



Board of Commissioners

Agenda and Materials

November 20, 2020

**STATE BAR OF MICHIGAN
BOARD OF COMMISSIONERS
FRIDAY, NOVEMBER 20, 2020
9:30 a.m.
VIRTUAL MEETING
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

- I. Call to Order..... Robert J. Buchanan President

CONSENT AGENDA

- II. **Minutes**
A. September 16, 2020 (both meetings)*
B. September 8, 2020 Executive Committee meeting*
C. October 6, 2020 Executive Committee meeting*
- III. **President’s Activities**..... Robert J. Buchanan, President
A. Recent Activities*
- IV. **Executive Director’s Activities**.....Janet K. Welch, Executive Director
A. Recent Activities*
- V. **Finance**.....Joseph P. McGill, Chairperson
A. 2020 Draft Financial Reports through September 30, 2020*
B. Financial Safety Margin Calculation*
- VI. **Professional Standards**Daniel D. Quick, Chairperson
A. District Character and Fitness Committee Appointments*
B. Client Protection Fund Claims*
C. Unauthorized Practice of Law Claims**
- VII. **Public Policy**Dana M. Warnez, Chairperson
A. Model Criminal Jury Instructions*
- VIII. **Section Bylaw Amendments**Darin Day, Outreach Program Director
A. Children’s Law Section*
B. Marijuana Law Section*
C. Young Lawyers Section*

LEADERSHIP REPORTS

- VIX. **President’s and Executive Director’s Report** Robert J. Buchanan, President
Janet K. Welch, Executive Director
 - A. Administering Oath to New Board members
- X. **Representative Assembly Report** Chelsea M. Rebeck, Chairperson
- XI. **Young Lawyers Section Report** Samantha J. Orvis, Chairperson

COMMISSIONER COMMITTEES

- XII. **Finance** Joseph P. McGill, Chairperson
 - A. FY 2020 Financial Update
 - B. Recommendation on license fee increase for SBM portion of the license fee
- XIII. **Audit** Joseph P. McGill Chairperson
 - A. FY 2020 Annual Audit Update
- XIV. **Professional Standards** Daniel D. Quick, Chairperson
- XV. **Communications and Member Services** James W. Heath, Chairperson
- XVI. **Public Policy** Dana M. Warnez, Chairperson
 - A. Court Rules**
 - B. Model Criminal Jury Instructions**

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

- XVII. **Comments or questions from Commissioners**
- XVIII. **Comments or questions from the public**
- XIV. **Adjournment**

*Materials included with agenda

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

**STATE BAR OF MICHIGAN
BOARD OF COMMISSIONERS MEETING MINUTES**

President Barnes called the meeting to order at 9:34 a.m. on Wednesday, September 16, 2020 via videoconference.

Commissioners present:

Danielle Mason Anderson
David C. Anderson
Dennis M. Barnes, President
Joseph J. Baumann
Robert J. Buchanan, President-Elect
Aaron V. Burrell
Erika L. Butler
Hon. Clinton Canady III
B.D. “Chris” Christenson
Josephine A. DeLorenzo
Hon. Shauna L. Dunning
Thomas H. Howlett
Lisa J. Hamameh
Kara R. Hart-Negrich
James W. Heath, Secretary
Sarah E. Kuchon

Suzanne C. Larsen
James W. Low
E. Thomas McCarthy Jr.
Valerie R. Newman
Nicholas M. Ohanesian
Samantha J. Orvis
Hon. David A. Perkins
Barry R. Powers
Daniel D. Quick, Treasurer
Chelsea M. Rebeck
Thomas G. Sinas
Gregory L. Ulrich
Dana M. Warnez, Vice President
Erane C. Washington
Mark A. Wisniewski
Ryan Zemke

Commissioner Absent:

Joseph P. McGill

State Bar staff present:

Janet Welch, Executive Director
Margaret Bossenbery, Executive Coordinator
Peter Cunningham, Assistant Executive Director and Director, Governmental Relations
Michelle Erskine, Research Assistant & Event Specialist
Kathryn Hennessey, General Counsel
Carrie Sharlow, Administrative Assistant
Janna Sheppard, Administrative Assistant

State Bar staff in waiting room:

Tatiana Goodkin, Chief Financial Officer

Consent Agenda

The Board received the minutes from the July 24, 2020 Board meeting.
The Board received the minutes from the August 21, 2020 Board meeting.
The Board received the minutes from the July 14, 2020 Executive Committee meeting.
The Board received the minutes from the August 11, 2020 Executive Committee meeting.
The Board received the recent activities of the president.
The Board received the recent activities of the executive director.
The Board received the FY 2020 Financial Reports through July 2020.

The Board received the Client Protection Fund claims.
The Board received the Unauthorized Practice of Law claims.
The Board received some Model Criminal Jury Instructions.

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

LEADERSHIP REPORTS

President and Executive Director's Report: Dennis M. Barnes, President and Janet K. Welch, Executive Director

Mr. Barnes reported that Mr. McGill contacted him to let him know that his mother passed away this morning. There were no further general business items to report.

Representative Assembly (RA) Report: Aaron V. Burrell, Chairperson

Mr. Burrell reported that the calendar is set for the RA meeting tomorrow and that the members will receive a financial update from Mr. Quick and Ms. Welch in preparation for their consideration of a fee increase proposal in 2021, receive a report from the Special Issues Committee on COVID-19, review and discuss two substantive proposals, and elected the next RA clerk from the three members who submitted their names for consideration. He also stated that the Diversity Committee has been empaneled, has met and will continue to meet throughout the upcoming year.

Young Lawyers Section (YLS) Report: Ryan Zemke, Chairperson

Mr. Zemke reported that the annual meeting of the YLS is taking place next week via Zoom.

COMMISSIONER COMMITTEES

Finance: Daniel M. Quick, Chairperson

Mr. Quick reviewed the FY 2020 financial results through July 2020.

Audit: Daniel M. Quick, Chairperson

Mr. Quick stated that the committee conducted interim audit procedures in August and that the year-end procedures will be conducted in October.

Professional Standards: James W. Heath, Chairperson

Mr. Heath stated that the committee met before this meeting and reviewed rule and policy changes regarding subrogation agreements that will take plan during the next bar year.

Communications and Member Services (CAMS): Dana M. Warnez, Chairperson

Ms. Warnez stated there was nothing from the committee to come before the Board.

Public Policy: Robert J. Buchanan, Chairperson

Court Rules

ADM File No. 2020-11: Proposed Amendment of MCR 2.108

The proposed amendment of MCR 2.108 would provide a timeframe for a responsive pleading when a motion for more definite statement is denied.

A motion was offered and supported to support this amendment. The motion was seconded and approved.

ADM File No. 2020-14: Amendment of MCR 4.202

The amendment of MCR 4.202(H) makes the rule consistent with the requirements of MCR 4.201(F)(4) by requiring the court clerk to mail defendant notice of entry of a default judgment. The rule was amended previously to require plaintiff to mail a default judgment to the defendant, unlike MCR 4.201(F)(4), which was not amended. Having two different procedures for matters that are both summary proceedings has caused confusion for courts. This amendment returns the language to its previous status and makes MCR 4.201 and MCR 4.202 consistent again.

A motion was offered and supported to support this amendment. The motion was seconded and approved.

Recognition of Retiring Board Members:

Joseph J. Baumann, written and presented by David C. Anderson
Aaron V. Burrell, written and presented by Chelsea M. Rebeck
Hon. Shauna L. Dunnings, written and presented by Hon. Clinton Canady III
Kara R. Hart-Negrich, written and presented by Ryan Zemke
Gregory L. Ulrich, written and presented by James W. Low

Recognition of President Dennis M. Barnes:

Mr. Buchanan thanked Mr. Barnes for his years of service to the State Bar of Michigan, especially for his leadership during the past year. Mr. Buchanan recognized the challenges Mr. Barnes faced and the sacrifices he made during the latter part of his term.

Mr. Buchanan stated that a plaque was sent to Mr. Barnes in appreciation for his service as the 85th president of the State Bar of Michigan. He also stated that a scrapbook will be sent once it is completed.

Mr. Barnes thanked Mr. Buchanan for his remarks and his commitment to the Bar and offered any assistance necessary in the upcoming year. He thanked the Board for their hard work, support and friendship. Mr. Barnes recognized the work of the section and committee chairs, and the dedication and hard work of the staff.

Other

Comments or Questions from Commissioners

Hon. Shauna Dunnings recognized Mr. Robert Easterly, the newly elected commissioner for District E, who joined today's meeting.

Mr. Heath thanked everyone for their thoughtfulness during the time he was a caregiver for his father and after he passed away.

Comments or questions from the public

There were none.

Closed Session

A motion was offered at 11:16 a.m. to go into a closed session to discuss a contract issue. The motion was seconded and approved.

The Board returned to open session at 11:25 a.m. A motion was offered to approve Ms. Welch's contract for an additional year with the current provisions. The motion was seconded and approved.

Adjournment

The meeting was adjourned at 11:30 a.m.

**STATE BAR OF MICHIGAN
BOARD OF COMMISSIONERS MEETING MINUTES**

President Buchanan called the meeting to order at 11:35 a.m. on Wednesday, September 16, 2020 via videoconference.

Commissioners present:

Danielle Mason Anderson
David C. Anderson
Kristina Bilowus
Robert J. Buchanan, President
Erika L. Butler
Hon. Clinton Canady III
Josephine A. DeLorenzo
Robert Easterly
Thomas H. Howlett
Lisa J. Hamameh
Kara R. Hart-Negrich
James W. Heath, Vice President
Sarah E. Kuchon
Suzanne C. Larsen
James W. Low

E. Thomas McCarthy Jr.
Joseph P. McGill, Treasurer
Valerie R. Newman
Nicholas M. Ohanesian
Samantha J. Orvis
Hon. David A. Perkins
Barry R. Powers
Daniel D. Quick, Secretary
Chelsea M. Rebeck
Thomas G. Sinas
Dana M. Warnez, President-Elect
Erane C. Washington
Mark A. Wisniewski
Ryan Zemke

Commissioner Absent

B.D. "Chris" Christenson

Commissioners Thomas P. Clement, Gerrow D. "Gerry" Mason, and Takura N. Nykamfukudza were either elected or appointed after this meeting took place.

