

STATE BAR OF MICHIGAN BOARD OF COMMISSIONERS MEETING MINUTES

President McGill called the meeting to order at 9:48 a.m. on Friday, January 24, 2025, in the Boardroom at the Michael Franck building in Lansing, Michigan.

Commissioners present:

David C. Anderson, Secretary
Erika L. Bryant, Vice President
Aaron V. Burrell
Hon. B. Chris Christenson
Alena Clark
Ponce D. Clay
Patrick J. Crowley
Sherrie L. Detzler
Jacob G. Eccleston
Nicole A. Evans
Claudnyse D. Holloman
Thomas H. Howlett, Treasurer
Elizabeth A. Kitchen-Troop
Suzanne C. Larsen
Joshua A. Lerner

James L. Liggins, Jr.
James W. Low
Ashley E. Lowe
Elizabeth L. Luckenbach
Silvia A. Mansoor
Gerard V. Mantese
Gerrow D. "Gerry" Mason
Joseph P. McGill, President
Thomas P. Murray Jr.
Takura N. Nyamfukudza
John W. Reiser III
Douglas B. Shapiro
Hon. Kristen D. Simmons
Danielle Walton

Commissioners absent:

Tanya N. Cripps-Serra
Robert A. Easterly
Lisa J. Hamameh, President-Elect

Nicholas M. Ohanesian
Hon. David A. Perkins

Consent Agenda

The Board received the minutes from the November 22, 2024, Board meeting.
The Board received the minutes from the November 7, 2024, Executive Committee meeting.
The Board received the minutes from the December 12, 2024, Executive Committee meeting.
The Board received the recent activities of the president.
The Board received the recent activities of the executive director.
The Board received the FY 2025 financial reports through November 30, 2024.
The Board received Client Protection Fund claims.
The Board received Unauthorized Practice of Law claims.
The Board received the Model Criminal Jury Instructions.

Mr. McGill asked if any items needed to be removed from the consent agenda. There were none. A motion was offered to approve the consent agenda. The motion was seconded and approved.

Finance and Audit: Thomas H. Howlett, Chairperson

Audit Report

Mr. Howlett reported that the audit committee met in early December to review the final draft of the fiscal year 2024 report. The committee also met with the auditors. No issues were reported, and a clean audit was provided.

Mr. Howlett introduced Ms. Jamie Rabe and Ms. Jaclyn Symons from the firm Andrews Hooper Pavlik (AHP), who reviewed the audit letter and the annual financial report and responded to questions from the Board. The auditors provided a clean, unmodified opinion with no recommendations and thanked the staff for their assistance and cooperation during the audit.

President and Executive Director's Report: Joe McGill, President and Peter Cunningham, Executive Director

Artificial Intelligence (AI) Workgroup Update

Mr. McGill informed the Board that the workgroup met earlier this week. He provided an update on the activities of the workgroup. The workgroup's report is scheduled to be published in the first quarter of 2025.

Justice For All (JFA) Commission Update

Mr. Cunningham reported that the JFA met in December and adopted a 2025-2026 work plan. Work is continuing on the regulatory and practice reform recommendations to create pilot programs that would allow trained non-attorneys to perform limited legal work. Proposed rules for the pilot programs are expected within the next year.

Other programs of the JFA include the plain language project which includes rewriting all court forms to make them easier to understand and complete. This is a multi-year project. There is also a project that came from the debt collection workgroup to explore the development of a proposal on how to modernize the service of process. The JFA is collaborating with the Supreme Court's Judicial Council on this project, and it is anticipated to take no more than a year. Mr. Cunningham also informed the Board that the JFA is working to develop an ongoing evaluation of Michigan's triage and referral system, which will include the State Bar's Lawyer Referral service.

Lastly, the JFA has formed a subcommittee to work with the State Bar's Affordable Legal Services Committee to help increase the availability and use of limited scope representation in Michigan.

Licensing Fee Status

Mr. Cunningham reported that license renewal for 2024-2025 is nearing the end before attorneys are suspended for non-payment. Suspension notices will be sent on February 13, 2025. As of today, the number of members who have completed the renewal process compared to this date last year is slightly higher.

