning Center a little bit, what can the Learning
Center do for State Bar members. First of all, as I
mentioned, we have guided tours, and you can come and

visit us. We have thousands of people who visit us
during the year, but we can have more.

In addition, we can assist with public
education. I know that a lot of people are here that
do get out in the community and talk about the law, go
to schools or go other venues. I do this all the
time, and I am in contact -- I am actually part of the
Michigan Judicial Institute, so I have a lot of
contacts that way. We also have materials that are
available. I know some of you stopped by the exhibit
group that we had in the exhibitors hall. We have
information on the Hall of Justice, on careers in the
court system that's aimed at student level. We have
other items that are on our website that's for
educators and for the general public, and you can go
and visit us and send other people there if they have
questions about that.

Finally, how can members of the State Bar
help the Learning Center? Number one, come and
visit us and spread the word. We are kind of a quiet
gem over there in the Hall of Justice. It's kind of
hard to get to us right now because we are under
construction all over the place and not everyone knows
we exist. We are working very hard at marketing
efforts, but word of mouth is going to be one of our
greatest efforts. And, strangely, I work for the
State, and we don't necessarily have the same budget
as someone in a large corporation would have for
marketing.

In addition, one of your groups talked about
need to do public service. I have a public service
opportunity for you. Our guides are volunteers. We
have a number of people who work for us as tour guides
who have some connection to the law, either future,
present, or past. We have several students from
Cooley and Michigan State Law School who do touring
for us. We also have one practicing attorney. I am
not sure how he does it, but he does. We also have
some people who used to practice law and now are doing
that, and they are excellent at explaining the law to
people.

In addition, if you are not ready to give us
eight hours a month, we are always looking for
partnerships and people who would be willing to give
us expert assistance. In addition to tours, we do
offer materials, as I mentioned, and we offer programs
during the year. If you would like to help us out
either doing research or planning or writing or
anything of the like or know someone else who does,
please contact the Learning Center.

This year, I want to let you know, Law Day,
we are going to celebrate on May 3rd, so if anybody
wants to tell people about the jury system, come and
see me.

I am ahead of schedule here.

And, finally, I want to point on the back of
this, the Learning Center is supported by the Michigan
Supreme Court, and they support our operational
budgets. They turn the lights on and give us heat and
things like that, but we also, as we try and expand
our offerings, we do have a partnership with the
Michigan Supreme Court Historical Society. If you are
interested in helping us financially by making a
donation to that, you can contact the Supreme Court Historical Society about that. They are the fiscal agent.

So, in conclusion, I am at the end of this. Number one, the Learning Center is a unique resource, it is a beautiful facility, and I think you all need to come in and enjoy it, as well as everyone you know. Number two, we have a lot to offer members as far as resources, and, number three, we need you if we are going to be able to continue to expand and make our offerings better.

So thank you for letting me address you.

(Applause.)

Does anyone have any comments or questions about the Learning Center? Thank you again.

CHAIRPERSON LEVY: Thank you very much. And I don't want to take up any time. I know we are running late. I just want to echo that it's a wonderful resource. If any of you lead a scouting group, boy scouts, girl scouts, whatever scouts, if you have kids who are in those programs this is something that should be checked out. If you know a teacher, let them know that it's a resource that's available for tours. They don't all know, and it really is a valuable resource.

Thank you, Rachel, for presenting. I also want to thank Nancy Brown who is next on the agenda for agreeing not to present this time. We have asked that she come back at the January meeting and talk about the redesign of the website, and she has agreed to do so, and I do thank her for agreeing to that; however, I do urge people to go check out the new web design. Doesn't take a lot of explanation, which is one of the beauties of it, and it really is a huge improvement and a very sharp looking, very clear, very user friendly process now.

Which brings us up to Nominating and Awards Committee. Tom Rombach, I believe you have a resolution to propose based upon observations made earlier.

MR. ROMBACH: At this juncture, in order to avoid the debacle that we suffered this morning having already given out awards that we only retroactively approved, the committee that I chair, the Nominating and Awards Committee, is proposing the resolution that is hidden under the nominating awards resolution tab, and I would like to thank the members of the committee, Shawn Davis, Tom Evans, Gary Giguere, Dennis Grenkowicz, and Steve Taratuta, both for their consideration in coming up with these awards and also in their help in endeavoring to try to do this resolution, and, quite frankly, this is ghost written by our chair, Dan Levy, who helped me struggle with the English language to put together the resolution
and the supporting criterion.

