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 Lansing Community College MTEC Center, 5708 Cornerstone, Lansing, Michigan, on Saturday, April 22, 2017, at the hour of 9:30 a.m.

AT HEADTABLE:

FRED K. HERRMANN, Chairperson
JOSEPH P. MCGILL, Vice-Chairperson
RICHARD L. CUNNINGHAM, Clerk
JANET WELCH, Executive Director
HON. JOHN CHMURA, Parliamentarian
CARRIE SHARLOW, Staff Member
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Representative Assembly

Lansing, Michigan
Saturday, April 22, 2017
9:35 a.m.

Record

Chairperson Herrmann: Members of the Representative Assembly, the final policy-making body of the State Bar of Michigan, and honored guests, good morning. I would like to call our meeting to order.

Mr. Cunningham, do we have a quorum?

Clerk Cunningham: Mr. Chairman, a quorum is present.

Chairperson Herrmann: Thank you. Before we begin, a few reminders on basic protocol. When speaking to the Assembly, please move in an orderly fashion to one of the microphones placed in the room. When it is your turn to speak, first announce your name and the circuit you represent, and we have a special request from our court reporter for the people on this side of the room. We are concerned about the strength of the microphone, so, if you speak from that position, please ensure you speak directly into the microphone and clearly so our court reporter can record your thoughts.

Generally a member is permitted to speak only once on an issue, and today we will be voting on our
three formal agenda items later in the day electronically with these clickers that you have all received. If for some reason you have not yet received a clicker, there will be an opportunity later before our three electronic votes. We will take a break, and at that point I would remind you to please see Jeanette in the front reception area, and she will be able to get you a clicker if you don't have one yet. Also, before we vote, our clerk, Rick Cunningham, will give a short tutorial on how to use these for our voting.

Please, please turn in your clickers at the conclusion of today's meeting. We have signed our life away to borrow these things. They work great for our meetings, but we have an obligation to return them at the end. Thank you.

Final note, also, attendance is taken at the conclusion of the meeting. State Bar staff will distribute forms for that purpose, so please watch for those when we conclude.

At this point I would like to call Pamela Enslen, Chair of the Rules and Calendar Committee, to move for adoption of our proposed calendar.

MS. ENSLEN: Thank you, Mr. Chair. I move
for the adoption of the calendar.

    CHAIRPERSON HERRMANN: Do we have a second?

    VOICE: Second.

    CHAIRPERSON HERRMANN: All in favor say aye.

    Opposed.

    The calendar is approved. Thank you, Ms. Enslen.

    I will next refer your attention to the September 22nd, 2016 summary of proceedings from our last annual meeting contained in your materials and entertain a motion to approve that summary.

    MR. GOBBO: Stephen Gobbo from the 30th circuit, and I move to adopt and approve the summary of proceedings from the September 22nd, 2016 Assembly meeting.

    CHAIRPERSON HERRMANN: Thank you, Mr. Gobbo. Do we have a second?

    VOICE: Second.

    CHAIRPERSON HERRMANN: All in favor say aye.

    Any opposed.

    Summary of proceedings is approved.

    We have with us today Chief Justice Stephen Markman of the Michigan Supreme Court, and we are very honored to have Justice Markman with us.

    When asked to be with us today, Justice Markman did
not hesitate, and we are grateful for his presence and the thoughts he will share with us shortly.

By way of introduction, Chief Justice Markman was chosen by the Michigan Supreme Court to serve as Chief Justice in January of 2017. He was reelected to the Supreme Court in 2000, 2004, and 2012, and before his appointment to the Supreme Court in 1999 he served as Judge on the Michigan Court of Appeals from 1995 to 1999.

Prior to this, he practiced law with the firm of Miller, Canfield, Paddock & Stone in Detroit. From 1989 to '93 Chief Justice Markman served as United States Attorney in Michigan after having been nominated by President George H. W. Bush and confirmed by the United States Senate. From 1985 to 1989 he served as Assistant Attorney General of the United States after having been nominated by President Ronald Reagan and confirmed by the United States Senate, and prior to this he served for seven years as chief counsel of the United States Subcommittee on the Constitution and as Deputy Chief Counsel of the United States Senate Judiciary Committee.

Justice Markman has taught constitutional law at Hillsdale College since 1993. He also serves on
the Board of Directors of the Western Michigan University Thomas M. Cooley Law School. He is a Fellow of the Michigan Bar Foundation, a Master of the Bench of the Inns of Court, and a member of the One Hundred Club.

Please extend a warm Representative Assembly welcome to Chief Justice Stephen Markman.

(Applause.)

CHIEF JUSTICE MARKMAN: Thank you very much, sir, for the kind introduction, Fred. I was introduced by another master of ceremonies not too long ago as one of the finest judges that money could buy, and I think he was trying to say something nice. I am just not sure it came across exactly the right way. Then my wife, Mary Kathleen, felt the same way. She was introduced by the same master of ceremonies as being one of the finest ladies to walk the streets, and she was puzzled a little bit.

You know, Janet Welch a few minutes ago wisely urged me to be very careful walking up here because there is a very sharp fall that one is susceptible, and I told her that if I was to fall I believe that my legal interests would be very, very well represented. And I have also been told that the clickers that you have cannot be used to click out the
speaker, so don't even try.

You know, there is not much in the way of appellate judicial humor, and I don't think I am going to add to that sum today, but I do want to tell you a story about the great chief justice of the Michigan Supreme Court of a much earlier generation who retired to the Upper Peninsula and in his later days was sitting along the river outside of his home, and he was talking with an old friend of his, and they were reminiscing on the law and reminiscing on other things and a passerby, a tourist, traveler came by and saw the two gentlemen along the river and said, Sir, I need to get to the other side of the river, and I have no way of doing that, but I see that you have a boat. I wonder if I might borrow your boat so that I could cross the river? And the great Chief Justice thought and pondered for a moment and said, That will be fine, that will be fine.

And the traveler got in the boat, and he started rowing across the river, and, unfortunately, there was a big hole in the boat, it took on water, and the traveler drowned in that river. And the Great Chief Justice's friend looked to him and said, Why didn't you tell that traveler about the hole in the boat? And the Chief Justice pondered and thought
about this and said, Well, that question was not presented to me. If that's judicial humor, that explains why you don't see more of it.

Let me tell you another, perhaps a better -- and this is a true story. This is a story of when I, you know, come to legal audiences, sometimes I think they might be interested in hearing about this, particularly law school audiences.

There was a former dean, longtime dean of the Columbia Law School, who very late in his career was asked by the governor of the state, I think it was Governor Rockefeller at the time, if he would not consent to leaving the law school and assisting in the administration of the prison system in the state at that time that was at that time in great turmoil. There had been some riots in the prisons and some maladministration, and the governor asked the dean whether or not he wouldn't consent for several years upon his departure from Columbia to take over the administration of that system, and he agreed to do that, and he was very successful.

And he left after about three or four years when he felt he had completed his mission, but he said, Whenever I return to New York City and just wandering along the streets of that city, a young man
or a young woman would come up to me often and say,
Well, hello, Dean, how are you? And the dean could
never quite remember whether he had met that person at
Columbia or in the prison system, so he developed an
all-purpose response, And, young man, how is the law
treating you these days? That is a more or less true
story, I think.

Well, it is an honor, of course, it really is
an honor to speak before the State Bar Representative
Assembly this morning. I mean, what a remarkable
group of successful and public-spirited attorneys. I
have been proud to be a member of the State Bar for
more than four decades, and, incidentally, I have been
wondering for several weeks when I would be finally
receiving my 43-year recognition from the Bar. If
it's been lost in the mail, I hope that someone here
will please correct that oversight sooner rather than
later. I get a pin and a certificate, don't I? If I
do, I am looking forward to it.

My recollection is that the last time I spoke
before this Assembly was when I did so several years
ago on behalf of the Supreme Court's then pending jury
reform initiative. That initiative, as you might
know, was eventually adopted by the Court and
implemented, and in my view appears to be serving its
mission well in strengthening the jury's ability to render informed and intelligent decisions in some difficult cases.

Our Court has issued one significant, unanimous opinion, more specifically defining the proper limits of judicial questioning of witnesses before the jury, reversing a criminal verdict in that case on the basis of what we viewed as questioning that suggested a judicial point of view to the jury, but we are otherwise of the view that judicial questioning has been carried out by most judges around Michigan in a measured, responsible, and helpful manner and that the sundry other reforms that were enacted as part of that proposal have also generally enhanced the jury's deliberative processes, and this remains the broadest such reform of the jury system that I think has been enacted in many, many years in the United States.

Let me also share with you an artifact that I received just two days ago on behalf of the Court at our historical society thanks to the benefaction and the philanthropic efforts of Judge Avern Cohn, federal court judge. That is a silver cup, a silver commemorative cup embossed with strawberries that was given to our 15th Justice on the Court, Samuel
Douglas, upon his retirement from the court in 1857 by
the Detroit Bar Association. On the one side there is
a statement of presentation to the retiring justice,
and on the other side it states in a language not
unknown to the law a verse from Horace, vilius
argentum es auro, virtutibus aurum, which is, I am
certain, you all know from your law school education.
It means, as gold is worth more than silver, so is
virtue worth more than gold.

Prior to his five-year tenure on the Michigan
Supreme Court, Justice Douglas in 1846 was the second
reporter of the court with his two reports in 1846 and
1847 cited as one and two Doug.

After his five years on the court and as a
democratic candidate for reelection as justice in
1856, Justice Douglas was defeated in the first ever
republican wave in Michigan, indeed the first ever
republican judicial candidacy in Michigan, that year
by his wife's brother and his former law partner,
James Campbell, who went on to a very distinguished
32-year career on the Court as one of its most
respected justices.

It is something I have wondered about how the
Douglas family must have spent their family reunions
and their holidays together in the antebellum years
that followed his defeat for reelection to the Court.

I feel enormously privileged for a fleeting time to serve the Michigan Supreme Court as its Chief Justice. My own overlooked legacy on that court may well be that I have been the longest serving ever junior member of the court, having held that august position for more than nine years. Now, we don't have much in the way of tradition that our junior members must do anything particularly demeaning, although our current junior member, Justice Larsen, does an admirable job of supplying her colleagues with water and soda at our weekly conferences.

