

STATE BAR OF MICHIGAN
BOARD OF COMMISSIONERS
FRIDAY, NOVEMBER 16, 2018
MICHAEL FRANCK BUILDING
LANSING, MI
9:30 A.M.
AGENDA

State Bar of Michigan Statement of Purpose

“...The State Bar of Michigan shall aid in promoting improvements in the administration of justice and advancements in jurisprudence, in improving relations between the legal profession and the public, and in promoting the interests of the legal profession in this state.”

Rule 1 of the Supreme Court Rules Concerning the State Bar of Michigan

Finance Committee Meeting.....Room 1
Professional Standards Committee Meeting..... Hudson Room
Communications and Member Services Meeting.....Room 3
Public Policy Meeting.....Room 2

**GROUP BOARD OF COMMISSIONERS AND INDIVIDUAL COMMISSIONER PHOTOS
WILL BE TAKEN PRIOR TO THE BEGINNING OF THE BOARD MEETING**

I. Call to Order.....Jennifer M. Grieco President

CONSENT AGENDA

II. **Minutes**

- A. September 26, 2018 Board of Commissioners* (both meetings)
- B. September 11, 2018 Executive Committee meeting*
- C. October 9, 2018 Executive Committee meeting*

III. **President’s Activities**.....Jennifer M. Grieco, President

- A. Recent Activities*

IV. **Executive Director’s Activities**.....Janet K. Welch, Executive Director

- A. Recent Activities*

V. **Finance**.....James W. Heath, Chairperson

- A. FY 2018 Draft Financial Reports through September 30, 2018*
- B. Financial Safety Margin Calculation*

VI. **Professional Standards**Dana M. Warnez, Chairperson

- A. District Character & Fitness Committee Appointments*
- B. Client Protection Fund Claims*

VII. **Section Bylaw Amendments**Darin Day, Director of Outreach
& Constituent Development

- A. Alternative Dispute Resolution*
- B. Animal Law*
- C. Labor and Employment*
- D. Master Lawyer*

LEADERSHIP REPORTS

- VIII. **President’s Report**.....Jennifer M. Grieco, President
 - A. Professionalism Summit
 - B. Great Rivers Bar Leaders Conference

- IX. **Executive Director’s Report**Janet K. Welch, Executive Director
 - A. *Fleck v Welch* Update
 - B. Lawyer Referral Services Update
 - C. Issues Related to Online Processing of Dues
 - D. A Lawyer Helps Pro Bono Honor Roll*
 - E. Introduction of New Employee

- X. **Representative Assembly Report** Richard L. Cunningham, Chairperson
 - A. Permanent Rules of Procedure/SBM Bylaw Amendment*
 - B. April 23, 2019 meeting

- XI. **Young Lawyers Section Report** Kara Hart-Negrich, Chairperson

- XII. **Remarks from Jennifer Bentley, Executive Director, Michigan State Bar Foundation**

COMMISSIONER COMMITTEES

- XIII. **Finance**.....James W. Heath, Chairperson
 - A. FY 2018 Financial Results

- XIV. **Audit Committee Update** James W. Heath, Chairperson
 - A. Audit Update

- XV. **Professional Standards**Dana M. Warnez, Chairperson

- XVI. **Communications and Member Services** Robert J. Buchanan, Chairperson
 - A. 2018 SBM NEXT Conference Summary*
 - B. Communications & Member Services Committee Jurisdiction Revision*

- XVII. **Public Policy**.....Dennis M. Barnes, Chairperson
 - A. Court Rules**
 - B. Legislation**

OTHER REPORTS

- XVIII. **American Bar Association (ABA) Report**.....Delegates

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

XIX. Comments or questions from Commissioners

XX. Comments or questions from the public

XXI. Adjournment

***Materials included with agenda**

**** Materials delivered or to be delivered under separate cover or handed out**

President Rockwell called the meeting to order at 1:45 p.m. in the Gerald R. and Betty Ford Presidential Ballroom in the Amway Grand Plaza Hotel in Grand Rapids, MI

Commissioners present:

Danielle Mason Anderson

David C. Anderson

Dennis M. Barnes, Vice-President

Joseph J. Baumann

Aaron V. Burrell

Hon. Clinton Canady III

B.D. "Chris" Christenson

Richard L. Cunningham

Syeda F. Davidson

Shauna L. Dunnings

Andrew F. Fink III

Robert C. Gardella

Jennifer M. Grieco, President Elect

Edward L. Haroutunian

Krista L. Haroutunian

Kara R. Hart-Negrich

James W. Heath

Michael S. Hohaus

E. Thomas McCarthy Jr.

Joseph P. McGill

Hon. Maureen M. McGinnis

Shenique A. Moss

Jules B. Olsman

Hon. David A. Perkins

Daniel D. Quick

Victoria A. Radke

Hon. Michael J. Riordan

Donald G. Rockwell, President

Brian D. Shekell

Gregory L. Ulrich

Dana M. Warnez, Treasurer

Erane C. Washington

Commissioners absent and excused:

Robert J. Buchanan, Secretary

State Bar Staff present:

Janet Welch, Executive Director

Marge Bossenbery, Executive Coordinator

Gregory Conyers, Director, Diversity

Candace Crowley, Senior Consultant

Peter Cunningham, Assistant Executive Director and Director, Governmental Relations

Darin Day, Director, Outreach and Constituent Development

Danon Goodrum-Garland, Director, Professional Services Division

Kathryn Hennessey, Public Policy Counsel

James Horsch, Director, Finance and Administration Division

Nkrumah Wynn Johnson, Assistant General Counsel

Robert Mathis, Pro Bono Service Counsel

Alecia Ruswinckel, Assistant Director, Professional Standards Division

Jeanette Socia, Human Resources Manager

Anne Vrooman, Director, Research and Development

Guests

Mark Armitage, Executive Director, Attorney Discipline Board

Scott Bassett

Stephanie J. LaRose, Professor of Law, Michigan State University College of Law

Josephine A. DeLorenzo

Jan Gardella

Lisa J. Hamameh
Susan Haroutunian
Thomas H. Howlett
David Watson, Executive Director, ICLE
Ryan Zemke

Consent Agenda

The Board received the minutes from the July 27, 2018 Board meeting
The Board received the minutes from the July 10, 2018 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 Client Protection Fund Claims.
The Board received the FY 2018 Financial Reports through July 2018.
The Board received Model Criminal Jury Instructions.

Mr. Rockwell asked the Board if there were any items that needed to be removed from the consent agenda. There were none. A motion was offered and supported to approve the consent agenda. The motion was approved.

Mr. Rockwell congratulated Commissioner Krista Haroutunian on her appointment as Judge of the 17th District Court and introduced new commissioners and special guests.

COMMISSIONER COMMITTEES REPORTS

Finance, Dana M. Warnez, Chairperson

Ms. Warnez reviewed the FY 2018 financial reports through July with the Board. She asked Mr. Horsch to provide the Board with a summary of the accounting issues that will impact the FY 2018 financial results and ending fund balance. Mr. Horsch reported that he had a meeting with the State Bar auditors, the Governmental Accounting Standards Board (GASB) technical staff, State of Michigan Office of Financial Management staff, and State of Michigan Auditor General staff to clarify how the State Bar of Michigan should implement GASB 75. As a result of the meeting, the GASB determined that the State Bar does not have a retiree health care plan for GASB 74 purposes, and that the State Bar will need to rescind adoption of GASB 74 and implement GASB 75 in a manner that is different from what we have previously assumed. Instead of recording a year-end adjustment to reduce the Administrative Fund balance for the GASB 75 liability based on our previous actuarial study, the State of Michigan will be providing the liability calculation that will result in a smaller adjustment for the State Bar's GASB liability. In addition, the assets of the State Bar's fiduciary fund and the Retiree Health Care Trust Fund will now be combined with the assets of the Administrative Fund, because the State Bar's Retiree Health Care Trust Fund no longer is considered a fiduciary fund for GASB purposes. The end result is that the State Bar had previously been expecting a reduction to net assets of the Administrative Fund as a result of GASB 75 implementation, and now the State Bar will be recording an increase to net assets of the Administrative Fund. However, there is no change to cash flow in total as a result of these adjustments. Details of the impacts were provided in a memo to the BOC.

Mr. Horsch reported that several Board members and all of the staff attorney members have paid their dues online on the new e-commerce system, and the Communications staff will be sending an e-blast to members later today to invite them to pay their dues.

Ms. Warnez thanked the committee members and SBM staff for their work during the past year.

Audit, Dana M. Warnez, Chairperson

Ms. Warnez indicated that the Audit Committee met via conference call on September 20 and reviewed and approved the 2018 incentive compensation package.

Communications and Member Services, Dennis Barnes, Chairperson

Mr. Barnes reported that there were no business items for the Board to consider. He thanked the committee members and SBM staff for their work during the past year.

Professional Standards, Robert J. Buchanan, Chairperson

In Mr. Buchanan's absence, Mr. Gardella provided the committee report to the Board. He reported that there was one item to come before the Board, the Regulatory Objectives Workgroup Report, which was tabled at the July meeting.

A motion was offered and supported to take this item off the table. The motion was approved.

Mr. Gardella introduced Stephanie LaRose, Professor of Law at Michigan State University College of Law and Mark Armitage, Executive Director of the Attorney Discipline Board, who addressed the Board. Both Professor LaRose and Mr. Armitage served on the Regulatory Objectives Workgroup, which was appointed as a result of one of the recommendations of the of the 21st Century Practice Task Force.

A motion was offered and supported to postpone consideration of the report until the January 16, 2019 Board meeting to allow time to solicit more input from State Bar members. The motion was approved.

On behalf of Chair Buchanan, Mr. Gardella thanked the committee members and SBM staff for their work during the past year.

Public Policy, Jennifer Grieco, Chairperson

Court Rules

ADM File No. 2017-15: Proposed Amendment of Canon 7 of the Michigan Code of Judicial Conduct

The proposed amendment of Canon 7 of the Code of Judicial Conduct would explicitly allow judicial campaign solicitation as permitted by law, eliminate the \$100 per lawyer limitation, and remove the disclaimer requirement. This change would bring Michigan's canons into conformity with the majority of states that have moved away from solicitation restrictions and instead opted to refer to statutory campaign provisions.

A motion was offered and supported to take no position on this proposed amendment. The motion was approved. Commissioners Dunnings, McGinnis, and Riordan abstained.

Ms. Grieco thanked the committee members and SBM staff for their work during the past year.

LEADERSHIP REPORTS

President's Report, Donald G. Rockwell, President

Proposal for Task Force on State Bar Scope of Operations, Structure, and Governance

Mr. Rockwell made a motion that a Task Force on State Bar Scope of Operations, Structure, and Governance be appointed. The motion was supported and approved.

Executive Director's Contract

Mr. Rockwell made a motion to approve a one year extension of the Executive Director's employment contract, which will expire on September 30, 2019, including the terms discussed with Ms. Welch and the officers of the State Bar of Michigan. The motion was supported and approved.

Executive Director's Report, Janet K. Welch, Executive Director

2018 SBM Accomplishments

Ms. Welch reviewed a list of the major accomplishments of the State Bar in 2018 with the Board.

Janus\Fleck

Ms. Welch provided the Board with an overview of the current status of the cert petition for *Fleck v Welch*, challenging the mandatory status of the State Bar of North Dakota, and the possible implications for 32 mandatory bars. Ms. Welch continues to be in contact with the executive directors of mandatory state bars.

There have been two challenges since the *Janus* decision in June: one from Oregon and another as an amendment to a petition already pending in the 9th Circuit lawsuit against the Washington State Bar Association.

Ms. Welch said that she will continue to keep the Board informed about this issue and encouraged commissioners to attend the RA meeting to hear her presentation on this issue.

LRS Update

Ms. Welch asked Ms. Vrooman to provide the Board with an update on the online legal referral pilot program. For more than a year we have been building the elements of a new lawyer referral system while maintaining elements of our traditional system. It is anticipated that the switch to the new system could take place as early as the end of October. Meanwhile, one of the pieces that has fallen into place and is already operating within the pilot is a Modest Means Program module; we are working on incorporating Limited Scope Representation as soon as possible. She stated that the objective and goal of the Legal Resource Center is making the search for legal representation a better experience for consumers and attorneys.

Ms. Vrooman said that there will be a booth in the exhibitor's hall to provide information about the legal resource center and to recruit members to join the lawyer referral system.

Professionalism Summit

Ms. Welch asked Ms. Crowley to provide the Board with an update on an event that is taking place next month on professionalism and civility in the court system. She stated that the program is a result of a request from members in Oakland County and Grand Rapids who thought it was time to have a conversation about these topics. Ms. Crowley reported that the Professionalism Summit is taking place on Thursday, October 18 at the Hall of Justice and that Ms. Grieco, Chief Justice Stephen Markman, and Past Presidents Ed Pappas, W. Anthony Jenkins, and Dennis Archer are among the presenters. Invitations have been sent to over 100 members.

Representative Assembly (RA) Report, Joseph P. McGill, Chairperson

Mr. McGill reported that the Representative Assembly has a full day of activities planned for tomorrow's meeting. Agenda items include: filling the vacancies on the RA, a presentation on the *Fleck v Welch* case and the impact on mandatory bars, presenting the RA awards, an election for RA Clerk, and the installation of Mr. Richard Cunningham as Chair. Action items include: the proposal on the Governance Task Force and multiple proposals to amend the RA's Permanent Rules of Procedure.

Other Reports

Young Lawyers Section (YLS) Report, Syeda F. Davidson, Chairperson

Ms. Davidson provided the Board with an update on recent activities of the YLS.

Recognition of Retiring Board Members

Robert C. Gardella, written and presented by Victoria A. Radke
Krista L. Haroutunian, written and presented by Edward L. Haroutunian
Joseph P. McGill, written and presented by Richard L. Cunningham
Hon. Maureen M. McGinnis, written and presented by Jennifer M. Grieco
Shenique A. Moss, written and presented by Syeda F. Davidson
Jules B. Olsman, written and presented by Daniel D. Quick
Hon. Michael J. Riordan, written and presented by Dana M. Warnez
Brian D. Shekell, written and presented by Joseph J. Baumann

Recognition of SBM President, Donald G. Rockwell

Ms. Grieco presented a plaque and scrapbook to Mr. Rockwell in recognition and appreciation of his year as President.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or Questions from Commissioners

Ms. Grieco recommended to the Board members that they take some time and listen to the podcasts on the SBM website.

Comments or Questions from the Public

There were none.

Adjournment

The meeting was adjourned at 3:30 p.m.

President Grieco called the meeting to order at 3:45 p.m. on September 26, 2018 in the Gerald R. and Betty Ford Presidential Ballroom in the Amway Grand Plaza Hotel in Grand Rapids, MI.

Commissioners present:

Danielle Mason Anderson
David C. Anderson
Dennis M. Barnes, President-Elect
Joseph J. Baumann
Aaron V. Burrell
Hon. Clinton Canady III
B.D. "Chris" Christenson
Richard L. Cunningham
Syeda F. Davidson
Josephine A. DeLorenzo
Shauna L. Dunning
Andrew F. Fink III
Jennifer M. Grieco, President
Lisa J. Hamameh
Edward L. Haroutunian

Kara R. Hart-Negrich
James W. Heath, Treasurer
Michael S. Hohaus
Thomas H. Howlett
E. Thomas McCarthy Jr.
Joseph P. McGill
Hon. David A. Perkins
Barry R. Powers
Daniel D. Quick
Victoria A. Radke
Gregory L. Ulrich
Dana M. Warnez, Secretary
Erane C. Washington
Ryan Zemke

Commissioners absent and excused:

Robert J. Buchanan, Vice President

Travis W. Weber

State Bar Staff present:

Janet Welch, Executive Director
Marge Bossenbery, Executive Coordinator
Gregory Conyers, Director, Diversity
Candace Crowley, Assistant Executive Director and Director, External Development
Peter Cunningham, Assistant Executive Director and Director, Governmental Relations
Cliff Flood, General Counsel
Danon Goodrum-Garland, Director, Professional Services Division
Kathryn Hennessey, Public Policy Counsel
James Horsch, Director, Finance and Administration Division
Nkrumah Johnson-Wynn, Assistant General Counsel
Jeanette Socia, Human Resources Manager
Anne Vrooman, Director, Research and Development

Guests

David Watson, Executive Director, Institute for Continuing Legal Education
Jeff Kirkey, Institute for Continuing Education

President's Report

Welcome

Ms. Grieco welcomed the members of the 2018 – 2019 SBM Board of Commissioners, introduced the newly elected members of the Board, and administered the oath of office to the Commissioners.

Appointment of the Executive Committee

A motion was offered and supported for Ms. Grieco to appoint an Executive Committee. The motion was approved.

Appointment of the Commissioner Committees

A list of Ms. Grieco's appointments to the Commissioner Committees was distributed.

Fiscal Matters

A motion was offered and supported to allow all officers of the State Bar of Michigan and all Lansing-based Commissioners authority to provide a second signature for checks that are written for amounts greater than \$15,000. The motion was approved.

Ms. Bossenbery informed the Board about the procedure that will take place for Board members to submit travel expenses through the Nexonia program.

Pictorial Directory Information

The Board members were asked to complete the pictorial directory information form and return it to Ms. Bossenbery.

Dates for the 2018-2019 Board and Representative Assembly Meetings

A list of the dates for the 2018-2019 Board and Representative Assembly meetings was distributed.

Adjournment

The meeting was adjourned at 4:10 p.m.

State Bar of Michigan
Executive Committee Conference Call
Tuesday, September 11, 2018
3:30 p.m.

Call to Order: President Rockwell called the meeting to order at 3:40 p.m.

Members Present: President Donald G. Rockwell, President-Elect Jennifer M. Grieco, Vice President Dennis M. Barnes, Secretary Robert J. Buchanan, Representative Assembly Chair Joseph P. McGill, Representative Assembly Vice-Chair Richard L. Cunningham, and Commissioners Shauna L. Dunnings, and E. Thomas McCarthy Jr.

Members Absent: Treasurer Dana M. Warnez and Commissioner James W. Heath.

State Bar Staff Present: Janet Welch, Executive Director; Margaret Bossenbery, Executive Coordinator; Nancy Brown, Director of Member & Communication Services; Gregory Conyers, Director of Diversity; Candace Crowley, Senior Consultant; Peter Cunningham, Assistant Executive Director and Director of Governmental Relations; Cliff Flood, General Counsel; Danon Goodrum-Garland, Director of Professional Standards; James Horsch, Director of Finance & Administration; and Anne Vrooman, Director of Research & Development.

President's Report

President Rockwell reported on his recent and upcoming meeting schedule, and is looking forward to seeing everyone in Grand Rapids.

Representative Assembly Chair's Report

Representative Assembly Chair McGill reported on the upcoming RA meeting that will be held on September 27 in Grand Rapids. The agenda includes a resolution on the ballot proposal on decriminalizing marijuana. RA members have received a staff memo explaining why the issue is Keller-impermissible. Mr. McGill also reported that 53 governance survey responses have been received and more responses are expected.

Approval of July 10, 2018 meeting minutes

A motion was made and seconded to approve the July 10, 2018 Executive Committee meeting minutes. The motion passed.

Executive Director's Report

Ms. Welch reported on the upcoming NEXT Conference, that dues notices were being sent, attendance at the ABA meetings in Chicago in August, and recent vandalism to SBM windows, and ILLACE (International Institute of Law Association Chief Executives) meeting in Ottawa, Canada. She will be making a presentation on the mandatory bar legal challenges at the RA meeting on September 27, including the cert petition *Fleck v. Wetch*, challenging the North Dakota mandatory bar. She is in communication with other mandatory bar executive directors on this issue.

Ms. Welch informed the EC that an SBM member purchased advertising space in the New York Times expressing his political views. The ad, which has now run twice, closed with his name, followed by "www.michbar.org." After the first publication the bar has asked the member to cease including any reference to the State Bar of Michigan. A few people have contacted the SBM about the member's use of the SBM web address in the ad. The EC discussed potential actions.

Ms. Welch reported that Governor Snyder appointed Commissioner Krista Haroutunian to a judgeship in the 17th District Court in Redford Township

National Consortium on Racial and Ethnic Fairness in the Courts – Travel Expense for Judge Cynthia Stephens

Mr. Conyers reviewed the request to approve reimbursement of expenses for up to \$1,500 for Judge Cynthia Stephens, co-chair of the Diversity & Inclusion Advisory Committee, for her attendance at the National Consortium meetings in Indianapolis that was held on June 13-15, 2018. A motion was made and seconded to approve the expenses. The motion passed.