State Bar staff present

Janet Welch, Executive Director
Margaret Bossenbery, Executive Coordinator
Peter Cunningham, Assistant Executive Director and Director, Governmental Relations
Michelle Erskine, Research Assistant & Event Specialist
Kathryn Hennessey, Assistant Executive Director and General Counsel
Carrie Sharlow, Administrative Assistant
Janna Sheppard, Administrative Assistant

President's Report

Mr. Buchanan welcomed the new Board members.

Mr. Buchanan asked the new commissioners to introduce themselves.

Mr. Buchanan administered the oath of office to the Board members.

Authorize President to Appoint an Executive Committee

A motion was offered to approve the appointment of the Executive Committee. The motion was seconded and approved.

2020-2021 Commissioner Committee Appointments

Mr. Buchanan stated that the committee appointments would be made by the end of September and the commissioners would be advised at that time.

Fiscal Matters

The board received information about Nexonia, the SBM expense reimbursement system.

Board Member Information Forms

The Board received the form to complete for the Pictorial Directory.

2020-2021 Board of Commissioners and Representative Assembly Meeting Dates

The Board received the dates for the 2020-2021 Board of Commissioner and Representative Assembly meetings.

Adjournment

The meeting was adjourned at 12:15 p.m.

State Bar of Michigan
Executive Committee Conference Call
Tuesday, September 8, 2020
4:00 p.m.

Call to Order: President Barnes called the meeting to order at 4:04 p.m.

Members Present: President Dennis M. Barnes, President-Elect Robert J. Buchanan, Vice President Dana M. Warnez, Treasurer Daniel D. Quick, Representative Assembly Chair Aaron V. Burrell, Representative Assembly Vice Chair Chelsea M. Rebeck, and Commissioners Thomas H. Howlett, Joseph P. McGill, and Erane C. Washington

Member Absent: Secretary James W. Heath

State Bar Staff Present: Executive Director Janet Welch, Executive Coordinator Margaret Bossenbery, Assistant Executive Director Peter Cunningham, Chief Financial Officer Tatiana Goodkin, General Counsel Kathryn Hennessey, and Pro Bono Service and Justice Initiatives Counsel Robert Mathis

Minutes

Mr. Barnes called for a motion to approve the minutes from the August 11, 2020 Executive Committee meeting. A motion was made to approve the minutes. The motion was seconded and approved with one abstention.

President and Executive Director's Report

Mr. Barnes and Ms. Welch stated that the officers' retreat held in late August went well and that Chief Justice McCormack joined the group for part of the meeting.

Mr. Barnes noted the recent grant of summary judgment in favor of SBM in *Taylor v Barnes*.

There will be an Executive Session on the September Board agenda to discuss an employment contract.

Ms. Welch informed the committee that the long-time editor of the *Michigan Bar Journal* is leaving the Bar, and discussions are underway about filling the position.

A staff team is working on the financial analysis in preparation for the RA meeting. It is anticipated that a final proposal for a fee increase will come before the RA at its April 2021 meeting.

Representative Assembly (RA) Chair's Report

Mr. Burrell reviewed the calendar items for the September 17 RA meeting. He anticipates the meeting will be very productive.

Resolution of the SBM to Change Signers on Bank Accounts

A motion was offered to approve a resolution to change signers on bank accounts. The motion was seconded and approved.

Michigan Indigent Defense Commission (MIDC) Standard 9—Proposed Standard for Determining Indigency and Contributions

A motion was offered to approve the MIDC's Proposed Standard for Determining Indigency and Contributions including the amendments offered by the Access to Justice Policy Committee and the Criminal Jurisprudence & Practice Committee. The motion was seconded and approved.

Appointment to Legal Aid of Western Michigan Board of Directors

A motion was offered to appoint former Judge Patricia Conlon to the Legal Aid of Western Michigan Board of Directors. The motion was seconded and approved.

Agenda for September 16, 2020 Board Meetings

Ms. Bossenbery presented the agendas for both of the September 16, 2020 Board meetings. A motion was offered to approve the agendas. The motion was seconded and approved.

Other

The committee discussed dissemination of information of the *Taylor v Barnes* order.

The meeting was adjourned at 4:33 p.m.

State Bar of Michigan
Executive Committee Conference Call
Tuesday, October 6, 2020
4:00 p.m.

Call to Order: President Buchanan called the meeting to order at 4:00 p.m.

Members Present: President Robert J. Buchanan; President-Elect Dana M. Warnez; Vice President James W. Heath; Secretary Daniel D. Quick; Representative Assembly Chair Chelsea M. Rebeck; Representative Assembly Vice Chair Nicholas M. Ohanesian; and Commissioners Erika L. Butler, Lisa J. Hamameh, and Thomas H. Howlett.

Members Excused: Treasurer Joseph P. McGill

State Bar Staff Present: Janet Welch, Executive Director; Nancy Brown, Assistant Executive Director; Peter Cunningham, Assistant Executive Director; Kathryn Hennessey, General Counsel; Carrie Sharlow, Administrative Assistant; and Kari Thrush, Lawyer Services Program Director.

Minutes from September 8, 2020 Meeting

Mr. Buchanan asked for a motion to approve the September 8 minutes. A motion was offered to approve the minutes from the September 8 Executive Committee meeting. The motion was seconded and approved. Ms. Hamameh abstained.

President and Executive Director's Report

Mr. Buchanan detailed an ongoing issue regarding section membership processing in the Appellate Practice Section. State Bar staff will resolve this matter.

Ms. Welch and Ms. Hennessey provided an update on the *Taylor* litigation. Notice of appeal has been filed in the 6th Circuit. A motion was offered for the State Bar to request the Sixth Circuit summarily affirm the district court decision. The motion was seconded and approved.

Representative Assembly Chair's Report

Ms. Rebeck reported that the leadership met last week to finalize the membership of the 2020-2021 Assembly committees, except for the assignment of the Drafting Committee chair. Ms. Rebeck reported that the Diversity Committee, appointed by Past Chair Aaron Burrell, was reappointed by Ms. Rebeck.

Policies About Privacy Preferences and Access to SBM Member Emails

Ms. Hennessey provided the committee with a memo regarding the policies about privacy preferences and access to SBM member emails. After discussing the options offered in the memo, a motion was offered to notify judicial candidates they can purchase email addresses from the State Bar at the rate of \$75 administration fee, plus 10 cents per email. The motion was seconded and approved.

The committee decided that during the next bar year, the Board of Commissioners will further review the policies and update the amendments.

Adjournment

The meeting was adjourned at 4:58 p.m.

President Robert J. Buchanan
President's Activities
September 18 through November 20, 2020

Date	Event	Location
September 18 – November 20	Ongoing SBM internal leadership meetings, not separately noted	Virtual
September 23	MSBF Annual Members Meeting and Trustees Meeting	Virtual
September 24	Meeting with Executive Staff about President's Appointment of Commissioners to Committees and Sections	Virtual
October 1	Call with Director of Communications Elizabeth Couch	
October 8	Call with Director of Communications Elizabeth Couch	
October 10	Celebration of Life for attorney Kevin G. Dougherty	Blythfield Country Club, Grand Rapids
October 6	Executive Committee meeting	Virtual
October 22	Race and Justice Forum	Virtual
October 29	Justice for All Virtual Stakeholder Summit	Virtual
October 29	2020 American Board of Trial Advocates (ABOTA) meeting	Virtual
November 5	Call with Executive Director Janet Welch	
November 10	Executive Committee meeting	Virtual
November 11	Section Leaders Virtual Orientation Session	Virtual
November 16	Call with Assistant Division Director Kari Thrush and Vice President James Heath	
November 18	Michigan State Bar Foundation (MSBF) Board Meeting	Virtual
November 19	16 th Annual Dennis M. Archer Public Service Gala Honoring Hon Avern Cohn	Virtual
November 20	Board of Commissioners meeting	Virtual

Executive Director Janet K. Welch
Executive Director Activities
September 18 through November 20, 2020

Date	Event	Location
September 18 – November 20	Ongoing SBM internal leadership meetings, not separately noted	Virtual
September 21	Capitol Club meeting	Virtual
September 21	Audit Committee meeting	Virtual
September 21	Executive Team meeting	Virtual
September 22	Cloudlaw meeting	Virtual
September 22	ABA Standing Committee on Bar Activities and Services (SCOBAS)	Virtual
September 23	International Working Group - Transition after Pandemic Restrictions meeting	Virtual
September 23	Michigan Supreme Court Public Administrative Hearing	Virtual
September 23	Strategic Management Team meeting	Virtual
September 24	BOC Commissioner Committee Appointment meeting	Virtual
September 25	Judicial Section meeting	Virtual
September 25	Probate Judges Association meeting	Virtual
September 28	King Media's State Bar of Michigan Campaign Kick-Off meeting	Virtual
September 28	Executive Team meeting	Virtual
September 29	Cloudlaw meeting	Virtual
September 29	Michigan Lawyers Weekly Women in the Law 2020 Program Taping	Virtual
September 30	Great Rivers Bar Executives meeting	Virtual
September 30	Attorney Discipline System meeting	Virtual
September 30	Strategic Management Team meeting	Virtual
October 2	JFA Strategic Planning Summit – 1 st session	Virtual
October 5	Executive Team meeting	Virtual
October 6	Executive Committee meeting	Virtual

