



RESOLVED: That, pursuant to Article VI of the Bylaws of the State Bar of Michigan, the Board of Commissioners adopts the following as the committees and appointed subentities of the State Bar of Michigan for fiscal year 2019-2020.

STATE BAR STANDING AND SPECIAL COMMITTEES 2019-2020

Organizational Principles and Definitions

Regardless of its jurisdiction, no committee, task force, commission, or workgroup speaks for the State Bar. The work of most committees is advisory to the Board of Commissioners. Exceptions are specifically noted in a committee's jurisdiction. To the extent that any public activity or programming can be interpreted as a decision of the State Bar of Michigan or an expression of an ideological viewpoint, the activity or programming must be authorized in advance, in accordance with the bylaws of the State Bar of Michigan. Staff liaisons are accountable for ensuring that the committee's activity is consistent with these rules and within budget. Committees with overlapping subject-matter jurisdictions are encouraged to be aware of each other's work and collaborate where appropriate.

Commissioner Committee: Work supports the deliberations of the Board of Commissioners. Membership is primarily members of the Board of Commissioners, but committee membership may be supplemented to meet needs for particular expertise.

Standing Committee: Work expected to be ongoing, at least throughout the life cycle of the current Strategic Plan. In making standing committee recommendations and appointments, special attention should be paid to experience and continuity.

Special Committee: Work is intended to accomplish a complex but discrete mission, typically lasting at least one year but not exceeding any single Strategic Plan cycle. In making special committee recommendations and appointments, special attention should be paid to the expertise and representation of interested or affected communities. Recruitment from the leadership of sections and local and affinity bars is often essential.

Workgroups: Work is intended to be short-term and narrowly defined. It often reflects an unanticipated need or opportunity not evident during the annual planning of committee work. Workgroups may be formed at any time within a bar year, often on recommendation of a committee to the President, in whom the bylaws invest the authority of appointment. In making workgroup appointments, special attention should be paid to expertise and ability to commit to a fast-paced work schedule.

Subcommittees: The work of subcommittees supports the mission of the committee within which it operates. Unless otherwise directed by SBM leadership, chairs of committees, task forces, and commissions have the authority to create subcommittees as desirable to carry out their work. Subcommittee membership is always drawn from within the appointees of the committee, task force, or commission. If expertise beyond the appointees is necessary, the chair should request the creation of a workgroup.



PROPOSED 2019-2020 COMMITTEE STRUCTURE

Reflecting the general organization of the Strategic Plan, the organization of committees and workgroups is organized into four basic areas: Professional Standards, Communications and Member Services, and Public Policy, and Innovation, and Implementation. The boundaries between these groupings are permeable.

PROFESSIONAL STANDARDS			
Commissioner Committee	Standing Committees	Workgroups	Task Forces, Commissions
Professional Standards	Character and Fitness Client Protection Fund Judicial Ethics Judicial Qualifications Lawyers and Judges Assistance Law School Deans Professional Ethics Unauthorized Practice of Law	Ad hoc Workgroup on Professionalism	Task Force on the Ethics and Regulation of Legal Services Marketing

Professional Standards Commissioner Committee

Commissioner Committee

Jurisdiction: Attorney regulation and professionalism

- Review and make recommendations to the Board of Commissioners on policies and actions regarding character and fitness, the client protection fund, ethics, and the unauthorized practice of law, regulation and professionalism
- Review the structure and composition of the committees and workgroups it oversees, and make recommendations to the Board of Commissioners for the upcoming bar year
- Review and evaluate suggested metrics for measuring the effectiveness of SBM's efforts to meet its professional standards strategic goals
- Consider external **collaborations** to advance the professional standards objectives of the Strategic Plan

Character and Fitness Committee

Standing Committee

Jurisdiction: Support the work of the State Bar of Michigan conducted under the direction and authority of the Board of Law Examiners and Michigan Supreme Court by:

- Investigating the character and fitness of candidates for admission to the Bar pursuant to Rule 15, Section 1, of the Supreme Court Rules Concerning the State Bar of Michigan. This workproduct is provided to the Board of Law Examiners for its consideration. The workproduct is not provided to, or subject to approval by, the Board of Commissioners or Representative Assembly.
- Making recommendations on changes to rules concerning admissions related to character and fitness, and SBM interaction with Michigan law schools concerning character and fitness
- Meeting on a biennial basis with the Board of Law Examiners
- Determining how the committee's work might interact with and support the work of the Professional Ethics, Judicial Ethics, Lawyers and Judges Assistance, and Client Protection Fund committees, including through conferring and coordinating regularly with them on trends, data, insights, and **metrics**