September 26, 2018 Board of Commissioners Agendas

Ms. Bossenbery reviewed the September BOC meeting agendas for the final 2017-18 meeting and the first 2018-19 meeting, and noted additions and changes. A motion was made and seconded to approve the agendas. The motion passed.

Other

President Rockwell wished everyone safe travels to Grand Rapids. The first Executive Committee meeting for 2018-19 is scheduled for October 9, 2018.

Adjournment

There being no further business for the Executive Committee, President Rockwell adjourned the meeting at 4:14 p.m.

Submitted by James C. Horsch
October 5, 2018

State Bar of Michigan
Executive Committee Conference Call
Tuesday, October 9, 2018
4:00 p.m.

Call to Order: President Grieco called the meeting to order at 4:05 p.m.

Members Present: President Jennifer M. Grieco, President-Elect Dennis M. Barnes, Secretary Dana M. Warnez, Treasurer James W. Heath, Representative Assembly Chair Richard L. Cunningham, Representative Assembly Vice-Chair Aaron V. Burrell, and Commissioners Syeda F. Davidson, Daniel D. Quick, and Erane C. Washington.

Members Absent: Vice President Robert J. Buchanan

State Bar Staff Present: Janet Welch, Executive Director; Margaret Bossenbery, Executive Coordinator; Nancy Brown, Director of Member & Communication Services; Candace Crowley, Senior Consultant; Peter Cunningham, Assistant Executive Director and Director of Governmental Relations; Cliff Flood, General Counsel; Danon Goodrum-Garland, Director of Professional Standards; James Horsch, Director of Finance & Administration; Kari Thrush, Assistant Div. Director-Member Services; and Anne Vrooman, Director of Research & Development.

Approval of September 11, 2018 meeting minutes

A motion was made and seconded to approve the September 11, 2018 Executive Committee meeting minutes. The motion passed.

President's Report

President Grieco welcomed the members of the Executive Committee and is looking forward to participation and feedback from everyone. If anyone would like to put issues on the agenda, let her know in advance of the meeting. She reported on the Clio Cloud Conference she recently attended in New Orleans on legal trends and technology. Appointments to the Governance Task Force approved by the BOC and RA are under consideration. Ms. Grieco reminded the committee of the upcoming October 16, 2018 Section Chair Orientation meeting, the October 18, 2018 Professionalism Summit, the October 20, 2018 Affinity Bar Summit, and the new commissioner orientation meeting that will be held at her office on November 12.

Additionally, the EC was made aware of a concern expressed by a member regarding the lack of diversity of speakers at a section's recent symposium.

Representative Assembly Chair's Report

Representative Assembly Chair Cunningham reported on the recent Representative Assembly meeting. Positive feedback was received on Janet Welch's presentation on the mandatory bar issues. A new RA Clerk, Chelsea Rebeck was elected. RA Vice-Chair Burrell reported on the clerk election process. Work has begun on the RA committees.

Executive Director's Report

Ms. Welch reported on the diversity and quality of the presenters at the Clio Cloud Conference, and provided feedback from the RA meeting. She reported on the *Fleck v. Wetch* case and noted that the

U.S Supreme Court has moved the matter to their October 12 conference. She is working with executive directors from other mandatory State Bars and encouraging a collaborative response if cert is granted.

Ms. Thrush reported on the attendance and registrations at the recent NEXT Conference in Grand Rapids. The committee will be reviewing options for future annual meetings considering the number of attendees compared to the cost of the event.

Mr. Horsch and Ms. Brown reported on the technology issues experienced thus far with the new online dues application. So far, over 5,700 members have successfully paid or completed the dues process online. However, the e-commerce site for dues processing was not consistently available to members until September 30. This was due to significant database errors experienced soon after the initial launch on September 26. The system was shut down quickly, and the issue affected the payments of only 42 members that require correction. There are ongoing technical problems affecting the ability of some members to log in, and other technical problems affecting some members using the site. We are slowly rolling out the member e-mail dues notification, to limit the potential calls while the technical issues remain unresolved. Additionally, law firms have been provided instructions to assist administrators in processing dues online with multiple attorneys. Ms. Welch noted that the new e-commerce software application was clearly not performing to our standards, and that a thorough review of the application development and testing of this new e-commerce application would be completed after this year's dues process, and that a complete tech audit will be performed this year to provide information and insight in order to assure that future SBM IT applications will not have these problems.

Other

President Grieco thanked everyone for their participation on today's conference call.

Adjournment

There being no further business for the Executive Committee, President Grieco adjourned the meeting at 4:37 p.m.

Submitted by James C. Horsch
November 2, 2018

**President Jennifer M. Grieco
President's Activities
September 27 – November 16, 2018**

Date	Event	Location
September 27	Inaugural Luncheon Celebrating Diversity Reception	Grand Rapids
September 28	Judicial Council meeting	Grand Rapids
September 28	50 Year Golden Celebration Luncheon	Grand Rapids
October 1	Conference call with SBM Officers and Janet Welch	Birmingham
October 3 – 5	Clio Cloud Conference	New Orleans, LA
October 9	State Bar of Michigan (SBM) Executive Committee meeting	Birmingham
October 11	Lapeer County Bar Association	Lapeer
October 16	SBM Section Orientation	Lansing
October 16	Recognition Reception for Past President Donald G. Rockwell	Flint
October 18	SBM Professionalism Summit	Lansing
October 18	Lakeshore Legal Aid event	Detroit
October 19	Michigan District Judges Association meeting	Lansing
October 20	SBM Diversity and Inclusion Advisory Committee Affinity Bar Summit	Detroit
October 25	Neuman Anderson Grieco McKenny PC Reception for President Grieco	Bloomfield Hills
October 31 – November 2	Great Rivers Bar Leaders Conference	Charleston, SC
November 5	SBM LRS Focus Groups	Lansing
November 6	SBM Legal Milestone	Detroit
November 7	SBM Executive Committee meeting	Birmingham
November 7	Cass County Bar Association	Cassopolis
November 8	14 th Annual Dennis W. Archer Public Service Awards Gala	Detroit
November 12	SBM New Board Member Orientation	Birmingham
November 13	Association of Defense Trial Counsel meeting	Troy

Date	Event	Location
November 14	Michigan State Bar Foundation conference call	Birmingham
November 15	Women Lawyers of Michigan – Wayne & Oakland and MASCO Corporation “Celebrating the Past. Inspiring the Future.” Professionalism Panel	Livonia
November 16	SBM Board of Commissioners meeting	Lansing

Executive Director Janet K. Welch
Executive Director's Activities
September 28 through November 16, 2018

Date	Event	Location
October 1	Conference Call with SBM Officers	Lansing
October 2	SBM Staff Meeting	Lansing
October 3 – 5	Clio Cloud Conference Meeting with Judy Perry Martinez ABA President-Elect	New Orleans, LA
October 8	Conference call with Dennis Archer	Lansing
October 9	Michigan Supreme Court Historical Society meeting	Lansing
October 9	SBM Executive Committee conference call	Lansing
October 10	Receivership Workgroup meeting	Lansing
October 12	Conference call with David Watson, Executive Director, ICLE	Lansing
October 12	Conference call with Robert Craighead, Executive Director Illinois State Bar Association	Lansing
October 12	Meeting with Nancy Diehl	Brighton
October 15	Conference call with Mary Augsburger, Executive Director, Ohio State Bar Association	Lansing
October 16	Conference call with Cloud Law	Lansing
October 16	SBM Section Orientation	Lansing
October 16	Recognition Reception for former SBM President Donald G. Rockwell	Flint
October 17	Conference call with NABE?	Lansing
October 17	Receivership Program	Lansing
October 17	Michigan Supreme Court Historical Society Advocates Dinner	Lansing
October 18	SBM Professionalism Summit	Lansing
October 18	Michigan Women's Hall of Fame Dinner	East Lansing
October 19	Trial Court Performance Standards Committee meeting	Lansing

Date	Event	Location
October 22	Meeting with Chris Reay?	
October 23	Conference call with Jennifer Grieco	Lansing
October 24	ICLE Executive Committee meeting	Lansing
October 24	Meeting with David Watson, Executive Director, ICLE	Lansing
October 25	Neuman Anderson Grieco McKenny PC President's Reception	Bloomfield Hills
October 29 – November 2	Great Rivers Bar Leaders Conference	Charleston, SC
November 4	Meeting with Cloud Law Representatives	East Lansing
November 5	SBM LRS Focus Groups	Lansing
November 6	Meeting with Cloud Law Representatives	Lansing
November 6	SBM Legal Milestone	Detroit
November 7	Meeting with SBM and Michigan Bar Foundation	Lansing
November 7	SBM Executive Committee conference call	Lansing
November 12	SBM New Board Member Orientation	Birmingham
November 13	Conference call with ABA Standing Committee on Bar Activities and Services	Lansing
November 13	ATJ Fund Reception	Detroit
November 13	Meeting with Mark Armitage, Alan Gershel, Lynn Holland, and Milt Mack	Detroit
November 14	Conference call with NCBP Innovations Committee	Lansing
November 15	Integrated Technology Committee meeting	Lansing
November 16	SBM Board of Commissioners meeting	Lansing

**STATE BAR OF MICHIGAN
CLIENT PROTECTION FUND**

Unaudited and For Internal Use Only

**FINANCIAL REPORTS
September 30, 2018**

FY 2018

Note: Dues revenue is recognized and budgeted as earned each month throughout the year.

State Bar of Michigan
Client Protection Fund
Comparative Statement of Net Assets
For the Months Ending August 31, 2018 and September 30, 2018
FY 2018

	Aug 31, 2018	Sept 30, 2018	Increase (Decrease)	%	Beginning of Fiscal Year October 1, 2017
Assets					
Cash	328,749	288,570	(40,179)	(12.2%)	895,592
Investments (CD's & CDARS)	1,556,307	1,556,307	0	0.0%	1,191,633
Accounts Receivable	(4,795)	175,001	179,796	N/A	0
Due from (to) Administrative Fund	(29,979)	(15,354)	14,625	N/A	216,426
Accrued Interest Receivable	7,985	9,610	1,625	20.4%	3,761
Total Assets	\$ 1,858,267	\$ 2,014,134	\$ 155,867	8.4%	\$ 2,307,412
Liabilities					
Accounts Payable	0	0	0	N/A	0
Unearned Revenue	52,670	4,380	(48,290)	(91.7%)	67,830
Total Liabilities	\$ 52,670	\$ 4,380	(\$48,290)	(91.7%)	\$ 67,830
Net Position					
Net Position at Beginning of Year	2,239,582	2,239,582	0	0.0%	2,424,701
Increase (Decrease) in Net Position	(433,985)	(229,828)	204,157	(47.0%)	(185,119)
Total Net Position	1,805,597	2,009,754	204,157	11.3%	2,239,582
Total Liabilities and Net Position	\$ 1,858,267	\$ 2,014,134	\$ 155,867	8.4%	\$ 2,307,412

* Note: In addition, there are authorized but unpaid claims totaling \$176,979 awaiting signatures of subrogation agreements. In addition, Accounts Receivable increase due to new accounting method for Claims Recoveries.

State Bar of Michigan
Client Protection Fund
Statement of Revenue, Expenses, and Changes in Net Assets
For the twelve months ending September 30, 2018
FY 2018

	YTD
Revenue	
Contributions Received	18,280
Membership Dues Assessment	644,411
Pro Hac Vice Fees	11,700
Claims Recovery	207,955
Miscellaneous Income	0
Total Revenue	882,346
 Expense	
Claims Payments	913,427 * See Note Below
Administrative Fee	217,544
Litigation and Miscellaneous Expense	0
Total Expense	1,130,971
 Operating Income (Loss)	(248,625)
 Investment Income	18,797
 Increase (Decrease) in Net Position	(229,828)
 Net Position - Beginning of the Year	2,239,582
 Net Position - End of the Period	2,009,754

* Note: In addition, there are authorized but unpaid claims totaling \$176,979 awaiting signatures of subrogation agreements. In addition, Claims Recoveries are higher dues a change in accounting method to reflect revenue when the orders are effective, less allowance for doubtful accounts.

Summary of Cash and Investment Balances by Financial Institution
9/30/2018

Assets	Bank Rating	Financial Institution Summary	Interest Rates	Fund Summary
		SBM Chase Checking \$ 751,687.53		Client Protection Fund \$ 1,844,876.39
		SBM Chase Credit Card \$ 45,323.11		
		SBM Chase E Checking \$ 1,675.00		State Bar Admin Fund \$ 10,430,048.60
		SBM Chase Payroll \$ -		(including Sections)
		SBM Chase Savings \$ 562.97	0.18%	Attorney Discipline System \$ 2,596,977.10
		ADS Chase Checking \$ 3,554.82		
		CPF Chase Checking \$ 11,995.85		SBM Retiree Health Care Trust \$ 3,030,926.00
		CPF Chase Savings \$ 1,154.16	0.18%	
\$2.14 Trillion	4 stars	Chase Totals \$ 815,953.44		ADB Retiree Health Care Trust \$ 876,979.26
		ADS Bank of America Petty Cash \$ 3,075.47	0.00%	AGC Retiree Health Care Trust \$ 3,146,349.86
	4 stars	Bank of America Totals \$ 3,075.47		Total \$ 21,926,157.21
		SBM Fifth Third Commercial Now \$ 34,004.28	0.00% ***	
\$140 Billion	5 stars	Fifth Third Totals \$ 34,004.28		
		Grand River Bank Money Market \$ 4,273.29	0.50%	
\$223 Million	4 stars	Grand River Bank Totals \$ 4,273.29		State Bar Admin Fund Summary
		Grand River Bank Total w/CD \$ 257,800.98		Cash and Investments \$ 10,430,048.60
				Less:
		First Community Bank \$ 2,726.67	0.60%	Due (to)/from Sections (2,256,268.24)
\$288 Million	5 stars	First Community Bank Total \$ 2,726.67		Due (to)/from CPF 15,353.56
		First Community Bank Total w/CD \$ 247,726.67		
		Sterling Bank \$ 2,316.42	0.40%	Due to Sections and CPF (2,240,914.68)
\$2.96 Billion	5 stars	Sterling Bank Total \$ 2,316.42		Net Administrative Fund \$ 8,189,133.92
		Sterling Bank Total w/CD \$ 977,316.42		
		Citizens Bank Checking \$ 100.00		
\$122 Billion	4 stars	Citizens Bank Money Market \$ 5,335.72	0.02%	
		CPF Citizens Bank CD \$ 500,000.00	2.50%	Maturity
		Citizens Bank Totals \$ 505,435.72		08/31/19
		Mercantile Bank \$ 4,084.83	1.25%	
\$3.27 Billion	5 stars	Mercantile Bank Total \$ 4,084.83		
		Main Street Bank \$ 19,554.48	1.25%	
\$227.5 Million	4 stars	Main Street Bank \$ 19,554.48		
		MSU Credit Union \$ 6.29	0.10%	
\$3.85 Billion	5 stars	MSU Credit Union Total \$ 6.29		
		MSU Credit Union Total w/CD \$ 940,006.29		Maturity
		SBM Flagstar Savings Account \$ 1,248.19	0.90%	
		ADS Flagstar Checking Account \$ 561.75	0.25%	
		ADS Flagstar CDARS -12 Month \$ 1,123,407.19	0.80%	02/28/19
		ADS Flagstar CDARS -12 Month \$ 810,000.00	0.70%	11/15/18
		ADS Flagstar CDARS -12 Month \$ 1,000,000.00	0.70%	11/15/18
		CPF Flagstar Savings \$ 275,419.75	1.00%	
		CPF Flagstar CDARS -36 Month \$ 256,269.78	1.25%	5/16/19*
		CPF Flagstar CDARS -24 Month \$ 450,036.85	0.75%	12/26/19*
		CPF Flagstar CDARS -12 month \$ 350,000.00	0.70%	01/03/19
\$16.8 Billion	4 stars	Flagstar Bank Totals \$ 4,266,943.51		
		SBM - CD Chemical Bank ** \$ 235,000.00	1.75%	Maturity
\$19.2 Billion	4 stars	SBM - CD Chemical Bank \$ 240,000.00	1.75%	10/28/19
		SBM - CD Chemical Bank \$ 240,000.00	1.75%	04/17/19
		SBM - CD Chemical Bank \$ 240,000.00	1.75%	04/17/19
		SBM - CD Chemical Bank \$ 240,000.00	1.75%	04/17/19
		SBM - CD Chemical Bank \$ 250,000.00	2.40%	02/25/20
		SBM - CD Chemical Bank \$ 250,000.00	2.40%	02/25/20
		SBM - CD Chemical Bank \$ 250,000.00	2.40%	02/25/20
	4 stars	SBM- CD First Community Bank \$ 245,000.00	1.00%	12/12/18
	4 stars	SBM - Grand River Bank \$ 253,527.69	2.50%	05/11/21
\$3.9 Billion	4 stars	SBM-CD Horizon Bank \$ 240,000.00	1.00%	10/12/19
		SBM-CD Horizon Bank \$ 245,000.00	1.30%	03/14/19
		SBM-CD Horizon Bank \$ 245,000.00	1.30%	03/14/19
		SBM-CD Horizon Bank \$ 250,000.00	2.66%	04/25/21
		SBM-CD Horizon Bank \$ 250,000.00	2.66%	04/25/21
		SBM-CD Horizon Bank \$ 250,000.00	2.48%	04/25/20
		SBM-CD Horizon Bank \$ 250,000.00	2.48%	04/25/20
\$1.36 Billion	4 stars	SBM-CD First National Bank of America \$ 240,000.00	1.60%	10/12/19
		SBM-CD First National Bank of America \$ 240,000.00	1.60%	10/16/18
		SBM-CD First National Bank of America \$ 240,000.00	1.85%	10/16/20
		SBM-CD First National Bank of America \$ 240,000.00	1.85%	10/16/20
\$184.1 Million	2 stars	SBM-CD Community Shores Bank \$ 240,000.00	1.25%	10/15/19
\$192.4 Million	4 stars	SBM-CD Clarkston State Bank \$ 240,000.00	1.10%	10/12/19
		SBM-CD Clarkston State Bank \$ 240,000.00	1.75%	04/25/19
		SBM-CD Clarkston State Bank \$ 240,000.00	1.75%	04/25/19
		SBM-CD Clarkston State Bank \$ 240,000.00	1.75%	04/25/19
\$267 Million	2 stars	SBM-CD First National Bank of St. Ignace \$ 245,000.00	1.25%	10/12/18
	5 stars	SBM-CD Sterling Bank \$ 245,000.00	1.55%	03/30/19
		SBM-CD Sterling Bank \$ 245,000.00	1.55%	03/30/19
		SBM-CD Sterling Bank \$ 245,000.00	1.55%	03/30/19
		SBM-CD Sterling Bank \$ 240,000.00	1.55%	03/30/19
\$397 Million	4 stars	SBM-CD The Dart Bank \$ 240,000.00	1.25%	12/05/18
		SBM-CD The Dart Bank \$ 240,000.00	1.25%	12/05/18
		SBM-CD The Dart Bank \$ 240,000.00	1.25%	12/05/18
		SBM-CD The Dart Bank \$ 240,000.00	1.25%	12/05/18
	5 stars	SBM-CD MSU Credit Union \$ 235,000.00	2.05%	10/25/20
		SBM-CD MSU Credit Union \$ 235,000.00	2.05%	10/25/20
		SBM-CD MSU Credit Union \$ 235,000.00	2.05%	10/25/20
		SBM-CD MSU Credit Union \$ 235,000.00	2.05%	10/25/20
		Bank CD Totals \$ 9,213,527.69		
		Total Cash & Investments (excluding Schwab) \$ 14,871,902.09		
		SBM - Charles Schwab (Ret HC Trust) \$ 3,030,926.00	Mutual Funds	
		ADB - Charles Schwab (Ret HC Trust) \$ 876,979.26	Mutual Funds	
		AGC - Charles Schwab (Ret HC Trust) \$ 3,146,349.86	Mutual Funds	
		Charles Schwab Totals \$ 7,054,255.12		
		Grand Total (including Schwab) \$ 21,926,157.21		
		Total amount of cash and investments (excluding Schwab) not FDIC insured \$ 7,338,742.54	49.35%	

SBM Average Weighted Yield: 1.66%
ADS Average Weighted Yield: 0.81%
CPF Average Weighted Yield: 1.12%

Note: average weighted yields exclude retiree health care trusts

Notes:

- All amounts are based on reconciled book balance and interest rates as of 09/30/2018
- CDARS are invested in multiple banks up to the FDIC limit for each bank
- Funds held in bank accounts are FDIC insured up to \$250,000 per bank
- The SBM funds held with Charles Schwab in the Retiree Health Care Trusts are invested in 70% equity and 30% fixed income mutual funds
- As of 09/30/2018, the funds held by SBM attributable to ADS was (\$343,622.13)
- * Flagstar Bank reserves the right to mature these CDARS at 12 months.
- ** Formerly Talmer West Bank
- ***Balance offsets lockbox fees by 0.35%.
- ****Actual unreconciled Chase balance per statements was \$983,237.35

**FY 2018 Preliminary Financial Summary
Administrative Fund**

	FY 2018 Budget	FY 2018 Preliminary Before Final Adj	FY 2018 Variance vs. Budget
Operating Revenues			
- Dues and Related	7,795,460	7,732,040	(63,420)
- All Other Operating Revenue	1,691,291	1,632,612	(58,679)
Total Operating Revenue	<u>9,486,751</u>	<u>9,364,652</u>	<u>(122,099)</u>
Operating Expenses			
- Labor-related Operating Expenses			
Salaries	4,922,153	4,819,766	(102,387)
Employee Benefits & Payroll Taxes	1,788,038	1,766,113	(21,925)
Retiree Health Care Liability Exp	20,000	57,331	37,331
Total Labor-related Operating Expenses	<u>6,730,191</u>	<u>6,643,210</u>	<u>(86,981)</u>
- Non-labor Operating Expenses			
Executive Offices	765,840	723,558	(42,282)
Finance & Administration	1,237,775	1,214,526	(23,249)
Member Services & Communications	1,885,915	1,626,379	(259,536)
Professional Standards	153,385	127,791	(25,594)
Total Non-labor Operating Expenses	<u>4,042,915</u>	<u>3,692,254</u>	<u>(350,661)</u>
Total Operating Expenses	<u>10,773,106</u>	<u>10,335,464</u>	<u>(437,642)</u>
Total Operating Income	(1,286,355)	(970,812)	315,543
Non-Operating Rev / (Exp)			
- Investment Income - Operations	130,000	179,640	49,640
- Investment Income - Ret H/C Trust	0	259,748	259,748
Total Non-OperRev / (Exp)	<u>130,000</u>	<u>439,388</u>	<u>309,388</u>
Incr / (Decr) in Net Position	<u>(1,156,355)</u>	<u>(531,424)</u>	<u>624,931</u>
Beginning Net Assets	12,277,875	12,277,875	Beginning Net Assets
		2,771,178	Adj to Beg NA for Ret H/C Trust
Incr / (Decr) in Net Position	<u>(1,156,355)</u>	<u>15,049,053</u>	Adjusted Beginning Net Assets
GASB 75 Adjustments/Addition of Ret HC Trust	<u>(1,700,000)</u>	<u>(531,424)</u>	Incr / (Decr) in Net Position
Ending Net Assets	<u>9,421,520</u>	<u>(1,634,710)</u>	less Est. GASB 75 liability
		<u>12,882,919</u>	Ending Net Assets

**FY 2018
Professional Standards**

	FY 2018 Budget	FY 2018 Preliminary Before Final Adj	FY 2018 Variance vs. Budget
Professional Standards			
Operating Revenues			
- Ethics	7,500	8,620	1,120
- Character & Fitness	255,450	218,495	(36,955)
- Lawyers & Judges Assistance Program	50,000	40,718	(9,282)
Total Op Revenues	<u>312,950</u>	<u>267,833</u>	<u>(45,117)</u>
Prof Standards Salaries	1,136,269	1,144,166	7,897
Other Operating Expenses			
- Ethics	17,300	10,530	(6,770)
- Unauthorized Practice of Law	23,750	16,718	(7,032)
- Character & Fitness	63,550	45,348	(18,202)
- Client Protection Fund	14,685	16,736	2,051
- Lawyers & Judges Assistance Program	34,100	38,459	4,359
Total Other Operating Expense	<u>153,385</u>	<u>127,791</u>	<u>(25,594)</u>

**FY 2018
Member & Communication Services**

	FY 2018 Budget	FY 2018 Preliminary Before Final Adj	FY 2018 Variance vs. Budget
Member & Communication Services			
Operating Revenues			
- Annual Meeting	104,100	115,388	11,288
- Member & Endorsed Services	300,500	288,154	(12,346)
- Bar Leadership Forum	10,700	11,377	677
- UMLI	9,900	12,193	2,293
- Practice Management Resource Center	3,100	125	(2,975)
- Bar Journal Directory	98,300	74,358	(23,942)
- Bar Journal	175,550	167,549	(8,001)
- Print Center	76,000	64,559	(11,441)
- Internet (Website)	40,000	40,547	547
- e-Journal	28,500	33,053	4,553
- Lawyer Referral Service	143,600	148,667	5,067
Total Op Revenues	990,250	955,970	(34,280)
Member & Communication Services Salaries	1,755,556	1,765,811	10,255
Other Operating Expenses			
- Annual Meeting	228,400	187,706	(40,694)
- Member & Endorsed Services	142,000	96,442	(45,558)
- Bar Leadership Forum	45,775	28,736	(17,039)
- UMLI	29,075	23,643	(5,432)
- Practice Management Resource Center	8,050	6,105	(1,945)
- Bar Journal Directory	85,500	83,164	(2,336)
- Bar Journal	556,500	509,211	(47,289)
- Print Center	69,000	61,478	(7,522)
- Internet	138,625	127,015	(11,610)
- e-Journal	43,950	36,080	(7,870)
- Media Relations	75,500	67,742	(7,758)
- Information Technology Services	446,100	381,417	(64,683)
- Lawyer Referral Service	17,440	17,640	200
Total Other Operating Expense	1,885,915	1,626,379	(259,536)

**FY 2018
Executive Offices**

	FY 2018 Budget	FY 2018 Preliminary Before Final Adj	FY 2018 Variance vs. Budget
Executive Offices			
Operating Revenues			
- Misc Revenue	0	0	0
	<u>0</u>	<u>0</u>	<u>0</u>
Exec Office Salaries	1,569,156	1,458,602	(110,554)
Employee Benefits & Payroll Taxes	1,788,038	1,766,113	(21,925)
Retiree Health Care Liability Contribution	20,000	57,331	37,331
Other Operating Expenses			
- Executive Office	73,450	65,148	(8,302)
- Rep Assembly	55,400	54,723	(677)
- Board of Commissioners	130,000	147,101	17,101
- Human Resources	58,300	55,908	(2,392)
- Research & Development	40,055	26,855	(13,200)
- Outreach, Committees, Sections & Local / Affinity Bars	125,800	110,617	(15,183)
- Equal Access Initiative/Diversity	35,000	47,465	12,465
- Pro Bono Initiative/ Pro Bono	20,100	13,490	(6,610)
- Resource Development Initiative	76,500	76,356	(144)
- Justice Initiatives (Combines PBI, RDI, JPI & CII in FY19)	60,200	51,888	(8,312)
- Governmental Relations	68,785	66,629	(2,156)
- Criminal Issues Initiative	3,450	227	(3,223)
- Justice Policy Initiative	250	132	(118)
- General Counsel	18,550	7,019	(11,531)
Total Other Operating Expense	<u>765,840</u>	<u>723,558</u>	<u>(42,282)</u>

**FY 2018
Finance & Administration**

	FY 2018 Budget	FY 2018 Preliminary Before Final Adj	FY 2018 Variance vs. Budget
Finance & Administration			
Operating Revenues			
- Dues & Related	7,795,460	7,732,040	(63,420)
- Chargeback to CPF	200,335	217,479	17,144
- Other Revenues	187,756	191,330	3,574
Total Operating Revenues	<u>8,183,551</u>	<u>8,140,849</u>	<u>(42,702)</u>
Non-Operating Revenue			
- Investment Income - Operations	130,000	179,640	49,640
- Investment Income - Ret H/C Trust	0	259,748	
Fin & Admin Salaries	461,172	451,187	(9,985)
Other Operating Expenses			
- Admin	39,875	32,523	(7,352)
- Depreciation	475,400	471,477	(3,923)
- Property Taxes (in lieu of)	73,000	69,178	(3,822)
- Facilities	399,500	382,750	(16,750)
- Finance	250,000	258,598	8,598
Total Other Operating Expense	<u>1,237,775</u>	<u>1,214,526</u>	<u>(23,249)</u>

State Bar of Michigan
Administrative Fund
Capital Expenditures vs Budget
For the twelve months ending Sept 30, 2018

	FY 2018 Actual	FY 2018 Budget	FY 2018 Variance	Variance Explanations
Building security enhancements	0	10,000	(10,000)	Accomplished in FY 2017
Security audit appliance (PCI)	0	20,000	(20,000)	Was expensed and not capitalized
Update /redesign of pro hac vice site	20,400	20,000	400	
E-commerce upgrades	25,851	20,000	5,851	Scope/Exp more than planned
Web services tool for courts	4,000	10,000	(6,000)	Project work will continue next FY
Investigations/C&F software	20,481	0	20,481	Scope/Exp more than planned
Bar applicant online form to replace NCBE server transition	35,287	25,000	10,287	Scope/Exp more than planned
e-service application for court e-filing (e-mail addresses)	0	20,000	(20,000)	Project work will continue next FY
Dues billing enhancements for firms	3,818	10,000	(6,182)	Project work will continue next FY
Lawyer referral portal	49,537	20,000	29,537	Scope/Exp more than planned
Database application for soliciting volunteers for committees and work groups	10,042	10,000	42	
SBM website functionality enhancements	43,497	40,000	3,497	Scope/Exp more than planned
Meeting Room Technology Upgrades	38,310	23,000	15,310	Higher due to reevaluation of items to be capitalized; results in lower operating expense
Total	<u>\$251,223</u>	<u>\$228,000</u>	<u>23,223</u>	

State Bar of Michigan Retiree Health Care Trust
Balance Sheet
For the Twelve Months Ending Sunday, September 30, 2018

Assets	
Investment	<u>\$3,030,926</u>
Total Assets	<u><u>\$3,030,926</u></u>
Fund Balance	
Fund Balance at Beginning of Year	2,771,178
Net Income (Expense) Year to Date	<u>259,748</u>
Total Fund Balance	<u>3,030,926</u>
Total Liabilities and Fund Balance	<u><u>\$3,030,926</u></u>

State Bar of Michigan Retiree Health Care Trust
Income Statement
For the Twelve Months Ending Sunday, September 30, 2018

	September 2018	CURRENT YTD
Income:		
5-7-00-000-0921 Change In Market Value	65,139	65,989
5-7-00-000-1005 Investment Contributions	4,778	57,331
5-7-00-000-1920 Interest and Dividends	(69,296)	136,428
Total Income	<u>621</u>	<u>259,748</u>
Net Fund Income (Expense)	<u><u>621</u></u>	<u><u>259,748</u></u>

Financial Safety Margin Calculation - FY 2018

Calculated on November 7, 2018

The Financial Safety Margin ratio is very favorable at 131% (financial capability as a percentage of annual budgeted expenses) as of August 31 for FY 2018, compared to the 33% minimum safety margin required in the policy. See calculation below. The policy that provides the definition for this calculation is attached.

State Bar of Michigan Financial Safety Margin Calculation November 7, 2018

Financial Capability as of August 31, 2018

+ Cash and CDARS/CD investments*	\$ 8,557,671
Based on August 31, 2018 balances	
+ 80% of Market value of the building (estimate)	\$ 5,019,352
Estimated based on last appraisal	
- Debt	0
-Designated amounts	0
Total Financial Capability as of August 31, 2018	\$ 13,577,023

*Includes cash, CDARS and CDs at 100%.
Excludes Retiree Health Care Trust Account

FY 2019 Budgeted Expenses **\$ 11,213,383**

Total Financial Capability as a % of Budgeted Expenses **121%**

State Bar of Michigan Financial Safety Margin Policy

The financial capability of the State Bar of Michigan's Administrative Fund shall be defined as: a) cash and short term investments (less any amounts due to Sections or the Client Protection Fund), plus b) 80% of long term investments, plus c) available borrowing capacity (80% of the appraised value of the building) less related debt, minus d) any designated amounts (i.e. for retiree health care liability).

The financial capability as defined above shall be targeted to be no less than 33% of annual budgeted expenses in order to assure an adequate financial safety margin.

The financial safety margin will be calculated on August 31 of each year to ensure compliance with the policy. If the actual financial capability is calculated to be less than 33% of the projected budgeted expenses for the following year, the Treasurer shall inform the Board of Commissioners that there is not an adequate financial safety margin, and to consider possible budget adjustments.

Approved in April 2005

November 7, 2018

TO: Board of Commissioners

FROM: *DW* Diane K. Van Aken, Manager
Character & Fitness Department

RE: District Character & Fitness Committee Appointments

I have received nominations for District Committee appointments from the following Commissioner Districts: A, B, C, D, E, F, G, H and I.

Attached are lists that show the nominations of new or reappointed members in the district, the term expiration for all members, and the information we were able to collect regarding the make-up of each committee. Ethnic designations are taken from membership records and reflect the category chosen by the member on their dues statement for the year 2018-2019.

PROPOSED 2019 District Character & Fitness Committee

District A

Commissioner: Victoria A. Radke

Commissioner-at-Large: Joseph J. Baumann

Chairperson: Ronald D. Keefe (*Eligibility Expiring*)

Appointments Terminating

December 31, 2018, due to term limits, resignation or relocation outside of district.

P24202	Beatty, Scott T.
P15782	Keefe, Ronald D., Chair
P65618	Lambros, Alexis M.

Member(s) Requesting

Re-appointment

(January 2019 – December 2020).

			No Discipline
P79099	Cadotte, Courtney E.	Gaylord	10/18/2018
P31358	Casey, Nan E.	Petosky	10/18/2018
P34150	Hopcroft, Ann V.	Oscoda	10/18/2018

Member(s) Nominated

for District Committee appointment (January 2019 – December 2020).

			No Discipline
P30043	Dedenbach, Marc T.	Grayling	10/18/2018
P69576	Evans, Brandon J.	Marquette	10/18/2018
P30685	Penokie, Kenneth C.	EsCANABA	10/18/2018
P31194	Tacoma, Kenneth C.	Cadillac	10/18/2018

Chairperson Nominated:

P31358	Casey, Nan E.
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Mid-Term Member(s)

Does not require Commissioner action.

			No Discipline
P54906	Feleppa, Alfred E.	Cheboygan	10/18/2018

*** No Discipline. Absence of pending and current discipline action verified with the Attorney Discipline Board, and Judicial Tenure Commission as appropriate, as of the date listed.**

PROPOSED 2019 District Character & Fitness Committee

District B

Commissioner: Bernhardt D. Christenson, III

Chairperson: Linda A. Pohly (*Eligibility Expiring*)

<u>Appointments Terminating</u> December 31, 2018, due to term limits, resignation or relocation outside of district.	P53680	Gafkay, Julie A
	P34591	Pohly, Linda A., Chair
	P42360	McGlynn, Meghan A.
	P74197	Sawka, Joseph F

<u>Member(s) Requesting Re-appointment</u> (January 2019 – December 2020).	P72061	Poulos, Jonathan C	Flint	No Discipline 10/18/2018
	P74938	Schlussler, Adam J.	Lapeer	10/18/2018

<u>Member(s) Nominated</u> for District Committee appointment (January 2019 – December 2020).	P72303	Burnash, Heather V.	Flint	No Discipline 10/18/2018
	P76097	Fanous, Elias J.	Flint	10/18/2018
	P26440	Gibbs, Gregory T.	Flint	10/18/2018
	P81294	Stritmatter, Christopher	Flint	10/18/2018

<u>Chairperson Nomination:</u>	P26440	Gibbs, Gregory T.
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<u>Mid-Term Member(s)</u> Commissioner action not required.	P77000	Hetherington, Richard	Flint	No Discipline 10/18/2018
	P75921	Hoover, Melissa J.	Saginaw	10/18/2018
	P32998	Lawson, L. David	Grand Blanc	10/18/2018
	P71308	Nassar, Alexandra	Fint	10/18/2018

*** No Discipline.** Absence of pending and current discipline action verified with the Attorney Discipline Board, and Judicial Tenure Commission as appropriate, as of the date listed.

PROPOSED 2019 District Character & Fitness Committee

District C

Commissioners: Robert J. Buchanan, E. Thomas McCarthy, Jr.

Chairperson: Hon. Paul J. Denenfeld (*Eligibility Expiring*)

Appointments Terminating P36982 Hon. Denenfeld, Paul J., Chair

December 31, 2018, due to term limits, resignation or relocation outside of district.

No Discipline

Member(s) Requesting

P80766	West, Clay M.	Grand Rapids	10/18/2018
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Re-appointment

(January 2019 – December 2020).

No Discipline

Member(s) Nominated

for District Committee appointment (January 2019 – December 2020).

P79577	Adams, Zaneta I.	Muskegon	10/18/2018
P40861	Hastings, Christopher	Grand Rapids	10/18/2018
P79258	Hatch, Daniel J.	Grand Rapids	10/18/2018
P72030	Roth, Jonathan C.	Grand Rapids	10/18/2018

Chairperson Nominated:

No Discipline

Mid-Term Member(s)

Does not require Commissioner action.

P66018	Biasell, Lavinia S.	Spring Lake	10/18/2018
P49853	Coles, Jennifer H.	Grand Rapids	10/18/2018
P35699	Fifer, Anne B.	Grand Rapids	10/18/2018
P74252	Presant, Justin M.	Grand Rapids	10/18/2018
P43884	Hon. Quist, George J.	Grand Rapids	11/06/2018
P71388	Westra, Julie M.	Grand Rapids	10/18/2018
P48946	Wierenga, James R.	Grand Rapids	10/18/2018
P34473	Wilson, Lawrence W.	Ada	10/18/2018

*** No Discipline. Absence of pending and current discipline action verified with the Attorney Discipline Board, and Judicial Tenure Commission as appropriate, as of the date listed.**

PROPOSED 2019 District Character & Fitness Committee

District D

Commissioner: Dana M. Warnez

Young Lawyers Section Chair, Syeda F. Davidson

Chairperson: Brian J. Cole *(Eligibility Expiring)*

<u>Appointments Terminating</u> December 31, 2018, due to term limits, resignation or relocation outside of district.	P64507	Cole, Brian J., Chair
	P48509	Fullmer, Mark A.
	P42976	Goodman-Sheikh, Saleem B.
	P44565	Miller, Sheila A.
	P61654	Sherigan, Angela K.

<u>Member(s) Requesting Re-appointment</u> (January 2019 – December 2020)	No Discipline			
	Member ID	Name	Ward	Date
	P75898	Antovski, Goran	Mt. Clemens	10/18/2018
	P68736	Biernat, Jonathan C.	Mt. Clemens	10/18/2018
	P69749	Hakim, Alyia M.	St. Clair Shores	10/18/2018
	P60300	Hoffmann, Dawn A.	Mt. Clemens	10/18/2018
	P59065	Mason, Gerrow D.	Marysville	10/18/2018
	P73402	Ramdayal, Farrah C.	Clinton Twp.	10/18/2018
	P80514	Riopelle, Sean M.	St. Clair Shores	10/18/2018
	P68736	Turnbull, Eric	Sterling Heights	10/18/2018

<u>Member(s) Nominated</u> for District Committee appointment (January 2019 – December 2020)	(None)
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<u>Chairperson Nomination:</u>	P68736	Turnbull, Eric
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<u>Mid-Term Member(s)</u> Does not require Commissioner action.	No Discipline			
	Member ID	Name	Ward	Date
	P71041	Deldin, Marc A.	Mt. Clemens	10/18/2018
	P76029	Khalil, Saima R.	Mt. Clemens	10/18/2018
	P56790	Lundquist, Eric O.	Sterling Heights	10/18/2018
	P75357	Mesadieu, Sterlin	Sterling Heights	10/18/2018
	P60983	Misukewicz, Paul M.	Utica	10/18/2018

* **No Discipline.** Absence of pending and current discipline action verified with the Attorney Discipline Board, and Judicial Tenure Commission as appropriate, as of the date listed.