Date	Event	Location
October 7	ABA Select Committee meeting	Virtual
October 8	JFA Strategic Planning Summit – 2 nd session	Virtual
October 8	Michigan Lawyers Weekly Michigan Women in the Law	Virtual
October 12	Executive Team meeting	Virtual
October 13	JFA Planning Committee meeting	Virtual
October 13 - 16	Clio Conference	Virtual
October 14	International Working Group - Transition after Pandemic Restrictions meeting	Virtual
October 14	Integrated Tech Committee meeting	Virtual
October 14	Attorney Discipline System meeting	Virtual
October 14	Strategic Management Team meeting	Virtual
October 19	Capitol Club meeting	Virtual
October 19	Executive Team meeting	Virtual
October 19	Meeting with Robert Craghead, Executive Director, Illinois Bar Association	Virtual
October 20	JFA Commission Planning meeting	Virtual
October 21	Strategic Management Team meeting	Virtual
October 21	ABA Standing Committee on Bar Activities and Services (SCOBAS)	Virtual
October 22	Virtual Swearing in Ceremony Planning meeting	Virtual
October 22	Race and Justice Forum	Virtual
October 26	Executive Team meeting	Virtual
October 27	Virtual Swearing in Ceremony Planning meeting	Virtual
October 28	ICLE Executive Committee meeting	Virtual
October 28	Review of COVID-19 Resources and Updates meeting	Virtual
October 28	Attorney Discipline System meeting	Virtual
October 28	JFA Commission AO meeting	Virtual
October 29	Meeting with Jennifer Lewin, Deputy Director, ABA Division for Bar Services, and Anne Vrooman	Virtual

Date	Event	Location
October 29	Call with President Rob Buchanan	
October 29	Virtual Swearing in Ceremony meeting	Virtual
October 20	Trial Court Performance Measures Committee meeting	Virtual
November 2	Meeting with Robert E. Craghead Executive Director, Illinois Bar Association	Virtual
November 2	Executive Team meeting	Virtual
November 2	Detroit Bar Association Webinar - A Journey to Now: Beginning the Conversation on Implicit Bias and Microaggression - Part Two	Virtual
November 3	JFA Planning Team meeting	Virtual
November 4	International Working Group - Transition after Pandemic Restrictions meeting	Virtual
November 4	Strategic Management Team meeting	Virtual
November 4	Cloudlaw and Connect meeting	Virtual
November 5	Call with President Rob Buchanan	
November 5	JFA Planning Team meeting	Virtual
November 9	Meeting with State Bar Audit Firm	Virtual
November 9	Executive Team Meeting	Virtual
November 10	ATJ Steering Committee meeting	Virtual
November 10	Executive Committee meeting	Virtual
November 11	Strategic Management Team meeting	Virtual
November 11	Section Orientation	Virtual
November 13	JFA Task Force meeting	Virtual
November 16	Executive Committee meeting	Virtual
November 17	Quarterly ATJC Staff meeting: Pro Bono Tools for ATJCs	Virtual
November 17	ABA Standing Committee on Bar Activities and Services (SCOBAS)	Virtual
November 18	Strategic Management Team meeting	Virtual
November 18	Attorney Discipline System meeting	Virtual

Date	Event	Location
November 19	16 th Annual Dennis M. Archer Public Service Gala Honoring Hon Avern Cohn	Virtual
November 19	Finance Committee meeting	Virtual
November 19	Public Policy Committee meeting	Virtual
November 20	Professional Standards meeting	Virtual
November 20	Board of Commissioners meetings	Virtual

State Bar of Michigan Preliminary Financial Results Summary

For the Twelve Months Ended September 30, 2020

Fiscal Year 2020

Administrative Fund

Summary of YTD September 30, 2020 Actual Results

For the twelve months ended September 30, 2020, the State Bar had an Operating Loss of \$1,173,144 and Non-Operating Revenue of \$527,828, for a decrease in Net Position of \$645,312. Net Position as of September 30, 2020 totaled \$11,571,908. Net Position excluding the impacts of the Retiree Health Care Trust net of the GASB 75 liability totaled \$9,182,651.

YTD Variance from Budget Summary:

YTD Operating Revenue - \$215,869 unfavorable to YTD budget, or (2.3%)

YTD Operating Expense - \$1,086,406 favorable to YTD budget, or (9.5)%

YTD Non-Operating Income - \$277,828 favorable to YTD budget, or 111.1%

YTD Change in Net Position - \$1,148,368 favorable to YTD budget

YTD Key Budget Variances:

YTD Operating Revenue variance - \$215,869 unfavorable to budget:

- Operating revenue was unfavorable to budget primarily due to lower LRS, Bar Journal, Print Center, BLF, UMLI, Member Services revenue, Annual Meeting, C&F and Ethics.

YTD Operating Expense variance - \$1,086,406 favorable to budget:

- Salaries and Employee Benefits/ Payroll Taxes - \$295,276, favorable (4.0%)
 - Underage in salaries and benefits primarily due to vacancies.
- Non-Labor Operating Expenses - \$791,130, favorable (19.6%)
 - Exec Offices - \$361,886, favorable (43%) - Primarily Executive Office, HR, R&D, RA, BOC and other.
 - Finance & Admin - \$73,296, favorable (5.4%) – Under in Administration, Finance and in Facilities Services.
 - Member & Communication Services - \$273,343, favorable (16.4%) - Primarily Lawyer Services, 50 Year, Website, Bar Journal, Directory, BLF, UMLI, Print Center and Media Relations.

- Professional Standards - \$82,605, favorable (50.5%) - Primarily C&F, Ethics, UPL and other.

YTD Non-Operating Revenue Budget Variance - \$277,828 favorable to budget

- Operating investment income is unfavorable to budget by \$50,933 or (20.4%).
- Retiree Health Care Trust investment income is favorable by \$328,761 due to investment gain; however, no investment income or loss was budgeted.

Cash and Investment Balance – Admin Fund

As of September 30, 2020, the cash and investment balance in the State Bar Admin Fund (net of “*due to Sections, Client Protection Fund, and Retiree Health Care Trust*”) was \$7,485,111, a decrease of \$783,522 for FY 2020 due to expenses exceeding revenues.

SBM Retiree Health Care Trust

As of September 30, 2020, the SBM Retiree Health Care Trust had a fund balance of \$3,849,164, which is an increase of \$381,120 or 11% in FY 2020 due to investment gain.

Capital Budget – Admin Fund

Through September 30, 2020, YTD capital expenditures totaled \$306,476 which is under the YTD capital budget by \$53,542 due to delay in some capex expenditures to FY 2021 and rebalancing of the on-going IT projects.

Administrative Fund FY 2020 Year-End Actual vs. Budget

As of September 30, 2020, we were better than budget by \$1,148,368 (excluding the impacts of the retiree healthcare trust income – by \$819,607). This variance is due to lower operational expenses primarily in salary, benefits, travel, meetings and programs, and lower depreciation, net of lower revenue for canceled programs and lower investment income.

Client Protection Fund

The Net Position of the Client Protection Fund as of September 30, 2020 totaled \$2,031,710, an increase of \$34,920 in FY 2020. Claims payments so far this year totaled \$576,159. In addition, there is a total of \$178,925.00 approved claims awaiting subrogation agreements.

SBM Membership

As of September 30, 2020, the total active, inactive and emeritus membership in good standing totaled 46,320 attorneys. SBM saw a net overall increase of 228 members in FY 2020; however, paying members decreased by 433. A total of 807 new members joined the SBM during FY 2020.

**STATE BAR OF MICHIGAN
ADMINISTRATIVE FUND**

Unaudited and For Internal Use Only

**FINANCIAL REPORTS
September 30, 2020**

FY 2020

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

State Bar of Michigan
Statement of Net Position
Administrative Fund
For the Twelve Months Ending September 30, 2020

	August 31, 2020	September 30, 2020	Increase (Decrease)	%	Beginning of FY 2020 10/1/19
ASSETS AND DEFERRED OUTFLOWS					
Cash	\$2,587,203	\$2,555,783	(\$31,421)	(1.2%)	\$1,767,913
Investments	7,103,528	7,593,526	565,128	8.0%	8,753,528
Accounts Receivable	189,999	256,921	66,922	35.2%	299,326
Due from ADS	-	75,128	75,128	n/a	-
Due from (to) CPF	(405)	(44,159)	(43,754)	10801.9%	(7,740)
Due to Sections	(2,778,240)	(2,619,740)	158,500	(5.7%)	(2,250,516)
Prepaid Expenses	221,086	352,958	131,871	59.6%	434,486
Inventory	6,823	0	(6,823)	(100.0%)	23,538
Capital Assets	3,610,922	3,555,659	(55,263)	(1.5%)	3,800,583
SBM Retiree Health Care Trust	3,900,183	3,849,164	(51,018)	(1.3%)	3,468,044
Total Assets	\$14,841,099	\$15,575,240	\$734,142	4.9%	\$16,289,160
Deferred outflows of resources related to pensions	34,117	36,627	2,510	7.4%	34,117
Deferred outflows of resources related to OPEB	313,165	448,630	135,465	43.3%	313,165
Total Deferred outflows of resources	347,282	485,257	137,975	39.7%	347,282
Total Assets and Deferred Outflows of Resources	15,188,381	16,060,497	872,116	5.7%	16,636,442
LIABILITIES, DERERRED INFLOWS AND NET POSITION					
Liabilities					
Accounts Payable	\$6	\$280,767	\$280,761	4742589.2%	\$390,272
Accrued Expenses	431,805	559,657	127,852	29.6%	516,643
Deferred Revenue	642,191	1,360,196	718,005	111.8%	1,325,490
Net Pension Liability	330,798	364,363	33,565	10.1%	330,798

Net OPEB Liability	1,603,186	1,581,433	(21,753)	(1.4%)	1,603,186
Total Liabilities	3,007,986	4,146,416	1,138,430	37.8%	4,166,389
Deferred Inflows of resources related to pensions	28,262	15,069	(13,193)	(46.7%)	28,262
Deferred Inflows of resources related to OPEB	224,569	327,105	102,536	45.7%	224,569
Total Deferred inflows of resources	252,831	342,174	89,343	35.3%	252,831
Total Liabilities and Deferred Inflows	3,260,817	4,488,590	1,227,773	37.7%	4,419,220
Net Assets					
Invested in Capital Assets, Net of Related Debt	3,610,922	3,555,659	(55,263)	(1.5%)	3,800,583
Restricted for Retiree Health Care Trust	2,385,593	2,389,256	3,663	0.2%	1,953,454
Unrestricted	5,931,049	5,626,992	(304,057)	(5.1%)	6,463,184
Total Net Position	11,927,563	11,571,907	(355,657)	(3.0%)	12,217,220
Total Liabilities, Deferred Inflows and Net Position	\$15,188,381	\$16,060,497	\$872,116	5.7%	\$16,636,442
Net Position <u>excluding</u> the impacts of retiree health care	\$9,541,970	\$9,182,651			\$10,263,766