- Suggesting metrics for measuring the effectiveness of the work carried out by the Character and Fitness committee

Special Characteristics: *This committee may have more than 15 members. The work of this committee is conducted pursuant to the authority, and under the oversight of, the Board of Law Examiners. The committee's and district committees' workproduct is not provided to, or subject to review by, the Board of Commissioners or any other entity of the State Bar of Michigan.*

Client Protection Fund Committee

Standing Committee

Jurisdiction: Advise the Board of Commissioners on the operation of the Client Protection Fund program pursuant to the [Client Protection Rules](#) adopted by the Board of Commissioner by:

- Making recommendations on the reimbursement of claims authorized by the Board of Commissioners
- Proposing or advising on revisions to rules and policies concerning the Client Protection Fund
- Recommending subrogation actions to recoup monies paid from the Client Protection Fund
- Reviewing and recommending loss prevention measures to minimize claims and public loss
- Determining how the committee's work might interact with and support the work of the Professional Ethics, Judicial Ethics, Lawyers and Judges Assistance, and Character and Fitness committees, including through conferring and coordinating regularly with them on trends, data, insights, and **metrics**
- Being aware of and discussing **metrics** measuring the effectiveness of national and state efforts to reduce lawyer misappropriation of funds and to reimburse victimized clients

Special Characteristics: *This committee may have more than 15 members.*

Judicial Ethics Committee

Standing Committee

Jurisdiction: Offer analysis and guidance concerning the Michigan Code of Judicial Conduct, and, to the extent that they relate to judicial conduct in Michigan, to provisions of the Michigan Rules of Professional Conduct, the ABA Code of Judicial Conduct, and other applicable standards of professional conduct, as well as emerging issues of professional conduct affecting judges and judicial candidates by:

- Drafting informal opinions on judicial ethics published on the State Bar of Michigan website
- Drafting proposed formal opinions for consideration by the Board of Commissioners
- Making recommendations concerning amendments to the Michigan Code of Judicial Conduct and other standards professional conduct, on the committee's own initiative or upon request by the Board of Commissioners or Representative Assembly
- Meeting biennially with the Judicial Tenure Commission and the leadership of the Michigan Judicial Institute
- Determining how the committee's work might interact with and support work of the Professional Ethics, Lawyers and Judges Assistance, Character and Fitness, and Client Protection Fund committees, including through conferring and coordinating regularly with them on trends, data, insights, and **metrics**
- Being aware of and discuss **metrics** measuring the effectiveness of national and state efforts to reduce behavior leading to judicial discipline and promote civility.

Special Characteristics: *Members are nominated by and drawn from among the membership of the Michigan Judges Association, the Michigan Probate Judges Association, the Michigan District Judges Association, the Michigan Association of District Court Magistrates, the Judicial Section Council, and the Referee Association of Michigan.*

Judicial Qualifications Committee

Standing Committee

Jurisdiction: As requested by the Governor, evaluate candidates for possible appointment to judicial vacancies and report in confidence to the Governor.

Special Characteristics: *The evaluations of this committee are advisory only to the Governor and are not provided to, or subject to approval by, the Board of Commissioners or Representative Assembly. The chief staff attorney of the Attorney Grievance Commission serves as reporter for this committee. Chairs of the committee may serve more than three two-year terms. This committee may have more than 15 members.*

Law School Deans Committee

Standing Committee

Jurisdiction: Confer on issues and subjects that affect the law schools of Michigan and the State Bar, and its members, including legal preparation, law school admissions, education, standards, and testing of candidates for admission to the bar.

