

ANNUAL COMMITTEE REPORT
(2003-2004)

Committee Name: Unauthorized Practice of Law

Jurisdiction: Jurisdiction: Shall investigate matters involving the alleged unauthorized practice of the law and, in accordance with applicable Rules of the Supreme Court of Michigan and with the authority of the Board of Commissioners, shall file and prosecute actions seeking to enjoin those engaged in unauthorized practice, and shall cooperate with local bar associations. The Committee shall also propose and implement measures to educate the public and the legal profession about unauthorized practice of law issues, and shall provide comment and analysis to the Board of Commissioners upon request of the Board.

Officers and Membership:

Chair: John E. Anding

Members: William J. Ard
Ramon F. Rolf, Jr.
Thomas V. Trainer
Kim Warren Eddie
Steven L. Rotenberg
Mark F. Stuart
Dennis M. Taubitz
Marilyn S. Nickell Tyree
Michael W. Bartnik
Rockwood W. Bullard III
Thomas J. Cory
Christopher G. Hastings
Lawrence J. Murphy

Associates

Thomas S. Bridges
Elizabeth L. Luckenbach
Thomas P. Murray
Alfredo Casab
Jeffrey S. Freeman
Paul W. Jones
David J. Klippert

Rory D. Mortimer
Colleen M. Olson

2003-04 Meeting Schedule (date and location):

September 30, 2003 - State Bar of Michigan

March 17, 2004 - State Bar of Michigan

June 9, 2004 - State Bar of Michigan

Committee Activities:

Between May 2003 and June 2004, the Unauthorized Practice of Law Committee, through staff counsel, investigated one hundred and forty five (145) complaints of the unauthorized practice of law, up from one hundred and twenty four complaints in 2002-2003. The majority of these complaints were closed after the subject agreed to cease the questioned activity. In other cases, there was insufficient evidence of improper activity. In four cases, sufficient evidence was uncovered to warrant the Unauthorized Practice of Law Committee to seek authorization from the State Bar Board of Commissioners to initiate litigation against the individuals, one matter is pending and one matter was closed administratively for inability to obtain service on the defendant. Permanent injunctions were issued against:

ESTATE MANAGEMENT SERVICES LLC, Jack Meyer, and Dan R. Hill, individually and d/b/a Estate Management Services, Circuit Court of Gladwin County, Case No. 03-955-CZ. Estate Management Services is an Indiana Corporation selling estate planning documents to Michigan residents. Respondent Meyer is a non-lawyer principal of the business and Respondent Hill is an Indiana attorney not licensed to practice in Michigan. Respondents were selling estate planning documents that were not drafted by a Michigan attorney. Injunction entered 4/13/04 allows Respondents to sell legal "forms" provided that respondents advise consumers in writing that they are purchasing form documents that are not purported and do not purport to be tailored to a particular customer or particular use or particular situation and that respondents are not authorized to give legal advice or provide legal services in Michigan.

PEREZ – DELEON, EDGARDO, Circuit Court of Wayne County, # No. 03-320403 CZ. Non-lawyer represented his employer/spouse who is a physician in contested workers compensation proceedings. Respondent also often represented his employer/spouse and her patients in the same matters in workers compensation proceedings. Injunction entered 4/7/04 prohibits respondent from

acting as a representative of other persons with regard to their legal matters except in the mediation and small claims division of the Workers Compensation Bureau and from representing more than one party in the same matter.

In addition, the Committee, received one complaint alleging a violation by respondent previously enjoined from the practice of law, which is currently being investigated and may be litigated.

The Committee is developing several educational outreach programs. One program, a seminar designed to educate the public about will and trust kit companies appears to have met with initial success. The Committee hopes to contact local bar associations to develop ways to work together to address the unauthorized practice of law issues facing practitioners and the public.

Membership Activities and Benefits: With the profound changes confronting the legal profession, unauthorized practice of law issues are at the forefront of national and state discussions. It is an exciting time to be a member of the Unauthorized Practice of Law Committee and the Committee has, and will continue to grapple with, for the near future, important issues with far-reaching implications in this state.

Public Policy Initiatives and Positions: The Committee endorsed proposed Michigan Rule of Professional Conduct 5.5 which would allow “multijurisdictional” practice in Michigan. Multijurisdictional practice has already been adopted by a significant number of states and most states are closely considering the measure.

Resources Provided by the State Bar of Michigan in Support of Committee Work: The Unauthorized Practice of Law Committee is pleased that additional staff resources have been devoted to the unauthorized practice of law program, by the hiring of an attorney and legal secretary to handle unauthorized practice of law matters.

Future Goals and Activities:

The Committee would like to see an increase in activities and resources directed at educational efforts, especially efforts targeted at companies and businesses engaged in the unauthorized practice of law. The will and trust kit companies are a prime example of such offenders. Historically, the State Bar of Michigan has been very good at obtaining injunctions against individuals engaged in the unauthorized practice of law, but has been hampered in addressing large, institutional actors, primarily due to a lack of resources to bring large scale litigation. The Committee hopes that educational programs and efforts will help protect the public from such institutional actors.

Contact Information: Staff liaison: Victoria Kremski, Deputy Regulation Counsel, and Catherine O'Connell, Assistant Regulation Counsel, 306 Townsend Street, Lansing, MI 48933, (517) 346-6300.