Note: Cash and investments actually available to the State Bar Administrative Fund, after deduction of the "Due to Sections" and "Due to CPF" and not including the "Retiree Health Care Trust" is \$7,485,411 (see below)

	August 31, 2020	September 30, 2020	Increase (Decrease)	%	Beginning of FY 2020 10/1/19
CASH AND INVESTMENT BALANCES					
Cash (including CD's and Money Market)	\$2,587,203	\$2,555,783	(\$31,421)	(1.2%)	\$1,767,913
Investments	7,103,528	7,593,528	490,000	6.9%	8,753,528
Total Available Cash and Investments	9,690,731	10,149,310	458,579	4.7%	10,521,440
Less:					
Due to Sections	2,778,240	2,619,740	(158,500)	(5.7%)	2,250,516
Due to CPF	405	44,159	43,754	10801.9%	7,740
Due to Sections and CPF	2,778,645	2,663,900	(114,746)	(4.1%)	2,252,507
Net Administrative Fund Cash and Investment Balance	6,912,086	7,485,411	573,325	8.3%	8,268,933

State Bar of Michigan
Statement of Revenue, Expense, and Net Assets
Administrative Fund
For the Twelve Months Ending September 30, 2020

	Actual YTD	Budget YTD	Variance	Percentage	
Revenue					
Finance & Administration					
Dues	\$7,732,165	\$7,757,000	(\$24,835)	(0.32%)	Lower membership, offset by higher late fees
Investment Income - SBM Operations	199,067	250,000	(50,933)	(20.37%)	Lower interest rates
Investment Income - Ret HC Trust	328,761		328,761	0.00%	
Other Revenue	380,059	416,900	(36,841)	(8.84%)	Primarily lower due to CPF administrative fees
Finance & Administration Total	8,640,052	8,423,900	216,152	2.57%	
Member Services & Communications					
Bar Journal Directory	39,645	35,850	3,795	10.59%	
Bar Journal 11 issues	146,149	162,750	(16,601)	(10.20%)	There were only 10 issues of the Bar Journal due to COVID
Print on Demand Dept	50,219	65,700	(15,481)	(23.56%)	Less demand for printing services (sections)
e-Journal and Website	75,632	74,000	1,632	2.21%	
BCBS Insurance	100,000	100,000	-	0.00%	
50 Year Honoree Celebration	-	2,300	(2,300)	(100.00%)	
Annual Meeting	-	16,250	(16,250)	(100.00%)	No annual meeting
Labels	1,491	4,000	(2,509)	(62.73%)	
Practice Management Resource Center	530	1,050	(520)	(49.52%)	
Upper Michigan Legal Institute	597	12,500	(11,903)	(95.22%)	No meeting due to COVID
Other Member & Endorsed Revenue	94,243	112,100	(17,857)	(15.93%)	Lower endorsement revenue
Lawyer Referral Service	127,560	157,000	(29,440)	(18.75%)	LRS administrative fees were suspended due to COVID
Bar Leadership Forum	946	11,725	(10,779)	(91.93%)	No meeting due to COVID
Member Services & Communications Total	637,012	755,225	(118,213)	(15.65%)	
Professional Regulation					
Ethics	6,090	8,500	(2,410)	(28.35%)	
Character & Fitness	325,940	358,825	(32,885)	(9.16%)	Lower bar exam processing fees
Other Revenue	41,315	42,000	(685)	(1.63%)	
Professional Regulation Total	373,345	409,325	(35,980)	(8.79%)	
Total Revenue	9,650,409	9,588,450	61,959	0.65%	

State Bar of Michigan
Statement of Revenue, Expense and Net Assets
Administrative Fund
For the Twelve Months Ending September 30, 2020

Expense	Actual YTD	Budget YTD	Variance	Percentage	
Executive Offices					
Executive Office	\$59,943	\$101,550	(\$41,607)	(40.97%)	Reduced travel and meeting expenses
Representative Assembly	788	56,400	(55,612)	(98.60%)	Reduced travel and meeting expenses
Board of Commissioners	35,261	142,400	(107,139)	(75.24%)	Reduced travel and meeting expenses
General Counsel	64,581	45,050	19,531	43.35%	Higher outside counsel expenses
Governmental Relations	57,300	73,235	(15,935)	(21.76%)	Reduced travel and meeting expenses
Human Resources	1,828,787	1,982,412	(153,625)	(7.75%)	Lower expenses due to COVID, lower payroll taxes and benefits due to vacancies
Outreach	41,716	118,644	(76,928)	(64.84%)	Reduced travel and meeting expenses
Research and Development	29,773	49,190	(19,417)	(39.47%)	Reduced travel and meeting expenses and fewer projects
Justice Initiatives Department	132,363	148,800	(16,437)	(11.05%)	Reduced travel and meeting expenses
Diversity	5,919	35,000	(29,081)	(83.09%)	Reduced programs
Salaries	1,557,881	1,606,243	(48,362)	(3.01%)	Lower due to vacancies
Executive Offices Total	3,814,312	4,358,924	(544,612)	(12.49%)	
Administration					
Administration	31,454	38,325	(6,871)	(17.93%)	Reduced insurance and office supply expenses
Facilities Services	343,908	405,600	(61,692)	(15.21%)	Lower cleaning and miscellaneous expenses as building has been closed since March 2020
Financial Services	908,517	913,250	(4,733)	(0.52%)	Lower depreciation and audit expenses, offset by higher banking and card processing fees and loss on disposal of an asset
Salaries	458,763	486,940	(28,177)	(5.79%)	Lower due to vacancies
Administration Total	1,742,642	1,844,115	(101,473)	(5.50%)	
Member Services & Communications					
Bar Journal Directory	53,165	57,000	(3,835)	(6.73%)	Lower printing and typesetting offset by slightly higher postage expense
Bar Journal 11 Issues	440,712	535,800	(95,088)	(17.75%)	One less issue published
Print Center	42,139	64,500	(22,361)	(34.67%)	Lower paper expense due to reduced print services (COVID)
Website	105,383	157,100	(51,717)	(32.92%)	Reduced website maintenance, subscriptions and cloudlawyer member directory expenses
e-Journal	36,228	32,950	3,278	9.95%	Slightly higher due to e-blasts and outside contractor costs
Media Relations	31,658	62,400	(30,742)	(49.27%)	Lower video services and contract services, offset by promotion of bar expense
Member & Endorsed Services	77,518	126,950	(49,432)	(38.94%)	Lower promotion of Bar, lower meeting, travel, and COGs expenses
50 Yr. Golden Celebration	1,643	24,075	(22,432)	(93.18%)	No event due to COVID
Annual Meeting	21,186	47,338	(26,152)	(55.25%)	No annual meeting; non-refundable deposit was expensed
Lawyer Referral Service	1,270	3,700	(2,430)	(65.68%)	Reduced expenses due to COVID
Bar Leadership Forum	847	37,650	(36,803)	(97.75%)	No event due to COVID
Practice Management Resource Center	5,118	6,800	(1,682)	(24.74%)	
UMLI	3,393	29,450	(26,057)	(88.48%)	No event due to COVID
IT	573,310	481,200	92,110	19.14%	Higher spending on consulting, internet and computer purchases
Salaries	2,201,813	2,203,842	(2,029)	(0.09%)	
Member Services & Communications Total	3,595,383	3,870,755	(275,372)	(7.11%)	
Professional Standards					
Character & Fitness	40,663	53,800	(13,137)	(24.42%)	Reduced travel and meeting expenses
Client Protection Fund Dept	2,461	11,035	(8,574)	(77.70%)	Reduced travel and meeting expenses
LJAP	14,801	38,250	(23,449)	(61.30%)	Mainly due to lower travel expenses
Ethics	7,201	18,800	(11,599)	(61.70%)	Reduced travel and meeting expenses
Interim Administrator Program	14,650	14,650	(11,650)	(100.00%)	New program has not been launched yet
UPL	15,704	26,900	(11,196)	(41.62%)	Reduced travel and program expenses
Salaries	1,062,557	1,144,901	(82,344)	(7.19%)	
Professional Standards Total	1,143,387	1,308,336	(164,949)	(12.61%)	
Total Expense	10,295,724	11,382,130	(1,086,406)	(9.54%)	
Increase (Decrease) in Net Assets	(\$645,314)	(\$1,793,680)	\$1,148,366	(64.02%)	
Human Resources Detail					
Payroll Taxes	389,009	410,620	(21,611)	(5.26%)	Lower due to vacancies
Benefits	1,387,139	1,499,892	(112,753)	(7.52%)	Lower due to pension and OPEB expenses and vacancies
Other Expenses	52,639	71,900	(19,261)	(26.79%)	Lower temporary staffing expense and recruitment fees
Total Human Resources	1,828,787	1,982,412	(153,625)	(7.75%)	
Financial Services Detail					
Depreciation	528,855	558,000	(29,145)	(5.22%)	Lower due to timing of capitalization of capex projects
Other Expenses	379,662	355,250	24,412	6.87%	Higher bank and credit card processing fees
Total Financial Services	908,517	913,250	(4,733)	(0.52%)	
Salaries					
Executive Offices	1,557,881	1,606,243	(48,362)	(3.01%)	
Finance and Administration	458,763	486,940	(28,177)	(5.79%)	
Member Services & Communications	2,201,813	2,203,842	(2,029)	(0.09%)	
Professional Standards	1,062,557	1,144,901	(82,344)	(7.19%)	
Total Salaries Expense	5,281,014	5,441,926	(160,912)	(2.96%)	
Non-Labor Expense Summary					
Executive Offices	480,283	842,169	(361,886)	(42.97%)	
Finance and Administration	1,283,879	1,357,175	(73,296)	(5.40%)	
Member Services & Communications	1,393,570	1,666,913	(273,343)	(16.40%)	
Professional Standards	80,830	163,435	(82,605)	(50.54%)	
Total Non-Labor Expense	3,238,562	4,029,692	(791,130)	(19.63%)	

State Bar of Michigan
Statement of Revenue, Expense and Net Assets
For the Twelve Months Ending September 30, 2020

