

## **Law Practice Management Annual Report for 2007- 2008**

As Chair for the Law Practice Management Section during the 2007/2008 term, I have made a concerted effort to make sure that all the members of the Council had advance notice of all meetings and conducted those meetings to accommodate those who live in the Detroit area as well as the outlying areas by conducting meetings in both Lansing and Novi. I have also made it a priority to fill vacancies in the Council membership during my term with particular emphasis towards individuals who have been recent graduates of law school so that we can get the perspective of the lawyers dealing with student loans in a tough economic environment.

We have had a continuing dialog with the Legal Administrator's Section of the Bar by way of John Gorzalski from Dickenson and Wright who is representing that group until they can reestablish that Section as a component of the LPM Section or a reinvigorated independent Section. We continue to investigate the possibilities.

During the previous year, we have been largely busy with administrative details and continuation of programs and activities which have proven their viability in the past. I do not have any earth-shaking announcements or agendas to report. I only hope to be laying the groundwork for future developments without jeopardizing the progress and achievements of the prior leadership.

### **Council Officers**

Chair: Gary P. Bauer, Lansing  
Chair Elect: Rebecca Seslar (Simkins as of May 28, 2008), Detroit  
Vice Chair: Austin G. Anderson, Ann Arbor  
Secretary: Burt Burleson, Lansing  
Treasurer: Vincent A. Romano, Grosse Pointe Park

### **Council Members at Large:**

Term Expires 2008: Henry S. Gornbein, Bloomfield Hills  
Ernie I. Gifford, Birmingham  
Konnice Kustron, Ypsilanti  
Sharon H. Grant, Detroit  
Gary Gardner, Dearborn  
Term Expires 2009: Joseph Ernst, Lansing  
Marla Linderman, Ann Arbor  
Stacey Dinser, Hamburg  
Sandra Boyer, Ann Arbor  
Allan Rubin, Southfield  
Sally Vandenberg, Eaton Rapids  
Term Expires 2010: Kris Yockey, Dewitt  
Nick D'Isa, Okemos  
James Schmier, Bloomfield Hills

Commissioner Liaison, Julie I. Fershtman, Farmington Hills  
Law Student Section Representative: Vacant

## **By Law Changes to Article IV for the Law Practice Management Section –**

Changes were made to Article IV, Sections 4.1 and 4.7 (see **underlined text in those Sections below**) as proposed by Vincent A. Romano to address the issue involving payment of compensation to the Section Newsletter Editor. This was done to conform with the State Bar of Michigan requirements and those changes were approved by unanimous vote of the Council Members during the November 10, 2007 meeting.

### **BYLAWS OF THE LAW PRACTICE MANAGEMENT SECTION OF THE STATE BAR OF MICHIGAN**

#### **ARTICLE IV COUNCIL**

##### **SECTION 4.1. POWERS, FUNCTIONS AND DUTIES.**

(a) Between meetings of the membership, the Council shall have authority to perform the functions that the membership of the Section might perform.

(b) The Council shall be vested with the powers and duties necessary for the supervision and control of the affairs of the Section.

(c) The Council shall specifically authorize all commitments or contracts which entail the payment of money and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section. It shall not, however, without prior approval of the State Bar Board of Commissioners, authorize commitments or contracts which shall entail the payment of more money during any fiscal year than the total of (a) the amount reasonably projected to be received in Section dues for such fiscal year; and (b) any unexpended funds remaining in the Section treasury from prior years.

Expenditures of Section funds shall not be deemed to be for advocacy or ideological purposes because some of the expenditure or the products of such expenditure may have been used in the Section's advocacy or ideological purposes, where the Section would have incurred the expenditure irrespective of the Section's advocacy or ideological purposes.

(d) All Section debts, except those paid directly by the State Bar, shall be approved by the Chair or the Treasurer or, if the Council directs, by both of them before they are forwarded to the State Bar for payment.