The principal burden borne by the junior member is that he or she far more often than the other members of the court, the more senior members, is required to cast the initial vote being cast on cases being considered at our weekly conferences. That is, the junior member must have settled, at least tentatively, upon a position in resolving the most difficult cases and controversies within our appellate system and be reasonably able to articulate these positions for the edification of his or her colleagues, and that's not always an easy task, for it's much easier to cast one's vote as the second or third justice or the seventh justice around the table,
for example, by an emphatic, I agree with Justice Larsen, or, Justice Larsen makes a good point, or, I have reflected upon this matter at length, and I have reached the same conclusion as Justice Larsen, or perhaps by the ever useful rejoinder, Ditto. So it was a great relief after nine years on the court that I finally gained seniority to be able at our conferences to pause, to furrow my brow, and to opine to my colleagues, Me to.

And so just as we will imminently, I believe, celebrate the appointment of a new justice with the departure of Bob Young, let us pause for a moment and celebrate the imminent appointment of a new junior justice. I know that Justice Larsen herself would be in the forefront of that celebration.

For the past 18 years on the Michigan Supreme Court, and even now as its Chief Justice, I have always viewed it as my first responsibility to contribute to the responsible development of a body of law in Michigan, one that was faithful to our common law traditions, faithful to the statutes of our represented institutions, and faithful to our state and federal constitutional values and commands.

Doubtless, I have been imperfect in these efforts, and I am certainly cognizant that some of you
may feel that I have been highly imperfect in these efforts, but there is not a case among the 50,000 or so that have come to the court during my tenure in which these considerations have not weighed upon me.

How do I exercise what the first great Chief Justice of the United States, John Marshall, described as the judicial power, the power to say what the law is on behalf of that branch which exercises the legislative power, the authority to say what the law ought to be. How best in a given dispute, therefore, is the "is" power carried out in support of the "ought" power?

But there have also been during this time a number of nonjurist credential considerations that I have also sought to bring to bear in each of my cases, not least for the reason that I expressly committed myself to doing that in my public investiture in 1999, and these other considerations have always seemed to me to be necessary to show respect for litigants.

Again, I do not suggest that I have invariably carried out these tasks ideally in every case, but just that they have invariably been a part of my thought processes in addressing and attempting responsibly to solve these cases.

First, I have always sought to recognize that
for the parties involved in litigation, such litigation may well be the most important thing in their lives at the moment. Individuals involved in litigation may lose sleep, they may be preoccupied with their cases during their waking hours, their relationships with their friends and families may suffer, and their performances in their jobs and in their other daily obligations may be affected. Their fortunes, their ambitions, the integrity of their family, and in the case of criminal defendants, even their liberties may, of course, be at stake. I have tried my best not to lose sight of these realities, to avoid the categorization or extraction of cases in ways that obscured the fundamental individuality and personality of what was in dispute.

Secondly, approximately 50 percent of all the parties in the cases coming before us -- this is by mathematical conclusion -- are going to be disappointed by the outcome of the appellate process. Many of these parties will have gone to trial, pursued an appeal, and then have pursued a second appeal. They will have done this at considerable expense, time, resources, and psychological toll, and they will have lost, and for that reason I have always sought to write the orders and the opinions for which I have
been responsible to the extent reasonably possible with the losing party. That has been the target audience in my mind.

The winning party, I often visualized, would skip to the affirmed or reversed language at the end of the opinion and draw their satisfaction from a favorable result. However, it is the losing party that needs to know that the Court has truly comprehended the complexities and the nuances of their arguments and that they lost, not because the Court was predisposed or prejudiced against them or disliked the cut of their jib, but only because the law was simply not viewed as sustaining their position.

Now, I have utterly no illusions that my opinions have persuaded or even assuaged many losing parties, but it is nonetheless what I have always borne in my mind in writing my statements and opinions, as well as in particular when I choose to write dissenting opinions setting forth my perspectives.

And third, I am inclined to be relatively actively engaged in oral argument because, as a general rule, I believe the parties are entitled to a fair opportunity to respond to what the Court may view as the strongest or the most compelling arguments of
the opposing side. They deserve not to be blind-sided in our opinions by issues that have unexpectedly arisen or captured the attention of the Court or of individual justices. Many times such questioning for me will come in the form of devil's advocate inquiries, and other times not.

But the responsibilities of the Chief Justice are most focused upon the administrative agenda of the Court, its obligations to superintend the trial courts and the judicial process.

Let me share now a few of the matters in this regard that may be of some interest to the Bar and the Assembly, although, in truth, I cannot conceive that the variety of your interests and priorities does not extend to almost the entirety of our administrative responsibilities.

Initially let me emphasize and make as clear as possible that the views of this Assembly and this Bar association are always invited by the Court, always welcome by the Court when they are received, and always taken into consideration by the Court. Indeed, the exercise of our administrative and superintending duties as the court of last resort of this state simply cannot be done in a sufficiently well-informed manner absent your comments and
perspectives. Your insights and experiences are unfailingly recognized at our administrative conferences and are invariably the subject of respectful discussion at these same conferences. Indeed, individually or collectively, your views are sought out and welcomed, and each one of you has a standing invitation to share your thoughts in writing or even in person at our regularly scheduled public hearings.

Let me then briefly set forth just a few substantive issues that are currently or that will imminently be the subject of the Court's administrative docket that have either been raised by this Assembly or that may otherwise be of some interest. I look at your agenda today, and I can see that there are other matters that in the very near future that may well be placed upon our administrative docket, and we look forward to those, as we do the matters that have already been placed on that docket.

Considering, for example, the matter of limited scope representation. A proposal in this regard was recently issued for public comment and is accompanied by an alternative that requires that this process be achieved in writing, except in limited circumstances.
Concerning the Rules of Professional Conduct 1.5, we recently clarified that enhanced or value-added fees are not allowable in domestic relations cases. I understand that that is unlikely to be a matter, a consensus matter here. We have heard from both sides among the relevant parts of the Bar, but that was the decision we eventually reached. Much, not all, of the concern, focused upon whether or not this class of cases, domestic relations cases, would be made even more contentious and disputative by the introduction of such fees and the additional personal investment that would be introduced on the part of the attorneys in those cases.

Concerning e-filing, a statewide system is now under construction that contemplates a single user sign-on process, and pilot courts are now operating within many of the state's largest jurisdictions and are ready to begin working with SCAO's selected vendor once the present contractual discussions that are ongoing are finalized.

Concerning the use of videoconferencing, we have been and are continuing to expand the realm of cases and the types of proceedings in which such equipment may properly be employed.

Concerning the Attorney Grievance Commission
and the Attorney Discipline Board, as to each of which there, unfortunately, remains some Michiganders who wrongly believe that the Court is intent on protecting the misbehavior of members of the Bar. Concerning those matters, we are always engaged in exploring our processes, due process and what constitutes proportionate sanctions, precisely because we wish to clearly distinguish between the very few misbehaving lawyers in our midsts and the overwhelming number who are not. We are similarly in the process of reviewing significant reforms of the Judicial Tenure Commission process as well.

Concerning other matters that have been specifically raised by the Assembly, several that remain under consideration pertain to the service of minor guardianship reports, the clarification of procedures for protective order motions, requirements of lawyer disclosures, parts of legal advertising, fees for character and fitness investigations as part of the Bar application process, and specific counseling problems that might sometimes be relevant to the Michigan Medical Marijuana Act. That is a very difficult statute, and to me is kind of the poster child for why the legislative process as a general matter ought to be the default process for enacting
the statutes of the state. We have had a number of cases trying to make the best sense that we could, trying to give some rationale understanding to provisions of that act, and it's not always been easy, particularly for a court that's inclined to be deferential and faithful to the law's architects, in those cases the voters of the states going to the poll and voting upon these measures.

Concerning other aspects of the Michigan judiciary, we will also continue to focus upon our performance measures of individual judges and courts to see if these can be strengthened to focus upon aspects of judicial conduct that are most genuinely relevant to our branch's work in resolving disputes. We are looking much more closely at questions arising out of courthouse and courtroom security, particularly in light of the tragedy last year in which two court security officers were killed in Berrien County. And we are in the process of preparing, as we do every other year, new chief judge selections on the trial courts around the state of Michigan.

Finally, let me express what I think is going to be my court's very strong support in working very closely with this body to consider how we might move forward on the recommendations of your Task Force on
21st Century Law Practice. Janet Welch and I have met and discussed this on several occasions, and I believe that we are in agreement that the Bar is genuinely facing a growing challenge in matching legal resources with those who are in need of these resources, what the report describes as an increasingly dysfunctional legal marketplace, one that seems to me to be increasingly impacting a larger and larger swath of the middle class.

Seeking to respond to this may require consideration of any number of the remarkably broad array of innovative, creative, and marketplace-oriented initiatives that have been raised by the task force. Almost certainly with your continued commitment to bring our legal culture into accord with contemporary needs, implementation of many of the proposals of the task force will become an increasingly high priority of our court, and I look forward just in the next few days with continuing our discussions with Janet and myself and communicating those discussions to the other members of my court, as well as to the members of the Assembly.

As Chief Justice, my mission is then this: I wish to be accessible to Bench and Bar. I wish for my court and the State Bar to be joined in common purpose
in strengthening our system on behalf of our citizens. I wish for the Court to provide the wisest and steadiest leadership it can in pursuit of the equal rule of law. I wish to maintain and strengthen where we can in ways large and small a Bench and Bar of which all of us can be proud, and I wish to maintain and strengthen where we can in ways large and small a Bar in which the people we serve can have the optimum trust and confidence in us, one in which in particular in our courtrooms there is not only sound legal judgment demonstrated but also what some people would view as the lesser concerns of punctuality, courtesy, and expedition, and I don't view them as lesser concerns.