YTD FY 2020 Increase (Decrease) in Net Position Summary

	Actual YTD	Budget YTD	Variance	Percentage	Last Year Actual YTD	Variance
Operating Revenue						
- License Fees, Dues & Related	7,732,165	7,757,000	(24,835)	(0.3%)	7,750,310	(18,145)
- All Other Op Revenue	1,390,416	1,581,450	(191,034)	(12.1%)	1,601,163	(210,747)
Total Operating Revenue	<u>9,122,581</u>	<u>9,338,450</u>	<u>(215,869)</u>	<u>(2.3%)</u>	<u>9,351,473</u>	<u>(228,892)</u>
Operating Expenses						
- Labor-related Operating Expenses						
Salaries	5,281,014	5,441,926	(160,912)	(3.0%)	5,051,419	229,595
Benefits and PR Taxes	1,776,148	1,910,512	(134,364)	(7.0%)	1,833,191	(57,043)
Total Labor-related Operating Expenses	<u>7,057,162</u>	<u>7,352,438</u>	<u>(295,276)</u>	<u>(4.0%)</u>	<u>6,884,610</u>	<u>172,552</u>
- Non-labor Operating Expenses						
Executive Offices	480,283	842,169	(361,886)	(43.0%)	781,548	(301,265)
Finance & Administration	1,283,879	1,357,175	(73,296)	(5.4%)	1,246,714	37,165
Member & Communication Services	1,393,570	1,666,913	(273,343)	(16.4%)	1,529,513	(135,943)
Professional Standards	80,830	163,435	(82,605)	(50.5%)	123,002	(42,172)
Total Non-labor Operating Expenses	<u>3,238,562</u>	<u>4,029,692</u>	<u>(791,130)</u>	<u>(19.6%)</u>	<u>3,680,777</u>	<u>(442,215)</u>
Total Operating Expenses	<u>10,295,724</u>	<u>11,382,130</u>	<u>(1,086,406)</u>	<u>(9.5%)</u>	<u>10,565,387</u>	<u>(269,663)</u>
Operating Income (Loss)	<u>(1,173,144)</u>	<u>(2,043,680)</u>	<u>870,537</u>	N/A	<u>(1,213,914)</u>	<u>40,770</u>
Non-operating Revenue (Expenses)						
Investment Income	199,067	250,000	(50,933)	(20.4%)	249,731	(50,664)
Investment Income - Ret HC Trust	328,761	-	328,761	N/A	384,630	(55,869)
Loss on Disposal of Capital Asset	-	-	-	-	(4,000)	(4,000)
Net Non-operating revenue (expenses)	<u>527,828</u>	<u>250,000</u>	<u>277,828</u>	<u>111.1%</u>	<u>630,361</u>	<u>(102,533)</u>
Increase (Decrease) in Net Position	<u>(645,312)</u>	<u>(1,793,680)</u>	<u>1,148,368</u>	N/A	<u>(583,553)</u>	<u>(61,759)</u>
Net Position - Beginning the Year	<u>12,217,220</u>	<u>12,217,220</u>	-	0.0%	<u>12,800,771</u>	<u>(583,551)</u>
Net Position - Year-to-Date	<u><u>11,571,908</u></u>	<u><u>10,423,540</u></u>	<u><u>1,148,368</u></u>	<u><u>11.0%</u></u>	<u><u>12,217,220</u></u>	<u><u>(645,312)</u></u>
Increase (Decrease) in Net Position Excluding Ret HC Trust Inv. Income	<u>(974,073)</u>	<u>(1,793,680)</u>	<u>819,607</u>	<u>(45.7%)</u>	<u>(968,183)</u>	<u>(5,890)</u>

State Bar of Michigan
Administrative Fund
FY 2020 Capital Expenditures vs Budget
For the Twelve Months Ending September 30, 2020

	YTD Actual	YTD Budget	YTD Variance	Variance Explanations
<u>Building and Equipment</u>				
Elevator Modernization	132,251	120,000	12,251	Will be over on cab interior offset by Facilities operating expense
Replacement of floor copiers	-	35,000	(35,000)	
<u>Information Technology</u>				
Network Firewalls (2)	-	25,000	(25,000)	
Receivership /Interim Administrator Program data portal (Phase 1)	-	30,000	(30,000)	
E-commerce store (Phase 1)	12,425	20,000	(7,575)	
E-service application for court e-filing (e-mail addresses)	-	10,000	(10,000)	
Firm billing/invoices for dues	-	10,000	(10,000)	
Firm administration application	4,975	10,000	(5,025)	
Lawyer referral consumer portal (Phase 3)	39,950	40,000	(50)	Front Line Responders panel builds, Rapid Response and portal enhancements
Unauthorized Practice of Law Portal (Phase 1)	-	20,000	(20,000)	
Volunteer Application Portal	19,500	-	19,500	Not budgeted, project continued from last year
CPF Fund Portal (Phase 1)	-	30,000	(30,000)	
Website functionality enhancements	14,950	10,000	4,950	Ethics search engine added
E-commerce license fee update	20,000	-	20,000	
Forms Module Suite Enhancements	14,975	-	14,975	Not budgeted
Character & Fitness BLE Portal	47,450	-	47,450	Not budgeted, project continued from last year
Total	<u>\$306,476</u>	<u>\$360,000</u>	<u>(\$53,524)</u>	

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FINANCIAL REPORTS
September 30, 2020

FY 2020

Note: License fee 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 Twelve Months Ending September 30, 2020

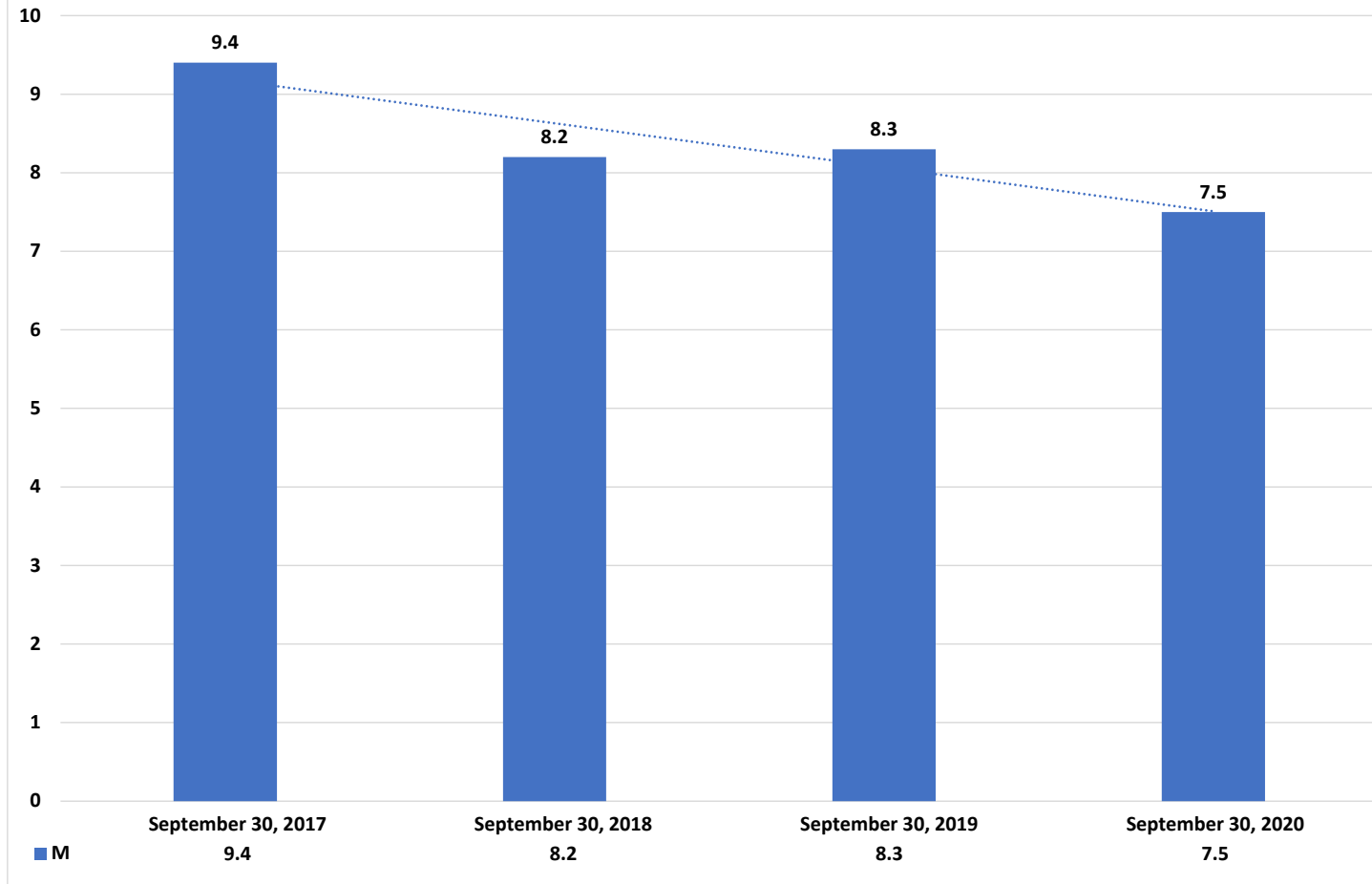
	August 31, 2020	September 30, 2020	Increase (Decrease)	%	Beginning of FY 2020 10/1/19
Assets					
Cash-Checking	\$18,945	\$121,712	\$102,767	542.4%	\$102,758
Savings	846,333	826,370	(19,963)	(2.4%)	752,362
Investment	1,000,000	1,000,000		0.0%	1,053,412
Account Receivable	217,377	217,066	(312)	(0.1%)	159,875
Due From SBM	405	44,159	43,754	10801.9%	7,740
Accrued Interest Receivable	2,271	2,682	411	18.1%	7,314
Total Assets	\$2,085,332	\$2,211,989	\$126,657	6.1%	\$2,083,460
Liabilities					
Accounts Payable	\$0	\$82,247	\$82,247	0.0%	
Deferred Revenue	49,459	98,033	48,573	98.2%	86,670
Total Liabilities	49,459	180,280	130,820	264.5%	86,670
Fund Balance					
Fund Balance at Beginning of Year	1,996,790	1,996,790	0	0.0%	2,009,754
Net Income (Expense) Year to Date	39,083	34,920	(4,163)	(10.7%)	(12,964)
Total Fund Balance	2,035,873	2,031,710	(4,163)	(0.2%)	1,996,790
Total Liabilities and Fund Balance	\$2,085,332	\$2,211,989	\$126,657	6.1%	\$2,083,460

In addition there are \$178,925.00 authorized but unpaid claims awaiting signatures of subrogation.