(e) The Council may direct a referendum by mail ballot of the members of the Section. A majority of the votes cast in the referendum shall determine the policy of the Section with respect to the question submitted. Such referendum shall be conducted according to rules established by the Council and in conformance with the policies of the State Bar.

(f) The Section may publish a newsletter upon such schedule as the Council may determine. The costs of such newsletter, including the costs of editing, production and distribution, shall be paid by the Section. The Council may appoint a member of the Section or the Council to edit, produce and distribute the newsletter. Since the tasks associated with editing, production and distribution of the newsletter fall outside the duties of a Section or Council member, a Section or Council member performing such duties may receive reasonable compensation from the Section, for his or her services, as may be approved by the Council.

i. Any compensation paid pursuant to this provision, must be approved by a two thirds vote of the Council, and

ii. the person that is to receive such compensation may not vote, and

iii. the vote must be recorded in the minutes of the meeting, and the minutes must be available on the Section's website, and

iv. the transaction must be reported in the next published Section newsletter.

(g) The Council shall consider amendments to these Bylaws upon a written request from the Section Chair, the Chair of the Bylaws Committee, or a written request signed by three (3) voting members ( sponsors ) of the Council ( request). If not originating from the Section Chair, the request shall be delivered to the Section Chair. The request shall set out the specific language of the proposed amendment or addition and shall specify which section(s) of the Bylaws it proposes to amend or, with respect to an addition to the Bylaws, shall specify the specific location at which the provision is proposed to be inserted. The Section Chair shall distribute the request to all Council members at least three (3) business days prior to the meeting at which the request will be considered. At that meeting, the amendment or addition may only be amended with the consent of the Chair of the Bylaws Committee or its sponsors, whichever is applicable. A

vote on the amendment or addition may be taken at that meeting. A simple majority vote of the voting members of the Council present and voting shall constitute approval of the amendment or addition.

#### **SECTION 4.7. COMPENSATION.**

(a) No Section member or officer, or member of the Council, or member of any Section or Council committee, shall receive compensation for services rendered in connection with the performance of his or her duties except as may be specifically authorized by law, court rule or by the State Bar. Such persons may, however, be reimbursed for the necessary expenses incurred in connection with the performance of their duties.

(b) Unless authorized by law or court rule, no Section member or officer, or member of the Council, or member of any Section or Council committee with decision-making authority concerning contracts or financial transactions shall directly or indirectly derive any personal profit or gain distinguishable from benefits provided to the public or member of the Section or State Bar, by reason of his or her position with the Section or Section Council or committee thereof. The Section or Council may give a person covered by this provision, and the person may accept, a gift at the termination of the person's tenure in office.

#### **Section Publications**

The Law Practice Management Newsletter has been published electronically for the first time and distributed by email through the auspices of the State Bar administrative personnel using email addresses for the LPM membership. This has resulted in significant cost savings for the Section. This method is more timely and allocation of column inch space is not a limiting factor. This year, Ernie Gifford has taken responsibility for publication of the newsletter and had been doing an exemplary job.

## **Seminars**

### Solo Institute

The LPM Section continues to work with the State Bar and ICLE in supporting the Solo Institute with many of the Council members presenting material at the upcoming event in September. In addition, the Section is assisting with funding for that event with \$4,000 from the funds from the LPM account budgeted for that purpose. The State Bar will be the recipient of those funds to help defray the cost of attendance by the members of the Bar. This event is perceived as a benefit for the members able to attend in conjunction with the Annual Meeting for the State Bar.

### Nuts and Bolts

Although slow to get off the ground this year, we will continue with our popular “Nuts and Bolts” feature throughout the State with planning in progress for continuation of this event and presentations this year. More details to be forthcoming.

### Support of Practice Management Resource Center

The LPM Section continues to support the activities of the PMRC. During a recent seminar for new practitioners, the LPM Section had four of the Council members as presenters at that event. Planning for future events continues on an ongoing basis between the LPM Section and the PMRC to maximize the benefits to the members of the Bar.

## **Financial Report**

(Vince?)