In order to avoid one of the most boring moments in Representative Assembly history, I will not read this. I pray that you had a chance to review this in its infinite wisdom, and at this point I move for its adoption as, again, stated in the Representative Assembly agenda.

VOICE: Support.

CHAIRPERSON LEVY: And I do hear support. Is there any discussion?

Hearing no discussion, all in favor please say aye.

Any opposed.

Thank you, the motion passes.

I have been asked, and if I hear a motion we will be switching items 14 and -- I am sorry, items 15 and 17, because Elizabeth has family members here, one of whom needs to take off, and we would very much like him to see her swearing in. So if I hear a motion.

VOICE: Move to switch.

CHAIRPERSON LEVY: Any support?

VOICE: Aye.

CHAIRPERSON LEVY: All in favor.

Any opposed.

Thank you.

Elizabeth's swearing in is going to be conducted by her father -- I am trying to find my spot here -- William G. Jamieson, Esquire. If you would please come up.

VICE CHAIRPERSON JAMIESON: This stage is really small, but this is going to be the start of our exciting new year. I want my husband and my uncle to come up on this little, bitty stage and stand beside me, and I will tell you why in a minute.

MR. JAMIESON: Elizabeth faxed or e-mailed this to me that I was competent enough to get off the e-mail, but my age shows when my daughter is being sworn in to this office and then she hands me this so that I can read the oath of office in gigantic type.

I do solemnly swear --

VICE CHAIRPERSON JAMIESON: I do solemnly swear --

MR. JAMIESON: -- that I will support the Constitution of the United States --

VICE CHAIRPERSON JAMIESON: -- that I will support the Constitution of the United States.

MR. JAMIESON: -- and the Constitution of this state --

VICE CHAIRPERSON JAMIESON: -- and the Constitution of this state --

MR. JAMIESON: -- and the Supreme Court Rules concerning the State Bar of Michigan --

VICE CHAIRPERSON JAMIESON: -- and the Supreme Court Rules concerning the State Bar of Michigan --
VICE CHAIRPERSON JAMIESON: -- and that I will faithfully discharge the duties --

MR. JAMIESON: -- as chair of the Representative Assembly of the State Bar of Michigan --

VICE CHAIRPERSON JAMIESON: -- as chair of the Representative Assembly of the State Bar of Michigan --

MR. JAMIESON: -- according to the best of my ability --

VICE CHAIRPERSON JAMIESON: -- according to the best of my ability --

MR. JAMIESON: -- so help me God.

VICE CHAIRPERSON JAMIESON: -- so help me God.

Thanks, dad.

(Applause.)

CHAIRPERSON LEVY: I do promise to pass the gavel to you shortly.

Item 15 is the proposed amendment, the proposed amendment to Rule 2.2(7) regarding a State Bar of Michigan hosted forum. The proponent is Matthew Abel. If you would make your motion, please.

MR. ABEL: Sorry, things are just moving too fast for me. The reason I wanted to be a proponent was so I could come up in front and speak from here rather than my usual spot on the floor.

Good afternoon. I am Matthew Abel from the 3rd circuit, also known as Wayne County, and I, along with some nameless others, put together a proposal before you now which I hope will be a no-brainer and pass regarding the State Bar of Michigan sponsoring a
forum of judicial candidates for the Supreme Court.  
As you know, we have elections for Supreme Court Justices every two years. I was a candidate in 1998, and I can tell you that I participated in forums sponsored by the League of Women Voters and sponsored by some television and public stations, and one sponsored by the Michigan State Medical Society in Detroit, but there were no debates sponsored by the State Bar of Michigan and/or forums, if you will. I guess that's a more politically appropriate term, because we don't want our justices, our candidates for justice to debate, because then they might have to state their positions on issues leading to their disqualifying themselves later when those issues come before the court. We certainly wouldn't want to see that happen. But we could at least ask them to identify themselves.  
We all know that because we have elections in Michigan and because the public is not well versed in who the candidates are that it's mostly a name game. This proposal that you have before you would allow the public to put a face with the name. It may not do much beyond that, but that depends on who participates and what type of publicity it receives. I think if this Representative Assembly is intended to promote justice and if we are going to have elected judges, like it or not we do, elected justices, that certainly the State Bar should take an active role in informing the public who the candidates are and letting the public know a little bit about the candidates. That is what it would do, and if the State Bar won't do this, I don't know who will or who should. This should be our role. Again, I think it's very clear.  
Yes, it will cost some money, it will take some organization, and some of you may know that one of the judicial sections this morning sponsored an event, but it really was not well publicized, it was not open to the public, and it was not done at a time that's convenient for the public to attend and to get to know the candidates.  
I had much more that I planned to say, but I think I won't. I think the proposal pretty well speaks for itself. It's a beautiful day. I would like to get this passed and move on. I know there has been some discussion about sending it to committee. I don't think that's necessary. One of the criticisms of the Assembly has been that while we are a deliberative body we sometimes are too much of a deliberative body and are not active enough.