Client Protection Fund
Statement of Revenue, Expenses, and Changes in Net Assets □
September 30, 2020

	2020 YTD	2019 YTD
Income:		
3-7-00-000-0005 Contributions Received	3,430	32,815
3-7-00-000-0050 Membership Fees Assessment	645,814	649,286
3-7-00-000-0051 Pro Hac Vice Fees	13,425	13,410
3-7-00-000-0890 Claims Recovery	103,927	19,045
Total Income	766,596	714,556
Expenses:		
3-9-00-000-0200 Claims Payment	576,159	541,410
3-9-00-000-0910 Administrative Fee	171,626	211,833
3-9-00-000-0994 Bank Service Charges	850	
Total Expenses	748,634	753,243
Investment Income	16,958	25,724
Increase/Decrease in Net Position	34,920	(12,963)
Net Position, Beginning of Year	1,996,790	2,009,753
Net Position, End of Period	2,031,710	1,996,790

State Bar of Michigan Cash & Investments
Excluding Sections, Client Protection Fund and Retiree Health Care Trust
For the Twelve Months Ending September 30, 2020
\$7.5M



Note: The State Bar of Michigan has no bank debt outstanding

Summary of Cash and Investment Balances by Financial Institution
9/30/2020

Assets	Bank Rating	Financial Institution Summary	Interest Rates	Fund Summary
		SBM Chase Checking \$ 400,567.71		Client Protection Fund \$ 1,948,082.22
		SBM Chase Credit Card \$ 199,960.00		
		SBM Chase E Checking \$ 22,607.50		State Bar Admin Fund (including Sections) \$ 10,149,310.32
		SBM Chase Payroll \$ -		
		SBM Chase Savings \$ 964,489.71	0.05%	Attorney Discipline System \$ 3,734,686.76
		ADS Chase Checking \$ 112,761.10		
		CPF Chase Checking \$ 121,711.96		SBM Retiree Health Care Trust \$ 3,849,164.25
		CPF Chase Savings \$ 28,471.36	0.05%	
\$2.73 Trillion	5 stars	** Chase Totals \$ 1,850,569.34		ADB Retiree Health Care Trust \$ 1,077,019.14
		ADS Bank of America Petty Cash \$ 3,384.02	0.00%	AGC Retiree Health Care Trust \$ 3,873,797.09
\$2.38 Trillion	5 stars	Bank of America Totals \$ 3,384.02		Total \$ 24,632,059.78
		SBM Fifth Third Commercial Now \$ 128,422.49	0.00% *	
\$171 Billion	5 stars	Fifth Third Totals \$ 128,422.49		
		Grand River Bank Money Market \$ 11,446.11	0.35%	
\$223 Million	5 stars	Grand River Bank Totals \$ 11,446.11		State Bar Admin Fund Summary
		Grand River Bank Total w/CD \$ 999,973.80		Cash and Investments \$ 10,149,310.32
\$2.96 Billion	4 stars	Sterling Bank \$ 343.99	0.40%	Less:
		Sterling Bank Total \$ 343.99		Due (to)/from Sections (2,619,740.00)
				Due (to)/from CPF (44,159.42)
\$155 Billion	5 stars	Citizens Bank Checking \$ 10,000.00		Due to Sections and CPF \$ (2,663,899.42)
		Citizens Bank Money Market \$ 786,458.44	0.25%	Net Administrative Fund \$ 7,485,410.90
		Citizens Bank Totals \$ 796,458.44		
\$4.2 Billion	5 stars	MSUCU Savings \$ 8.92	0.00%	
		MSUCU Checking \$ 27,675.34	0.00%	SBM Average Weighted Yield: 1.15%
		MSU Credit Union Total \$ 27,684.26		ADS Average Weighted Yield: 0.36%
		MSU Credit Union Total w/CD \$ 1,927,684.26		CPF Average Weighted Yield: 0.35%
			Maturity	
\$22 Billion	4 stars	SBM Flagstar ICS Checking \$ 3,802.42	0.10%	03/18/21
		SBM Flagstar CDARS - 12 Month \$ 1,000,000.00	0.50%	03/18/21
		SBM Flagstar CDARS - 12 Month \$ 500,000.00	0.50%	03/18/21
		SBM Flagstar CDARS - 12 Month \$ 500,000.00	0.50%	03/18/21
		ADS Flagstar ICS Checking Account \$ 1,618,541.64	0.10%	03/18/21
		ADS Flagstar CDARS - 12 Month \$ 2,000,000.00	0.50%	03/18/21
		CPF Flagstar ICS Checking \$ 797,898.90	0.10%	03/18/21
		CPF Flagstar CDARS - 12 Month \$ 1,000,000.00	0.50%	03/18/21
		Flagstar Bank Totals \$ 7,420,242.96		
			Maturity	
\$21.5 Billion	4 stars	SBM - CD Chemical Bank \$ 250,000.00	1.75%	07/25/21
		SBM - CD Chemical Bank \$ 250,000.00	1.75%	07/25/21
		SBM - CD Chemical Bank \$ 250,000.00	1.75%	07/25/21
	5 stars	SBM - Grand River Bank \$ 253,527.69	2.50%	05/11/21
		SBM - Grand River Bank \$ 245,000.00	2.75%	10/17/20
\$4 Billion	5 stars	SBM-CD Horizon Bank \$ 245,000.00	0.97%	03/19/21
		SBM-CD Horizon Bank \$ 245,000.00	0.97%	03/19/21
		SBM-CD Horizon Bank \$ 250,000.00	2.66%	04/25/21
		SBM-CD Horizon Bank \$ 250,000.00	2.66%	04/25/21
\$1.36 Billion	3.5 stars	SBM-CD First National Bank of America \$ 240,000.00	2.35%	10/12/20
		SBM-CD First National Bank of America \$ 245,000.00	2.35%	10/16/20
		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
	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
		SBM-CD MSU Credit Union \$ 240,000.00	2.00%	11/21/20
		SBM-CD MSU Credit Union \$ 240,000.00	2.00%	11/21/20
		SBM-CD MSU Credit Union \$ 240,000.00	2.00%	11/21/20
		SBM-CD MSU Credit Union \$ 240,000.00	2.00%	11/21/20
		SBM-CD Grand River \$ 245,000.00	0.85%	09/29/21
		SBM-CD Grand River \$ 245,000.00	0.85%	09/29/21
		Bank CD Totals \$ 5,593,527.69		
		Total Cash & Investments (excluding Schwab) \$ 15,832,079.30		
		SBM - Charles Schwab (Ret HC Trust) \$ 3,849,164.25		Mutual Funds
		ADB - Charles Schwab (Ret HC Trust) \$ 1,077,019.14		Mutual Funds
		AGC - Charles Schwab (Ret HC Trust) \$ 3,873,797.09		Mutual Funds
		Charles Schwab Totals \$ 8,799,980.48		
		Grand Total (including Schwab) \$ 24,632,059.78		
		Total amount of cash and investments (excluding Schwab) not FDIC insured \$ 6,279,685.84	39.66%	

Note: average weighted yields exclude retiree health care trusts

Notes:

- All amounts are based on reconciled book balance and interest rat
- CDARS are invested in multiple banks up to the FDIC limit for each
- Funds held in bank accounts are FDIC insured up to \$250,000 per
- The SBM funds held with Charles Schwab in the Retiree Health Care Trust are invested in 72% equity and 28% in money market and fixed income
- As of 09/30/2020, the funds held by SBM attributable to ADS was (
- Bank Star rating from Bauer Financial.