PROPOSED 2019 District Character & Fitness Committee

District E

Commissioner: Shauna L. Dunnings

Young Lawyers Section Chair-Elect: Kara R. Hart-Negrich

Chairperson: Randall M. Behrmann

<u>Appointments Terminating</u>			
	P68725	Neu, Peter M.	
December 31, 2018, due to	P72030	Roth, Jonathan C.	
term limits, resignation or	P71039	Sinas, Stephen H.	
relocation outside of district.	P42213	Timmer, Amy	

<u>Member(s) Requesting Re-appointment</u> (January 2019 – December 2020).				No Discipline
	P54381	Behrmann, Randall M.	Lansing	10/18/2018
	P75913	Bennett, Katherine J.	Lansing	10/18/2018
	P72601	Blanchard, Joshua A.	Greenville	10/18/2018
	P77807	Buck, Ryan J.	Mason	10/18/2018
	P72188	Chadderdon, Alexis I.	Lansing	10/18/2018
	P60431	Francart, Kevin L.	Lansing	10/18/2018
	P61042	Gray, Tina S.	Williamston	10/18/2018
	P74131	Kemm, Jeffrey S.	Lansing	10/18/2018
	P52688	Kronzek, Charles M.	Lansing	10/18/2018
	P41710	Lain, Landis Y.	Lansing	10/18/2018
	P70103	Novak, Joseph A.	Ionia	10/18/2018
	P73305	Service, Stephanie M.	Lansing	10/18/2018
	P42569	Thomsen, Michael W.	Eaton Rapids	10/18/2018

<u>Member(s) Nominated</u> for District Committee appointment (January 2019 – December 2020).				No Discipline
	P39731	Manville, Daniel E.	East Lansing	10/18/2018
	P72136	Natusko, Nicole R.	Lansing	10/18/2018

<u>Mid-Term Member(s)</u> Does not require Commissioner action.				No Discipline
	P53847	Booth, Joshua O.	Lansing	10/18/2018
	P22954	Castillo, John R.	Williamston	10/18/2018
	P65327	Chartier-Mittendorf, Mary	East Lansing	10/18/2018
	P57245	Cheltenham, Michael S.	Lansing	10/18/2018
	P64781	Fahie, Carmen G.	Lansing	10/18/2018
	P41709	Joppich, Richard J.	Okemos	10/18/2018
	P69632	Kunath, David J.	Okemos	10/18/2018
	P74077	Landon, Jeffrey T.	Lansing	10/18/2018
	P31113	Oemke, Kathleen M.	Howell	10/18/2018
	P71191	Patrick, Melissa D.	Lansing	10/18/2018
	P28837	Valade, Alan M.	Brighton	10/18/2018
	P75397	Weber, Travis W.	Lansing	10/18/2018

*** No Discipline. Absence of pending and current discipline action verified with the Attorney Discipline Board, and Judicial Tenure Commission as appropriate, as of the date listed.**

PROPOSED 2019 District Character & Fitness Committee

District F

Commissioner: Danielle Mason Anderson

Chairperson: Robert A. Callahan (*Eligibility Expiring*)

<u>Appointments Terminating</u> December 31, 2018, due to term limits, resignation or relocation outside of district.	P47600	Callahan, Robert A., Chair		
	P38291	Fall, Susan M.		
	P31179	Murphy, William K.		
	P46598	Hon. Pattison, Robert K.		

<u>Member(s) Requesting Re-appointment</u> (January 2019 – December 2020).				No Discipline
	P30408	Bingen, Michael C.	Kalamazoo	10/18/2018
	P70362	Bruch, Marlo D.	Kalamazoo	10/18/2018
	P53658	Getting, Kristen L.	Battle Creek	10/18/2018
	P47477	McMahon, Brian P.	St. Joseph	10/18/2018
	P79495	Nofsinger, Luke D.	Three Rivers	10/18/2018
	P41161	Price, Darrell L.	Battle Creek	10/18/2018
P66004	Senica, Sara A.	Niles	10/18/2018	

<u>Member(s) Nominated</u> for District Committee appointment (January 2019 – December 2020).				No Discipline
	P63149	Ambrose, Katherine	Battle Creek	10/18/2018
	P40658	Clark, Robert	St. Joseph	10/18/2018
	P34466	Lucas, David	Battle Creek	10/18/2018
P69385	Reed, Timothy	Sturgis	10/18/2018	

<u>Chairperson Nominated:</u>	P53658	Getting, Kristen L.		
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<u>Mid-Term Member(s)</u> Does not require Commissioner action.				No Discipline
	P52978	Bieberich, Kent A.	Battle Creek	10/18/2018
	P37390	DeGraw, David J.	Marshall	10/18/2018
	P28556	Ehrenberg, Robert J.	St. Joseph	10/18/2018
	P40407	Kitzmiller, Jennifer J.	Lawton	10/18/2018
P55300	Markou, Colleen M.	Kalamazoo	10/18/2018	

* **No Discipline.** Absence of pending and current discipline action verified with the Attorney Discipline Board, and Judicial Tenure Commission as appropriate, as of the date listed.

PROPOSED 2019 District Character & Fitness Committee

District G

Commissioner: Erane C. Washington

Commissioner-At-Large: Andrew F. Fink, III

Chairperson: U. Ashwin Patel

Appointments Terminating (None)

December 31, 2018, due to term limits, resignation or relocation outside of district.

<u>Member(s) Requesting Re-appointment</u> (January 2019 – December 2020).				No Discipline
P46365 Patel, U. Ashwin, Chair	Ann Arbor			10/18/2018
P37634 Shea, John A.	Ann Arbor			10/18/2018

<u>Member(s) Nominated</u> for District Committee appointment (January 2019 – December 2020).				No Discipline
P74370 Ammons, Jeffrey E.	Ypsilanti			10/18/2018

<u>Mid-Term Member(s)</u> Does not require Commissioner action.				No Discipline
P58969 Hatlem, Blake S.	Ann Arbor			10/18/2018
P53930 Jackson, Angela L.	Ann Arbor			10/18/2018
P55863 Kent, Thomas L.	Ann Arbor			10/18/2018
P73731 Phillips, Ryan L.	Jackson			10/18/2018
P64681 Quinn, Terrence G.	Ann Arbor			10/18/2018
P55903 Reach, Cynthia L.	Ann Arbor			10/18/2018

*** No Discipline. Absence of pending and current discipline action verified with the Attorney Discipline Board, and Judicial Tenure Commission as appropriate, as of the date listed.**

PROPOSED 2019 District Character & Fitness Committee

District H

Commissioners: Dennis M. Barnes, James W. Heath, Joseph P. McGill,
Hon. David A. Perkins, Gregory L. Ulrich

Representative Assembly: Aaron V. Burrell, Clerk,
Richard L. Cunningham, Vice Chair

Chairperson: Charise L. Anderson

<u>Appointments Terminating</u> December 31, 2018, due to term limits, resignation or relocation outside of district.	P70895	Hon. Cusick, Paul J.
	P34118	Fanto, Jeffrey L.
	P62265	Harris, Andrew M.
	P61501	Heron, Matthew W.
	P55601	Lourdes, Margaret A.
	P41015	Pendergast, Donna L.
	P36759	Petrosky, Darleen L.
	P66895	Robinson, Brandy Y.
P62752	Schwartz, Stuart M.	

<u>Member(s) Requesting</u> <u>Re-appointment</u> (January 2019 – December 2020).	P72268	Anderson, Jenae S.	Detroit	No Discipline 10/18/2018
	P57892	Eadie, Jonathan B.	Grosse Pt. Farms	10/18/2018
	P29652	Gershel, Alan M.	Detroit	10/18/2018
	P66430	Johnson, Felicia O.	Detroit	10/18/2018
	P17557	McSorley, John E.	Grosse Pt. Park	10/18/2018
	P49527	Nolen, Gabriela N.	Erie	10/18/2018
	P68248	Thomas, Felicia M.	Detroit	10/18/2018
	P27732	Ulrich, Gregory L.	Grosse Pt. Woods	10/18/2018
	P55526	Witucki, Stephanie A.	Detroit	10/18/2018

<u>Member(s) Nominated</u> for District Committee appointment (January 2019 – December 2020).	P68844	Branch, Nikkiya T.	Detroit	No Discipline 10/18/2018
	P31804	Guerriero, Timothy M.	Northville	10/18/2018
	P76838	Jarnagin, M. Ryan	Detroit	10/18/2018
	P63092	Sellers, Rebekah L.	Detroit	10/18/2018

*** No Discipline. Absence of pending and current discipline action verified with the Attorney Discipline Board, and Judicial Tenure Commission as appropriate, as of the date listed.**

PROPOSED 2019 District Character & Fitness Committee

District H - Continued

<u>Mid-Term Member(s)</u>	No Discipline			
Does not require Commissioner action.	P51641	Adams, Jean-Vierre T.	Detroit	10/18/2018
	P71738	Anderson, Charise L.	Detroit	10/18/2018
	P75744	Archie, Brooke L.	Detroit	10/18/2018
	P80567	Bentley, Jennifer L.	Detroit	10/18/2018
	P40935	Cessante, Connie M.	Detroit	10/18/2018
	P33074	Clark, Jeffrey R.	Livonia	10/18/2018
	P69652	Doeh, Eric W.	Detroit	10/18/2018
	P68544	Lindsey, Sarah C.	Detroit	10/18/2018
	P63506	Mason Lee, Claire R.	Detroit	10/18/2018
	P61087	Moughni, Majed A.	Dearborn	10/18/2018
	P73350	Pattera, Jordan D.	Detroit	10/18/2018
	P74101	Phillips, Daniel J.	Detroit	10/18/2018
	P65638	Prokopec, Dawn M.	Grosse Pt. Farms	10/18/2018
	P68114	Ramsey-Heath, Malaika D.	Detroit	10/18/2018
	P52922	Southerland-Stricker, Susan	Wayne	10/18/2018
P68990	Uhl, Joseph W.	Grosse Pointe	10/18/2018	
P71349	Watson, Maya K.	Detroit	10/18/2018	
P68870	Woodson, Danien C.	Detroit	10/18/2018	

*** No Discipline. Absence of pending and current discipline action verified with the Attorney Discipline Board, and Judicial Tenure Commission as appropriate, as of the date listed.**

PROPOSED 2019 District Character & Fitness Committee

District I

Commissioners: David C. Anderson, Lisa J. Hamameh, Edward L. Haroutunian,
Michael S. Hohaus, Thomas H. Howlet, Daniel D. Quick

Chairperson: Lisa J. Hamameh (*Eligibility Expiring*)

Appointments Terminating December 31, 2018, due to term limits, resignation or relocation outside of district.			
	P74370	Ammons, Jeffrey E.	
	P36716	Brickley, William J.	
	P69989	Goshorn, Regina C.	
	P57936	Hamameh, Lisa J., Chair	
	P35796	Kerwin, Ada S.	
	P52444	Lee, Tracey L.	
	P75306	Ruggirello, Nicole C.	
	P24138	Stewart, Jeffrey T.	
	P55039	Hon Jarbou, Hala Y.	<i>Not recommended for reappointment</i>
	P71921	Jolly, James J.	<i>Not recommended for reappointment</i>

Member(s) Requesting Re-appointment (January 2019 – December 2020).				No Discipline
	P53481	Dworin, Jeffrey Z	Bloomfield Hills	10/18/2018
	P64159	Heath, Charisse L.	Farmington Hills	10/18/2018
	P55440	Henderson, Jennifer	Southfield	10/18/2018
	P53907	Kisabeth, Linda K.	Auburn Hills	10/18/2018
	P63110	Low, James W.	Southfield	10/18/2018
	P65673	McKenney, Stephen	Birmingham	10/18/2018
	P72015	Pearce, Melissa M.	Milford	10/18/2018
	P70757	Petz, Scott A.	Troy	10/18/2018
	P74476	Renner, Jason M.	Troy	10/18/2018
	P55679	Rhoads, Kerry L.	Novi	10/18/2018
	P75202	Ruggirello, Michelle	Farmington Hills	10/18/2018
	P78839	Sholander, Lynn B.	Oak Park	10/18/2018
	P33356	Webb, L. Rodger	Southfield	10/18/2018

Member(s) Nominated for District Committee appointment (January 2019 – December 2020).				No Discipline
	P79129	Eagles, David J.	Farmington Hills	10/18/2018
	P47213	Metzger, Kathleen	Farmington Hills	10/18/2018

Chairperson Nominated: P53907 Kisabeth, Linda

*** No Discipline. Absence of pending and current discipline action verified with the Attorney Discipline Board, and Judicial Tenure Commission as appropriate, as of the date listed.**

PROPOSED 2019 District Character & Fitness Committee

District I - Continued

<u>Mid-Term Member(s)</u>				No Discipline
Does not require Commissioner action.	P37060	Ben-Ze'ev, Ilana	Huntington Wds	10/18/2018
	P65936	Berman, Ryan L.	Bloomfield Hills	10/18/2018
	P65404	Blum, Stephanie C.	Southfield	10/18/2018
	P37508	Brennan, James P.	Hazel Park	10/18/2018
	P76526	Crawford, Jerome	Troy	10/18/2018
	P66793	Donnini, George B.	Bloomfield Hills	10/18/2018
	P70628	Esser, Lisa M.	Southfield	10/18/2018
	P63068	Eyre, Douglas W.	Auburn Hills	10/18/2018
	P14655	Haron, David L.	Farmington Hills	10/18/2018
	P30215	Harris, Stephen J.	Bloomfield Hills	10/18/2018
	P77566	Kossaras, Deanna J.	Novi	10/18/2018
	P58801	Martin, Lisa M.	Novi	10/18/2018
	P45664	McNeely, Christopher	Rochester Hills	10/18/2018
	P38939	Meihn, G. Michael	Ferndale	10/18/2018
	P47213	Metzger, Kathleen	Farmington Hills	10/18/2018
	P71241	Noonan, Mary A.	Royal Oak	10/18/2018
	P74394	Orlewicz, Victoria	Oak Park	10/18/2018
	P24921	Padilla, Gerald V.	Birmingham	10/18/2018
	P71957	Plecha, Ryan C.	Birmingham	10/18/2018
	P42282	Rooney, Scott W.	Farmington Hills	10/18/2018
P19948	Schaefer, John F.	Birmingham	10/18/2018	
P76462	Trueman, Grace K.	Bloomfield Hills	10/18/2018	
P47001	Warr, James C.	Southfield	10/18/2018	
P76675	Warren, Emily	Farmington Hills	10/18/2018	

*** No Discipline. Absence of pending and current discipline action verified with the Attorney Discipline Board, and Judicial Tenure Commission as appropriate, as of the date listed.**

**Demographics for all Character & Fitness District Committees
as of January 1, 2019**

Years of SBM M'ship	All									
	Districts	District A	District B	District C	District D	District E	District F	District G	District H	District I
≤5 yrs	7.1%	14.3%	0.0%	9.1%	5.9%	3.3%	6.3%	0.0%	2.9%	4.3%
≤10 yrs	22.0%	0.0%	50.0%	18.2%	23.5%	26.7%	0.0%	30.0%	11.8%	21.3%
≤15 yrs	18.5%	0.0%	10.0%	18.2%	23.5%	16.7%	12.5%	0.0%	44.1%	14.9%
≤20 yrs	13.1%	14.3%	0.0%	0.0%	29.4%	20.0%	0.0%	20.0%	8.8%	21.3%
≥21 yrs	39.3%	71.4%	40.0%	54.5%	17.6%	33.3%	81.3%	50.0%	32.4%	38.3%
Self Reported Gender	All									
	Districts	District A	District B	District C	District D	District E	District F	District G	District H	District I
Male	57.7%	57.1%	50.0%	63.6%	61.1%	66.7%	62.5%	70.0%	38.2%	51.1%
Female	42.3%	42.9%	50.0%	36.4%	38.9%	33.3%	37.5%	30.0%	61.8%	48.9%
Self Reported Ethnicity	All									
	Districts	District A	District B	District C	District D	District E	District F	District G	District H	District I
No Answer	51.2%	42.9%	30.0%	27.3%	77.8%	50.0%	25.0%	50.0%	61.8%	63.8%
Am Indian	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Asian/ Pacific Islander	0.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	10.0%	0.0%	0.0%
African	4.2%	0.0%	0.0%	0.0%	5.6%	10.0%	0.0%	0.0%	5.9%	0.0%
European	38.7%	57.1%	70.0%	72.7%	11.1%	30.0%	75.0%	40.0%	29.4%	31.9%
Hispanic Latin Am	1.2%	0.0%	0.0%	0.0%	0.0%	3.3%	0.0%	0.0%	0.0%	2.1%
Multi Racial	1.2%	0.0%	0.0%	0.0%	0.0%	3.3%	0.0%	0.0%	0.0%	2.1%
Arab Origin	0.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other Ethnicity	1.2%	0.0%	0.0%	0.0%	5.6%	0.0%	0.0%	0.0%	0.0%	0.0%
Prefer Not to Answer	1.2%	0.0%	0.0%	0.0%	0.0%	3.3%	0.0%	0.0%	2.9%	0.0%

TO: Board of Commissioners
FROM: Professional Standards Committee
DATE: November 16, 2018, BOC Meeting
RE: Client Protection Fund Claims for Consent Agenda

Rule 15 of the Client Protection Fund Rules provides that “claims, proceedings and reports involving claims for reimbursement are confidential until the Board authorizes reimbursement to the claimant.” To protect CPF claim information and avoid negative publicity about a respondent regarding a claim that has been denied and appealed, the CPF Report to the Board of Commissioners is designated “confidential.”

**CONSENT AGENDA
CLIENT PROTECTION FUND**

Claims recommended for payment:

Consent Agenda

	Claim No.	Standing Committee Amt. Recommended
1.	CPF 3363	\$150,000.00
2.	CPF 3438	\$5,000.00
3.	CPF 3459	\$7,500.00
4.	CPF 3475	\$4,750.00
5.	CPF 3494	\$1,500.00
6.	CPF 3495	\$750.00
7.	CPF 3496	\$4,500.00
8.	CPF 3505	\$750.00
9.	CPF 3507	\$8,282.23
10.	CPF 3509	\$750.00
11.	CPF 3510	\$750.00
12.	CPF 3515	\$750.00
	Table Total:	\$185,282.23

- a. b. Supporting documentation is provided under separate cover.

The Professional Standards Committee recommends payment of the following claims by the State Bar of Michigan's Client Protection Fund:

1. CPF 3363 Amount recommended: \$150,000.00

Claimant contacted Respondent's client regarding potential financing and management assistance. Respondent, unbeknownst to the client, forged his client's signature on an escrow agreement and obtained \$250,000 to be held in escrow. Respondent misappropriated the funds. Respondent's misappropriation of the escrow deposit constitutes dishonest conduct and is a reimbursable loss under CPF Rules 9(C)(1), 11(B), and 12(B).

2. CPF 3438 Amount recommended: \$5,000.00

Claimant retained Respondent regarding proposed legislation and paid \$5,000. Respondent did not provide any legal services. Claimant obtained a default judgment against Respondent for treble damages, along with costs and attorney's fees, which are not reimbursable under Rule 9(D)(7). Respondent's failure to return unearned fees of \$5,000 constitutes dishonest conduct and is a reimbursable loss as provided by CPF Rules 9(C)(1), 9(D)(6), 9(D)(7), and 11(B).

3. CPF 3459 Amount recommended: \$7,500.00

Claimant retained Respondent to represent Claimant's child in appeal for a flat fee of \$7,500. Respondent forged another attorney's signature on a substitution and brief, because Respondent was suspended from the practice of law. Initially the documents were accepted by the court, but after it was determined that Respondent forged the documents, the court ordered the appeal refiled.

Since Respondent entered into a flat fee arrangement without specifying when any portion of the fee was to be earned, the flat fee was not deemed earned until the representation was concluded. Respondent's failure to return the unearned fee constitutes dishonest conduct and is a reimbursable loss as provided by CPF Rules 9(C)(1), 9(D)(6), and 11(B).

4. CPF 3475 Amount recommended: \$4,750.00

Claimant and three co-plaintiff's retained Respondent and another attorney regarding several civil lawsuits. Respondent advised the co-plaintiffs to retain an expert. After the initial retainer to the expert was exhausted, Respondent requested and received an additional \$4,750 from Claimant to cover a quarter of the expert's invoice and the facilitator's fee. Respondent misappropriated the funds. Claimant obtained a default judgment against Respondent. Respondent's failure to pay the invoices or return the \$4,750 to Claimant constitutes dishonest conduct and is a reimbursable loss as provide by CPF Rules 9(C)(1) and 11(B).

5. CPF 3494 Amount recommended: \$1,500.00

Claimant retained Respondent to represent a friend in a parole matter for \$1,500. Respondent did not provide any legal services or refund the fee, which constitutes dishonest conduct and is a reimbursable loss as provided by CPF Rules 9(C)(1), 9(D)(6), and 11(B).

