

State Bar of Michigan
Representative Assembly
September 22, 2016

SUMMARY OF PROCEEDINGS

The following is a summary of proceedings of the State Bar Representative Assembly session held Thursday, September 22, 2016, at the DeVos Place in Grand Rapids, Michigan.

1. Call to order by Chairperson Daniel D. Quick.
2. Clerk Joseph P. McGill declared a quorum (50 members) was present.
3. Upon a motion made and seconded, the proposed revised calendar was adopted.
4. As provided in Rule 4.8, the Summary of Proceedings of the April 30, 2016 meeting was deemed approved with one amendment.
5. Erica L. Zimny, Chair of the Nominating and Awards Committee, addressed the Assembly on filling vacancies for the current meeting. Upon a motion made and seconded, the vacancies were filled via the memorandum handed out at the meeting.
6. Erin D. Toburen presented an *Unsung Hero Award* to Tessa K. Hessmiller. Ms. Hessmiller accepted the award and addressed the Assembly.
7. Megan A. Smith presented an *Unsung Hero Award* to Jerrold E. Schrottenboer. Mr. Schrottenboer accepted the award and addressed the Assembly.
8. Jeffery E. Kirkey presented the *Michael Franck Award* to Lynn P. Chard. Ms. Chard accepted the award and addressed the Assembly.
9. Daniel D. Quick, Representative Assembly Chair, offered a brief chair's report.
10. Kenneth M. Mogill, Chair of the Professional Ethics Committee, addressed the Assembly for consideration of proposed amendments to the Michigan Rules of Professional Conduct to add new Rule 1.18 and its comments, and revisions to Rule 7.3 and its comments for consistency with the terminology of Rule 1.18. Upon a motion made and supported, after discussion, the proposal passed 71 to 16.
11. Kenneth M. Mogill, Chair of the Professional Ethics Committee, addressed the Assembly for consideration of proposed amendments to Rule 4.4 of the Michigan Rules of Professional Conduct to add subsection (b) of the ABA Model Rules and the associated commentary. Upon a motion made and supported, after discussion, the proposal passed 79 to 12.
12. Robert B. Ebersole, Chair of the Character & Fitness Committee, addressed the Assembly for consideration of proposed amendments to Rule 15 of the Rules

- Concerning the State Bar of Michigan to increase the character and fitness investigation fee to \$375 from the current fee of \$225 and increase the late application fee to \$175 from the current fee of \$100. Upon a motion made and supported, after discussion, the proposal passed 76 to 17 with 1 abstention.
13. Janet K. Welch, Executive Director of the State Bar of Michigan, offered a brief report on the proposals from the 21st Century Practice Task Force.
 14. Edward H. Pappas, Linda K. Rexer, and Erika L. Davis, representing the 21st Century Practice Task Force, addressed the Assembly for consideration of proposed amendments to Michigan Court Rules 2.107, 2.117, and 6.001 and Michigan Rules of Professional Conduct 1.0, 1.2, 4.2, and 4.3 to provide direction concerning the advancement of limited scope representation in Michigan. Upon a motion made and supported, after discussion, the proposal passed 78 to 15.
 15. Bernard A. Jocuns, Chair of the Marijuana Law Section, addressed the Assembly for consideration of a proposed amendment to Rule 1.2(c) of the Michigan Rules of Professional Conduct to permit lawyers to counsel or assist clients in legal matters permitted under the Michigan Medical Marihuana Act (MMMA) or other laws relating to marijuana that may in the future be adopted (collectively, the Marijuana Laws) as long as: (1) the Marijuana Laws have not been held to be preempted, void, or invalid; (2) the lawyer reasonably believes the client's conduct is allowed under the Marijuana Laws; and (3) the lawyer advises the client about the federal law implications. Upon a motion made and supported, after discussion, the proposal passed 80 to 16.
 16. Bernard A. Jocuns, Chair of the Marijuana Law Section, addressed the Assembly for consideration of a proposed amendment to Rule 8.4(b) of the Michigan Rules of Professional Conduct and related Comments to make clear that a lawyer or prospective lawyer's use of marijuana in accordance with applicable State law shall not constitute professional misconduct. Upon a motion made and supported, after discussion, the proposal passed 71 to 27 and 1 abstention, with one amendment spelling "marihuana" with an H.
 17. John A. Hubbard, member of the Assembly and representing the 21st Century Practice Task Force, and Kenneth M. Mogill, Chair of the Professional Ethics Committee, addressed the Assembly for consideration of a resolution to direct the State Bar of Michigan to develop an efficient and effective process to make attorney malpractice coverage information readily available to legal consumers. Upon a motion made and supported, after discussion, the proposal failed 10 to 86.
 18. John A. Hubbard, member of the Assembly and representing the 21st Century Practice Task Force, addressed the Assembly for consideration for the State Bar of Michigan to create a lawyer specialty certification program and a Standing Committee on Specialty Certification to support specialty practice in the 21st Century. Upon a motion made and supported, after discussion, the proposal failed 37 to 57 with 2 abstentions.

19. Daniel D. Quick, Representative Assembly Chair, announced the election of Richard L. Cunningham as the 2016-2017 Clerk of the Assembly.
20. Daniel D. Quick, Representative Assembly Chair, presented certificates to the outgoing Assembly members whose terms of service expired at the end of the September 2016 Annual Meeting and tokens of appreciation to the 2015-2016 Committee Chairs for their work over the past year.
21. Fred K. Herrmann was sworn in as 2016-2017 Chair of the Assembly by Judge John M. Chmura.
22. Fred K. Herrmann, Representative Assembly Chair, presented a plaque to Daniel D. Quick for all his work over the past year as Assembly Chair.
23. Adjournment