And, of course, I wish to maintain and continue the Bench and Bar in Michigan as one that I believe is viewed as a leading model around the country, as one that has been innovative and creative in looking to new means by which to enhance judicial federalism. While innovating and experimenting and adopting new technologies where the grounds for doing so yet one that is also confident and sensible in recognizing where institutions and practices must be maintained and preserved because they have served the people in our system well.
I represent a court in which I have six dedicated, independent-minded colleagues, and I am no more a free agent than any of you in carrying out my responsibilities of the Court, but the mission I have just described supplies at least the general sense of direction and purpose to which I hope to make at least a small contribution. When I addressed all of our new judges in the state, the ones who have been appointed or elected in the last year, I urged them not ever to forget the sense of pride that they felt and their families felt upon being first appointed or elected to the bench. I urged them not to lose sight of the fundamental relationship between themselves and we the people in whose names they have been allowed to exercise one of the three great governmental powers of Michigan, and I urged them to avoid the hubris and the judicial temptation to which each of us is sometimes so very susceptible.

I thank all of you again for the invitation to address you this morning. I am very honored to be here, and, of course, I look forward to working with this Assembly and with the entire leadership of the State Bar in making ours the best system of Bench and Bar it can be, comprised of honorable and hard-working and conscientious and responsible persons, each of us
custodians of the law and accountable to those people that we serve.

Once again, please don't ever hesitate to communicate to me and share your thoughts and ideas as to how, again, in ways large and small, we can continue to make progress, all of us. Thank you very much.

(Applause.)

CHAIRPERSON HERRMANN: Thank you, Chief Justice Markman. We are most appreciative of your presence today, particularly on a Saturday.

CHIEF JUSTICE MARKMAN: Can I have my cup back, by the way?

CHAIRPERSON HERRMANN: Absolutely.

I would now like to call Michael Brown on behalf of the Nominating and Awards Committee to address both the filling of vacancies and also approval of our 2017 award recipients.

MR. BROWN: The Nomination and Awards Committee has nominated a slate to fill the vacancies. It's in this yellow sheet that was distributed to you this morning. I would move to approve the slate of nominees.

CHAIRPERSON HERRMANN: Do we have a second?

VOICE: Second.
CHAIRPERSON HERRMANN: All in favor of welcoming these new members to the Representative Assembly, say aye.

Any opposed.

A round of applause please as we welcome our new members.

(Applause.)

CHAIRPERSON HERRMANN: And our new members, who I believe are seated on the outskirts currently, would you please come forward and join the circuits you represent at this time. Welcome.

Mr. Brown, the floor remains yours to address approval of our 2017 award recipients.

MR. BROWN: Thank you. The committee has nominated F. Martin Tieber for the Unsung Hero Award and has nominated Mark Teicher for the Michael Franck Award. I would move to approve these nominees.

CHAIRPERSON HERRMANN: Do we have a second for these award recipient nominees?

VOICE: Support.

CHAIRPERSON HERRMANN: Any discussion regarding our nominees for these prestigious awards? Hearing none, all in favor of bestowing these awards as designated say aye.

Any opposed or abstained.
The motion passes. Thank you, Mr. Brown.

I would like to thank you all for attending today, and not just being present on this April Saturday, but also for all of the work you do for this Assembly and for the State Bar on a regular basis.

Earlier this week a former classmate of mine shared an article with me written by Jon Rennie, who served as an officer on U.S.S. Tennessee, an Ohio-class ballistic missile submarine. In his article, Jon explained some of the leadership lessons he learned from this experience. I found them remarkably applicable to what we experience as members of the Bar. You may ask how is a lawyer remotely like serving on a submarine. If you think about it, the similarities are uncanny.

As lawyers, we simultaneously live both intensely public and intensely private lives. We operate above and below the surface, in and out of the public eye. In our public or surface mode we are comforting to some, perhaps threatening to others, yet we are perpetually in the public eye. And in our private, or submerged mode, we operate at hidden depths of great pressure, often for long periods of time as we honor our clients' confidences and carry their burdens with us, unknown and unseen by the
And most importantly, we are all very much on the same ship together. We may have varying skill sets and different levels of experience, but our individual contributions can make or break our public image and our overall ability to accomplish our mission, service to the public.

So now I would like to take a deeper dive, if you will, and consider a few of Jon's leadership points and how they relate to us.

First, run to the fire. On a submarine a fire not immediately extinguished puts everyone in peril, hence one of the first things they teach you is to run toward and not away from a fire, and so it is in our service to the public. Attacking problems quickly and decisively is critical, not only in our service to individual clients, but also in our larger collective ability to serve the public.

And we face numerous fires. Ensuring adequate funding for legal services to those in need, helping our new lawyers to be practice-ready, ensuring meaningful continuing education to all of our other lawyers, advancing diversity inclusiveness and innovating new methods for the delivery of legal services, and we are going to address some of these
fires later today.

Here is another point, get qualified. The more skills you know, the more valuable you are on a submarine. The more people who can do a job, the more flexible and the better quality of life enjoyed by everyone. This means it's in everyone's interest to train new crew members, and the same applies to our profession.

Whether it's the junior lawyer in your own firm or the solo practitioner just starting out across town, we as a profession will only benefit by educating our next generation of lawyers, as well as ourselves, and, as I mentioned, the next tenet, everyone is in the same boat. You quickly learn on a submarine that no one is better than anyone else. There is no special treatment. Everyone eats the same food, everyone wears the same uniform, everyone sleeps in the same size bed. If something is unavailable to one person, it's unavailable to the entire crew. In this environment, there is no escape from a bad colleague. You must learn to get along with those who differ from you, and you must learn to resolve conflicts. The basic lesson here is to treat everyone with respect.

The details of our daily lives may be a bit
different than life on a submarine, but as a profession we are in this together. The shortcomings and successes of each of us impact the whole. We must continually strive to find win/win outcomes.

Next, the ability to learn quickly is better than being smart. The volume of information you have to learn on a submarine is daunting from reactor plant manuals to hydraulic systems to strategy and tactics, and you have to know it all. And so it is with our profession. But you can't get there without industry. You can't get there without adapting to new trends, changing information, and developing data.

Our profession is undergoing significant change, and it's happening fast. It's not good enough to be smart. You have to be willing to get out of your comfort zone and learn. Through the efforts of the 21st Century Practice Task Force and the Strategic Plan we will address later today, we are fostering an environment conducive to quick learning.

Final point I will address today, young people are amazing. The average age on a submarine is 22 years old. Think about that. You are given significant responsibility at a very young age, and, again, same in our profession really. Yet I hear much these days about the next generation not being
sufficiently engaged, unwilling to work hard or
distracted by social media. Hogwash. I am
continually amazed by the dedication of our younger
lawyers who want to learn, who want to excel, and who
want to contribute to our profession, and they do
that, and many of them are in this room today. And on
top of all that, they stand ready to teach old dogs
new tricks.

If you have your doubts, give Shenique Moss a
call and ask her what the Young Lawyers are up to
these days. She will tell you about the upcoming 10th
annual Young Lawyers Summit, replete with litigation
boot camp and professional development events,
networking gatherings and camaraderie, or she will
tell you about the numerous CLE events they host every
year, or their devotion to fundraising for important
causes like Access to Justice. The only thing the
Young Lawyers can't do is defeat the Board of
Commissioners in bowling.

For many years now I have been intensely
proud to be on the same boat with all of you. Please
join me now in running to the fire. Thank you.

(Applause.)

CHAIRPERSON HERRMANN: At this point I would
like to welcome our executive director, Janet Welch,
who will address the Assembly.

EXECUTIVE DIRECTOR WELCH: Good morning, everyone. Happy Earth Day. I am really sorry that the Chief Justice had to leave. I wanted to tell him how personally disappointed I was in his remarks. One always hopes when one has a place on an agenda as a speaker that the speakers that precede them are not exceptionally thoughtful, witty, charming, and he certainly deflated my hopes in that regard, and that was compounded by Fred.

Seriously, I am tremendously grateful by the interest and the engagement of the Chief Justice in the State Bar of Michigan's mission and the way we are going about accomplishing it in the 21st century. I think it portends really great things in the immediate future, and one evidence of that, of course, is the Court acting quickly on publishing the limited scope representation rules for comments that this Assembly sent to them last fall.

So my remarks this morning are targeted towards the change that has happened since we last met six months ago, what we have been doing. I want to focus on the work that we are undertaking to build a Bar-based online legal marketplace. We are calling it an online legal marketplace center, and you will see
the groundwork for that expressed in great detail in
the 21st Century Practice Task Force Plan and ratified
in the Strategic Plan.

You have heard me speak many times about the
role that the online member directory and its enhanced
profiles plays in helping you connect with the public
better and making it easier for the public to find a
qualified lawyer in Michigan. That's sort of the
ground floor of what we are trying to build, and the
grand vision is what I would call sort of the Amazon
of legal services for people, connecting actually all
the State Bars and their capacity to create something
that's a really compelling, effortless, beautiful
place for people to find lawyers on both the website
and mobile apps.

Let me start by asking how many of you have
already filled out your online enhanced profile
through the directory? Show of hands. So that's
good. That's a start. I want to urge all of you to
take that step.

How many of you are on Linkedin. More. So
think of the State Bar's directory as sort of a very
targeted Linked In. It not only, like Linkedin, will
help you connect with your colleagues in Michigan and
outside of Michigan, but it also is outerfacing to the
public, which is a virtue that Linkedin does not have for you.

So if you haven't done it, it is not difficult, and it's free. If you find yourself not being able to negotiate the online help, there is also direct help that you can get in filling out your profile. Let me know, and I will help you. This is not only important to you if you are seeking clients and seeking connections, not only is it a valuable resource, but if you are not, I mean, if you are happy with the state of your business at this point or you don't need clients and that's not the way you practice law, it's still valuable to fill out the profile to help enhance your professional presence, but it also helps the State Bar of Michigan by making us a more attractive search engine magnet. And for those of you, if there are any of you who don't know what it means to be an attractive search engine magnet, I will translate for you, it just means do it.

So there are lots of reasons for the State Bar to be building this online legal marketplace, but this one is essential. The public has always turned to the State Bar for help in finding good legal help, and if we don't help them in the way that they are using now, online and through mobile
apps, if we don't make that adaptation, we will lose them as a connection. They will stop looking to the State Bar. They will stop looking to local bars for a resource.