Special Characteristics: *This committee meets upon the initiative of a majority of the Michigan law school deans. Its membership includes the officers of the State Bar and the executive director of the Board of Law Examiners.*

Lawyers & Judges Assistance Committee

Standing Committee

Jurisdiction: Propose and support measures to advance the well-being of lawyers, judges, and law students by:

- Recommending, developing, and supporting programs and educational presentations that provide assistance to law students, lawyers, and judges regarding substance use issues, mental health issues, anxiety, and general wellness
- Reviewing and making recommendations concerning proposed statutes and court rules affecting assistance to lawyers and judges faced with personal and professional problems related to substance use and mental health issues
- Monitoring national trends and data on attorney and judge wellness and treatment
- Determining how the committee's work might interact with and support work of the Professional Ethics, Judicial Ethics, Character and Fitness, and Client Protection Fund committees, including by conferring and coordinating regularly with them on trends, data, insights, and **metrics**
- Being aware of and discussing **metrics** measuring the effectiveness of national and state efforts to reduce attorney drug and alcohol addiction and depression
- Reviewing and evaluating **metrics** measuring the effectiveness of efforts to promote attorney wellbeing, including evaluating available online wellness assessment tools for lawyers

Special Characteristics: *The LJAP committee may develop and carry out programming consistent with this jurisdiction and within allocated budgetary resources, without explicit approval by the Board of Commissioners or Professional Standards committee. This committee may have more than 15 members and may include non-State Bar members.*

Professional Ethics Committee

Standing Committee

Jurisdiction: Offer analysis and guidance concerning the Michigan Rules of Professional Conduct, and, to the extent that they relate to attorney conduct in Michigan, provisions of the ABA Model Rules of Professional Conduct, the ABA Model Code of Judicial Conduct, and other applicable professional conduct standards, as well as emerging issues of professional conduct affecting lawyers:

- Drafting informal opinions on professional ethics published on the State Bar of Michigan website
- Drafting proposed formal opinions for consideration by the Board of Commissioners
- Making recommendations concerning amendments to the Michigan Rules of Professional Conduct, and other standards of professional conduct that relate to lawyer conduct, on the committee's own initiative or upon request by the Board of Commissioners or Representative Assembly
- Proposing and advising on revisions to court rules or legislation affecting professional ethics
- Determining how the committee's work might interact with and support work of the Judicial Ethics, Lawyers and Judges Assistance, Character and Fitness, Client Protection Fund, and Unauthorized Practice of Law committees, including through a meeting of the chairs at least annually to discuss trends, data, insights, and **metrics**
- Conferring with the Attorney Grievance Commission and the Attorney Discipline Board to discuss trends, data, insights
- Reviewing and evaluating **metrics** measuring the effectiveness of efforts to reduce behavior subject to professional discipline and promote professionalism and civility

Special Characteristics: Pursuant to operating rules adopted by the Board of Commissioners, informal ethics opinions of this committee are made public on the committee's own initiative, without approval of the Board of Commissioners. This committee may have more than 15 members.

Unauthorized Practice of Law Committee

Standing Committee

Jurisdiction: Provide advice on and support for the State Bar of Michigan's unauthorized practice of law responsibilities under Rule 16 of the Supreme Court Rules Concerning the State Bar of Michigan:

- Proposing and supporting measures to educate the public and the legal profession about unauthorized practice of law issues
- Providing guidance to the Board of Commissioners concerning matters involving the alleged unauthorized practice of the law (UPL), including recommendations on the filing and prosecuting of actions to enjoin the unauthorized practice of law.
- Proposing and advising on revisions to courts rules and legislation related to the unauthorized practice of law
- Determining how the committee's work might interact with and support work of the Professional Ethics, Public Outreach and Education, and Affordable Legal Services committees, including through conferring and coordinating regularly with them on trends, data, insights, and metrics
- Reviewing and evaluating metrics for measuring the effectiveness of efforts to carry out the responsibilities of the State Bar of Michigan under Rule 16, MCL 600.916, and MCL 450.681

Special Characteristics: UPL activity of the State Bar of Michigan is subject to the ongoing oversight of the Michigan Supreme Court and recommendations of the committee on specific UPL prosecution must be approved by the Board of Commissioners. This committee may have more than 15 members.