*Lockbox fees are offset by 0.10% (annual rate) on average monthly

**Actual unreconciled Chase balance per statements was \$1,676,756

Monthly SBM Attorney and Affiliate Report - September 30, 2020

FY 2020

<u>Attorneys and Affiliates In Good Standing</u>	<u>September 30 2014</u>	<u>September 30 2015</u>	<u>September 30 2016</u>	<u>September 30 2017</u>	<u>September 30 2018</u>	<u>September 30 2019</u>	<u>September 30 2020</u>	<u>FY Increase (Decrease)</u>
Active	41,093	41,608	41,921	42,100	42,342	42,506	42,401	(105)
Less than 50 yrs serv	40,036	40,490	40,725	40,833	40,973	41,036	40,559	(477)
50 yrs or greater	1,057	1,118	1,196	1,267	1,369	1,470	1,842	372
Voluntary Inactive	1,211	1,218	1,250	1,243	1,169	1,139	1,192	53
Less than 50 yrs serv	1,184	1,195	1,230	1,217	1,142	1,105	1,149	44
50 yrs or greater	27	23	20	26	27	34	43	9
Emeritus	1,552	1,678	1,841	1,973	2,204	2,447	2,727	280
Total Attorneys in Good Standing	43,856	44,504	45,012	45,316	45,715	46,092	46,320	228
Fees paying Attorneys (Active & Inactive less than 50 yrs of Serv)	41,220	41,685	41,955	42,050	42,115	42,141	41,708	(433)
Affiliates								
Legal Administrators	14	13	13	13	10	10	8	(2)
Legal Assistants	413	425	405	400	401	393	317	(76)
Total Affiliates in Good Standing	427	438	418	413	411	403	325	(78)
<u>Total Attorneys and Former Attorneys in the Database</u>								
	<u>September 30 2014</u>	<u>September 30 2015</u>	<u>September 30 2016</u>	<u>September 30 2017</u>	<u>September 30 2018</u>	<u>September 30 2019</u>	<u>September 30 2020</u>	<u>FY Increase (Decrease)</u>
State Bar of Michigan Attorney and Affiliate Type								
<u>Attorneys in Good Standing:</u>								
ATA (Active)	41,093	41,608	41,921	42,100	42,342	42,506	42,401	(105)
ATVI (Voluntary Inactive)	1,211	1,218	1,250	1,243	1,169	1,139	1,192	53
ATE (Emeritus)	1,552	1,678	1,841	1,973	2,204	2,447	2,727	280
Total Attorneys in Good Standing	43,856	44,504	45,012	45,316	45,715	46,092	46,320	228
<u>Attorneys Not in Good Standing:</u>								
ATN (Suspended for Non-Payment of Dues)	5,427	5,578	5,743	5,888	6,072	6,246	6,416	170
ATDS (Discipline Suspension - Active)	407	415	418	430	439	440	445	5
ATDI (Discipline Suspension - Inactive)	12	11	18	19	19	24	25	1
ATDC (Discipline Suspension - Non-Payment of Court Costs)	1	3	3	16	15	16	16	0
ATNS (Discipline Suspension - Non-Payment of Other Costs)	83	92	99	94	95	98	100	2
ATS (Attorney Suspension - Other)*	1	1	1	0	1	1	2	1
ATR (Revoked)	521	517	534	562	583	596	613	17
ATU (Status Unknown - Last known status was inactive)**	2,088	2,076	2,074	2,070	2,070	2,070	2,070	0
Total Attorneys Not in Good Standing	8,540	8,693	8,890	9,079	9,294	9,491	9,687	196
<u>Other:</u>								
ATSC (Former special certificate)	136	140	145	152	155	157	158	1
ATW (Resigned)	1,429	1,483	1,539	1,612	1,689	1,798	1,907	109
ATX (Deceased)	8,127	8,445	8,720	9,042	9,287	9,524	9,793	269
Total Other	9,692	10,068	10,404	10,806	11,131	11,479	11,858	379
Total Attorneys in Database	62,088	63,265	64,306	65,201	66,140	67,062	67,865	803

* ATS is a new status added effective August 2012 - suspended by a court, administrative agency, or similar authority

** ATU is a new status added in 2010 to account for approximately 2,600 attorneys who were found not to be accounted for in the iMIS database. The last known status was inactive and many are likely deceased. We are researching these attorneys to determine a final disposition.

N/R - not reported

Notes: Through September 30, 2020 a total of 807 new attorneys joined the SBM in FY 2020

Financial Safety Margin Calculation - FY 2020

Calculated on November 11, 2020

The Financial Safety Margin ratio is very favorable at 107% (financial capability as a percentage of annual budgeted expenses) as of August 31 for FY 2020, 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 11, 2020

Financial Capability as of August 31, 2020

+ Cash and CDARS/CD investments*	\$6,912,086
Based on August 31, 2020 balances	
+ 80% of market value of the building (estimate)	\$5,069,505
Estimated based on last appraisal	
- Debt	-
- Designated amounts	-

Total Financial Capability as of August 31, 2020 **\$11,981,591**

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

FY 2021 Budgeted Expenses **\$11,178,902**

Total Financial Capability as a % of Budgeted Expenses **107%**

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

CONFIDENTIAL

November 6, 2020

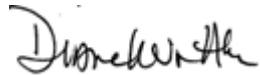
TO: Board of Commissioners

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 2020-2021. Discipline checks were done on all nominees on the date indicated, and will be done again prior to the beginning of the year.

Sincerely,



Diane K. Van Aken
Character & Fitness Program Director

PROPOSED 2021 District Character & Fitness Committee

District A

Commissioner: Suzanne C. Larsen

Chairperson: Alfred E. Feleppa

Appointment(s) Terminating (Dec. 31, 2020)
 due to term limits,
 resignation, relocation
 outside of district, or other.

n/a

<u>Member(s) Requesting Re-appointment</u> (Jan. 2021 – Dec. 2022).	No Discipline			
P79099 Cadotte, Courtney E.	Gaylord			9/22/2020
P31358 Casey, Nan E.	Petoskey			9/22/2020
P30043 Dedenbach, Marc T.	Grayling			9/22/2020
P69576 Evans, Brandon J.	Marquette			9/22/2020
P34150 Hopcroft, Ann V.	Oscoda			9/22/2020
P30685 Penokie, Kenneth C.	Escanaba			9/22/2020
P31194 Tacoma, Kenneth C.	Cadillac			9/22/2020

<u>Member(s) Nominated</u> for District Committee appointment (Jan. 2021 – Dec. 2022).	No Discipline			
P32267 DeMoore, Christina	Petoskey			9/22/2020
P60725 France, Jennifer J.	Sault Ste Marie			9/22/2020
P31571 Parker, Robert W.	Traverse City			9/22/2020

Chairperson Nominated: n/a

<u>Mid-Term Member(s)</u> Does not require Commissioner action.	No Discipline			
P54906 Feleppa, Alfred E.	St. Ignace			9/22/2020
P81511 Stikovich, Amy L.	Petoskey			9/22/2020

PROPOSED 2021 District Character & Fitness Committee

District B

Commissioner: Chris B. D. Christenson, III

Chairperson: Gregory T. Gibbs

Appointment(s)

P74938 Schlusler, Adam J.

Terminating (Dec. 31, 2020)

due to term limits,
resignation, relocation
outside of district, or other.

No Discipline

Member(s) Requesting

P72303	Burnash, Heather V.	Flint	9/22/2020
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Re-appointment

P76097	Fanous, Elias J.	Flint	9/22/2020
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(Jan. 2021 – Dec. 2022).

P26440	Gibbs, Gregory T.	Flint	9/22/2020
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P72061	Poulos, Jonathan C	Flint	9/22/2020
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P81294	Stritmatter, Christopher	Flint	9/22/2020
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No Discipline

Member(s) Nominated

P71350	Chinonis, Nancy K.	Flint	9/22/2020
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for District Committee
appointment

P61575	Wickwire, Beth	Saginaw	9/22/2020
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(Jan. 2021 – Dec. 2022).

Chairperson Nomination:

n/a

No Discipline

Mid-Term Member(s)

Commissioner action not
required.

P57729	Carlson, Sandra K.	Flint	9/22/2020
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P77000	Hetherington, Richard	Flint	9/22/2020
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P75921	Hoover, Melissa J.	Saginaw	9/22/2020
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P32998	Lawson, L. David	Grand Blanc	9/22/2020
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P71308	Nassar, Alexandra	Flint	9/22/2020
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P72652	Selvidge, Lori	Sandusky	9/22/2020
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PROPOSED 2021 District Character & Fitness Committee

District C

Commissioners: E. Thomas McCarthy, Jr., Thomas F. Sinas

Chairperson: Hon. George J. Quist

<u>Appointment(s)</u>	P77779	Buter, Kristen M.		
<u>Terminating</u> (Dec. 31, 2020) due to term limits, resignation, relocation outside of district, or other.				No Discipline
<u>Member(s) Requesting</u>	P40861	Hastings, Christopher	Grand Rapids	9/22/2020
<u>Re-appointment</u> (Jan. 2021 – Dec. 2022).	P79258	Hatch, Daniel J.	Grand Rapids	9/22/2020
	P80766	West, Clay M.	Grand Rapids	9/22/2020
				No Discipline
<u>Member(s) Nominated</u> for District Committee appointment (Jan. 2021 – Dec. 2022).	P80391	Dotson, Kellen A.	Grand Rapids	9/22/2020
	P75501	Huang, Charissa C.	Grand Rapids	9/22/2020
	P53270	Mulder, Jill S.	Ada	9/22/2020
	P73332	Mullen, Victoria A.	Grand Rapids	9/22/2020
	P58831	Moore, Karen L.	Harrison	9/22/2020
<i>Transfer from District F</i>	P71458	Hartman, Sarah J.	Grand Rapids	9/22/2020
<u>Chairperson Nominated:</u>	n/a			
				No Discipline
<u>Mid-Term Member(s)</u> Does not require Commissioner action.	P49853	Coles, Jennifer H.	Grand Rapids	9/22/2020
	P35699	Fifer, Anne B.	Grand Rapids	9/22/2020
	P76649	Joyce, Laura M.	Grand Rapids	9/22/2020
	P64597	Lachman, Blair T.	Grand Rapids	9/22/2020
	P43773	Murray Jr., Thomas P.	Grand Rapids	9/22/2020
	P74252	Presant, Justin M.	Grand Rapids	9/22/2020
	P43884	Hon. Quist, George J.	Grand Rapids	9/22/2020
	P62665	Tompkins, Matthew T	Grand Rapids	9/22/2020
	P60302	Waalkes, Timothy J.	Grand Rapids	9/22/2020
	P34473	Wilson, Lawrence	Ada	9/22/2020
	P78668	Worsfold, Thomas J.	Grand Rapids	9/22/2020

PROPOSED 2021 District Character & Fitness Committee

District D

Commissioner: Dana M. Warnez

Chairperson: Saima R. Khalil

Appointment(s)

Terminating (Dec. 31, 2020) due to term limits, resignation, relocation outside of district, or other.