This is something that we can take action on. We would have a full two years to plan the first event, because I don't foresee this happening for this
election cycle, then by then the Bar can move forward
to publicize the event, to have it at an appropriate
venue, perhaps during the State Bar convention,
perhaps not, but if it is, I would suggest it be an
evening event or perhaps the evening before the
convention starts, something like that, certainly some
time after filing deadline. Once the filing deadline
has passed, we know who all the candidates are going
to be, and thank you all very much. I think this
would be a small step for a big improvement. Thank
you.
(Applause.)
CHAIRPERSON LEVY: I hear applause. Do I
hear support?
VOICE: Support.
CHAIRPERSON LEVY: The motion is on the
floor. Is there any discussion?
VOICE: Call the question.
CHAIRPERSON LEVY: The question has been
called. No discussion.
All those in favor of the amendment, please
say aye.

Any opposed.
The motion does carry.
That brings us to item 16, nominations and
election of the Assembly clerk. I would open
nominations at this time for Assembly clerk and direct
people's attention also to the portion of their
calendar.
MS. JOHNSON: Elizabeth Johnson of the 3rd
circuit. I stand today to move the nomination of
Edward L. Haroutunian of the 6th circuit for the
position of clerk of the Assembly.
Ed has served unselfishly for this body and
the State Bar of Michigan for many years. He has
served on the Assembly Review Committee, and he has
been the chair of the Special Issues Committee. He
would be a fine addition to our Executive Board, and I
am honored to nominate Ed for the position of clerk.
VOICE: Support.
CHAIRPERSON LEVY: I do hear support. Are
there any other nominations -- I am sorry. I would
recognize that support. Are there any other
nominations from the floor? Hearing none, the
nominations are closed.
All those in favor of Ed Haroutunian as our
next clerk, please signify aye.

Any opposed.
I would like the record to reflect that that
vote was also unanimous.
(Applause.)
MR. HAROUTUNIAN: Mr. Chairman, point of
personal privilege, and ladies and gentleman, per
group five's efforts with regard to brevity, thank you
very much.
Chairperson Levy: I have been asked to clarify something on item number 15, which was -- I am sorry, item number 14, which was the change to the Nominating Awards Committee. The actual printed rule that's in the calendar has a typo in it. The last three words -- I am sorry, the last five words under 8.8 for vote by the Assembly were supposed to be stricken from the old. Somehow or another they showed in a light print rather than crossed out, and the word "as" after and determine, and determine the. The "as" was also stricken, so it's determined the recipients -- I want to clarify that. I don't think we need to take any new votes unless somebody disagrees that was their intent, but I want to make sure we are in agreement that that was what was presented.

Voice: I agree.

Chairperson Levy: Which then, I believe, gives me the privilege to call Elizabeth back up and to formally pass the gavel. I said my thank-yous to most people earlier, but I want to again say them.

To you, Elizabeth, a wise person once said to me that it was amazing how in the last five years, last ten years as the Assembly has been reasserting itself we seem to have had the right person in leadership at the right time each time there was a crisis, and you were right then when you said it. I hope you believe as strongly as I do that you are just as right now and that we do have the right person taking over, that you are the right person to be doing this, this is the right time and it's my honor and my privilege to pass this along to you.

Vice Chairperson Jamieson: Thank you very much.

Chairperson Levy: I have a tendency to speak really fast, and in light of all of those comments I kind of want to, except for it's being recorded, and so I promised that I would not speak quickly, but I will go through the last couple of items that we need to address, which is retiring Assembly members, and Dan is going to give the certificates, and when I call your name if you would please come up to accept your certificate from us in appreciation for your years of dedication to the Assembly, to the members of the Bar Association. We will miss you and we appreciate your efforts here.