So this is the moment to do it. This is the moment to run to the fire, and make no mistake about it, dealing with technology, you will get burned. There are lots of pratfalls and difficulties in dealing with technology, making technology work on your behalf.

Because we are a Bar association committed to access to justice for all, our online legal marketplace has to have answers and help for everyone looking for legal help, even those who can't afford legal services, and that distinguishes us from the commercial folks who are out trying to create a profit-based find-a-lawyer service.

You will hear, after I am done, maybe after our break, about the growing crisis in our system of providing legal services to the poor. We have a very distinguished panel, and they will tell you about your potential role in helping protect and expand access to justice.

The commercial find-a-lawyer services that don't need to be thinking about the nonpaying poor
have an advantage in that regard. They can be really focused on where the money is, but they don't have our credibility, and they don't have our respectability, and they don't have your interests in mind. So we embrace the burden of creating that marketplace, as our ethic rules insist, and because it's the right thing to do.

So I have a slide. It's the one before, Carrie. There we go. The panel that follows me I think will expand on some of the statistics concerning the need, the unmet legal need in Michigan in particular, but this is a statistic from 2014 from the research of Professor Gillian Hadfield, who at the moment is considered the leading academic in legal services delivery and its economics. She is a professor of law and economics at the University of Southern California.

So her research showed that there were 12.5 million households below the poverty line and that those 12.5 million households had at least one legal problem, and that if you were able to come up with one hour of help, one hour of help for a legal problem for those households, that's the equivalent of $3.1 million of legal service, and to provide that we would need every active attorney in the U.S. providing
70 pro bono hours. Obviously we are not there.

Can you go back to the ethics rules for a second, just to show sort of what the magnitude of what we are trying to address is. But our burden is not just the poor. As our ethical rules, the Michigan Rules of Professional Conduct also tell us we need to be concerned about people who are not poor but also can't afford adequate legal representation, and that really is the demographic that we are focusing on with lawyer referral and bundling together resources, including limited scope representation in our effort to create this online legal resource center.

So the next slide shows Professor Hadfield's representation of how our delivery of legal services is skewed toward people who have money. So on the left axis is rates, hourly rates, and then the bottom axis shows the people who can afford up to $600 of billable hours, and everyone else being off in the direction of only probably being able to afford about a $40 billable hour.

This is a bit controversial, and she hasn't totally convinced me, but her estimate in 2014 was that a $40 billable hour charge really covers the basic services, and the stuff above that typically is not law stuff. It's infrastructure. It's, you know,
the building and paying for things that --

advertising, marketing, not the actual provision of a

legal answer, and then above 200 she says you are just

paying for reputation and exceptional ability.

So I put this up there just to show that,

again, the for-profit commercial find-a-lawyer folks

are really trying to serve everyone else who has

money, and that's where we are headed as well in our

lawyer referral market.

So Professor Hadfield has an answer. She is

very anti-Bar association, and if you have heard her

speak, she thinks that ethical rules are standing in

the way of law firms innovating to be able to serve

the market that isn't being served under the current

structure, and if you can put up the next line,

Carrie, this is what she is telling law firms to do,

to think about scaling their services to make them

cheaper, building their brand and reputation, focusing

on that, better customer service, use technology to

provide that, deeper market research into when clients

want. Process and protocol design, that's sort of the

lean law that you are seeing increasingly touted, and

innovation.

And I put this up here because it seems to me

that the entity that is best suited to deliver all of
this, particularly starting with SCAO, are State Bar associations.

So my next conversation with Professor Hadfield, I am going to say, We are doing this, and this is why you have the right answer. You are just asking for it to be delivered at the wrong place.

So we can and we will deliver. Again, the goal is an attractive, credible, state-of-the-art, online legal marketplace automated to make it easy and efficient for both the public and our members to use. You can already begin to be part of the that with your enhanced profile.

We started a pilot program to test changes to our lawyer referral program to adapt it to the new conditions at legal service marketing and to expand it to the untapped market that I have been referring to.

Please pay attention to our communications about changes in the lawyer referral service and begin to think about how your constituents might take advantage of the changes in the lawyer referral program.

So if you are truly a Representative Assembly and I believe you are -- some of you are sitting there thinking, boy, this is dangerous stuff, you know, too soon, too fast maybe, or the State Bar should stick to
its committee. Good. We need the people who are expressing that point of view in order to do it right.

Some of you are thinking this is too slow, it's too late, we can't be that nimble, and the crisis is here, we are running behind, and I would say good, we need your fist in our back to keep going, and the rest of you are probably somewhere in between those two points of view. I sort of waiver both back and forth between them from time to time.

So I agree with Fred. It's time to run to the fire. I don't have a eloquent ending for you, but what I do have to offer is, because this is a non-ending conversation we are going to have about continuing improvement, and it will not have a clear end point and a victory, but I do have a quick two-minute video that I thought I would offer to you sort of to lighten things up after the magnitude of what I have been talking about and to show you that we do appreciate that there are dangers in technology if untethered from reality and from human nature, and this will sort of give you a taste also of what we are experiencing behind the scenes. Hopefully this will send you into the break or the panel with a smile on your face, and if it doesn't work, that will be ironic.
(Video played 10:34 a.m. - 10:37 a.m.)

(Applause.)

CHAIRPERSON HERRMANN: Thank you very much, Janet, although that was perhaps a little too close to home.

You will be happy to hear at this point on our schedule we are going to take a short break. We are a bit ahead of schedule, which is good news, so I would please ask you to limit the break to ten minutes, and if we could be back in by ten till, that would be ideal. And just a reminder, for any of you who do not yet have voting clickers, now is your chance to please rush out that door and see Jeanette and sign up for one and bring it back in with you when you come back from the break.

(Break taken 10:38 a.m. to 10:55 a.m.)

CHAIRPERSON HERRMANN: Everyone, if you would please take your seats now, I would like to call our meeting back to order.

At this the point it is my pleasure to introduce our Vice Chair, Joe McGill, who will in turn introduce our special panel that will address the challenges facing legal aid programs. While this presentation is informational only, there won't be a vote, the absence of a vote does not mean that no
action is required on our part, and I am sure you will agree after you hear the panel's presentation. Joe.

MR. MCGILL: Good morning, everyone, and, again, as Fred mentioned, I am Joe McGill I am Vice Chair of the Assembly. Thank you very much for attending this morning. I know it's a bit of a drag on your time, but we appreciate your being here, and we are looking forward to a very interesting and robust discussion from the panel about legal aid.

First and foremost, our panel members immediately to my right are Jennifer Bentley, who is the executive director of the Michigan State Bar Foundation. Jennifer started as the executive this past January. She started working at legal aid in 1997, first as a staff attorney, then a managing attorney, and most recently was the development director of the Michigan Advocacy Program.

Seated next to Jennifer is immediate past president of the State Bar of Michigan, Lori Buiteweg, whose qualifications and awards are too long to list. Lori has told me that she handles at least one pro bono family law matter at any given time. When she meets with the client who is eligible for legal aid, she helps the client to make the connection with their local legal aid office where the client is
qualified to receive pro bono representation. This process is sometimes referred to as a reverse referral and is a great example of how local practitioners can leverage the resources of the legal aid office to help the indigent.

Immediately next to Lori is Aaron Burrell. Aaron is a partner with the Dickinson Wright firm and serves as chairman of the Special Issues Committee of the Representative Assembly. He is co-chair of the State Bar of Michigan's Equal Access to Justice Initiative and a member of the State Bar of Michigan's Committee on Justice Initiatives.

He is an immediate past president of the Agustus Straker Bar Association, which is a diverse group of lawyers in Oakland County, Michigan. He is the director of the Oakland County Bar Association and sits on the organization's diversity committee. He also is a charter school board president.

Myself, I served on the Pro Bono Committee several years ago, and I was also the pro bono partner for a 100-plus member law firm in the City of Detroit, which generally meant that I had the honor of doing pro bono work for a hundred other lawyers, which was a challenge, but it was a great experience. I had the opportunity to try several pro bono cases that
involved 1983 issues, and I was also involved in several appeals of veterans benefit claims that ended up before the Veterans Court of Appeals in Washington, D.C.

So with that, I will turn it over to Jennifer.

MS. BENTLEY: I usually don't need a microphone, so if I am being too loud, you can signal to me.

I want to thank the Representative Assembly, thank you Joe, and the Representative Assembly for inviting us to speak today. If you have ever worked at a nonprofit organization, you know that you are usually calling people on the phone, can I come and speak to you about legal aid or about your mission, and so being invited to a group of leaders in their community to talk about legal aid is really a welcomed opportunity for the legal aid community and for the Michigan State Bar Foundation.

I appreciated the analogy to being under fire today. A couple weeks after I started as the executive director of the Michigan State Bar Foundation, there was an announcement that the President was proposing a complete elimination of the Legal Services Corporation and the federal funding for
legal aid in Michigan, and that adversely affects the
legal aid programs in Michigan.

I know that the majority of you are familiar
with legal aid and the legal aid organizations that
serve your community. Some of you work for legal aid,
some of you volunteer your time for legal aid, some of
you sit on the boards of legal aid organizations, some
of you donate to legal aid. So I am going to quickly
touch on the legal aid delivery system in Michigan and
talk about the need in Michigan.

Legal aid provides free civil legal services,
so in civil cases. There are income requirements, 125
percent of the federal poverty guidelines. For a
family of three, that's about $25,000 a year.

There are five regional federally-funded
legal aid programs in Michigan, and those are listed
on this slide. Lakeshore Legal Aid covers the Metro
Detroit area. Legal Aid of Western Michigan where the
W. is on the map. Legal Services of Eastern Michigan
covers the Flint, Saginaw, Bay area. Legal Services
of Northern Michigan covers the 36 counties in the
U.P. and in Northern Michigan. The Michigan Advocacy
Program covers South Central Michigan, and then
Michigan Indian Legal Services is a statewide program
that serves Native Americans. There is also federal
funding to serve seasonal and migrant farm workers
that is administered by the Michigan Advocacy Program.

Those are the federally funded legal aid
programs in Michigan. There are also several legal
aid programs in Michigan providing statewide services,
and those are listed on the slide, as well as a ton of
regional and specialty programs that partner with the
federally-funded legal aid programs.