Mr. Cunningham informed the Board that we will begin using a new software program called Convene to share materials with Board members. SBM Staff will be trained first and then BOC members will be trained. The goal is to get everyone trained before the April Board meeting.

Open Discussions: Challenges & Opportunities for the Profession and Justice System
SBM Reports: An overview and discussion

Mr. Cunningham provided the Board with an overview of all the reports that the Bar produces. For each report he discussed the frequency, history, distribution, and purpose of the reports.

Annual Financial Report- Required

This report is required by Supreme Court Rules, and includes the financial audit, as well as an overview of key SBM programs. This report must be submitted to the MSC yearly by December 31. Each January part of the annual report is published in the *Michigan Bar Journal* with information on how to access the full report on our website.

Committee & Section Reports – Required

These reports are compiled annually to gauge the success of committees and sections of the Bar. These reports are also instrumental in helping build the Annual Financial Report and the Strategic Plan Activity Report. The section reports are currently shared online.

Committee reports help inform Commissioners and staff of the effectiveness of committees as they prepare and consider the annual committee resolution.

Demographics Report

This annual report includes county, statewide, and section data for members of the Bar.

Other information included is historical data and a snapshot of the most recent ten years to see the changes in Bar membership. This report is available online.

Economics of Law Report

This report provides county and statewide average billing rates, which are used by courts.

The data is compiled every three years using a voluntary survey of attorneys. The latest report, which was published in 2023, includes data on remote work and in the impact of Covid-19. This report is available online.

Strategic Planning Activity Report

Mr. Cunningham provided the background of this report and described how it has evolved over the past several years. The report is meant to be a tool for Commissioners and staff to measure the effectiveness of SBM programs and how well they help fulfill the strategic plan.

An interactive version of the report is available on the State Bar's Strategic Plan webpage.

Representative Assembly (RA) Report: John W. Reiser, III, Chairperson

Mr. Reiser shared that the next meeting is scheduled for Saturday, April 26, 2025, at the Hilton Garden Inn in Lansing. Mr. Reiser shared a summary of vacancies around the state and focused on circuits which currently have no representation.

There are three proposals scheduled to be included in the discussion at the April meeting. There will also be a short presentation about the Michigan Tribal Courts, as well as a presentation about Legal Deserts of Michigan.

Young Lawyers Section (YLS) Report: Silvia A. Mansoor, Chairperson

Ms. Mansoor reported that the YLS section council has added two new members since the last time the Board met. The council has been working to include law school representatives to the group as well.

Multiple upcoming projects have recently been approved by section council. YLS Council member, Ms. Vinsky, will be hosting a law school table for those taking the February 2025 Bar exam. YLS is working with the probate section to host webinars. There has been collaboration with the Detroit Mercy Law School to host Mr. Darnell Barton on a Raising the Bar program. The next National Trial Advocacy Competition (NTAC) has been scheduled for October 25-27, 2025, in Detroit.

COMMISSIONER COMMITTEES

Public Policy: Lisa J. Hamameh, Chairperson

Mr. Burrell provided the report for the Public Policy committee in Ms. Hamameh's absence.

Court Rules

1. ADM File No. 2024-03: Proposed Amendment of MCR 2.003

The proposed amendment of MCR 2.003 would clarify the assignment procedures when a business court judge has been disqualified from a case.

A motion was offered and seconded to oppose ADM File No. 2024-03. The motion was approved.

2. ADM File No. 2022-08: Proposed Amendments of MCR 7.206

The proposed amendment of MCR 7.206 would require the Court of Appeals to engage in certain procedures if it receives a county reapportionment challenge.

A motion was offered and seconded to support ADM File No. 2022-08. The motion was approved.

3. ADM File No. 2022-23: Proposed Amendment of MCR 7.306

The proposed amendment of MCR 7.306 would facilitate factual development in statewide redistricting cases.

A motion was offered and seconded to support ADM File No. 2022-23. The motion was approved.

4. ADM File No. 2022-48: Proposed Amendment of MCJC 3

The proposed amendment of MCJC 3 would allow a judge to make reasonable efforts to facilitate the ability of all litigants to be fairly heard.