Ad Hoc Work Group on Professionalism

Workgroup

Jurisdiction: Implement the Recommendations as stated in the Promoting Professionalism in the 21st Century Summary Report from the State Bar of Michigan October 2018 Professionalism & Civility Summit, with priority placed on the first three recommendations:

1. Encourage bar associations, lawyer organizations, and judicial groups to conduct similar summits
2. Consider the adoption of Michigan-specific civility guidelines for lawyers and judges and use them more deliberately
3. Review The Lawyer's Oath more frequently and include it in a State Bar curated clearinghouse and professionalism tool kit

Task Force on the Ethics and Regulation of Legal Services Marketing

Task Force

Jurisdiction:

1. Make recommendations on revisions to the Michigan Rules of Professional Conduct concerning attorney advertising and online legal services marketing. Although the Task Force is encouraged to explore all innovations that have emerged in the online marketplace, the Task Force at a minimum should address the following:
 - a. Essential consumer information in the advertising of legal services
 - b. Fee sharing
 - c. Lawyer referral services
 - d. Search functions involving special designations and certifications (e.g. limited scope representation)
 - e. Ratings
 - f. Client reviews
2. Make recommendations on the need for and possible efficacy of regulation of:
 - a. Advertising and marketing programs offered for use by lawyers and non-lawyer legal services providers
 - b. Non-lawyer legal services providers
 - c. Expanded access to legal services funding (e.g. nonlawyer ownership) and lending (e.g. third-party litigation funding)

In the development of its recommendations, the Task Force should consider and evaluate the efficacy of the regulatory objectives recommended by the Regulatory Objectives Workgroup.



COMMUNICATIONS AND MEMBER SERVICES

Commissioner Committee	Standing Committees	Workgroups	Task Forces, Commissions
Communications and Member Services	Awards Michigan Bar Journal Public Outreach & Educ.	Upper Michigan Legal Institute Social Media & Website	None

COMMUNICATIONS AND MEMBER SERVICES COMMITTEE

Commissioner Committee

Jurisdiction: Communications and member services

- Review and make recommendations to the Board of Commissioners on policies and actions regarding communications and member services
- Review the structure and composition of the committees and workgroups it oversees, and make recommendations to the Board of Commissioners for the upcoming bar year
- Review and evaluate metrics for measuring the effectiveness of SBM’s efforts to meet its professional standards strategic goals
- Consider and recommend external **collaborations** to advance the communications and member services objectives of the Strategic Plan

Awards Committee

Standing Committee

Jurisdiction: Support the nomination process for and recommend recipients of awards made in the name of the State Bar of Michigan, by:

- Assisting in the management of the timetable for soliciting, reviewing, and recommending award nominations
- Providing input on effective solicitation of awards to ensure a high quality pool of diverse nominees
- Providing recommendations on the establishment of new awards or discontinuation of existing awards
- Offering guidance on how best to honor awardees and create an inspiring and accessible online archive of award recipients

Michigan Bar Journal Committee

Standing Committee

Jurisdiction: Provide recommendations to the Board of Commissioners on any changes concerning the Michigan Bar Journal consistent with the State Bar’s strategic plan and provide regular editorial assistance to the editor of the Michigan Bar Journal by:

- Developing annual plans for the content of each Michigan Bar Journal issue
- Soliciting and reviewing submissions to the Michigan Bar Journal
- Make recommendations to the Board of Commissioners on any substantial changes to the publication of the Michigan Bar Journal, including format, number of issues, and budget
- Recommending **collaborations** to advance the communication and member service objectives of the Strategic Plan

- Reviewing and evaluating **metrics** for evaluating the effectiveness of the Michigan Bar Journal in advancing the State Bar of Michigan’s strategic goals

Public Outreach & Education Committee

Standing Committee

Jurisdiction: Support the public education services of the State Bar of Michigan

- Assisting in developing educational events and programs advancing lay understanding of law and the legal profession, with particular emphasis on community programs, including Law Day and Constitution Day
- Providing review and recommendations concerning the State Bar of Michigan’s online resources available to the public
- Exploring and assessing opportunities for **collaboration** in public outreach consistent with SBM strategic goals with local bar associations, nonlegal professional associations, and other external entities
- Conferring and coordinating regularly with the Unauthorized Practice of Law committee to discuss how each committee’s work might interact with and support the other’s work
- Recommending Michigan Legal Milestones that commemorate significant cases, events, places and people in the State’s legal history, and upon approval of the Board of Commissioners, helping implement the milestone and its celebration
- Reviewing reports on effectiveness of public outreach programming based on evaluation metrics and utilizing these reports as a basis for recommending improvements in content, or modification or discontinuation of programs.