You have probably heard someone say, I went
to legal aid and they couldn't help me. Or you have
heard someone say, I heard legal aid doesn't do that
type of case. There are 190 legal aid lawyers in
Michigan, and legal aid offices handled over 55,000
cases last year for low income families.

There are over 2 million people in Michigan
that qualify for free civil legal services. So it is
ture, the 190 lawyers in Michigan that are providing
free civil legal aid cannot help everyone that needs
and qualifies for legal assistance.

In your handouts there is a sheet of good
stories. It looks like this. And these are real
people, real stories of meritorious legal cases that
legal aid offices and pro bono attorneys throughout
Michigan handled last year, and for each of these
stories there are approximately three families who had
similar critical legal needs who legal aid offices
could not help last year.

At my office, when I was practicing at a
legal aid office, we had weekly case acceptance
meetings where we sat down and talked about all the
clients that had come in that week and completed an
intake and asked for help. We had to decide who we
could help, and we knew we couldn't help everyone.
And it was hard. It was really hard.

We knew that if we couldn't help someone,
they had nowhere else to turn. We knew that if we did
help someone, it would make a significant, meaningful
difference in their lives. We could keep them in
their homes possibly. We could help them leave an
abusive situation. We could get them needed public
benefits. And the work that we did really, really,
when we were able to provide representation to low
income families, made a significant difference in
their lives.

To deal with the demand for legal services,
legal aid offices have developed priorities. Most
legal aid offices prioritize homeless prevention,
domestic violence, public benefits for individuals
with disabilities, and cases for older adults.

And then the next slide talks about how legal
aid programs have collaborated together. Legal aid programs work with the State Bar of Michigan, the court, community partners to increase access to justice for all.

Legal aid offices talk about a continuum of services and getting individuals the help they need at the level they need it, when they need it. For example, someone might be able to get some of their questions answered on the Michigan Legal Help website, or someone might be able to get something resolved by calling a help line or visiting a self-help center or getting assistance at one of the court-based projects. This is an efficient way legal officers have worked with courts and the State Bar to get people the help they need while freeing up the legal aid attorney's time to deal with full representation cases.

The next slide shows the funding for legal aid in Michigan. About 38 percent of the current funding comes from the federal government. This percentage is higher for the communities with less local resources. Legal aid organizations also receive funding from filing fees, IOLTA, and a variety of other funding -- United Ways, city, county, state foundations, the Access to Justice Fund.

The next slide shows that the need for legal
aid is a lot greater than existing funding for legal aid. In preparing for this presentation we talked a lot about unmet need and how to quantify that, and because legal aid organizations have developed these priorities and sometimes don't do intake for every civil legal need that is out there, it is hard to quantify the exact legal need in our community, but the ABA estimates that only 20 percent of the legal needs of poor people are being met by the current delivery structure.

So Michigan legal aid offices are working together with others, as I said before, to increase resources to legal aid and to also increase accessibility. And I am personally very grateful to the State Bar for taking leadership and the critical role you play in assuring access to justice. I know many of you here help in this effort by sitting on committees or providing leadership in your local communities or doing pro bono and giving financial donations.

And the next speaker is someone who has done all those things for the State Bar and also in the local community, Lori Buiteweg.

MS. BUITEWEG: Thanks, Jennifer. It's so great to be back here in front of all of you. My
memories as Chair of this Assembly from back in 2006 are some of my favorite, most vivid memories. In fact, when I chaired the Assembly was the last time Justice Markman spoke to the Assembly, so we sort of come full circle here today.

And when you have been in Bar leadership as long as I have, you know, you spend a lot of time grappling with this issue of how to successfully engage our members to fill this justice gap, the huge gap that Janet talked about earlier in her presentation and that Jennifer just described. And while I have been asked to get up here and sort of exhort all of you to participate, we all know that I am preaching to the choir here.

I know we have at least one State Bar award recipient regarding pro bono work, our Liz Kitchen-Troop, who won the Champion of Justice Award a couple years for her modest means program in Washtenaw County, and so many others of you who have won local awards and have done more than your part. You are all raising the bar for everybody else.

So I am not here to ask you to personally do more. What I am here to do is to ask all of you to be messengers and to go back to your constituents in your communities and to ask them to do more, to go back to
your firms and ask them to do more.

So I want you to take this information I am going to give you and do what you can, use it as you will to try to bolster and inspire others to meet the guidelines that you yourself as a Representative Assembly set for our Bar membership. What are we supposed to be doing, what are our ethical obligations, and, according to the Representative Assembly, it's 30 hours a year, three cases a year, or three to $500 a year, depending on your income, or a combination of money and time.

So this guideline yielded in 2015 about $38,000 hours of free legal help and more than a million dollars of donations to the Access to Justice Fund, which may sound like a lot, and here is what I want you to write down, or if you are a tweeter, maybe tweet this out, and I tweeted a little bit this morning. But, given that we have 45,000 members in the Bar -- I mean do the math, right -- this means we are averaging less than $25 a member in donations and less than an hour a year per member in donations of time. Less than $25 a member, less than an hour a year. So we need to do something to improve that.

Even though the goal the Assembly set falls short of the need, if everyone at least met the goal,
we would certainly be doing better than we are. And, as Aaron is about to tell you, we certainly can't rely on federal funds to supplement our efforts. That's risky to rely on those funds. We have to work as hard as we can toward self-sustainability when it comes to delivering legal help to our fellow Michigamians.

So it can be easy to become complacent when we don't see the faces of those who need our help. You know, out of sight, out of mind. So thank you, Jennifer, for putting together the photographs and the stories of the people that we help.

So if you are not looking to your State Bar to join each of you in working tirelessly to fill the unmet need, you should be, because the Bar is doing a lot, and that's part of what we wanted to present to you today.

All of you who are on your phones or computers, turn your attention away from the text messages of Facebook and Google, michbar.org/probono. On there you will see that we have a pro bono service counsel, Rob Mathis, who helps coordinate leverage of publicized pro bono opportunities as a full-time staff person for the Bar, and whether you are looking at the website or not, you have got some materials in your packet. The Lawyer Helps is a great program for
taking the work that your community is doing and publicizing it to the Bar in general, which some of us don't like to publicize those types of efforts because we are too modest, but please do it, because it does inspire other people to do it and it gives them ideas.

So you can contact Rob, his name and number are on here, and ask that stories in your community be publicized by the State Bar. You also have in front of you a menu of opportunities. Take a picture of it, tweet it, you know, scan it, e-mail it out through your Bar association e-mail list, but there are lots of different ways to help in Michigan.

And if it's not time your constituents want to donate but rather than money, when they are on the State Bar of Michigan website, they can go to the internal search engine bubble and just type in Access to Justice Campaign, and it will take them right to their member area, and they can make a donation online, and while they are there, they can fill out their member profile, as Janet suggested, which is a great idea for their own marketing.

So my idea is, you know, I try to calendar what I am doing. We have an annual retreat at my firm, and one of the topics on that annual retreat always is what are we doing for pro bono? So putting
it on your calendar, reminding others to put it on their calendar, or putting it on your calendar to remind others to put it on their calendar annually, whether it's in conjunction with your annual health exam or whether it's in conjunction with your New Year's resolutions, but the years go fast, and sometimes next thing you know, it's been five years since you have had a pro bono case or made a contribution. So those are some ways that we can just remind ourselves every year.

So what do you say? Sorry, I can't help because I don't have malpractice insurance. Do you hear that a lot? I hear that a lot. Tell people malpractice insurance is provided free to pro bono attorneys. Get the word out about that.

And there are other avenues of help as well. When partnering with local legal aid offices, your pro bono clients can get some help from you and some help from them. Pro bono clients tend to have kind of a whole host of problems, as those of you that work in legal aid and have helped pro bono people know, and we aren't always equipped to handle all of them. We might be able to handle part of them, but not everything, so partnering with your local legal aid office helps you to get them all of the resources that
they need and, if legal aid can't help them, they have
got referral sources as well.

Recognition can make people feel like their
efforts are worthwhile, so the Bar makes a concerted
effort to recognize pro bono contributors. We have
got the Circle of Excellence, the Lawyers Help Page on
the State Bar's website, and local legal aid offices
have recognition programs as well.

Pro bono work is what gives value and meaning
to what we do in our careers. We get something out of
it far beyond the recognition. We get the
satisfaction of knowing that we did what so many of us
set out to do when we applied to law school, which is
to help those who are unable to help themselves.

So be the cheerleader. Beat this drum in
your community. Your peers are already looking up to
you as leaders in your communities because of your
positions on the Assembly, so go back home and lead
the way in your communities' pro bono efforts and
let's aim to meet, at least meet the guidelines as the
Representative Assembly has set for the entire
State Bar membership. Thank you.

I will pass along to Aaron, who is going to
tell you a little bit more about what's going on
nationally.
MR. BURRELL: Good morning again, everyone.

VOICE: Good morning.

MR. BURRELL: So my task today is to explain to you what's happening from a national perspective, and it is shocking. The Legal Services Corporation has been around since 1974. It's a nonprofit established by Congress to provide financial support to civil legal aid for low-income Americans. This current administration in its proposed budget determined that it wanted to completely eliminate the Legal Services Corporation.

Again, Legal Services Corporation provides annual funding for legal aid organizations in every county of every state, the District of Columbia, and the U.S. territories, and nationally the LSC has a significant impact. It is the single largest source of funding to civil legal aid for the poor in the country. Nationally 60.6 million individuals are eligible for legal aid assistance. Last year they closed 755,774 cases. 91,618 of those involved pro bono lawyers. 128,839 of those cases involved individuals over 60 years old. 527,482 of those cases involved women, and 116,074 of those cases involved domestic violence.

The American Bar Association recently
expressed its outrage and its president said some of the worthy services the LSC provides include secure housing for veterans, protecting seniors from scams, delivering legal services to rural areas, and protecting victims of domestic violence and helping survivors. More than 30 cost benefit studies showed that legal aid delivers far more benefit than it costs.

150 U.S. law firm chairs also noted that eliminating the legal services funding would hamper their ability to provide pro bono representation. The president of the LSC himself said that we represent a fundamental American value, equal justice, and that's as old as the republic itself.