A motion was offered and seconded to support ADM File No. 2022-48 with the following amendments to Canon 3(A)(4):

“A judge should make reasonable efforts, consistent with the law, court rules, and rules of evidence to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.”

Finally, the Committee recommends that, if the proposed amendments to Canon 3 are adopted, that the Court Rules be similarly amended to put parties and counsel on notice of the possibility that a judge may make a reasonable effort (i.e., accommodation) in legal proceedings to facilitate the ability of all litigants to be fairly heard.

The motion was approved.

Legislation

1. Judicial Protection Act

A motion was offered that this legislation is Keller permissible. The motion to support was seconded and approved.

A motion was offered and seconded to support the Judicial Protection Act. The motion passed unanimously.

Strategic Planning and Engagement Committee (SPEC): Erika L. Bryant, Chairperson
Michigan Legal Milestones

Ms. Bryant reported that SPEC recommended approval of the Public Outreach and Education Committee's proposed 45th Michigan Legal Milestone to recognize a 1975 case in which the Eastern District Court threw out the convictions of two nurses connected to the deaths of ten patients of the Ann Arbor Veterans' Administration Hospital. The case was the subject of the documentary film, *That Strange Summer*.

A motion was offered and seconded to approval this proposal. The motion passed unanimously.

Partner Programs

Ms. Bryant reported that SPEC recommended to the Board two new partner programs for the State Bar:

PracticePanther is a lawyer practice management software program which enables law firms to automate their operations. PracticePanther would provide a 15% discount to SBM membership, and the yearly advertising spend would be \$6,000.

CosmoLex is a legal practice management software providing legal case management, legal billing, and payments, and law office accounting. Timesolv is a stand-alone legal tracking software program which provides time tracking, invoicing, and budgeting, and a billing and payments system. Both programs are offered by Rocket Matter. Each program has a yearly advertising spend of \$3,000. Their offer to SBM members would be a 10% discount.

A motion was offered and seconded to support partnerships with these programs. The motion passed unanimously.

SPEC subcommittees and workgroups

The Strategic Planning Activities Report (SPAR) Review Subcommittee will be led by Mr. Liggins. Ms. Bryant requested that Commissioners review the SPAR and provide any comments to either Mr. Liggins or Ms. Bryant.

The Website Subcommittee will be led by Commissioner Mantese. This subcommittee will work with SBM staff on the website redesign. Please provide any comments to Mr. Mantese or Ms. Bryant.

The Great Lakes Legal Conferences (GLLC) Workgroup will be led by Commissioners Larsen and Lowe. Members of the BOC can join this workgroup. If you are interested, please contact Mr. Cunningham, Ms. Bryant, or SBM staff liaison to SPEC, Ms. Kristen Sewell.

Finance and Audit: Thomas H. Howlett, Chairperson

Financial Report

Mr. Howlett reviewed the FY 2025 financial results through December 2024 with the Board, highlighting three specific items: operating revenues were higher than expected, operating expenses were lower than expected, and the number of fee-paying members has dropped. Since the end of FY 2024, the membership has decreased by 349 fewer paying members. Overall, in the past five years, we have seen an approximate decrease of a little over five percent of fee-paying members of the State Bar.

Professional Standards: David C. Anderson, Chairperson

Mr. Anderson reported that the committee reviewed and approved seven Client Protection Fund claims; reviewed and denied eight requests for review, which is an attempt to appeal a claim which has previously been denied; and approved potential litigation in five Unauthorized Practice of Law matters.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or questions from Commissioners

Mr. Mason encouraged all BOC members to attend the annual budget meeting on June 26, 2025, via Zoom. There was also a comment about clarifying the process of UPL and CPF and a suggestion to add to the April BOC agenda.

Comments or questions from the public

The following individuals provided comments to the Board on their personal experiences with the legal system: Shannon Tanis, Mike (last name withheld), Greg Atkins, Tom Howe, Jody White, Cynthia, Misfud, Todd Scarbrough, Lori Luoma, and Roslyn Harris.

Adjournment

The meeting was adjourned at 12:29 p.m.