Marquette. Timothy Morris, 31st circuit, Port Huron.
Erin O'Brien, 6th circuit, Pontiac. Dustin Ordway,
17th circuit, Grand Rapids. Frederick Neumark, 6th
circuit, Clarkston. Barry Powers, 6th circuit,
Southfield. And John Reddy, 38th circuit, Monroe.

(Vice Chairperson Jamieson: As a personal
thank you, I would like to thank both Lynn and
Jennifer from Marquette. I understand that we all
take time out of our schedules to come in here, but
especially from Marquette it's a huge endeavor and
it's a tremendous -- oh, we have some more.

Anyway, it's a tremendous undertaking to come all the
way down here from Marquette, and I very much
appreciate your efforts. So thank you.

Ms. Mazzuchi: We'll see you there soon.

Vice Chairperson Jamieson: There you go.

Jennifer Schrand, 37th circuit. Tonya Schuitmaker and
Stephen Woods. Okay.

Two more points of order. First is
appreciation to outgoing chairs of Assembly
committees. Over the past couple of years these
committees have been reactivated, and we have used
them significantly, not just as committees but almost
as executive committee. Each of these chairpersons
have helped out leadership tremendously as we have
gotten together to address some of these very large
issues, including the Rules of Professional Conduct.

So if -- I think Terri Stangl had to leave
earlier. She was chair of the Assembly Review
Committee from the 10th circuit, Saginaw. Randall
Miller from the 6th circuit, Bloomfield Hills, for
Drafting Committee. William Knight from the 16th
circuit, Clinton Township for the Hearings Committee.
Thomas Rombach from the 16th circuit,
New Baltimore, who couldn't get enough of the Assembly
work as chair so came back as our fearless Nominating

and Awards Committee chair. Lynn Moon, 25th circuit,
Marquette, for Rules and Calendar Committee. And
Ed Haroutunian, 6th circuit, Bingham Farms, for the
Special Issues Committee.

(Applause.)

Vice Chairperson Jamieson: Bear with me for
a couple of what I would consider to be very important
things. First of all, I have an award or a thank you
plaque to give to Dan in appreciation for his year.
This is three things I need to do. Part A, this
beautiful plaque that recognizes Dan.

Voices: Ooooooh, aaaaaah.

Vice Chairperson Jamieson: The State Bar of
Michigan honors Daniel M. Levy, Representative
Assembly Chairperson 2003/2004, Vice-chairperson
distinguished service to the Assembly, the State Bar,
and all Michigan lawyers, October 1, 2004.
Applause.

CHAIRPERSON JAMIESON: Part B. The Board of Commissioners has a long-standing tradition with regard to retiring board members, resolutions that are passed in their honor. We have never shared these resolutions with the Assembly, and I am not sure why, because it's a wonderful opportunity to learn a little bit more about these distinguished people.

While we serve as leaders of the Representative Assembly, we sit on the Board of Commissioners for the Representative Assembly representing the Representative Assembly, and Dan did that wonderfully, and so I wanted to share with you the resolution that was passed yesterday honoring him as a retiring commissioner.

Real integrity is doing the right thing knowing that nobody is going to know whether you did it or not, Oprah Winfrey. This is the description that started Dan's year as chairperson of the Representative Assembly quoted by his wife Debra Pelton Levy in the October 2003 issue of the State Bar Journal. This quote also eloquently and accurately describes Dan's leadership throughout this past year as our 29th Assembly chairperson. He is truly a man who maintains and exemplifies the highest standards and principles, but Dan stands before us today not just as a pillar of society but a man of humility and humor, maintaining quiet yet skillful comedic timing and a penchant for pens, penguins and Pooh, Winnie the Pooh that is.

Sharing his father's birthday, Dan was born on Halloween in Milwaukee. He moved to Michigan as a young teenager and ultimately attended Southfield/Lathrop High School where he met Debra. They were friends, dated each other's friends, but never each other.

The clean-cut Dan we know did not yet exist. He questioned the establishment, wore his hair long and wore out his favorite army jacket. After high school Dan spent a year in Israel to work on a kibbutz, a family community where Dan learned to milk cows, work on a production line, and carry -- I said an oozie, but what was it? An M-1.