So what does the LSC do in Michigan? LSC in Michigan provides $10.8 million to legal aid programs. Thirty-five to 40 percent of the funding for legal aid in Michigan is from LSC, and the percentage is higher in rural areas. LSC funding is an essential building block to our legal aid delivery system in Michigan. And taking back to what Jennifer and Lori say, it's desperately needed in Michigan.

Michigan's unemployment rate is higher than the national average. The number of people qualifying for legal assistance in Michigan has increased nearly
60 percent since 2000. Its over 2 million residents now eligible. Michigan also has one of the highest foreclose rates in the country. Despite all of that, Michigan lost over $1.5 million to LSC funding since 2010, and the number of cases closed by Michigan legal aid has increased by over 4,500. And, as Jennifer said, the LSC funds account for 40 percent of Michigan's total legal aid funding.

So this is so important, the State Bar of Michigan has a delegation from Michigan that's going to ABA Day in D.C. on Tuesday to meet with congressional members about the importance of LSC funding. Among those who are going is our own Jennifer Bentley; Peter Cunningham, the assistant director of government relations for the SBM; Judge John A. Hallacy; Thomas Linn; Robert Mossel, counsel for Ford Motor; and Reggie Turner, who was former State Bar president and a member of Clark Hill. And we also partner with Dykema Gossett and their Office of Government Policy in Washington, D.C.

I think our next slide is a picture of last year's delegation, which included our own Lori Buiteweg.

Let's get to what we can do to help the cause. First, social media campaign. We talked about
social media. I don't know how many Wolverines we have here today, but I like to say, Go Blue. As we see in our slide here, even Coach Jim Harbaugh is a supporter of the Legal Services Corporation. He said in his tweet, I hope reports that the White House trying to defund Legal Services Corporation aren't true. LSC is crucial to making the justice system fair.

Many of you know Jim Harbaugh was recently elected to the Leaders Council of the LSC, along with Hank Aaron, John Grisham, Eric Holder, and Microsoft's chief legal officer, Brad Smith. The hashtag, as you can see, is LSCmatters. I yield to your counsel with respect to the hashtag you wish to use, but please go on your Twitter account or Instagram account and make your voice heard.

So why is the LSC funding more important than ever? Our delegation is bringing a critical message to Washington. In fact, there remains a significant budget shortfall. An LSC report documenting the justice gap in America, they report that 50 percent of all those who sought legal assistance from LSC grantees were turned away because of the lack of adequate resources. So far -- well, for every individual that LSC serves, another person is,
therefore, turned away, and, in fact, studies have shown that over 80 percent of the civil legal need for the eligible population are not being met.

So our ADA delegation is bringing a very important message. They are going to inform the congress people that, number one, the LSC provides critical constituent services, that they maximize the limited resources that they have through innovations and collaboration. They continue an effective public/private partnership, and they protect the access to justice, which is a fundamental American value.

So the question is what can you all do to help. So here are your marching orders. Every person in this room is a Bar leader, and, as Bar leaders, you have an important role and important voice, so help spread the word about the important work of legal aid. Contact your congressional members and encourage them to support the LSC funding, and I believe in your packet is this sheet titled contacting members of congress. It provides very detailed information about how to contact your congress people.

Encourage your local bar association members to contact their congressional members, volunteer with and support your legal aid office, donate to the
Access to Justice Campaign, and, of course, encourage other individuals to do the same. It would only take your assistance, your contribution, and your help in order to get this situation resolved and to handle it in the way it should be handled. So we look forward to all of your contributions here at the State Bar of Michigan and look forward to a successful resolution to this very, very pressing issue. Thank you very much.

(Applause.)

MR. MCGILL: At this point in the program, we are opening it up to comments or questions that you might have for our esteemed panel. If you do so, please step up to the microphone and identify your circuit and identify yourself. Hearing none, I would like to thank the panel -- actually we do have one.

MS. SPIEGEL: Good morning, I am Mary Spiegel. I am from the 2nd circuit down in Berrien County in the corner of the state, and I just wanted to express my thanks to this esteemed panel for giving you information, detail, and informing you about the need that exists.

This will be my 26th year as an attorney. It will be my second year as a legal aid attorney. I left civil private practice to join Legal Aid of
Western Michigan two years ago, and I can say unequivocally that that was the greatest gift I received in my life. Practicing law at Legal Aid and helping people who have nowhere else to turn is phenomenal, and those of you who have done pro bono work will have that same feeling. You may not get the check, you know, at the end of the case, but you get the hugs, you get the thank yous. I recently had a client bring me eggs.

But I also know as the daughter of an attorney that there are many attorneys who already do free legal work, but what it consists of is they have a client who comes into the office who is low income, may or may not qualify for legal aid, but their story is compelling, and my dad would always take those cases rather than refer it through the pro bono system of Legal Aid of Western Michigan, and I would just encourage you to consider partnering with a legal aid office in your area to have those people come through, then do the pro bono work on that case.

Whenever I try to recruit for pro bono attorneys in my area, I have difficulty because they respond to me -- well, Mary, you know I already do a ton of pro bono work in the form of not charging people.
Well, part of what we do requires that we expend funds if we are a legal services corporate entity. We have to spend some of our funds on pro bono programs, so your partnership allows us to do that. Thank you for those of you who affiliate with our pro bono programs.

MR. MCGILL: Thank you very much. Any other comments, questions, concerns? Hearing none, thank you Jennifer, Lori, and Aaron. Great job.

(Applause.)

CHAIRPERSON HERRMANN: Thank you very much, Joe, and our panel members. I continually am humbled and amazed by this service our legal aid and pro bono lawyers provide. Please let's help them put out this fire. Thank you.

We are going to take just a second to reconstitute ourselves up here, then we will continue our agenda.

At this stage we are going to move to the portion of our program where we place our formal votes for our formal agenda items, which I mentioned earlier will be done electronically using your clickers. Before we begin that process, I would like to invite our clerk, Rick Cunningham, to provide a brief explanation of how the clicker voting system works.
CLERK CUNNINGHAM: At the fear of providing fodder for the next video that Janet does on technology, I will indicate to you each of you should have one of these clickers in front of you. On the numbers and letters on each button, one or A, two or B, three or C. We only have three that we will be using. If you wish to vote yes or aye, on a vote, on a particular vote, press the one button. If you wish to vote no or nay, press the two button. If you wish to abstain, press the three button. So one or A is yes; two or B is no; three or C is abstain.

There will be a period of time in which the voting will be open. You may change your vote during that period, but I will announce when the voting is closing and it will be locked, and then we will announce the numbers.

CHAIRPERSON HERRMANN: Thank you, Rick. Do we have any questions on any of that? If you are too afraid to ask for fear of ending up in the video, we can take your question in private outside. Thank you.

At this point I would invite Karen Safran, chair of the State Bar Civil Procedure and Courts Committee, to address the Assembly regarding reconsideration of Amendments to MCR 2.116 and 2.119.
Before Karen begins her presentation, I do just want to call to your attention that at your seats is an additional item of information we received last night from the Appellate Practice Section of the State Bar that provides some additional comments and input. Since that's new, I just wanted to call your attention to it, but you can work with it as you see fit with Karen's sage guidance. Karen.

MS SAFRAN: Good morning, everyone. Nothing quite like a rousing discussion of Michigan Court Rules to get everybody's heart rates up.

This is a matter that I brought before everybody, I think 2015, and the goal of the Civil Procedure and Courts Committee in proposing this change was to achieve uniformity in practice throughout the state where you have the situation where some courts allow reply briefs, some don't allow reply briefs, even though the courts don't allow reply briefs you can file them anyway. At least this would give us some sort of clarity, especially with respect to dispositive motions, just because of their nature and their importance to the case, better I think to the litigants, better to the court to have all the relevant case law and arguments in front of them and give everybody a week to prepare for the hearing so
you are not walking into your SD motion and somebody
hands you a case and says, This is what I am going to
argue.

The proposal as it was originally recommended
by the Civil Procedure Courts Committee and was passed
on by this Assembly, it kept the same briefing
schedule by bumping out the dispositive motions from
21 days to 28 days, and what that does is that gives
all of the litigants and the court a week to review
the materials and be prepared for the hearing so that
the court is also prepared.

The admin file of the Supreme Court gets us
part of the way there. It does provide for the
uniformity that we are looking for, but it doesn't
bump out the hearing date by a week, so what it does
is it actually, I believe, puts the litigants and the
court in a worse position than what it is under the
current rules because the court has, in some
instances, really no time to review the papers. And
what I mean by that is if you are dealing with a --
first of all, they go from a 7-day to a 3-day, and if
you have a court that has -- Oakland County has its
motion call on Wednesday, and some other courts, such
as Macomb County, a lot of judges have their motion
call on a Monday, so you are dealing with a situation
that to meet the briefing schedule as proposed by the Supreme Court admin file, the court and the opposing parties are getting the reply brief on a Friday, and that's just not going to allow anyone enough time to prepare for a dispositive hearing.

So I do applaud the Supreme Court for accepting the briefing and the reply briefing, but I would ask that the Representative Assembly pass on to the Supreme Court that bumping the hearing schedule back the additional seven days is in the best interest of the litigants and the administration of justice.

The other little bit of the practical reality is that in a lot of instances courts are scheduling their own dispositive hearings, so whether the rule changes to 28 days isn't a significant difference in terms of impacting the procedure and the functioning of the courts. You have some courts that they schedule their own or they limit dispositive motions, only a couple dispositive motions per motion call per month. In some of the less populous circuits where the courts only have motion hearings a couple of days a month rather than every week, so a change in the rule to 28 days from 21 days is not going to have a significant impact on the administration of justice, but it does give everybody a fair opportunity to
prepare for the dispositive hearing.

    CHAIRPERSON HERRMANN: Thank you, Karen.
It's always a pleasure to have you here, and we
appreciate all the hard work your committee does on
these issues.

    At this point I will now entertain a motion
to approve this comment as proposed to be submitted in
response to the Michigan Supreme Court's comment.

    VOICE: Support.

    CHAIRPERSON HERRMANN: I have a motion and I
have support. Are there any comments from the floor?
    Yes, please proceed.