6. CPF 3495 Amount recommended: \$750.00

Claimant retained Respondent for representation in a post-conviction appeal for \$750. Respondent did not provide any legal services or refund the fee, which constitutes dishonest conduct and is a reimbursable loss as provided by CPF Rules 9(C)(1), 9(D)(6), and 11(B).

7. CPF 3496 Amount recommended: \$4,500.00

Claimant retained Respondent to represent a grandchild in a post-conviction appeal for \$4,500. Respondent did not provide any legal services or refund the fee, which constitutes dishonest conduct and is a reimbursable loss as provided by CPF Rules 9(C)(1), 9(D)(6), and 11(B).

8. CPF 3505 Amount recommended: \$750.00

Claimant retained Respondent to represent Claimant's spouse in a post-conviction criminal matter for \$750. Respondent did not provide any legal services or refund the fee, which constitutes dishonest conduct and is a reimbursable loss as provided by CPF Rules 9(C)(1), 9(D)(6), and 11(B).

9. CPF 3507 Amount recommended: \$8,282.23

Claimant retained Respondent to represent a company in negotiating outstanding taxes for a flat fee of \$3,500. Respondent did not provide any legal services, but told Claimant that he was providing services and asked Claimant to reimburse \$4,782.23 for money allegedly paid for the outstanding taxes, which Claimant remitted. Respondent did not pay the outstanding state taxes. Respondent's failure to refund the unearned flat fee of \$3,500 and conversion of the \$4,782.23 constitutes dishonest conduct under CPR Rules 9(C)(1) and 9(D)(6).

10. CPF 3509 Amount recommended: \$750.00

Claimant retained Respondent in a commutation matter for \$750. Respondent did not provide any legal services or return the unearned fee, which constitutes dishonest conduct and a reimbursable loss under CPF Rules 9(C)(1), 9(D)(6), and 11(B).

11. CPF 3510 Amount recommended: \$750.00

Claimant retained Respondent to represent Claimant's child in a commutation matter for \$750. Respondent did not provide any legal services or refund the fee, which constitutes dishonest conduct and is a reimbursable loss as provided by CPF Rules 9(C)(1), 9(D)(6), and 11(B).

12. CPF 3515 Amount recommended: \$750.00

Claimant retained Respondent to represent a spouse in a post-conviction matter for \$750, but Respondent did not provide any legal services or refund the fee, which constitutes dishonest conduct and is a reimbursable loss as provided by CPF Rules 9(C)(1), 9(D)(6), and 11(B).

Total payments recommended: \$185,282.23



MEMORANDUM

To: SBM Board of Commissioners
From: Darin Day, SBM Director of Outreach
Date: November 16, 2018
Re: Proposed Bylaws Amendments for the following State Bar Sections –
ADR, Animal Law, Labor & Employment, Master Lawyers

Rule 12, Section 2 of the Supreme Court Rules Concerning the State Bar of Michigan requires that each section of the bar shall maintain bylaws “not inconsistent with these Rules or the bylaws of the State Bar of Michigan” and further that “[s]ection bylaws or amendments thereof shall become effective when approved by the Board of Commissioners.”

The ADR, Animal Law, Labor & Employment, Master Lawyers sections have each taken the steps necessary to approve bylaws changes in compliance with the amendment provisions set forth in each section’s respective bylaws. Please see the attached redline copies of each section’s bylaws, highlighted to show the amendments duly approved by each section.

No proposed bylaws amendment is inconsistent with Supreme Court Rules or the State Bar of Michigan bylaws. Therefore, it is recommended that the proposed changes be APPROVED.

We, the undersigned, are members of the State Bar of Michigan Alternative Dispute Resolution Section Council. We seek to amend the Bylaws regarding the nominating procedure for new Section Council members.

We request that the following Bylaw be adopted as follows:

ARTICLE III.

SECTION 5. NOMINATIONS. Prior to each annual meeting, the Chair, with the approval of the Council, shall appoint a nominating committee, consisting of three (3) members of the Section, to make and report to the Section nominations of candidates for members of the Council to succeed those whose terms will expire, for the Chair-elect, for Executive Committee members, and to fill vacancies then existing for unexpired terms. Other nominations may be made from the floor.

The Nominating Committee shall accept nominations of candidates and review the same in accordance with whatever standards shall from time to time be approved by the Council, which in any event shall be consistent with the mission of the ADR Section. Nominations shall remain open for a time period set by the Nominating Committee so as to allow sufficient opportunity for its thorough review of the candidates.

The Nominating Committee shall submit to the Council for approval the names of those candidates it recommends for election to the open positions. Those names recommended by the Nominating Committee shall, except to the extent modified by the vote of the Council at a regularly scheduled meeting, constitute the slate of candidates to be placed on the ballot at the annual election. The slate shall be submitted to the Council sufficiently in advance of the annual meeting of the Section so as to comply with the provisions of ARTICLE III. Section 6, below.

	<u>Printed Name</u>	<u>Signature</u>	<u>Date</u>
1.	LISA TAYLOR	<i>Lisa Taylor</i>	4/13/18
2.	Sheldon J. Stark	<i>Sheldon J. Stark</i>	4/13/18
3.	James H. McCreary	<i>James H. McCreary</i>	4/13/18
4.	Betty R. Widgeon	<i>Betty R. Widgeon</i>	4/13/18
5.	Marc Stanley	<i>Marc Stanley</i>	4/13/18
6.	Robert M. Singer	<i>Robert M. Singer</i>	4/13/18
7.	Cris Archibald	<i>Cris Archibald</i>	4/13/18
8.	Michael S. Cobb	<i>Michael S. Cobb</i>	4/13/18
9.	Steve Latt	<i>Steve Latt</i>	4-13-18
10.	Paula Manderfield	<i>Paula Manderfield</i>	4/13/18

Bylaws

ARTICLE I NAME AND PURPOSE

SECTION 1. NAME. This section shall be known as the Alternative Dispute Resolution Section of the State Bar of Michigan.

SECTION 2. PURPOSE. This Section shall concern itself with (a) the study, application and use of alternate dispute resolution procedures including, but not limited to, arbitration, court annexed dispute resolution mechanisms, mediation, conciliation, unique settlement techniques and other methods of resolving disputes outside the courts, (b) educating members of the State Bar of Michigan and the public regarding alternate methods of dispute resolution through a variety of approaches such as sponsoring meetings, institutes and conferences and by preparation and dissemination of pamphlets and brochures with respect thereto, and by publishing legal writings in the field, (c) analysis, consideration and initiation of proposed legislation, court rules or other rules regarding alternate methods of dispute resolution and providing its input and recommendations regarding such matters, (d) design and implementation of ADR modules for use in the private and public sectors, (e) promoting the use of alternate dispute resolution procedures by members of the State Bar and the public, and (f) conducting such other activities as are consistent with the goals and purposes of the Section and the State Bar of Michigan.

ARTICLE II MEMBERSHIP

SECTION 1. DUES. Each member or affiliate of the Section shall pay to the State Bar of Michigan annual dues in the amount previously established by a two-thirds vote of the Section Council after notice of the proposed dues amount to Section members. Any member or affiliate of the State Bar of Michigan upon request to the Executive Director and upon payment of dues for the current fiscal year (October 1–September 30), shall be enrolled as a member or affiliate, as applicable, of the Section. Thereafter, the annual Section dues shall be paid in advance each year beginning on the 1st day of October next succeeding such enrollment. Members so enrolled and whose dues are so paid shall constitute the voting membership of the Section. Any member of the Section whose annual dues shall be more than six (6) months past due shall automatically cease to be a member of the Section.

Notwithstanding the above, in the event a member of the State Bar of Michigan or a person wishing to join the Section pursuant to Section 5 (who has never been a member of the Section) should submit an initial written request to the Executive Director to join the Section after January 1 of the fiscal year, they shall become a member or affiliate, as applicable, for the balance of the fiscal year in which the application is made, without payment of dues to the Section.

SECTION 2. NEW BAR MEMBERS. Newly admitted members of the State Bar of Michigan, upon written request, shall become members of the Section for the balance of the fiscal year in which application is made, without payment of dues to the Section, if such written request is made during the first year of said person's membership in the State Bar of Michigan.

SECTION 3. LAW FACULTY. Full-time members of the faculties of law schools and other institutions of higher learning who are not active members of the State Bar of Michigan may become non-voting associate members of the Section upon payment of dues in the amount required of voting members.

SECTION 4. LAW STUDENTS. Law Student members of the State Bar of Michigan may become non-voting members of the Section upon payment of annual dues of \$5.00 each.

SECTION 5. AFFILIATES. Persons other than Michigan State Bar members, engaged in the use or advancement of ADR through practice or teaching, may become, with the approval of the Council, nonvoting Affiliates of the Section upon payment of annual dues as defined in Section 1. Affiliates will not be eligible for Council or Executive Committee membership but may assist in the activities of the Section as requested.

ARTICLE III

NOMINATION AND ELECTION OF OFFICERS AND SECTION COUNCIL

SECTION 1. OFFICERS. The officers of this Section shall be the Chair, Chair-Elect, Secretary and Treasurer. The Chair and the Chair-Elect shall serve in their respective capacity for only one Committee Year (defined as beginning on the day of the Annual Meeting of the Section and ending at the next Annual Meeting). The Chair shall, with Executive Committee approval, select Executive Committee member(s) to perform the duty of Secretary and the duty of Treasurer during each Committee Year.

SECTION 2. SUCCESSION TO CHAIR BY CHAIR-ELECT. The Chair-Elect shall be elected at the same time that Council and Executive Committee members are elected. That person will succeed to the office of Chair for the ensuing Committee Year.

SECTION 3. EXECUTIVE COMMITTEE. An Executive Committee, which shall consist of no fewer than five (5) or more than seven (7) Section members shall be elected each Committee Year. The Chair and Chair-Elect shall comprise two (2) of the five (5) to seven (7) Executive Committee members and remaining members shall be elected from Council membership for a term of one Committee Year.

SECTION 4. COMPOSITION OF SECTION COUNCIL. There shall be a Section Council consisting of 24 voting members as follows: Chair; Chair-Elect; immediate past Chair; and 21 members of the Section. The terms of office shall be staggered so that seven (7) members of the Council shall be elected at each annual meeting of the Section for terms of three (3) Committee Years. All other former Chairs shall be Ex-officio members of the Council. Except for the immediate past Chair, former Chairs shall not be included in determining whether a quorum is present at any meeting, and they shall have no right to vote on matters brought before the Council.

SECTION 5. NOMINATIONS. Prior to each annual meeting of the Section, the Chair, with the approval of the Council, shall appoint a nominating committee of three (3) members of the Section, to make and report nominations to the Section for members of the Council to succeed those whose terms will expire, for the Chair-Elect, for Executive Committee Members, and to fill vacancies then existing for unexpired terms. Other nominations may be made from the floor.

SECTION 6. ELECTIONS. New Council members, the Chair-Elect, and the Executive Committee members shall be nominated and elected at each annual meeting of the Section. If the election does not take place at the annual meeting of the Section, it shall be held at the next meeting of the Section. It is intended, however, that all such elections shall coincide with the Annual Meeting of the Section, and the provision for elections at other times exists only in the event of some unforeseen event or emergency. The term of office of each person elected shall begin, and the predecessor officer's term shall terminate, at the close of the Section meeting at which they are elected.

SECTION 7. LIMITATION ON COUNCIL TERMS. Except as otherwise provided herein, no person shall be eligible for election to the Council if he or she has served without interruption for two (2) full consecutive terms (a total of six years), immediately preceding the term for which the election is held, provided, that if a person is elected as Chair-Elect in the last year of eligibility for service on the Council,

Bylaws

We, the undersigned, are members of the State Bar of Michigan Alternative Dispute Resolution Section Council. We seek amendment of the Bylaws regarding membership, which include modification of Article II Section I and deletion of Article II Sections 2, 3, 4, and 5. The complete ADR Section Bylaws succeed the date and signature lines of this petition.

We request that the following Bylaw be adopted as follows:

ARTICLE II MEMBERSHIP

SECTION 1. DUES. ~~The Section membership dues shall be established by the Council~~

~~[Each] member or affiliate of the Section shall pay to the State Bar of Michigan annual dues in the amount previously established by a two-thirds vote of the Section Council after notice of the proposed dues amount to Section members. Any member or affiliate of the State Bar of Michigan upon request to the Executive Director and upon payment of dues for the current fiscal year (October 1–September 30), shall be enrolled as a member or affiliate, as applicable, of the Section. Thereafter, the annual Section dues shall be paid in advance each year beginning on the 1st day of October next succeeding such enrollment. Members so enrolled and whose dues are so paid shall constitute the voting membership of the Section. Any member of the Section whose annual dues shall be more than six (6) months past due shall automatically cease to be a member of the Section.~~

~~Notwithstanding the above, in the event a member of the State Bar of Michigan or a person wishing to join the Section pursuant to Section 5 (who has never been a member of the Section) should submit an initial written request to the Executive Director to join the Section after January~~

~~1 of the fiscal year, they shall become a member or affiliate, as applicable, for the balance of the fiscal year in which the application is made, without payment of dues to the Section.~~

~~SECTION 2. NEW BAR MEMBERS.~~ Newly admitted members of the State Bar of Michigan, upon written request, shall become members of the Section for the balance of the fiscal year in which application is made, without payment of dues to the Section, if such written request is made during the first year of said person's membership in the State Bar of Michigan.

~~SECTION 3. LAW FACULTY.~~ Full-time members of the faculties of law schools and other institutions of higher learning who are not active members of the State Bar of Michigan may become non-voting associate members of the Section upon payment of dues in the amount required of voting members.

~~SECTION 4. LAW STUDENTS.~~ Law Student members of the State Bar of Michigan may become non-voting members of the Section upon payment of annual dues of \$5.00 each.

~~SECTION 5. AFFILIATES.~~ Persons other than Michigan State Bar members, engaged in the use or advancement of ADR through practice or teaching, may become, with the approval of the Council, nonvoting Affiliates of the Section upon payment of annual dues as defined in Section 1. Affiliates will not be eligible for Council or Executive Committee membership but may assist in the activities of the Section as requested.

	<u>Printed Name</u>	<u>Signature</u>	<u>Date</u>
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Existing ADR SECTION Bylaws

ARTICLE I NAME AND PURPOSE

SECTION 1. NAME. This section shall be known as the Alternative Dispute Resolution Section of the State Bar of Michigan.

SECTION 2. PURPOSE. This Section shall concern itself with (a) the study, application and use of alternate dispute resolution procedures including, but not limited to, arbitration, court annexed dispute resolution mechanisms, mediation, conciliation, unique settlement techniques and other methods of resolving disputes outside the courts, (b) educating members of the State Bar of Michigan and the public regarding alternate methods of dispute resolution through a variety of approaches such as sponsoring meetings, institutes and conferences and by preparation and dissemination of pamphlets and brochures with respect thereto, and by publishing legal writings in the field, (c) analysis, consideration and initiation of proposed legislation, court rules or other rules regarding alternate methods of dispute resolution and providing its input and recommendations regarding such matters, (d) design and implementation of ADR modules for use in the private and public sectors, (e) promoting the use of alternate dispute resolution procedures by members of the State Bar and the public, and (f) conducting such other activities as are consistent with the goals and purposes of the Section and the State Bar of Michigan.

ARTICLE II MEMBERSHIP

SECTION 1. DUES. Each member or affiliate of the Section shall pay to the State Bar of Michigan annual dues in the amount previously established by a two-thirds vote of the Section Council after notice of the proposed dues amount to Section members. Any member or affiliate of the State Bar of Michigan upon request to the Executive Director and upon payment of dues for the current fiscal year (October 1–September 30), shall be enrolled as a member or affiliate, as applicable, of the Section. Thereafter, the annual Section dues shall be paid in advance each year beginning on the 1st day of October next succeeding such enrollment. Members so enrolled and whose dues are so paid shall constitute the voting membership of the Section. Any member of the Section whose annual dues shall be more than six (6) months past due shall automatically cease to be a member of the Section.

Notwithstanding the above, in the event a member of the State Bar of Michigan or a person wishing to join the Section pursuant to Section 5 (who has never been a member of the Section) should submit an initial written request to the Executive Director to join the Section after January 1 of the fiscal year, they shall become a member or affiliate, as applicable, for the balance of the fiscal year in which the application is made, without payment of dues to the Section.

SECTION 2. NEW BAR MEMBERS. Newly admitted members of the State Bar of Michigan, upon written request, shall become members of the Section for the balance of the fiscal year in which application is made, without payment of dues to the Section, if such written request is made during the first year of said person's membership in the State Bar of Michigan.

SECTION 3. LAW FACULTY. Full-time members of the faculties of law schools and other institutions of higher learning who are not active members of the State Bar of Michigan may become non-voting associate members of the Section upon payment of dues in the amount required of voting members.

SECTION 4. LAW STUDENTS. Law Student members of the State Bar of Michigan may become non-voting members of the Section upon payment of annual dues of \$5.00 each.

SECTION 5. AFFILIATES. Persons other than Michigan State Bar members, engaged in the use or advancement of ADR through practice or teaching, may become, with the approval of the Council, nonvoting Affiliates of the Section upon payment of annual dues as defined in Section 1. Affiliates will not be eligible for Council or Executive Committee membership but may assist in the activities of the Section as requested.

ARTICLE III NOMINATION AND ELECTION OF OFFICERS AND SECTION COUNCIL

SECTION 1. OFFICERS. The officers of this Section shall be the Chair, Chair-Elect, Secretary and Treasurer. The Chair and the Chair-Elect shall serve in their respective capacity for only one Committee Year (defined as beginning on the day of the Annual Meeting of the Section and ending at the next Annual Meeting). The Chair shall, with Executive Committee approval, select Executive Committee member(s) to perform the duty of Secretary and the duty of Treasurer during each Committee Year.

SECTION 2. SUCCESSION TO CHAIR BY CHAIR-ELECT. The Chair-Elect shall be elected at the same time that Council and Executive Committee members are elected. That person will succeed to the office of Chair for the ensuing Committee Year.

SECTION 3. EXECUTIVE COMMITTEE. An Executive Committee, which shall consist of no fewer than five (5) or more than seven (7) Section members shall be elected each Committee Year. The Chair and Chair-Elect shall comprise two (2) of the five (5) to seven (7) Executive Committee members and remaining members shall be elected from Council membership for a term of one Committee Year.

SECTION 4. COMPOSITION OF SECTION COUNCIL. There shall be a Section Council consisting of 24 voting members as follows: Chair; Chair-Elect; immediate past Chair; and 21 members of the Section. The terms of office shall be staggered so that seven (7) members of the Council shall be elected at each annual meeting of the Section for terms of three (3) Committee Years. All other former Chairs shall be Ex-officio members of the Council. Except for the immediate past Chair, former Chairs shall not be included in determining whether a quorum is present at any meeting, and they shall have no right to vote on matters brought before the Council.

SECTION 5. NOMINATIONS. Prior to each annual meeting of the Section, the Chair, with the approval of the Council, shall appoint a nominating committee of three (3) members of the Section, to make and report nominations to the Section for members of the Council to succeed those whose terms will expire, for the Chair-Elect, for Executive Committee Members, and to fill vacancies then existing for unexpired terms. Other nominations may be made from the floor.

SECTION 6. ELECTIONS. New Council members, the Chair-Elect, and the Executive Committee members shall be nominated and elected at each annual meeting of the Section. If the election does not take place at the annual meeting of the Section, it shall be held at the next meeting of the Section. It is intended, however, that all such elections shall coincide with the Annual Meeting of the Section, and the provision for elections at other times exists only in the event of some unforeseen event or emergency. The term of office of each person elected shall begin, and the predecessor officer's term shall terminate, at the close of the Section meeting at which they are elected.

SECTION 7. LIMITATION ON COUNCIL TERMS. Except as otherwise provided herein, no person shall be eligible for election to the Council if he or she has served without interruption for two (2) full consecutive terms (a total of six years), immediately preceding the term for which the election is held, provided, that if a person is elected as Chair-Elect in the last year of

BYLAWS OF THE ANIMAL LAW SECTION OF THE STATE BAR OF MICHIGAN

ARTICLE I NAME AND PURPOSES

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SECTION 1. SECTION NAME. This Section shall be known as the ANIMAL LAW SECTION (hereinafter the Section) of the State Bar of Michigan.

SECTION 2. PURPOSE. The purpose of this Section shall be to promote the particular interests of lawyers practicing in the field of animal law; to plan and carry out programs, publications and activities of interest to lawyers practicing in the field of animal law; and to coordinate programs for such lawyers.