He ultimately returned to Michigan, but his parents decided to move back to Milwaukee. Dan remained in Michigan to attend U of M and to explain a kitchen fire to his parents who left him in charge while house hunting in Milwaukee. As a future prosecutor, Dan learned the importance of understanding both sides of the story.

Despite prodding to proceed to law school and most likely due to his lingering fear of becoming a part of the establishment, Dan worked for a kosher catering company. Dan traded his army jacket for a
baker's hat, learning how to make his famous industrial-sized tzimmes, a traditional passover dish

Refusing to acknowledge his destiny, Dan moved on to a career in air conditioning and cooling and pouring tar on roofs. Reluctantly, but finally, Dan entered Wayne State Law School and found that he enjoyed oral advocacy. He received a special recognition award from the Moot Court Board for his involvement in a Jessup International Law Competition, and then participated in the Prosecuting Attorneys Association of Michigan internship program. A prosecutor was born.

Dan joined the prosecutor's office in Berrien County. So much for fighting the establishment, he now represented it. Some might argue that Dan was living on the edge of his liberal leanings. To the contrary, and quite literally, Dan was living on the edge of Lake Michigan. He rented a home in St. Joseph that was practically falling off the cliff into the water, but in typical Dan fashion he focused not on the risk of erosion but on the gorgeous view and the ability to watch spectacular lightning shows and passing storms.

Dan certainly did not shy away from experiences, and that held true in the prosecutor's office as an assistant prosecutor. Dan accompanied police on drug raids and ultimately worked with now retired Judge Ronald Taylor to establish the Berrien County Drug Court.

Dan was even interviewed for his involvement in a famous criminal case documented in a book entitled, The Other Side of the River, a story of two towns, a death, and America's dilemma by Alex Kotlowitz.

Similar to his long journey into law, it took Dan ten years to start dating Debra, almost another ten to propose, followed by a two-month engagement and ultimately a move back to the Detroit area. Dan found yet another job representing the establishment as an assistant attorney general in the criminal division. Dan has continued his plight for justice, working in the areas of tax evasion, cigarette smuggling, and casino fraud.

He has successfully argued several cases before the Michigan Supreme Court. No doubt partial credit should be given to Dr. Suess. Dan, a voracious reader, is known to use favorite Dr. Suess books to hone his oral advocacy skills. He worked with then Attorney General Granholm and the Michigan Alliance Against Hate Crimes to combat bias motivated crimes.
He received a certificate of tribute from Governor Granholm for his wide influence over organizations of which he has been an active member, including the Anti-Defamation League, Michigan Alliance Against Hate Crimes, Midwest Gang Investigators Association, the Bias Crime Response Task Force, City of Oak Park Blue Ribbon Committee, president of Oak Park Lion's Club, and member of Fraternal Order of Police. Dan also received the Daniel M. Ginsberg Leadership Award from the Anti-Defamation League.

Dan was appointed to the Representative Assembly in 1995 and then he served six years as an elected member. State Bar records reflect that Dan has not missed an Assembly meeting dating back to November 1999. Not surprising, considering Dan once participated in a Board of Commissioners executive committee telephone conference while sitting in a dental chair getting his teeth cleaned.

Known as the Tim Russert of the Bar Association, Dan has been the political conscience of the Bar, addressing redistricting issues with map in hand.

Some know him as Dan the gadget man, carrying his leather bound Franklin planner, referring to his cutting edge organizational tools, and using an array of special pens and quills, yet others appreciate Dan's dry sense of humor and ability to share pointed e-mails from law man Dan, and then there are others who don't even know they have been touched by the trouble maker in cognito.

For example, how about that time in Lake of the Clouds in the Upper Peninsula when John Berry's cell phone rang loud and clear breaking the silence of nature, coincidentally for a second year in a row, drawing attention to the CIA look-alike State Bar leadership. For more questions see John or Dan.

Despite his talent and accomplishments, Dan will never brag or boast. He is a consummate professional, a calm and steady leader, an advocate of justice, protector of rights, and a silent prankster under the radar with impeccable timing.

The State Bar of Michigan, its members and leaders, have benefited from Dan's passion for doing the right thing for the right reason, and for that we will be eternally grateful, and I wanted to share that with you, because I think that gives you a little insight into the Dan that we don't necessarily see up here in front of us.