    MR. BLAU: Michael Blau, 6th circuit. I was
just coming to move to support the motion.

    CHAIRPERSON HERRMANN: Thank you, Mr. Blau.
We already have our motion. They beat you to the
punch. Appreciate it.

    MS. KAKISH: Yes, Kathy Kakish, 3rd circuit.
I am here to question exactly how we are to vote on
this. It seems to me that there are two parts that we
are voting on. The first part is whether or not to
actually submit a comment to the Supreme Court, and
the second thing that we are voting on is to extend by
one week the briefing schedule.

    Now, for the sake of argument, let's assume
that the Representative Assembly decided that it does not want to extend by one week the briefing schedule. Does this mean that we remain silent as it relates to number one and that our comments as to why we are giving a negative vote will not reach the Supreme Court? It seems to me that these two items, and this is my proposal, is to split the vote into two votes, first to vote for number one and second to vote for number two.

My question relates to the first sentence. It is my understanding that every decision that the Representative Assembly takes is reported to the Supreme Court anyways, so why are we voting for this first part, if somebody can answer that question.

CHAIRPERSON HERRMANN: At this stage I would invite commentary analysis from our parliamentarian, Judge Chmura, although I will comment that this, as proposed, is all inclusive that the comment include the recommendation regarding the briefing schedule as well, and that's what's been submitted, and I will defer to Judge Chmura on this, but if we have an amendment to change the language of the proposal, we can proceed accordingly, but as drafted, this is what would be proposed as the comment response.

Judge Chmura, if you would.
PARLIAMENTARIAN CHMURA: Well, I don't know that this is really a motion to amend as much as a motion to separate the questions. That's different than a motion to amend. You can do that if that is what you are doing. I don't want to put words in your mouth, but that's a valid parliamentary move to make, which is treated as a separate motion to separate the questions, needs to be seconded, and then voted on separately. It's a secondary motion is what it is, and usually you do that, the questions are such that they are not intimately related to each other so that you have to vote on both of them. They are separate enough where they require different issues and different consideration, and whether or not it's different enough is to be decided by the chair, so you get to decide whether or not you think that the questions are separate enough to deserve separate consideration. If that's what you believe to be true, then you can treat that as a motion to separate, and then you second and you proceed, if that's what you want to do.

MS. KAKISH: If I may respond.

PARLIAMENTARIAN CHMURA: Sure. I am just laying the --

MS. KAKISH: Thank you very much,
Judge Chmura. I think that's exactly what I want to do, to separate the two questions to make sure that whichever this Assembly decides with respect to the second comment, that it would be reported to the Supreme Court, so I so move.

CHAIRPERSON HERRMANN: I will decide this issue with the guidance with the parliamentarian, but I would take a moment of privilege. I would like to consult with Ms. Safran on this issue.

I will accept the split into two questions. So the first voting point, correct me if I am wrong, Mr. Parliamentarian, will be whether or not the Assembly will submit a comment?

PARLIAMENTARIAN CHMURA: Right.

CHAIRPERSON HERRMANN: So do I have a motion on the question of whether the Assembly should submit a comment in response to the Supreme Court?

PARLIAMENTARIAN CHMURA: I think we have a motion from Kathy to do that.

CHAIRPERSON HERRMANN: Do we have a second on Ms. Kakish's motion?

VOICE: Second.

CHAIRPERSON HERRMANN: Okay. Is there any discussion on the motion whether the Assembly should comment in response to the Supreme Court's request?
PARLIAMENTARIAN CHMURA: The motion to separate, first whether you should separate the question.

CHAIRPERSON HERRMANN: I thought that was my call.

PARLIAMENTARIAN CHMURA: Well, it is your call to decide whether you want to submit it to the Assembly. You have decided you should submit it to the Assembly, so now we vote on that.

CLERK CUNNINGHAM: Will this be a voice vote?

CHAIRPERSON HERRMANN: The motion pending is whether to split this comment into two votes, one with respect, first, whether we submit a comment to the Supreme Court, and the second will be whether we comment on extending by one week. So we have a motion to split that's been seconded. Do we have any comment on that motion?

Again, the motion pending is whether to split into two questions, the first being whether to comment at all, and the second being whether to comment with respect to the one-week extension.

So on the first motion that is pending, we have the motion, we have the second. I hear no comments from the floor, so we will go to the vote.

Yes, Mr. Romano.
MR. ROMANO: Doesn't it make more sense to vote on the second issue first? Vince Romano, 3rd circuit.

UNIDENTIFIED SPEAKER: Until this motion passes, there are two issues.

CHAIRPERSON HERRMANN: The motion pending is whether to split into two questions, so we don't yet have two questions unless this motion passes. Thank you.

I will now call the question on whether this should be split into two questions.

Mr. Clerk, is the voting now -- no, we have to do this by voice. Excuse me, this will not be an electronic vote, because this was not pre-prepared.

All in favor of splitting this issue into two questions, say aye.

All opposed.

I think we have to take a stand vote. We have to take a count vote. At this point, all those in favor, the ayes, please stand. And I will designate people in each group to assist with the count. Terry, can you please assist in designating each section to take a roll call count.

(Standing count taken.)

CHAIRPERSON HERRMANN: Seven, 13, 6 and 19,
correct? These are the ayes.

Now please take your seats, and if we can
have all the nays please stand and repeat that count
for us, please.

   (Standing count taken.)

CHAIRPERSON HERRMANN: If you all may be
seated. Mr. Clerk, if you can announce our results.

CLERK CUNNINGHAM: We have 52 opposed and 45
in favor. The motion fails.

PARLIAMENTARIAN CHMURA: So you are right
back to where you were.

CHAIRPERSON HERRMANN: With that vote, thank
you. We will now return to the proposal as originally
submitted, and I will now entertain a motion that we
approve, as originally submitted, this comment to be
submitted to the Michigan Supreme Court. Do I have a
motion?

PARLIAMENTARIAN CHMURA: It's pending.

CHAIRPERSON HERRMANN: It's pending. Is
there any discussion on the primary motion? Hearing
none, we will call the question.

Mr. Clerk, is the voting open?

CLERK CUNNINGHAM: The voting is now open,
one in favor of the motion, two opposed to the motion,
and three abstention.
CHAIRPERSON HERRMANN: I will give you a quick countdown. Three, two, one, the voting is now closed.

CLERK CUNNINGHAM: The motion passes 88 in favor, eight against, and one abstention.

CHAIRPERSON HERRMANN: Thank you, Mr. Clerk. Thanks you, Ms. Safran. I appreciate it.

MS SAFRAN: Thank you, everyone.

CHAIRPERSON HERRMANN: Our next vote relates to consideration of amendment, as originally proposed, to MRPC 8.2. The proponents have since revised this proposal, simply to move the substantive language proposed under MRPC 7.1. You have materials with you that are a little arduous to interpret, so let me give you just a brief explanation.

In keeping with the technicalities of our rules, we wanted to ensure you had the full view of what the change from the original proposal under 8.4 looked like in moving it under 7.1. We didn't mean to create any additional confusion with all this red lining, but here is what you need to know. What is going to be moved by the proponents today is in the last pages of your handout on this subject matter, and very simply what it is is a proposal to amend MRPC 7.1 simply to add language relating to the substance that
will be addressed by the proponents. I hope this is clear. I hope it makes sense, but we will do our best to clarify if anyone has any questions.

At this point I would invite the proponent, Representative Nick Ohanesian, member of the State Bar Professional Ethics Committee, and he will address the amendment.

MR. OHANESIAN: Thank you very much. And I would also like to, before we go any further, I would also like to invite Ken Mogill. Ken is the chair of the Professional Ethics Committee, and he is here to help me answer questions that may arise.

So here is what this rule is in substance. The change, the addition which comes after, in 7.1 after what is Section C, a lawyer who is a retired or former justice, judge, referee or magistrate may use a title such as "justice," "judge," "referee," or "magistrate," when the title is preceded by the word "retired" or "former." A lawyer shall not use the "retired" or "former" title when engaged in the practice of law or in any other manner that violates this rule.

A lawyer who is a retired or former justice, judge, referee or magistrate shall not state or imply that the lawyer's former service as a justice, judge,
referee or magistrate enables the lawyer to improperly influence any person or entity, including a government agency or official, or to achieve results by means that violate the Michigan Rules of Profession Conduct or other law.

Also, a lawyer who is removed from office or left office in connection with a Judicial Tenure Commission investigation or proceeding shall not use the word "retired" or "former" title.

So adding to the commentary, which goes into our explanation, but I would like to speak briefly about the need for this rule.

In the last couple years a number of judges have left public service on the bench and have returned to private practice to render legal services to clients engaged in law-related legal services, such as mediation/arbitration. A former judge's transition from public service to private practice presents the issue of whether in public communications concerning the lawyer's services a former judge may utilize a judicial title or employ judicial imagery associated with the judicial title, or judicial office, I beg your pardon.

Former judges providing mediation/arbitration services are similarly found under Rule 5.7.
Law-related services are broadly defined, which is to include arbitration/mediation services. While a former judge may not have communications during lawyer services, use titles or imagery that imply a current judicial status, a former judge may provide information regarding the lawyers prior service in a resume or biography. For these reasons, in public communications concerning lawyer services, including law-related services, a lawyer may not ethically use a judicial title or imply a current judicial status when the lawyer is not currently serving as a judge.

While a former lawyer is certainly permitted to make truthful statements in a resume or biography concerning his or her past judicial position and years of position held, a former judge's use of titles or images implying a current judicial status violates 7.1.

This is, in essence, clarification. You will note, referring back to the original 7.1 language, we already have language in here that does remark about the facts in Section B that we are not allowed to create an unjustified explanation about the results of a lawyer. This is simply adding further clarification to the fact that that also applies to judges. Open it up to questions.
CHAIRPERSON HERRMANN: At this point I would entertain a formal motion to approve this amendment to MRPC 7.1.

VOICE: So moved.

CHAIRPERSON HERRMANN: Do we have a second?

VOICE: Second support.

CHAIRPERSON HERRMANN: Any discussion?

Hearing no discussion, we will call the question, and this will be by electronic vote again.