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SECTION 3. GOALS. The goals of the Section shall be to:

3.1 Educate members of the State Bar and of the public about laws relating to the protection of animals and animal rights, including the development and modification of existing law.

3.2 Promote legislation to advance animal protection and animal rights.

3.3 Facilitate a referral service for and among attorneys practicing in the area of animal protection and animal rights.

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3.4 Promote animal protection and animal rights in Michigan through use of the legal system.

3.5. Coordinate programs for lawyers practicing in the area of animal law, and other interested members of the State Bar.

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Deleted: 3.6 Cooperate and share information with other groups within the State Bar which have an interest in legal issues of interest to lawyers practicing in the area of animal law related topics. ¶

ARTICLE II MEMBERSHIP

SECTION 1. CLASSIFICATION OF MEMBERSHIP. The membership of the Section shall consist of Active Members, Affiliate Members, and Law Student Members as described below. Dues shall be payable as directed by the State Bar of Michigan. Members enrolled and whose dues are timely paid shall constitute the membership of the Section.

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SECTION 2. MEMBERS

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2.1 ACTIVE MEMBERS of the State Bar of Michigan may join the Section by paying annual dues to the State Bar of Michigan in an amount as determined by the Section Council.

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2.2 Newly admitted members of the State Bar of Michigan upon written request shall be offered membership in the Section for the balance of the fiscal year in which application for State Bar of Michigan membership is first made, without payment of dues to the Section.

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2.3 AFFILIATE MEMBERS of the State Bar may join the Section by paying annual dues to the State Bar of Michigan in an amount as determined by the Section Council. Affiliate members shall not be eligible to vote or hold office.

2.4 LAW STUDENT SECTION MEMBERS of the State Bar of Michigan may join the Section by paying annual dues to the State Bar of Michigan in an amount as determined by Section Council. Law Student members shall not be eligible to vote or hold office.

ARTICLE III COUNCIL AND OFFICERS

SECTION 1. OFFICERS. The officers of the Section shall be a Chair, a Chair-Elect, a Secretary, a Treasurer, and the Immediate Past Chair of the Section. All officers must be Active Members of the Section.

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SECTION 2. COUNCIL. There shall be a council of the Section consisting of the Chair, Chair-Elect, Secretary and Treasurer, together with ten (10) at-large members to be elected as provided within this Article. The Immediate Past Chair shall be included in determining whether a quorum is present at any meeting and shall have the right to vote on matters brought before the Council. All Council Members must be Active Members of the Section. The Immediate Past Chair shall remain as a member of the Council the two years following his/her service as Chair of the Section.

Deleted: The Immediate Past Chair shall remain as a member of the Council the year following his/her service as Chair of the Section.

SECTION 3. SELECTION OF OFFICERS. The Chair, Chair-Elect, Secretary and Treasurer shall be nominated and elected at an annual meeting of the Section, to hold office for a term beginning at the close of the annual meeting at which they have been elected, and ending at the close of the two-year term, when their successors shall have been qualified and elected.

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SECTION 4. TERMS OF OFFICE. At the organizational meeting in 1995, ten (10) at-large members of the Council shall be nominated and elected to serve as four (4) members for three (3) years; three (3) members for two (2) years; and three (3) members for one (1) year. Members of the Council shall be elected to fulfill expired terms at each subsequent annual meeting of the Section following the expiration of any term. All subsequent terms shall be for a period of three (3) years. ("Years" is defined as a term beginning at the close of the annual meeting at which the Council members shall have been elected and ending at the close of the succeeding annual meeting of the Section). Officers shall hold their positions for a two-year term.

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SECTION 5. TERM LIMITATIONS

5.1 No Council member shall be eligible for re-election to the Council (other than as an officer) if she/he has served without interruption for two (2) consecutive terms preceding the term for which

the election is held. Serving a partial Council term, for example, to fill a vacant Council position, does not count toward the consecutive two-term Council limit. Time served as an officer does not count toward the consecutive two-term Council limit.

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5.2 No person who has served as an officer without interruption for two (2) consecutive terms shall be eligible for re-election to that office. Serving a partial term, for example, to fill a vacant officer position, does not count toward the consecutive two-term limit.

SECTION 6. VACANCIES. The Council may appoint any Active Member of the Section as an officer or council member to act until the next election in the event of death, disability, removal or resignation of any officer or Council member. In the event of a vacancy in both the office of Chair and Chair-Elect, the Council shall fill the office of Chair. Officers and members of the Council so selected shall serve until the close of the next annual meeting of the Section, at which time the vacancies shall be filled for the remainder of their respective terms by a special election conducted concurrently with the regular elections as provided in Article IV. Any member or officer so appointed shall be entitled to serve two additional terms as provided in Article III 5.1 or 5.2.

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ARTICLE IV ELECTIONS

SECTION 1. NOMINATIONS. At the last scheduled meeting of the Council prior to the annual meeting, or at such other time as shall be convenient, but not later than May 31 each year, the Chair shall appoint a Nominating Committee consisting of at least two (2) members of the Section, at least one (1) of whom is appointed from the Council.

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SECTION 2. ELECTIONS. All elections shall be by voice vote unless otherwise ordered by resolution duly adopted by the Section at the Annual Meeting at which the Election is held.

ARTICLE V DUTIES OF OFFICERS

SECTION 1. CHAIR.

1.1The Chair shall preside at all meetings of the Section and of the Council. The Chair shall formulate and present at each annual meeting of the State Bar of Michigan a report of the work of the Section for the current year. The Chair shall perform such other duties and acts that pertain to the office.

1.2 The Chair will appoint standing and ad hoc committees and their Chairs from section members, to perform such duties and exercise such powers as the Council may direct. The Council shall remove any committee chair or committee member for cause, and fill vacancies created by such removal or resignation.

1.3 The Chair will appoint members to all Standing Committees at the Annual Meeting.

SECTION 2. CHAIR-ELECT. In the absence of the Chair, the Chair-Elect shall perform the duties of the Chair. The Chair-Elect shall automatically succeed to the office of the Chair upon completion of the Chair's term(s) of service. The Chair-Elect shall be responsible for such other duties as the Chair may designate.

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Deleted: the public relations activities of the Section, including acting as a liaison with the State Bar of Michigan's Communications Committee, and for

SECTION 3. SECRETARY. The Secretary shall cause to be kept all books, papers, documents, and other property of the Section except money. The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the Council. With the Chair, the Secretary shall prepare a summary or digest of the proceedings of the Section for presentation at the annual meeting and for publication in the Michigan Bar Journal. In conjunction with the Chair, the Secretary, as authorized by the Council, shall attend generally to the business of the Section.

SECTION 4. TREASURER. The Treasurer of the Section shall:

4.1 Cause to be kept a record of all monies received and disbursed

4.2 Regularly review the financial reports prepared by the SBM.

4.3 Submit regular financial reports to the Council

4.4 Annually provide for the presentation of a financial report to the membership of the Section.

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Deleted: 4.4 5 Sign any application for and execute any bond as may be requested by any officer of the section or pursuant to a resolution duly adopted by the Council for the purpose of protecting the monies of the Section. Any cost or premium for such bond shall be an expense of the Section and be paid from the funds of the Section.

ARTICLE VI DUTIES AND POWERS OF THE COUNCIL

SECTION 1. GENERAL. The Council shall have general supervision and control of the affairs of the Section, subject to the Supreme Court Rules Concerning the State Bar of Michigan and the bylaws of the State Bar of Michigan and the bylaws of the Section. It shall especially 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, authorize commitments or contracts, which entail the payment of more money during any fiscal year than the amount, which has been appropriated to the Section for that fiscal year.

Deleted: SECTION 2. COMMITTEE APPOINTMENT. ¶
2.1 The Chair will appoint committees and their Chairs from section members, to perform such duties and exercise such powers as the Council may direct. The Council shall remove any committee chair or committee member for cause, and fill vacancies created by such removal or resignation. ¶
2.2 The Chair will re-appoint members to all Standing Committees at the Annual Meeting.¶
Deleted: SECTION 3. VACANCIES. The Council shall, between annual meetings of the Section, fill vacancies in its own membership or in the offices of the Secretary or Treasurer. In the event of a vacancy in both the office of Chair and Chair-Elect, the Council shall fill the office of Chair. Officers and members of the Council so selected shall serve until the close of the next annual meeting of the Section, at which time the vacancies shall be filled for the remainder of their respective terms by a special election conducted concurrently with the regular elections as provided in Article IV.

SECTION 3. QUORUM. A quorum of the Council shall consist of five members. A quorum being present, the Council shall act on the affirmative vote of a majority of those present at any meeting.

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SECTION 4. MEETINGS. The Council shall designate the time and place of its regular meetings, but shall schedule no fewer than four (4) meetings per fiscal year. Meetings should be held quarterly.

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Deleted: Special meetings may be called upon notice by the Chair or upon written request to the Secretary of any five (5) members of the Council. Council members shall receive three (3) days notice of a Special meeting. Notice of Special meetings shall include the topic for which the meeting was called.

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SECTION 4.1 One of the quarterly meetings should be an in-person meeting held in conjunction with the State Bar of Michigan Annual Meeting. Council and committee meetings that are not required to be held in person may be held by a telephone conference or by other similar communications equipment through which all persons participating in the meeting may communicate with the other participants. All participants will be advised of the communications equipment, and the names of the participants in the conference will be divulged to all participants. Such participation will constitute presence in person at the meeting.

Deleted: The council shall designate the time and place of its regular meetings, but shall schedule no fewer than four (4) meetings per fiscal year, of which at 3 shall be in-person meetings; one such meeting shall be

SECTION 4.2 Members of the Council may participate in person, by telephone or by other conferencing methods.

Deleted: Special meetings may be called upon notice by the Chairperson or upon written request to the Secretary of any five (5) members of the Council.

SECTION 4.3 Emergency Votes. When the Chair deems there is insufficient time for a needed decision to be made at a regular or special meeting, the Chair may, upon notice to all Council members, conduct a vote on proposed action via telephone, e-mail or other similar communication means.

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SECTION 4.4. Special Meetings. Special meetings may be called upon notice by the Chair or upon written request to the Secretary of any five (5) members of the Council. Council members shall receive three (3) days' notice of a Special meeting. Notice of Special meetings shall include the topic for which the meeting was called.

SECTION 5. ABSENCES. Any member of the Council who shall be absent without excuse from three (3) consecutive regular meetings of the Council may be deemed by the Chair to have resigned and the vacancy created shall be filled by the Council. Any member of the Council who shall fail to vote in six (6) consecutive emergency votes as described in Section 4.3 may be deemed by the Chair to have resigned and the vacancy created shall be filled by the Council.

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ARTICLE VII COMMITTEES

SECTION 1. STANDING COMMITTEES. The Standing Committees of the Section shall be Nominating, Case Referral, Legislation, Litigation, Prosecutors, and Awards.

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Deleted: Ordinance Handbook and legislation

SECTION 2. NOMINATING. The Nominating Committee shall recommend nominees to the Section for the offices of Chair, Chair-Elect, Secretary, Treasurer, and the members of the Council

on an annual basis. This report shall be submitted in writing to the Chair no later than two months prior to the annual meeting of the Section; nominations shall be published to Section members no later than 30 days prior to the annual meeting of the Section. Other nominations may be made from the floor at the meeting at which the elections are being held. In recommending nominees, the Nominating Committee shall consider the diversity of Council membership.

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Deleted: , including race, gender, and geographic diversity

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Deleted: Clearinghouse

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SECTION 3. CASE REFERRAL. The Case Referral Committee shall facilitate the operation of a referral service, the purpose of which shall be to make available to members of the State Bar and members of the public the names of Section members who are available to provide advice and/or representation in areas of the law relating to animal protection and animal rights.

SECTION 4. LEGISLATIVE. The Legislative Committee shall review legislative and agency activity of concern to lawyers practicing or with an interest in the area of animal law, make periodic recommendations to the Section Council which request the Section adopt a legislative position, disseminate information to Section members, and advocate in legislative and other public forums on matters of interest to lawyers practicing or with an interest in the area of animal law.

Deleted: SECTION 4. ORDINANCE HANDBOOK. The Ordinance Handbook Committee shall compile, maintain and publish a collection of all local ordinances that relate to animals. ¶

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SECTION 5. LITIGATION. The Litigation Committee shall review judicial and agency decisions of concern to lawyers practicing or with an interest in the area of animal law. When appropriate, the Litigation Committee may, with Council approval, prepare and file an amicus curiae brief with a court considering an animal law case. Whenever possible, the Litigation Committee should serve as a resource to lawyers in the State of Michigan handling civil litigation benefitting animal welfare or animal rights.

SECTION 6. PROSECUTORS. The Prosecutors Committee should review criminal cases of concern to lawyers practicing or with an interest in the area of animal law. Whenever possible, the Prosecutors Committee should serve as a resource to prosecutors in the State of Michigan regarding the effective prosecution of crimes against animals.

SECTION 7. AWARDS. The Awards Committee shall administer the Section's annual awards, including the Wanda Nash Award, the Brandi Award, the Sadie Award, and the Animal Advocate Award according to the rules established for each.

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SECTION 9. COMMITTEE MEETINGS. Committee meetings will be called as necessary by the Section Chair or Committee Chairs. Meetings may be held in person or via telephone conference.

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SECTION 10. REPORTS. The Chair of each committee shall submit a written report of Committee activities during the preceding year to the Council. This report is due thirty (30) days prior to the Annual Report required to be submitted by the Chair to the State Bar Representative Assembly.

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ARTICLE VIII SECTION MEETINGS

SECTION 1. ANNUAL MEETING. The annual meeting of the Section shall be held during the Annual Meeting of the State Bar of Michigan, in the same city or place, with such programs and order of business as may be arranged by the Council.

SECTION 2. SPECIAL MEETINGS. Special meetings of the Section may be called by the Chair upon approval of the Council, at such time and place as the Council may determine.

SECTION 3. QUORUM. The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

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ARTICLE IX MISCELLANEOUS PROVISIONS

SECTION 1. FISCAL YEAR. The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

SECTION 2. DISBURSEMENTS. Any bills incurred by the Section to be forwarded to the State Bar Finance Staff for payment shall first be approved by the Council and signed by the Chair or Treasurer. In the case of an expenditure under \$500.00, the Council grants the Chair and/or Treasurer discretion to sign and submit such expenditure to the SBM without a specific vote of the Council.

Deleted: Any bills incurred by the Section to be forwarded to the State Bar Fiscal Officers for payment shall first be approved by the Chair, Chair-Elect, Treasurer, or otherwise, as the Council shall direct.

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SECTION 3. COMPENSATION. No salary or compensation shall be paid to any Officer, Council, or Committee member; however, Officer, Council, and Committee members may be reimbursed for actual expenses for Section business.

SECTION 4. NOTICE. Notice may be communicated in writing by in-person delivery, first-class mail, electronic mail, facsimile, publication in the Michigan Bar Journal, or by any other means reasonably likely to provide adequate written notice.

SECTION 5. EFFECTIVE DATE. These Bylaws shall become effective upon approval by the Board of Commissioners of the State Bar of Michigan, and by the membership at the organizational meeting.

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ARTICLE X AMENDMENTS

SECTION 1. VOTE. These bylaws may be amended at any meeting of the Section at which a quorum is present, by a two-thirds (2/3) vote of the members of the Section present and voting, provided such proposed amendment shall first have been submitted to the Council for its recommendation. No amendment so adopted shall become effective until approved by the Board of Commissioners.

SECTION 2. AMENDMENT FORM. Any proposed amendment shall be submitted in writing to the Council. The Council shall consider the proposed amendment, prepare recommendations, and publish a complete and accurate text of the proposed amendment either in the Section Newsletter, a special publication (including publication via email), or in a special mailing to all Section members at least thirty (30) days prior to the meeting of the Section at which it is to be considered.

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Created 1995

Amended 11/18/05

Amended 6/10/95

Amended 9/14/01

Amended XX/XX/18

**BYLAWS OF THE
LABOR AND EMPLOYMENT LAW SECTION
OF THE STATE BAR OF MICHIGAN**

**ARTICLE I
NAME AND PURPOSES**

SECTION 1. This section shall be known as the Labor and Employment Law Section of the State Bar of Michigan.

SECTION 2. The purposes of the Section shall be to study labor and employment law and to promote its fair and just administration; to study and report upon proposed and necessary legislation, to promote the legal education of members of this Section of the Bar and the general public by generating awareness of the problems and concerns of management, labor, and employee relations through sponsorship of meetings, institutes, and conferences, and by preparing, sponsoring, and publishing legal writing in the labor and employment law field; to endeavor to assist in the development of rules of conduct based upon the rights and responsibilities of employees and management and labor and industry to promote and encourage civility and professionalism in the practice of labor and employment law; and to promote justice, equal opportunity, and industrial peace.

**ARTICLE II
MEMBERSHIP**

SECTION 1. Each member of the Section shall pay to the State Bar of Michigan annual dues in an amount to be set by the Council. Any member of the State Bar of Michigan, upon request to the Executive Secretary of the State Bar of Michigan and upon payment of dues for the current year, shall be enrolled as a member of the Section. Thereafter said dues shall be paid in advance each year beginning on the January first next succeeding such enrollment. Any member of the Section whose annual dues shall be more than six months past due shall thereupon cease to be a member of the Section. Members so enrolled and whose dues are so paid shall constitute the membership of the Section.

SECTION 2. Newly admitted members to the State Bar of Michigan, upon written request, shall become members of the Section for the balance of the fiscal year in which application is made, and the next subsequent fiscal year, without payment of dues to the Section, if such written request is made in the first year of membership in the State Bar of Michigan.

SECTION 3. Members of the Law Student Section of the State Bar of Michigan may, subject to any State Bar rules, become student members of the Section upon written request and without payment of dues to the Section. Student members shall have no voting rights, will not be eligible for Council membership, and shall not be eligible to hold office in the Section, but may assist in the activities of the Section as requested and shall be entitled to all other privileges accorded to Section members by the Section.

SECTION 4. An active member who elects emeritus status in accordance with the rules of the State Bar of Michigan may continue as an emeritus member of the Section without the payment of annual dues.

SECTION 4. Persons other than State Bar of Michigan members may become, with the approval of the Council, non-voting affiliates of the Section, upon payment of annual dues as defined in Section 1. Affiliates will not be eligible for Council membership, but may assist in the activities

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seventy (70) years may retain their membership without payment of does not have to pay annual dues. , provided, however, that application for continued membership in the Section shall be made annually in writing.

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of the Section as requested and shall be entitled to all other privileges accorded to Section members by the Section.

ARTICLE III OFFICERS AND COUNCIL MEMBERS

SECTION 1. The officers of this Section shall be a Chairperson, Vice Chairperson, Secretary, and Treasurer. No person shall hold the same officer position for two consecutive terms. Officers shall also serve as members of the Council, and shall be selected by the Section as hereinafter provided. The retiring Chairperson shall be a member of the Council for one year immediately following the end of his or her term. Such one year term shall not be considered a second consecutive term.

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SECTION 2. Officers shall be elected to hold office for a term of one year beginning at the close of the Annual Meeting at which they shall have been elected, and ending at the close of the next succeeding annual meeting of this Section.

SECTION 3. There shall be a Council, which shall consist of twelve (12) regular members and four (4) officer members, all of whom shall be elected by the Section as hereinafter provided, and the retiring Chairperson.

SECTION 4. The terms of the twelve (12) regular members of the Council shall be for two years and the expiration thereof shall be staggered, with the terms of six (6) members expiring at each Annual Meeting. At each Annual Meeting six (6) members shall be elected to replace those members whose terms are expiring; all members so elected shall serve for a term of two (2) years beginning at the close of the Annual Meeting at which they are elected. Vacancies in the elected Council shall be filled in accordance with Article VI, Section 3.

SECTION 5. No person shall be eligible for election as a member of the Council if that person is then a member of the Council and has been such a member continuously for a period of two (2) full terms or more; provided, however, that a Council member may be elected to the position of an officer at the expiration of the first, second, third, or fourth consecutive year of Council membership and may serve consecutive one-year terms as Secretary, Treasurer, Vice Chairperson and Chairperson without regard to the above two-term limitation.

ARTICLE IV NOMINATION AND ELECTION OF OFFICERS

SECTION 1. NOMINATIONS. At the first session of each annual meeting of the Section the Chairperson and Vice Chairperson shall appoint a Nominating Committee consisting of three members of the Section, not being members of the Council. Such committee shall make and

report nominations to the Section for the officers of the Chairperson, Vice Chairperson, Secretary, and Treasurer, and members of the Council to succeed those whose terms will expire at the close of the then Annual Meeting, and to fill vacancies then existing or which may exist because of election of a present Council member to an officer position for unexpired terms. Other nominations for positions as officers and Council members may be made from the floor.