(Applause.)
boring, I would like to share with you Dan's year.
Starting off with Dan, the 29th Chair, Representative Assembly, speaking to the Assembly, and the Assembly attentively listening. But you are probably wondering what kept him busy all year, and this is what I want to let you know what he has been doing all year.

In addition to all of the Representative Assembly things he has been scuba diving, skiing, hanging out in Door County, Wisconsin, literally. Riding scooters, hiking, fishing in St. Joseph Michigan, breaking ground in Santa Fe, checking out World War II monuments in Washington, D.C., attending weddings in St. Joseph, fighting drugs, fighting against drugs and gangs, celebrating his birthday, or just hanging out.

And thanks to Debra, who shared a bit of Dan's history with us, it shows that Dan is a true family man. Dan, Debra, and daughter Michelle. Dan and the love of his life, Debra. Again, Dan and Debra, his wife. Again, his parents, who were here the day that he was installed as chair of the Representative Assembly, who are very proud of him.
His dog Gizmo, who also is very, very proud, and the rest of his family, including, Nisasha (sp). Notice the Winnie the Pooh outfit. Nisasha again. Another niece and nephew. Notice the Dr. Suess hat. Nephew again. I think this is a niece -- daughter? Oh, is this Michelle? Michelle, this is with his parents, grandmother, and Debra in Milwaukee. His dad and cousin, and, of course, there is always the political side of Dan. He didn't leave his left leanings. He and Debra with Wolpe, Jennifer Granholm, and back to the Dan we know.

(Applause.)

VICE CHAIRPERSON JAMIESON: I will give you one minute.

CHAIRPERSON LEVY: One minute, and I was wise enough to say my thank-yous this morning when I was nervous enough about whether or not the small groups were a good idea -- they were -- whether or not the small groups were a good idea that I couldn't focus on exactly how strongly I felt about what I was saying, but there was one thank-you I left out this morning because she wasn't here yet. To my love, to my friend, to my partner, to my wife who supplied all those wonderful pictures, to Deb, who is about to stand towards the back of the room, just I want to say thank you for putting up with me and in terms of the Assembly for putting up without me. I owe more than I can now begin to say to you, and to the rest of you, let me just say remember what I said this morning, please.

(Applause.)

VICE CHAIRPERSON JAMIESON: So I thank my
family. I want to thank Dan and Lori and Ed, who you
should know as soon as he submitted his name as clerk
we pulled him in and got him working on the Assembly,
and he has been very helpful to prepare us today for
the small groups.
I want to thank the State Bar staff,
especially John, Glenna, Anne, and Nancy. And I
thought that Dale LeFever's talk today was rather
instructive. He talked about purpose, passion,
persistence. I think we all have those things, those
qualities, and I think we all recognize that it's not
about us but the people we serve, and that's why we
take time out of our schedules to be here.
I want to applaud all of you for the way that
you worked on the Michigan Rules of Professional
Conduct and the fact you recognized how important it
was and that we did make a big difference in that
regard.
I applaud you for your effort today with
regard to small group breakouts. Dan and I were
talking and commented how quickly everybody got into
the small groups and got right down to business and
how quiet this room was. You took that task at hand,
and we very much appreciate the seriousness with which
you did it.
I want you to know that I was listening, and
I think you want longer and more frequent meetings
now. I am just kidding, but I did hear you say you
wanted excitement, energy. I think I have that to
bring to you. I hope that I make you all proud, and I
say that you should all hang onto your seats, because
it's going to be an exciting year, and I want to also
note that I really encourage you all to go to the
State Bar website. Nancy is very kind for waiting
until January to give us the presentation, but if you
go to the website, click on the Representative
Assembly, I think there is a wealth of information
there, including who all the Representative Assembly
members are, the circuits that you represent, and it's
a tremendous amount of information there, and it would
behoove all of you to go to the website and take a
look at it before our next meeting.

And with that I believe our business is over.
We are adjourned. Have a wonderful rest of the
weekend. Thank you.
(Proceedings adjourned at 4:09 p.m.)

STATE OF MICHIGAN 
COUNTY OF CLINTON 
I certify that this transcript, consisting
of 106 pages, is a complete, true, and correct transcript
of the proceedings of the Representative Assembly taken on
Friday, October 1, 2004.