Mr. Clerk, you can advise when the voting is open.

Voting is open. I am hearing comments from the floor that we are having difficulty. I now understand it's working, so we will proceed with the vote. Thank you.

Janet, can we queue that video again?

Again I will provide a countdown. Three, two, one, the voting is now closed.

Mr. Clerk, if we could have our results.

CLERK CUNNINGHAM: The question passes 83 in favor, 13 against, and zero abstentions.

CHAIRPERSON HERRMANN: Thank you, gentlemen.

Thank you, all.

I am happy to announce we are in the home stretch and, more importantly, let you know that on
your way out today there are box lunches waiting for you in the corridor, so hold that thought.

I would now like to again invite Lori Buiteweg, immediate past president of the State Bar, to address the Assembly regarding the approval of our new strategic plan. Lori, welcome back again, and thank you.

MS. BUITEWEG: My work is never done. Okay. I will make this short. I know I am standing between you and lunch and you and your kids and your soccer games and basketball games and all that other stuff.

I have been asked to present to you today the fresh and shiny, brand new Strategic Plan of the State Bar of Michigan, and I am glad that I was asked to do this, and I hope that you will not mind taking a moment to hear about what went into this plan. Because if you are like me, you sit on the Assembly because you want to be in the know about what's going on in your profession. You want to know what leadership is doing and have a say in the policies affecting the way we practice law and the way our clients experience the legal system. So today you will do just that, and I hope you will take part in advancing this brand new strategic plan that your own officers -- Joe McGill, Fred Herrmann, and your past
Chair, Dan Quick -- were all so integral in hand
crafting over many, many hours of grueling work. They
were in the so-called situation room with other
commissioners and an ABA advisor who worked for over
the course of about a year and a half to develop the
Strategic Plan.

So you have been mailed the Strategic Plan.
It looks like this. If you haven't brought it with
you, the State Bar has created a simple link to it.
You type into your search engine
www.michbar.org/strategicplan17, and it will pop up.

So my job is not to go through the plan with
you. It's been by our staff very nicely and
succinctly compiled, and it's easy to read and well
organized, and if any of you have questions about it,
we will certainly take those at the end.

I just wanted to tell you why we came up with
this plan and how we came up with this plan to
basically try to give you the faith and confidence in
it so that when you are asked to vote to approve it
you will do so and so that the State Bar can forever
and ever have a legacy of being able to say that the
Assembly supported this plan.

The plan began in about 2015, back when
Tom Rombach was president of the Bar, and he appointed
a steering committee that met several times to decide how we would go about working on the Strategic Plan. We decided we needed a new one, because we hadn't had a new since 2003, and it had undergone eight changes, and by the time we decided it was time to look at doing something fresh and new, we kind of reduced the then existing strategic plan to sort of a checklist of things that had really been done, and we really did a great job as a Bar accomplishing everything that we had set out to do in that 2003 Strategic Plan.

But we couldn't get ahead of ourself. We wanted to wait for the 21st Century Task Force to finish their work before we dove headlong into the Strategic Plan, because we wanted to use some of the more than 100 recommendations that came out of that 21st Century Task Force report to guide us in our planning decisions. Most of you, I think, are well familiar with the 21st Century Task Force report. If you are not, again, that is easy to find on the State Bar's website www.michbar.org/21stcenturytaskforcereport I believe is the tag line for that. So between the appointment by Tom of the Strategic Planning Steering Committee last June, we spent a lot of time planning to plan. It sounds arduous, and it was. In June of 2015, we
met on Mackinac Island to discuss the approach we
would take. We asked Bar staff to gather and
disseminate the status of the then existing plan and
its priorities. Then in July of '15 we met in Lansing
to hear a report on what was going on with the plan,
the priorities, where we stood with our existing plan,
and then we decided we wanted to create a planning
process that would be very fluid, and we asked staff
to research different ways that we could do that.

So in the summer we met and learned about our
different options, and it was at that point that we
decided to contract with an ABA consultant to help us
come up with this plan. At that point we also
received an update on the 21st Century Task Force
work.

Then fast forward to 2016 January/February.
We did conference calls with staff leadership to map
the process, identify information for the committee to
have available at the ready during the planning
process, and so what we gathered for the committee to
use as resources was the 2016 SBM member survey, which
was conducted in April and May of 2016; the SBM
committee reports, which are about, you know, that
thick; the survey of senior staff members of the
State Bar regarding Bar priorities. We surveyed all
the staff. We looked at the 21st Century Task Force report, as I said, and we also did telephone interviews with Linda Rexer, who was Jennifer Bentley's predecessor as executive director of the Bar Foundation, and also Lynn Chard, who was executive director of ICLE.

We then met on June 6, August 30, November and December of 2016, and then we issued a draft plan in January of 2017, and at its January 2017 meeting the Board reviewed the plan and voted to adopt it, and now you, as the final policy-making body of the Bar, are also being asked to do so and to take this final step toward putting the stamp of approval on this pain-staking process.

If you are wondering why the Board already voted on the plan, the reasons are pragmatic and consistent with Bar bylaws. It was necessary for the State Bar staff to have direction back in January due to the timing of committee appointments, which your incoming president, Don Rockwell, will be making next month to make plans for the upcoming Bar leadership forum in June on Mackinac Island for budget reasons, budget planning reasons, and to assemble a State Bar reorganization. We have been working that with Jennifer Grieco, who is going to be president after
Don Rockwell. She has been running reorganization meetings where we are trying to figure out how to restructure the Bar so that we can implement the new strategic plan efficiently.

So that is why there was that timing, but, as I said in the beginning of this presentation, Fred and Don and Dan were all integral in developing this new plan, and you should have trust in them that they helped us to put together a final product that had the Assembly in mind and the purpose of Assembly and what it does.

So with that introduction, I guess I will -- you know, I was going to sit down, but I just want to call for a quick round of applause for our State Bar staff for pulling this all together, helping us compile it, and for all the people who helped to work on the strategic plan.

(Applause.)

MS BUITEWEG: I will turn it back over to Fred.

CHAIRPERSON HERRMANN: This plan truly represents a significant collaborative effort by all stakeholders here, including the RA, Bar staff, the Bar leadership, and when you consider this, we welcome any comments or views you may have, but please keep in
mind this is not a court rule. It is an aspirational guidepost document, so take that into consideration with your deliberations and comments.

At this the point I would entertain a motion for the Assembly to approve the Strategic Plan.

MR. BUCHANAN: Mr. Chair, Robert Buchanan from the 17th circuit. I move for the adoption of the new Strategic Plan.

CHAIRPERSON HERRMANN: Do I have a second?

VOICE: Second.

CHAIRPERSON HERRMANN: Thank you. Any discussion? Hearing none, we will proceed to call the question.

Mr. Clerk, please advise when the voting is open.

CLERK CUNNINGHAM: The voting is now open.

CHAIRPERSON HERRMANN: And, once again, your count down. Three, two, one, the voting is now closed.

And, Mr. Clerk, if we could have the results.

CLERK CUNNINGHAM: The motion passes 95 for, two against, and two abstained.

CHAIRPERSON HERRMANN: Thank you, Mr. Clerk. The Strategic Plan is approved.

We are nearing the end. Just a few more
words. I would like to thank our distinguished guests, including Chief Justice Markman, our Executive Director, Janet Welch, and Jennifer Bentley. A particular note of thanks to Lori Buiteweg, who I am sure was looking forward to relaxing after her year of exemplary leadership of our State Bar, only to be asked to give up a Saturday to spend it with us here in Lansing, but, as usual, Lori did not hesitate, and today she helped us launch important calls to action on both legal aid programs and the future path of our strategic plan. Lori, thank you for running to the fire.

(Applause.)

CHAIRPERSON HERRMANN: I would also like to thank our RA officers, Joe McGill and Rick Cunningham, for their leadership and commitment to the RA mission and for helping make this session a success.

Also, I would like to thank Judge Chmura, our parliamentarian whose services were right on point today. Thank you, Judge. And Connie Coon, our court reporter, whose efforts are largely unnoticed but incredibly important.

(Applause.)

CHAIRPERSON HERRMANN: And equally hard at work, both between our meetings and during, are all of
our committee chairs and their committees. So thank you to Kim Breitmeyer, Marty Hillard, John Clark, Maureen VanHoven, Pam Enslen, Vince Romano, and, in particular, Aaron Burrell for his fine, informative presentation today regarding LSC funding.

And nothing you saw here today of course happens without the tireless devotion of State Bar staff, in particular for today's event Carrie Sharlow, Peter Cunningham, Katie Hennessey, Marge Bossenbery, Candace Crowley, and Jeanette Socia. If I could have a round of applause.

(Applause.)

CHAIRPERSON HERRMANN: Most importantly, thanks to all of you for your commitment to the Representative Assembly and the State Bar and our service to the public. Attorneys throughout the state, and I like to think all of our clients have a voice because of your involvement and presence here today.

A couple of housekeeping points. I believe you all have the link to reimbursement forms in the materials you received. That's available on the State Bar website. I believe those are due by June 6th. Correct me if I am wrong, Carrie. So please tend to those.
Clerk nominations, we are also in the process of receiving nominations for our next Assembly Clerk to fill Mr. Cunningham's large shoes.

Proposals for our next meeting are due by August 17th, and this is published everywhere, but our next meeting will be September 28th at Cobo Hall in Detroit, so we have a new venue. I can say Detroit is alive and well and has many new, exciting things to see and participate in, so I certainly hope everyone will join us for the full annual meeting, in addition to the Representative Assembly meeting.

Please remember to turn in your clickers on your way out today. I mentioned the box lunches, so at this point we have finished our agenda. Do I have a motion to adjourn?

VOICE: So moved.

CHAIRPERSON HERRMANN: Support?

VOICE: Second.

CHAIRPERSON HERRMANN: All in favor say aye.

(Assembly concluded at 12:11 p.m.)
STATE OF MICHIGAN   )
COUNTY OF CLINTON   )

I certify that this transcript, consisting of 90 pages, is a complete, true, and correct transcript of the proceedings had by the Representative Assembly on Saturday, April 22, 2017.

May 8, 2017

Connie S. Coon, CSR-2709

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