SECTION 2. ELECTIONS. All elections shall be by show of hands of the majority of the Section members in attendance at the Annual Meeting at which the election is held, unless a written ballot is requested prior to the meeting.

ARTICLE V DUTIES OF OFFICERS

SECTION 1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Section and of the Council. The Chairperson shall formulate and present at each Annual Meeting of the State Bar of Michigan a report of the work of the Section for the then past year, and shall perform such other duties and acts as usually pertain to the office.

SECTION 2. VICE CHAIRPERSON. Upon the death, resignation, or during the disability of the Chairperson, or upon the Chairperson's refusal to act, the Vice Chairperson shall perform the duties of the Chairperson for the remainder of the Chairperson's term except in case of the Chairperson's disability and then only during so much of the term as the disability continues.

SECTION 3. SECRETARY. The Secretary shall be the custodian of all books, papers, documents, and other property of the Section. The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. With the Chairperson, the Secretary shall prepare a summary or digest of the proceedings of the Section at its Annual Meeting for publication in the Annual Report of the State Bar of Michigan, after approval by the Executive Secretary of the State Bar of Michigan. The Secretary, in conjunction with the Chairperson, as authorized by the Council, shall attend generally to the business of the Section.

SECTION 4. TREASURER. The Treasurer shall keep a true record of all monies received and disbursed and report thereon to the Council whenever requested. Annually, The Treasurer shall submit a financial report for presentation to the membership of the Section and to the Board of Commissioners of the State Bar of Michigan. Consistent with the Bylaws of the State Bar of Michigan, the Treasurer shall be responsible for the deposit of all monies of the Section, which come into his or her hands, in the general fund of the State Bar.

ARTICLE VI DUTIES AND POWERS OF THE COUNCIL

SECTION 1. The Council shall have general supervision and control of the affairs of the Section subject to the provisions of the Constitution and Bylaws of the State Bar of Michigan and the Bylaws of the Section. It shall especially authorize all commitments or contracts, which shall 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, authorize commitments or contracts,

which shall entail the payment of more money during any fiscal year than the amount which shall have been previously appropriated to the Section for such fiscal year.

SECTION 2. The Council may authorize the Chairperson, with the Vice Chairperson, to appoint committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws and the Bylaws of the State Bar of Michigan. The Chairperson may appoint the chairpersons and members of such committees and may, or on direction from the Council shall, remove any chairperson or member from such committees and fill vacancies on such committees created by removal or resignation.

SECTION 3. The Council, during the interim between annual meetings of the Section, may fill vacancies in its own membership or in the office of Secretary or Treasurer, or, in the event of a vacancy in both the office of Chairperson and Vice Chairperson, then in the office of Chairperson. Members of the Council and officers so selected shall serve until the close of the next annual meeting of the Section, at which the vacancies shall be filled for the remainder of their respective terms by a special election conducted concurrently with the regular elections as provided in Article IV herein.

SECTION 4. The Council shall act by a majority vote of the whole Council or by the majority vote of a quorum at the Council's regular or annual meeting [\(s\)](#).

SECTION 5. Members of the Council when personally present at a meeting of the Council shall vote in person, but when absent may communicate their vote, in writing, upon any proposition, to the Secretary and have it counted, with the same effect as if cast personally at such meeting.

SECTION 6. The Chairperson of the Section at any time may, and upon the request of any member of the Council shall, submit or cause to be submitted in writing (including electronically), to each of the members of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition or propositions so submitted, by communicating their vote thereon, in writing (including electronically), to the Secretary, who shall record the results. If the votes of a majority of the members of Council so recorded shall be in favor of such proposition or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Council.

ARTICLE VII MEETINGS

SECTION 1. The annual meeting of the Section shall be held during the Annual Meeting of the State Bar of Michigan, in the same city or place as such Annual Meeting of the State Bar of Michigan, with such program and order or business as may be arranged by the Council. [There shall be regular meetings of the Council throughout the year, as determined by the Council, at which the business of the Section may take place.](#)

SECTION 2. Special meetings of the Section may be called by the Chairperson upon approval of the Council, at such time and place as the Council may determine.

SECTION 3. The Council shall act by a majority vote of the whole Council or by the majority vote of a quorum at the Council's regular or annual meetings. Seven Council Members will constitute a quorum.

**ARTICLE VIII
MISCELLANEOUS PROVISIONS**

SECTION 1. The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

SECTION 2. All bills incurred by the Section, before being forwarded to the Treasurer or to the Executive Secretary of the State Bar of Michigan for payment, shall be approved by the Chairperson or the Treasurer, or, if the Council shall so direct, by both of them.

SECTION 3. No salary or compensation shall be paid to any officer, council person, or member of a committee as compensation for their duties on the Council.

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SECTION 4. Any action by this Section related to Public Policy shall be made in accordance with the provisions of the SBM Bylaws Article VIII and the protocol(s) adopted by the Council.

SECTION 5. These Bylaws shall become effective upon the approval thereof by the Commissioners of the State Bar of Michigan

**ARTICLE IX
AMENDMENTS**

SECTION 1. These Bylaws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall first have been approved by a majority of the Council and provided, further, that no amendment so adopted shall become effective until approved by the Commissioners of the State Bar of Michigan.

SECTION 2. Any proposed amendment shall be submitted in writing to the Council in the form of a petition signed by at least ten members of the Section in time for it to be considered by the Council at a regular meeting before the annual meeting of the Section at which it is to be voted upon. The Council shall prepare recommendations, together with a complete and accurate text of proposed amendments, which shall be published in the Michigan State Bar Journal at least thirty days prior to the annual meeting of the Section at which it is to be voted upon.

Created prior to 1948 as Labor Relations Law Section
Name changed to "Labor and Employment Law Section" in 1992
Revised 5/97
Revised 1/09
Revised 1/12

**BYLAWS OF THE
MASTER LAWYERS SECTION
OF THE STATE BAR OF MICHIGAN**

**ARTICLE I
NAME, PURPOSE, AND GOALS**

SECTION 1. Name. This Section shall be known as the Master Lawyers Section (“Section”) of the State Bar of Michigan.

SECTION 2. Purpose. The purpose of this Section shall be to promote the particular interests of the members of this Section, to plan and carry out programs and activities of interest to members of the Section, to coordinate programs for members of this Section with national and local bar associations, to protect the public by providing resources on the ethical and practical issues related to transitioning from the practice of law, to be a resource for retirement planning, and to expand opportunities for contributions by members of this Section to the community.

SECTION 3. Goals. The goals of the Section shall be to provide service to members of this Section, to aid in protecting the public, and to contribute to the community.

**ARTICLE II
MEMBERSHIP**

SECTION 1. Membership.

(A) Active, inactive, and emeritus members of the State Bar of Michigan who have been licensed to practice law and have been in good standing for at least 30 years, or are at least age 60, are members of the section.

(B) Active, inactive, and emeritus members of the State Bar of Michigan who have been licensed to practice law and have been in good standing for at least 20 years, or are at least age 50 may become members of the Section by paying Section dues in the amount set forth by the Council. Upon payment of dues, membership is immediately effective, for the duration of a bar year (through September 30). Thereafter, dues shall be payable in advance at the beginning of the fiscal year of the State Bar of Michigan.

SECTION 2. Voting. Except as set forth in these bylaws, all members of the Section shall be eligible to vote.

SECTION 4. Terminating Membership. A member may terminate membership upon written request, without prejudice to future membership.

ARTICLE III COUNCIL AND OFFICERS

SECTION 1. Officers. The Officers of the Section shall be a Chair, a Chair-Elect, a Secretary, and a Treasurer. Also, the Immediate Past Chair of the Section shall serve as a ~~non-voting ex-officio~~ member of the Council.

SECTION 2. Council. There shall be a Council of the Section consisting of the officers of the Section and nine (9) at-large members to be elected as provided in this Article. At-large members must be members of the Section.

SECTION 3. Selection of Officers. The Chair-Elect, Secretary, and Treasurer shall be nominated and elected at each annual meeting of the Section to hold office for a term beginning at the close of the annual meeting at which they have been elected, and ending at the close of the next succeeding annual meeting of the Section, or until their successors have been elected and qualified. The Chair-Elect shall automatically succeed to the office of Chair.

SECTION 4. Terms of Office. The officers and nine (9) at-large members of the Council shall serve as follows: the officers for a one (1) year term; three (3) at-large members for three (3) years; three (3) at-large members for two (2) years; and three (3) at-large members for (1) year. Any vacancies shall be filled in accordance with these Bylaws. All subsequent terms shall be for a period of three (3) years. (“Year” is defined as a term beginning at the close of the annual meeting at which the Council members have been elected and ending at the close of the succeeding annual meeting of the Section.)

SECTION 5. Term Limitations.

(A) No Council member shall be eligible for re-election to the Council (other than as an officer) if she/he has served without interruption for (2) consecutive elected terms preceding the term for which the election is held.

(B) No person who has served as an officer without interruption for two (2) consecutive elected terms shall be eligible for re-election to that office.

ARTICLE IV ELECTIONS

SECTION 1. Nominations. At the last scheduled meeting of the Council prior to the annual meeting, or at such other time as shall be convenient but not later than six (6) months prior to the annual meeting, the Chair shall appoint a Nominating Committee consisting of three (3) members of the Section, at least two (2) of whom are appointed from the Council. The duties of the Nominating Committee are set forth in art VII, § 2.

SECTION 2. Elections. All elections shall be by voice vote unless otherwise ordered by resolution duly adopted by the Section at the annual meeting at which the election is held.

ARTICLE V DUTIES OF OFFICERS

SECTION 1. Chair. The Chair shall preside at all meetings of the Section and of the Council. The Chair shall present at each Annual Meeting of the State Bar of Michigan a report of the work of the Section for the current year. The Chair shall, in consultation with and with the assistance of the Executive Director of the State Bar of Michigan, perform such other duties and acts that pertain to the office.

SECTION 2. Chair-Elect. In the absence of the Chair, the Chair-Elect shall perform the duties of the Chair. The Chair-Elect shall automatically succeed to the office of the Chair the year following his/her election to Chair-Elect.

SECTION 3. Secretary. With the assistance of State Bar of Michigan staff, the Secretary shall cause to be kept all books, papers, documents, and other property of the Section, except money, and shall keep a true record of the proceedings of all meetings of the Section and of the Council. With the assistance of the Chair, the Secretary shall prepare a summary or digest of the proceedings of the Section for presentation at the annual meeting of the Section, and to be filed with the State Bar of Michigan no later than May 31 each year. In conjunction with the Chair, the Secretary, as authorized by the Council, shall attend generally to the business of the Section. With assistance of State Bar of Michigan staff, the Secretary shall track and maintain a record of the terms of the councilpersons and shall provide a report to Council no later than two months prior to the annual meeting of the Section.

SECTION 4. Treasurer. The Treasurer of the Section shall, with the assistance of State Bar of Michigan staff:

- (A) Cause to be kept a record of all monies received and disbursed.
- (B) Review and approve all monthly financial reports supplied by the State Bar of Michigan.
- (C) Submit regular financial reports to the Council.
- (D) Annually provide for the presentation of a financial report to the Section and to the Board of Commissioners, no later than May 31 each year.

ARTICLE VI DUTIES AND POWERS OF THE COUNCIL

SECTION 1. General. The Council shall have general supervision and control of the affairs of the Section, subject to the Supreme Court Rules Concerning the State Bar of Michigan and the Bylaws of the State Bar of Michigan and these bylaws. It shall especially authorize all commitments or contracts which entail the payment of money, up to but not exceeding the amount that has been appropriated by the State Bar of Michigan to the Section for that fiscal year.

SECTION 2. Committee Appointment. The Chair shall appoint committees and their Chairs from members of the Section, to perform such duties and exercise such powers as the Council may direct. The Council shall remove any committee chair or committee member for cause and fill vacancies created by such removal or resignation.

SECTION 3. Vacancies. The Council shall, between annual meetings of the Section, fill vacancies in its own membership or in the offices of the Secretary or Treasurer. In the event of a vacancy in both the office of Chair and Chair-Elect, the Council shall fill the office of Chair and Chair-Elect. Officers and members of the Council so selected shall serve the balance of the term.

SECTION 4. Quorum. A quorum of the Council shall consist of a majority of the Council. A quorum being present, the Council may act on the affirmative vote of a majority of those present at any meeting.

SECTION 5. Meetings. The Council shall designate the time and place of its regular meetings, but shall schedule no fewer than four (4) meetings per fiscal year. Special meetings may be called upon notice by the Chair or upon written request to the Secretary of any three (3) members of the Council. Council members shall receive three (3) days' notice of a special meeting. Notice of regular and special meetings shall be in writing by in-person delivery, first-class mail, electronic mail, facsimile, or any other means reasonably likely to provide written notice. The notice shall include the topic for which the meeting is being called.

SECTION 6. Method of Voting. The Council may vote during meetings in person, electronically, or by any other method that the Council deems to be a secure and reliable method for conducting business. Members of the Council may participate in meetings in person, by telephone, or by other conferencing methods, under the following conditions: All persons participating in the meeting are advised of any remote communication equipment and the names of persons using such equipment, all participants are able to communicate with each other, and the names of all participants in the meeting are divulged to all participants. Participation in a meeting pursuant to this section constitutes presence in person at the meeting.

SECTION 7. Absences. Any member of the Council who is absent, without having been excused by the Chair, from three (3) consecutive regular meetings of the Council shall be deemed to have resigned and the vacancy created shall be filled by the Council.

ARTICLE VII COMMITTEES

SECTION 1. Standing Committees. The Standing Committees of the Section shall be Nominating, Service to Master Lawyers, and Community Contribution. The Council shall have the authority to create and discontinue special committees.

SECTION 2. Nominating Committee. The Nominating Committee shall recommend nominees to the Section for the offices of Chair-Elect, Secretary, Treasurer, and councilpersons on an annual basis. These nominations shall be submitted in writing to the Chair no later than 60 days prior to the

annual meeting of the Section. Nominations shall be published to Section members no later than 30 days prior to the annual meeting of the Section. Other nominations may be made from the floor. The Nominating Committee shall consider the diversity of Council membership, including race, gender, and geographic diversity.

SECTION 3. Service to Master Lawyers Committee. The Service to Master Lawyers Committee shall be responsible for developing and/or promoting materials and programs of interest to members of the Section, including but not limited to the following topics: professional education and development, planning for and adjusting to changes in a lawyer's professional status; identifying successors to law practices; and providing for the care and preservation of client records.

SECTION 4. Community Contribution Committee. The Community Contribution Committee shall identify and promote appropriate opportunities for members of the Section to contribute to their communities, collaborating with other State Bar sections and affinity bar associations where a mutual interest exists.

SECTION 7. Committee Members. The committee chairs chosen by the Council of the Section may recommend to the Council the names of additional persons to be appointed to their respective committees for the purpose of assisting in the work of the committees.

SECTION 8. Committee Meetings. Committee meetings shall be called as necessary by the Council or by committee chairs.

SECTION 9. Committee Reports. Each committee chair shall submit a written report of Committee activities to the Council prior to each scheduled council meeting or at a date designated by the Chair.

ARTICLE VIII SECTION MEETINGS

SECTION 1. Annual Meeting. The annual meeting of the Section shall be held during and in conjunction with the annual meeting of the State Bar of Michigan, with such programs and order of business as may be specified by the Council.

SECTION 2. Special Meetings. Special meetings of the Section may be called by the Chair upon approval of the Council, at such time and place as the Council may determine. Members of the Section shall receive three (3) days' notice of the special meetings communicated in writing by in-person delivery, first-class mail, electronic mail, facsimile, or any other means reasonably likely to provide adequate written notice. The notice shall include the topic for which the meeting is being called.

SECTION 3. Quorum. Ten (10) members of the Section who are eligible to vote and are present at any Section meeting shall constitute a quorum for the transaction of business. Business of the membership of the Section shall be by affirmative vote of a majority of the members present. Members may participate in meetings in person, by telephone, or by other conferencing methods, under the following conditions: All persons participating in the meeting are advised of any remote communication equipment and the names of persons using such equipment, all participants are able to communicate with each other, and the names of all participants in the meeting are divulged to all

participants. Participation in a meeting pursuant to this section constitutes presence in person at the meeting.

ARTICLE IX MISCELLANEOUS PROVISIONS

SECTION 1. Fiscal Year. The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

SECTION 2. Disbursements. Any bills incurred by the Section to be forwarded to the State Bar of Michigan Fiscal Officer for payment shall first be approved by the Chairperson, Chairperson-Elect, Treasurer, or otherwise as the Council shall direct, and checks for all disbursements shall be signed by an officer of the State Bar of Michigan, or someone designated by the Board of Commissioners of the State Bar of Michigan.

SECTION 3. Compensation. No officer, Council member, committee chair, committee member, or member of the Section shall receive compensation for services rendered in connection with the performance of his/her duties except as may be specifically authorized by law, court rule or by the State Bar of Michigan. Such persons may, however, be reimbursed for the necessary expenses incurred in connection with the performance of their duties.

Unless authorized by law or court rule, no officer, Council member, committee chairperson, committee member, or member of the Section 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, members of the Section, or members of the State Bar of Michigan, by reason of his/her position with the Section. 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, as long as the gift is paid for by non-appropriated funds.

SECTION 4. Effective Date. These Bylaws shall become effective upon approval by the Board of Commissioners of the State Bar of Michigan.

SECTION 5. Non-Lawyer Participation. Persons other than members of the State Bar of Michigan and of this Section may be invited or selected by the Council to participate in the activities of the Section and to provide their expertise in assisting the Section to meet its goals. Such persons shall have no vote and are not required to pay dues to the Section. The Council shall maintain a roster of such persons for use by the Section.

SECTION 6. Electronic Conferencing at Meetings of Council and Committee Meetings. A member of the Council or any committee may participate in meetings by electronic conferencing, through a medium that enables all persons participating in the meeting to hear each other. Participation in a meeting in this manner constitutes a presence in person at the meeting. ~~Any expense for the electronic conferencing shall be borne by the member not physically present at the meeting, unless otherwise authorized by the Council.~~ The Council shall establish rules for providing electronic conferencing. Section committees may vote in-person, electronically, or by any other manner determined by the Committee Chair to be a secure and reliable method for conducting business during

committee meetings, and approved by the Section Chairperson. Participation by electronic conferencing during the annual meeting of the Section shall not be permitted except upon approval by the Council for special or hardship circumstances. Any expense for the electronic conferencing shall be borne by the member not physically present at the meeting, unless otherwise authorized by the Council.

ARTICLE X AMENDMENTS

SECTION 1. Vote. These Bylaws may be amended at any meeting of the Section at which a quorum is present, by a two-thirds (2/3) vote of the members of the Section present and voting, provided such proposed amendment has first been submitted to the Council for its recommendation. No amendment so adopted shall become effective until approved by the Board of Commissioners.

SECTION 2. Form of Amendment. Any proposed amendment shall be submitted in writing to the Council by at least three (3) members of the Section. The Council shall consider the proposed amendment and if it is approved by Council, the Council shall prepare recommendations, and provide to members of the Section a complete and accurate text of the proposed amendment at least thirty (30) days prior to the meeting of the Section at which it is to be considered. Notice of the proposed amended may be communicated in writing by in-person delivery, first-class mail, electronic mail, facsimile, or by any other means reasonably likely to provide adequate written notice.

Memorandum

To: Board of Commissioners

From: SBM Access to Justice Committee Chair Ashley Lowe
SBM Pro Bono Service & Justice Initiatives Counsel Robert Mathis

Date: November 7, 2018

Re: A Lawyer Helps Pro Bono Honor Roll Proposal

The Voluntary Pro Bono Standard (“Voluntary Standard”), as adopted by the State Bar of Michigan’s Representative Assembly, encourages Michigan attorneys to provide 30 or more hours of pro bono legal services each year or contribute a minimum of \$300 (\$500 for those attorneys whose income allows) to support civil legal services to low-income individuals.

For the last 14 years, the State Bar of Michigan Pro Bono Circle of Excellence provided much-deserved recognition for firms and corporations that demonstrated full compliance with the Voluntary Standard by providing pro bono legal services to low-income people in need, or financial contributions to the Access to Justice Fund to increase resources for civil legal aid for the poor in Michigan, or both. The 2018 Circle of Excellence, based on financial contributions and pro bono services provided in 2017, recognized 53 firms and corporations that demonstrated full compliance with the Voluntary Standard.