Special Characteristics: *This committee may have more than 15 members and may include non-State Bar members.*

Social Media & Website Workgroup [New]

Workgroup

Jurisdiction: Develop guidelines to improve State Bar outreach and information sharing through social media, website utilization, and other electronic media.



PUBLIC POLICY

Commissioner Committee	Standing Committees	Workgroups, Special Committees	Task Forces, Commissions
Public Policy	Access to Justice Policy American Indian Law Civil Proced. & Courts Crim. Juris. & Practice U.S. Courts	Civil Discovery Court Rule Review	None

PUBLIC POLICY COMMITTEE

Commissioner Committee

Jurisdiction: Public policy development and advocacy

- Review and make recommendations to the Board of Commissioners on policies and actions regarding proposed court rules and legislation and public policy issues within the State Bar’s *Keller* constraints
- Review the structure and composition of the committees and workgroups it oversees, and make recommendations to the Board of Commissioners for the upcoming bar year
- Review and evaluate metrics for measuring the effectiveness of the State Bar’s public policy program
- Consider and recommend external **collaborations** to advance the public policy objectives of the Strategic Plan

Access to Justice Policy Committee

Standing Committee

Jurisdiction: Support the State Bar of Michigan’s public policy program by:

- Reviewing and making recommendations on proposed court rules and legislation concerning access to justice, particularly access policy issues that impact underserved populations
- Making recommendations for administrative, court rule, and statutory changes concerning access to justice, particularly access policy issues that impact underserved populations
- Conferring and coordinating regularly with the Justice Initiatives, Affordable Legal Services, and Online Legal Resource and Referral committees

American Indian Law Committee

Standing Committee

Jurisdiction: Support the State Bar of Michigan’s efforts to support effective and appropriate interaction between sovereign tribal courts and state and federal courts, and on the practice of law in those courts by:

- Reviewing and making recommendations on relevant proposed court rules and legislation
- Proposing court rule, legislative, or policy changes to advance more effective and appropriate interaction between sovereign tribal courts and state and federal courts

Civil Discovery Court Rule Review Committee

Special Committee

Jurisdiction: Support the adoption of the committee-developed and SBM-approved proposed revisions to the Michigan Court Rules concerning civil discovery, including analysis and recommendations on any further proposed revisions.

Civil Procedure & Courts Committee

Standing Committee

Jurisdiction: Support the public policy program of the State Bar of Michigan by:

- Reviewing and making recommendations on proposed court rules and legislation related to civil practice in the courts
- Making recommendations for administrative, court rule, and statutory changes concerning improvements in the administration, organization, and operation of Michigan state courts.
- Collaborating with other State Bar committees to provide feedback on proposed administrative, court rule, and statutory changes related to civil practice in the courts.

Special Characteristics: *This committee may have more than 15 members.*

Criminal Jurisprudence & Practice Committee

Standing Committee

Jurisdiction: Support the public policy program of the State Bar of Michigan by:

- Reviewing and making recommendations on proposed court rules and legislation related to criminal jurisprudence and practice
- Making recommendations for administrative, court rule, and statutory changes concerning improvements in criminal jurisprudence and practice
- Collaborating with other State Bar committees to provide feedback on proposed administrative, court rule, and statutory changes related to criminal jurisprudence and practice in the courts

Special Characteristics: *This committee may have more than 15 members.*

U.S. Courts Committee

Standing Committee

Jurisdiction: Provide advice and recommendations concerning the State Bar of Michigan's interaction with federal courts in Michigan and on practice of law in those courts by:

- Reviewing and making recommendations on proposed federal court rule amendments
- Proposing court rule, legislative, or policy changes to improve practice in federal courts in Michigan

Special Characteristics: *This committee may have more than 15 members.*



INNOVATION AND IMPLEMENTATION

Commissioner Committee	Standing Committees	Workgroups	Task Forces, Commissions
Strategic Planning	Affordable Legal Services Diversity and Inclusion Justice Initiatives Online Legal Resource and Referral Center Past Presidents	None	State Bar Operation, Structure and Governance

Strategic Planning Committee

Commissioner Committee

Jurisdiction: Develop strategic plan accountability tools and advance the strategic plan by:

- Reviewing all existing committees to identify overlap or omissions, and make recommendations concerning their effectiveness in carrying the strategic plan forward
- Recommending the creation or termination of committees, task forces, commissions, and workgroups
- Identifying possible new collaborations to advance SBM strategic objectives of the State
- Reviewing and evaluate metrics for measuring the effectiveness of committee and staff efforts to advance the Strategic Plan

Affordable Legal Services Committee

Standing Committee

Jurisdiction: Support the State Bar of Michigan’s access to justice and member services goals by:

- Reviewing, developing, and recommend innovative practices to provide low-cost legal services and evaluate efforts to expand access to affordable legal services for persons of modest means, including low bono services; non-profit law firms and sliding scale civil legal services; online dispute resolution and alternative dispute resolution services; lean process analysis, both at law practice and court administrative levels; alternative fee agreements; and fixed fee packages.
- Identifying possible **collaborations** to support the committee’s jurisdiction
- Identifying the need for any workgroups to support the jurisdiction of the committee
- Conferring and coordinating regularly at least annually with the Justice Initiatives, Unauthorized Practice of Law, Access to Justice Policy, and Online Legal Resources and Referral Center committees
- Identifying possible collaborations to support the committee’s jurisdiction
- Reviewing and evaluating **metrics** measuring the effectiveness of the State Bar’s public outreach and education efforts

Special Characteristics: *This committee may have more than 15 members.*

Diversity and Inclusion Advisory Committee

Standing Committee

Jurisdiction: Support the diversity goals of the SBM Strategic Plan by:

- Identifying strategies to promote a diverse and inclusive voice in all State Bar of Michigan work and communications
- Recommending practices, tools and strategies to advance diversity and inclusion at the SBM staff level, section and committee levels, and throughout the justice system
- Encouraging examination of the status of diversity and inclusion efforts of Michigan law firms, courts, and law schools
- Suggesting methods for celebrating successful diversity and inclusion efforts
- Identifying the need for any workgroups to support the jurisdiction of the committee
- Identifying possible **collaborations** to support the committee's jurisdiction

Special characteristics: *This committee may develop and carry out collaborative programs consistent with this jurisdiction, and within allocated budgetary resources, with approval of the Executive Committee.*

Justice Initiatives Committee

Standing Committee

Jurisdiction: Support the State Bar's access to justice efforts by:

- Developing and recommending proposals for proactive programs to benefit underserved populations, including the poor, racial and ethnic minorities, gender identity, juveniles, domestic violence survivors
- Supporting resources for civil legal aid programs
- Providing recommendations and support for the State Bar's pro bono legal services program
- Recommending John W. Cumiskey Award recipient
- Identifying the need for any workgroups to support the jurisdiction of the committee
- Conferring and coordinating regularly with the Access to Justice Policy, Affordable Legal Services, and Online Legal Resource and Referral committees on common strategic goals
- Identifying possible **collaborations** to support the committee's jurisdiction

Special characteristics: *This committee may have more than 15 members and may include non-State Bar members.*

Online Legal Resource and Referral Center

Standing Committee

Jurisdiction: Provide guidance and recommendations concerning the development and operation of the SBM Online Legal Resource and Referral Center, and the integration of the State Bar's pilot lawyer referral (LRS) program into the Center, through:

- Identifying strategies for the recruitment of qualified LRS panel members
- Evaluating pilot progress
- Proposing standards and rules for participation
- Suggesting potential **collaborations**
- Advising on marketing to the public
- Reviewing and advising on integration with SBM enhanced profile directory and tools
- Assessing **metrics** to help measure the effectiveness of the Online Legal Resource and Referral Center in advancing Strategic Plan goals

- Providing input on how ethics rules relate to the pilot and its development
- Conferring and coordinating regularly with the Justice Initiatives and Affordable Legal Services committees
- Suggesting metrics to measure the effectiveness of the Online Legal Resource and Referral Center and lawyer referral program efforts
- Identifying the need for any workgroups to support the jurisdiction of the committee.

Past Presidents' Advisory Council

Standing Committee

Jurisdiction: Provide counsel and recommendations on all matters concerning the State Bar, at the request of the Board of Commissioners.

State Bar Operation, Structure, and Governance

Task Force

Jurisdiction: Examine whether, in light of changes in the delivery of legal services and jurisprudence concerning the mandatory bar, changes in the structure, governance, and scope of operation of the State Bar of Michigan are advisable, and to make recommendations concerning specific changes.