Concurrently, the Access to Justice Campaign (ATJ Campaign), developed in 1997 as a partnership between the State Bar of Michigan, Michigan State Bar Foundation, and civil legal aid programs, has been engaged in raising money for civil legal aid to the poor. The ATJ Campaign was one of the first statewide campaigns in the nation dedicated to raising resources for civil legal aid. Over time, however, the campaign fell significantly behind most states in donations per attorney for civil legal aid. Drawing on the success and best practices of other states’ fundraising efforts, the ATJ Campaign is evolving to take advantage of new opportunities to increase financial resources for civil legal aid to the poor.

While financial donations to the ATJ Fund to support civil legal aid in Michigan are extremely important, the provision of pro bono legal services to low-income people also plays an essential role in providing access to justice for those in need. In 2014 alone, Michigan attorneys provided more than 32,000 hours of free legal help for low-income clients, making a significant impact toward increased access to justice.

In order to ensure that both financial assistance and pro bono efforts by lawyers and law firms receive the recognition they rightfully deserve, the ATJ Campaign and the State Bar of Michigan are expanding its recognition of attorneys' efforts, and will begin recognizing financial contributions and pro bono service separately.

Beginning in 2019, the Access to Justice (ATJ) Campaign will recognize, on tiered recognition lists, individuals, law firms, and corporate legal departments that make significant total donations, as well as law firms that achieve a per-attorney average donation, of at least \$300, starting with tiered levels of \$300, \$500, \$750 or \$1,000 per lawyer.

Realizing the need to continue to underscore the importance of pro bono legal services provided by Michigan attorneys, in June 2018, SBM's Access to Justice Committee formed a workgroup comprised of committee members from a large law firm, legal aid programs, the Michigan State Bar Foundation, and SBM staff. The committee was tasked with looking at how to best recognize the pro bono service efforts of Michigan attorneys. After several months of researching the pro bono service recognition methods in other states and talking with a diverse group of interested stakeholders in Michigan, the workgroup developed the "A Lawyer Helps (ALH) Pro Bono Honor Roll" proposal. The proposal was presented to the ATJ Committee for consideration at its October 24, 2018 meeting, receiving the committee's unanimous support.

The proposed ALH Pro Bono Honor Roll, explained in more detail below, is designed to recognize, on tiered recognition lists, both individual Michigan attorneys who provide 30 or more hours of pro bono legal services in a calendar year and also law firms and corporations that achieve a per-attorney average of at least 30 hours of pro bono legal services in a calendar year, per the Voluntary Standard. The recognition list will use tiered levels of 30, 50, and 100 hours.

- I. **Eligibility.** Eligibility for the ALH Pro Bono Honor Roll will be determined on a calendar-year basis. Michigan attorneys who provide 30 or more hours of pro bono legal services, per the Voluntary Standard, for free or a reduced fee (50 percent or less than the fair market rate for similar legal services) to individuals with limited means or to organizations providing direct services to individuals with limited means will be eligible to be recognized on the ALH Pro Bono Honor Roll.
- II. **Procedure.** Once the proposal is adopted, beginning in January and ending in late February of each year, there will be two ways that pro bono service hours can be reported to the State Bar of Michigan to count toward ALH Pro Bono Honor Roll eligibility. First, pro bono service hours can be reported to the State Bar by completing the ALH Pro Bono Honor Roll online application. Second, pro bono service hours can be reported by SBM Pro Bono Partner Programs.
- III. **ALH Pro Bono Honor Roll Online Application.** Individual attorneys and designated staff members, on behalf of their affiliated law firms and corporations, will be encouraged to complete and submit an ALH Pro Bono Honor Roll online application. The application will be made available on the State Bar of Michigan's website. The online application will ask for attorney names and the number of pro bono legal service hours provided by each attorney in the previous calendar year.

- IV. **Law Firms and Corporations.** In order to be recognized on the ALH Honor Roll, a law firm or corporation will be required to complete and submit the ALH Pro Bono Honor Roll online application. The law firm or corporation must certify that its attorneys on average have provided legal services which, in total, qualify the law firm or corporation to be recognized at or above the 30-, 50-, or 100-hour mark in a calendar year. Only attorneys practicing in Michigan and the number of pro bono hours contributed by Michigan-based lawyers count toward eligibility. “Of counsel” attorneys will be considered to be part of the firm or corporation and all attorneys will be considered to be full-time. If a firm or corporation is close to qualifying for the ALH Pro Bono Honor Roll, the lawyer count will be reduced if requested to reflect part-time and inactive attorneys.
- V. **SBM Pro Bono Partner Programs (Partner Programs).** Partner Programs will be encouraged to submit, by email, the names of their pro bono attorneys and the number of pro bono legal service hours provided by each attorney in the previous calendar year to the State Bar of Michigan at ALHProBonoHonorRoll@michbar.org.
- VI. **Recognition.** Individual attorneys, law firms, and corporations will be recognized at one of three recognition levels for providing 30, 50, or 100 or more hours of pro bono service in the previous calendar year. The State Bar of Michigan will publicize attorneys on the ALH Pro Bono Honor Roll through several different methods, including, but not limited to, postings on the web, in the *Michigan Bar Journal*, and/or through other printed and electronic methods. Attorneys completing the ALH Honor Roll online application will indicate their preference for recognition as a member of the ALH Pro Bono Honor Roll, and will be given the option to opt out of recognition.
- VII. **Confidentiality.** ALH Pro Bono Honor Roll applications are not public documents. The State Bar of Michigan will not publish ALH Pro Bono Honor Roll applications or share the contents of applications.

As stated above, for the last 14 years, the Circle of Excellence recognized both law firms and corporations that demonstrated full compliance with the Voluntary Standard by providing pro bono legal services or financial contributions, or both. However, 2018 marked the end of the Circle of Excellence program. Beginning in 2019, the ATJ Campaign will recognize individuals, law firms, and corporate legal departments that make qualifying financial donations to support civil legal aid to the poor. For SBM to continue recognizing pro bono service provided by Michigan attorneys, a new method to recognize pro bono service must be adopted. Consequently, the ATJ Committee respectfully requests that the BOC adopt its ALH Pro Bono Honor Roll proposal.

Article IV – Representative Assembly

Section 6—Meetings.

Notification of the time and place of any meeting of the Representative Assembly and the calendar to be considered shall be mailed by the Clerk or published by him/her in the Michigan Bar Journal, not less than 30 days prior to the time fixed for the first session of the meeting. Such notice, other than by publication in the Journal, shall be sent to each member of the Assembly and to each Chair of a Section of the State Bar of Michigan.

Meetings of the Assembly shall be open to attendance by members of the State Bar of Michigan, subject to the right of the Assembly by vote to go into closed session at any time when it is determined that a particular session shall be a closed session. In fixing and announcing any annual or special meeting of the Assembly, the Board of Commissioners or the President or the Chair of the Assembly, as the case may be, may announce one or more sessions as closed sessions of the Assembly and such sessions shall be closed unless the Assembly shall vote otherwise.

At all meetings of the Assembly, elected Representatives shall be seated by the circuit they represent. Those who are members of the Assembly in any other capacity shall be seated with the circuit in which they maintain their principal office. Nonmembers of the Assembly shall be seated separately from members.

The Chair of the Representative Assembly shall preside at meetings of the Assembly. In the absence of the Chair of the Assembly, the Vice-Chair shall serve in that capacity.

The presiding officer shall preserve order and shall have the power to designate members of the Assembly to aid him/her in so doing. He/she shall require observance of the rules of the Assembly and shall decide questions and order of procedure subject to majority vote of the members present. On an appeal by a member from a ruling by the presiding officer, no member shall speak more than once except by unanimous consent.

The order of business of the Assembly shall be conducted pursuant to its calendar as modified by special orders of business. Any subject may, upon recommendation of the Board of Commissioners and by vote of two-thirds of the members present, provided there is a quorum, be made a special order.

In the event that less than a quorum of the Assembly attends a meeting, those present shall have the right to adjourn the meeting to a later time, and if a quorum is present at the adjourned time the Assembly may proceed with action at such time without further call or notice.

The Assembly shall have the authority to conduct debate and vote on items of business through electronic process as delineated through such rules that the Assembly may prescribe, provided that: 1) the item of business requires action before the next regular business meeting of the Assembly; 2) 21 days' notice has elapsed from the date of the notice of the electronic meeting to any vote to be taken; 3) a quorum is present during the voting period as evinced by a majority of the members of the Assembly casting a vote on any items of business; and 4) passage of any vote shall be determined by a majority vote of the members of the Representative Assembly or a supermajority of the members of the Representative Assembly as appropriate.

PROPOSED AMENDMENT TO THE REPRESENTATIVE ASSEMBLY PERMANENT RULES OF PROCEDURE TO AMEND SECTION 2 AND RECOMMENDATION TO BOARD OF COMMISSIONERS TO AMEND THE BYLAWS OF THE STATE BAR OF MICHIGAN – VIRTUAL MEETING AND VOTING PROCEDURE

Issue

Should the Representative Assembly support an amendment to the Permanent Rules of Procedure of the Representative Assembly to permit virtual meetings and voting and further recommend to the Board of Commissioners conforming changes to the Bylaws of the State Bar of Michigan?

RESOLVED, that the Representative Assembly proposes an amendment to the Permanent Rules of Procedure of the Representative Assembly to amend Section 2.1 and add Section 2.7 as follows:

2.1 Special Orders. The order of business of the Representative Assembly shall be conducted according to its calendar or by virtual meeting under Section 2.7, subject to change by special order. ~~By two-thirds vote of the members present any subject may be made a special order.~~ Any subject may be made a special order by two-thirds vote of the members present.

2.2 – 2.6 [Unchanged]

2.7 Virtual Meeting Procedures.

(A) Upon application by the Board of Commissioners or a member of the Representative Assembly to the Committee on Rules and Calendar, the Committee shall consider the appropriateness of any item of business for debate and disposition, subject to the provisions of this section. In making this determination, the Committee shall consider whether the item of business needs to be addressed prior to the next regular meeting of the Representative Assembly. A majority vote by the Committee shall be necessary to proceed under this subsection.

(B) Notice - Consideration of any item of business shall be preceded by notice sent to each member of the Representative Assembly via email or alternative written notification. The notice shall contain an explanation of the item of business to be considered and shall direct the recipients to an internet-based discussion forum specified in subsection (C).

(C) Internet-Based Discussion Forum - At the time of the notice specified in subsection (B), an internet-based discussion forum shall be established that is accessible to all members of the State Bar, with posting privileges limited to members of the Representative Assembly. The internet-based discussion forum shall contain any documents deemed necessary by the Committee on Rules and Calendar for consideration of the item of business.

(D) Voting - No sooner than 21 days after the notice specified in subsection (B), voting shall be conducted electronically in a manner prescribed by the Committee on Rules and Calendar provided that no item of business shall be passed without a vote of the majority of the

members of the Representative Assembly and items of business requiring a two-thirds vote shall require a vote of two-thirds of the members of the Representative Assembly.

(E) Quorum - For the sole purpose of Virtual Meetings under Section 2.7, a quorum shall be deemed present for votes under subsection (D) if a majority of the Members of the Representative Assembly cast a vote.

(F) Limitations - Except where specifically provided in Section 2.7, the Permanent Rules of Procedure shall be applicable to virtual meetings in the same manner as regular meetings of the Representative Assembly. Nothing in this section shall modify the requirement of the Representative Assembly to conduct a minimum of two in person meetings per year.

Vote for additional language for (F): 79 in favor, 14 against, 0 abstentions.

FURTHER RESOLVED, that the Representative Assembly recommends to the Board of Commissioners an amendment to Article IV, Section 6 of the Bylaws of the State Bar of Michigan as follows:

The Assembly shall have the authority to conduct debate and vote on items of business through electronic process as delineated through such rules that the Assembly may prescribe, provided that: 1) the item of business requires action before the next regular business meeting of the Assembly; 2) 21 days' notice has elapsed from the date of the notice of the electronic meeting to any vote to be taken; 3) a quorum is present during the voting period as evinced by a majority of the members of the Assembly casting a vote on any items of business; and 4) passage of any vote shall be determined by a majority vote of the members of the Representative Assembly or a supermajority of the members of the Representative Assembly as appropriate.

STATE BAR OF MICHIGAN POSITION
By vote of the Representative Assembly on September 27, 2018

Should the Representative Assembly support an amendment to the Permanent Rules of Procedure of the Representative Assembly Sections 2.1 and 2.7 regarding virtual meetings and voting?

RESOLVED, that the Representative Assembly proposes an amendment to the Permanent Rules of Procedure of the Representative Assembly Sections 2.1 and 2.7 presented above.

(a) Yes (80)

or

(b) No (13)

FURTHER RESOLVED, that the Representative Assembly recommends to the Board of Commissioners an amendment to Article IV, Section 6 of the Bylaws of the State Bar of Michigan as presented above.

(a) Yes (88)

or

(b) No (7)

Vote to table the proposal to the April 2019 meeting: 40 in favor, 61 against, 3 abstentions.

**State Bar of Michigan
NEXT Conference 2018
Event Summary**

Name of Event: NEXT Conference—Annual Meeting
Chairperson: Ronald D. Keefe, Marquette
Date(s) of Event: September 26-28, 2018
Location of Event: Amway Grand Plaza Hotel & DeVos Place

Total number of attendees:	2018	2017	2016	2015	2014	2013
	G.R.	Detroit	G.R.	Novi	G.R.	Lansing
Preregistered:	968	1098	872	850	849	852
On-Site Wed.:	23	38	17	29	19	13
On-Site Thurs.:	89	148	115	160	102	160
On-Site Fri.:	24	36	28	76	71	102
<u>Other (guests):</u>	<u>308</u>	<u>383</u>	<u>270</u>	<u>199</u>	<u>235</u>	<u>227</u>
Total	1412	1703	1302	1314	1276	1354

Attendance for Education Sessions:	2018	2017	2016	2015	2014	2013
Both days:	57	72	111	133	152	141
Thurs. only:	24	32	11	24	28	10
Fri. only:	7	17	15	11	17	14
<u>A la Carte</u>	<u>63</u>	<u>101</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Total	151	222	137	168	197	195

Number of Exhibitors: 32

Sponsors:

Platinum Gavel: Legal Talk Network: Podcast
 Clio: Keynote Speaker—Jack Newton, CEO Clio & Pocket Lanyards
 MyCase: Education Track Sponsor
 Blue Cross/Blue Shield of Michigan: Wednesday Awards Banquet
 Paul Goebel Group: Thursday Inaugural Luncheon

Gold Gavel: JAMS: Diversity Reception & Educational Track Sponsor
 Law Clerk: Continental Breakfasts
 Michigan Lawyers Weekly: Mobile App
 Representative Assembly: All-Member Networking Reception

Bronze Gavel: Avis: Educational Track Sponsor

Premium Section Sponsors: Labor & Employment Law Section
 Law Practice Management & Legal Administrators
 Master Lawyers Section
 Negligence Law Section

Section Sponsors: Alternative Dispute Resolution Section
 Litigation Section
 Military & Veterans' Law Section

Receptions:

Michigan State University
University of Detroit Mercy
University of Michigan
University of Toledo
WMU Cooley Law School

Michigan State Bar Foundation
All-Member Networking Reception—312 attendees (269 in 2017)
Celebrating Diversity Reception—238 attendees (232 in 2017)
WLAM "Meet the Judges" Reception – 161 Attendees (132 in 2017)

Banquet and Luncheons:

Awards Banquet—291 attendees (220 in 2017)
Inaugural Luncheon—271 attendees (272 in 2017)
All-Member Networking Luncheon—66 attendees (135 in 2017)
50-Year Golden Celebration Luncheon—270 attendees (226 in 2017)

Evaluation Summary

This was the second year of the re-branded Annual Meeting, now known as the NEXT Conference. Attendance was the highest for Grand Rapids since 2007. Much of the increase in numbers can be attributed to the ease of the new event software in allowing us to capturing registration of nearly all attendees, even those that would normally attend without registering. Over 75% of survey respondents rated this event above average or excellent, citing the networking opportunities and location as favorite parts of the conference.

Just over half of the respondents said that they attended a section event while at the conference. The Master Lawyers and Young Lawyers Section joint program on limited scope representation was noted as a favorite more than once and received excellent ratings, as was the Family Law Section program on *The Impact of Immigration Law and Practices in State Courts* done in collaboration with the Michigan Judicial Institute and the SBM Diversity & Inclusion Committee. The Appellate Practice Section's program on *The Dos and Don'ts of Oral Advocacy in Michigan's Appellate Courts* also received high ratings.

Approximately one quarter of the survey respondents purchased education sessions (10.69% of total conference attendees attended at least one educational session). Of those who attended, most purchased sessions a la carte instead of purchasing a package. As usual, Barron Henley received high praise, as did Jack Newton and Nicole Black, our keynote and plenary speakers. In general, the education sessions were well received except for those by speaker Christopher Anderson - attendees seemed to agree that his presentations were presented more as a sales pitch than as education presentations.

Grand Rapids was well liked as a venue, especially with ArtPrize in full swing, and the response for the city was overwhelmingly positive. The feedback on the venue itself was mixed – many attendees love the venue, while others expressed that they'd prefer a venue not affiliated with DeVos/Amway for political reasons. There were the usual comments about DeVos being difficult to navigate but also praise for the amount of signage and volunteers that helped attendees find their way.

The 50-Year Golden Celebration was the largest since 2003, with 115 honorees and total attendance of 270, and the new format for the program was well received. This luncheon received excellent reviews for both meal and program, and one honoree called it "...an emotional, proper and redeeming experience." The

Awards Banquet was lauded for having a great emcee who keep the program moving and the Inaugural Luncheon and All-Member luncheon both received above average ratings.

The Celebrating Diversity reception was held at Atwater Brewery. Several respondents commented about how the layout of the venue made it hard to mingle but the food and drinks were excellent and attendees enjoyed the close proximity to the hotel. One attendee said "As always, great venue, good food, nice turn-out, excellent conversation. This is always one of the best parts of the SBM Annual Meeting."

69% of respondents said that they perused the exhibit hall and attendees seem satisfied with their experience, feeling there was a good mix of vendors. Suggestions for future vendors included health and wellness booths, document management businesses or AI vendors with demonstrations.

Overall, it was a well-liked and well-attended event. There were few suggestions for improvement but some notable ideas were to make it easier to pack in more substantive education and to have more activities for individuals not attending section meetings or luncheons. The smooth and efficient on-site registration process was noted this year and people loved being in the middle of Grand Rapids during ArtPrize. Attendees were generally very satisfied with the event and glad to have an opportunity network with other professionals and connect with old friends and colleagues.

Budgeted Revenue:	104,100.00	Actual Revenue:	\$115,388.00
Sponsors	\$15,000.00		\$10,000.00
Section Sponsors	\$9,000.00		\$25,400.00
Exhibitors	\$13,000.00		\$15,950.00
Education Reg.	\$30,000.00		\$24,215.00
Other:	\$37,100.00		\$39,823.00

Budgeted Expense:	\$228,400.00	Actual Expense:	\$187,706.35
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Net Cost:	
2018 GR	\$72,318.35
2017 Cobo	\$99,342.02
2016 GR	\$71,000.00*
2015 Novi	\$49,808.03*
2014 GR	\$69,101.53
2013 Lansing	\$3,634.84

*Based on approximate numbers at the end of event each year. Both 2015 and 2016 Annual Meetings were budgeted in the 2015-2016 fiscal year. The total net costs for both those events combined was \$120,808.03.

MEMORANDUM

To: Communications and Member Services Committee
From: Rob Buchanan
Date: November 16, 2018
Re: Proposal to Revise Committee Jurisdiction to Include Oversight of State Bar Sections

Current Committee Jurisdiction as approved at the July 2018 BOC Meeting:

COMMUNICATIONS AND MEMBER SERVICES COMMITTEE

Commissioner Committee Jurisdiction

- Review and make recommendations to the Board of Commissioners on policies and actions regarding communications and member services
- Review and evaluate metrics for measuring the effectiveness of SBM's efforts to meet its communications and member services strategic goals
- Consider and recommend external collaborations to advance the communications and member services objectives of the Strategic Plan

Committees: Awards, Michigan Bar Journal, Education & Events, Public Outreach & Education, Social Media & Website

Recommended Revision to Committee Jurisdiction Statement:

Add the following bullet point —

- Review, evaluate, and make recommendations to the Board of Commissioners concerning any request to establish a new State Bar section, any request to amend an existing section's bylaws or revise its dues structure, and any proposal to discontinue an existing State Bar section.