	P76382	Turnbull, Eric – Transferred to Dist I	
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No Discipline

<u>Member(s) Requesting</u>				
	P75898	Antovski, Goran	Mt. Clemens	9/22/2020
<u>Re-appointment</u> (Jan. 2021 – Dec. 2022)	P68736	Biernat, Jonathan C.	Mt. Clemens	9/22/2020
	P69749	Hakim, Alyia M.	St. Clair Shores	9/22/2020
	P60300	Hoffmann, Dawn A.	Mt. Clemens	9/22/2020
	P59065	Mason, Gerrow D.	Marysville	9/22/2020
	P73402	Ramdayal, Farrah C.	Clinton Twp.	9/22/2020

No Discipline

<u>Member(s) Nominated</u>				
for District Committee appointment (Jan. 2021 – Dec. 2022)	P73812	Calabrese, Emily A.	Warren	9/22/2020
	P76740	Cranford, Adrian	Mt. Clemens	9/22/2020
	P23517	Kohler, R. Timothy	Clinton Twp.	9/22/2020
	P73254	Loncar, Alan	Washington Twp.	9/22/2020
	P61759	Hon. Maceroni, James	Mt. Clemens	9/22/2020
	P55577	Phillips, Mirelle G.	Mt. Clemens	9/22/2020

Chairperson Nomination: n/a

No Discipline

<u>Mid-Term Member(s)</u>				
Does not require Commissioner action.	P65756	Freers, Dana C.	Fraser	9/22/2020
	P76029	Khalil, Saima R.	Mt. Clemens	9/22/2020
	P56790	Lundquist, Eric O.	Sterling Heights	9/22/2020
	P79641	Polizzi, Laura	Mt. Clemens	9/22/2020
	P63092	Sellers, Rebekah L.	Mt. Clemens	9/22/2020
	P41121	Zahodnic, Lorrie J.	Clinton Twp.	9/22/2020

PROPOSED 2021 District Character & Fitness Committee

District E

Commissioners: Hon. Clinton Canady, III, Robert A. Easterly

Chairperson: Randall M. Behrmann

<u>Appointment(s)</u>	P54381	Behrmann, Randall M.
<u>Terminating</u> (Dec. 31, 2020)	P72188	Derrossett, Alexis I.
due to term limits,	P60431	Francart, Kevin L.
resignation, relocation	P61042	Gray, Tina S.
outside of district, or other.	P74131	Kemm, Jeffrey S.
	P52688	Kronzek, Charles M.
	P41710	Lain, Landis Y.
	P70103	Novak, Joseph A.
	P73305	Service, Stephanie M.
	P42569	Thomsen, Michael W.

No Discipline

<u>Member(s) Requesting</u>	P75913	Bennett, Katherine J.	Lansing	9/22/2020
<u>Re-appointment</u>	P72601	Blanchard, Joshua A.	Greenville	9/22/2020
(Jan. 2021 – Dec. 2022).	P77807	Buck, Ryan J.	Lansing	9/22/2020
	P39731	Manville, Daniel E.	East Lansing	9/22/2020
	P72136	Matusko, Nicole R.	Lansing	9/22/2020

No Discipline

<u>Member(s) Nominated</u>	P72080	Bowen, Mary A.	Lansing	9/22/2020
for District Committee	P74174	Conway, Emily	Lansing	9/22/2020
appointment	P25532	Farrell, Michael B.	East Lansing	9/22/2020
(Jan. 2021 – Dec. 2022).	P71394	Harrington, Erin E.	Lansing	9/22/2020
	P59253	Hawthorne, Coffiann U.	Lansing	9/22/2020
	P75354	Pease, Joshua M.	Lansing	9/22/2020
	P72190	Rawls, Linda J.	Lansing	9/22/2020
	P58226	Rosa, Jennifer A.	Lansing	9/22/2020
	P76293	Hon. Simmons, Kristen D.	Lansing	9/22/2020
	P60247	Warner, Jennifer D.	Lansing	9/22/2020

Chairperson Nomination: Buck, Ryan J.

PROPOSED 2021 District Character & Fitness Committee

District E Continued

				No Discipline
<u>Mid-Term Member(s)</u>	P22954	Castillo, John R.	Williamston	9/22/2020
Does not require	P57245	Cheltenham, Michael S.	Lansing	9/22/2020
Commissioner action.	P78391	Crawford, L. Alisyn	Lansing	9/22/2020
	P56161	Cusson, Danielle N.	Howell	9/22/2020
	P81043	Easterly, Robert A.	Lansing	9/22/2020
	P81040	Jefferson, Emily A.	Lansing	9/22/2020
	P41709	Joppich, Richard J.	Okemos	9/22/2020
	P69632	Kunath, David J.	Okemos	9/22/2020
	P74077	Landon, Jeffrey T.	Lansing	9/22/2020
	P75357	Mesadieu, Sterlin	Okemos	9/22/2020
	P31113	Oemke, Kathleen M.	Howell	9/22/2020

PROPOSED 2021 District Character & Fitness Committee

District F

Commissioner: Danielle Mason Anderson

Chairperson: Kristen L. Getting

<u>Appointment(s)</u>	P53658	Getting, Kristen L.
<u>Terminating</u> (Dec. 31, 2020)	P71458	Hartman, Sarah J.
due to term limits,	P47477	McMahon, Brian P.
resignation, relocation	P79495	Nofsinger, Luke D.
outside of district, or other.	P41161	Price, Darrell L.

	No Discipline			
<u>Member(s) Requesting</u>	P63149	Ambrose, Katherine	Battle Creek	9/22/2020
<u>Re-appointment</u>	P30408	Bingen, Michael C.	Kalamazoo	9/22/2020
(Jan. 2021 – Dec. 2022).	P34466	Lucas, David	Battle Creek	9/22/2020
	P69385	Reed, Timothy	Sturgis	9/22/2020
	P66004	Senica, Sara A.	Niles	9/22/2020

	No Discipline			
<u>Member(s) Nominated</u>	P78256	Beidler, Meredith	Allegan	9/22/2020
for District Committee	P71194	Conklin, Matthew R.	St. Joseph	9/22/2020
appointment	P82578	Norg, Benjamin M.	Kalamazoo	9/22/2020
(Jan. 2021 – Dec. 2022).	P63915	Nowak, Sondra G.	Portage	9/22/2020
	P47287	Spiegel, Mary M.	St. Joseph	9/22/2020
	P77299	Storm, Alicia	Kalamazoo	9/22/2020
	P80350	Werkema, Jason W.	Kalamazoo	9/22/2020

Chairperson Nominated: Bingen, Michael C.

	No Discipline			
<u>Mid-Term Member(s)</u>	P52978	Bieberich, Kent A.	Battle Creek	9/22/2020
Does not require	P36700	Russell, Gregory W.	Kalamazoo	9/22/2020
Commissioner action.	P82315	Swinehart, Kimberly L.	Kalamazoo	9/22/2020

PROPOSED 2021 District Character & Fitness Committee

District G

Commissioner: Erane C. Washington

Chairperson: U. Ashwin Patel

<u>Appointment(s)</u>	P46365	Patel, U. Ashwin		
<u>Terminating</u> (Dec. 31, 2020) due to term limits, resignation, relocation outside of district, or other.				No Discipline
<u>Member(s) Requesting Re-appointment</u> (Jan. 2021 – Dec. 2022).	P37634	Shea, John A.	Ann Arbor	9/22/2020
				No Discipline
<u>Member(s) Nominated</u> for District Committee appointment (Jan. 2021 – Dec. 2022).	P71988	Johnson, Kareem L.	Jackson	9/22/2020
	P72723	Lawrence, Jennifer L.	Ann Arbor	9/22/2020
	P62695	Perry, Miriam A.	Ann Arbor	9/22/2020
<u>Chairperson Nominated:</u>		Janovic, Elizabeth V.		
<u>Mid-Term Member(s)</u> Does not require Commissioner action.	P54111	Gaines, S. Joy	Ann Arbor	9/22/2020
	P53930	Jackson, Angela L.	Ann Arbor	9/22/2020
	P71456	Janovic, Elizabeth V.	Ann Arbor	9/22/2020
	P55863	Kent, Thomas L.	Ann Arbor	9/22/2020
	P73731	Phillips, Ryan L.	Jackson	9/22/2020
	P40021	Piotrowski, Thomas S.	Ypsilanti	9/22/2020
	P64681	Quinn, Terrence G.	Ann Arbor	9/22/2020

PROPOSED 2021 District Character & Fitness Committee

District H

Commissioners: Erika L. Butler, James W. Heath, Joseph P. McGill,
Hon. David A. Perkins, Mark Wisniewski

Chairperson: Charise L. Anderson

<u>Appointment(s)</u>	P72268	Anderson, Jenae S.
<u>Terminating</u> (Dec. 31, 2020)	P57892	Eadie, Jonathan B.
due to term limits,	P31804	Guerriero, Timothy M.
resignation, relocation	P66430	Johnson, Felicia O.
outside of district, or other.	P73951	Short, Meghan
	P68248	Thomas, Felicia M.
	P27732	Ulrich, Gregory L.
	P55526	Witucki, Stephanie A.

No Discipline

<u>Member(s) Requesting</u>	P68844	Branch, Nikkiya T.	Detroit	9/22/2020
<u>Re-appointment</u>	P76838	Jarnagin, M. Ryan	Detroit	9/22/2020
(Jan. 2021 – Dec. 2022).	P17557	McSorley, John E.	Grosse Pointe	9/22/2020
	P49527	Nolen, Gabriela N.	Erie	9/22/2020
	P80514	Riopelle, Sean M.	Detroit	9/22/2020

No Discipline

<u>Member(s) Nominated</u>	P75818	Baydoun, Zeina	Dearborn	9/22/2020
for District Committee	P32428	Cothorn, John	Belleville	9/22/2020
appointment	P74222	Gomez, Elisa	Detroit	9/22/2020
(Jan. 2021 – Dec. 2022).	P44184	Riordan, Meghan	Detroit	9/22/2020
	P50144	Rooney, Linda	Livonia	9/22/2020
	P73864	Sadowski, Adam	Detroit	9/22/2020
	P54839	Taweel, A. Tony	Detroit	9/22/2020
	P53883	Hon. Thomas, Regina	Detroit	9/22/2020
	P41295	Woodside, Sharon	Detroit	9/22/2020

Chairperson Nominated: n/a

PROPOSED 2021 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	9/22/2020
	P71738	Anderson, Charise L.	Detroit	9/22/2020
	P75744	Archie, Brooke L.	Detroit	9/22/2020
	P80567	Bentley, Jennifer L.	Detroit	9/22/2020
	P40935	Cessante, Connie M.	Detroit	9/22/2020
	P69652	Doeh, Eric W.	Detroit	9/22/2020
	P71041	Deldin, Marc A	Grosse Pte Farms	9/22/2020
	P58969	Hatlem, Blake S.	Detroit	9/22/2020
	P68477	Jones, RuSondra G.	Detroit	9/22/2020
	P68544	Lindsey, Sarah C.	Detroit	9/22/2020
	P63506	Mason Lee, Claire R.	Detroit	9/22/2020
	P61087	Moughni, Majed A.	Dearborn	9/22/2020
	P73381	Murkowski, Robert E.	Detroit	9/22/2020
	P81032	Mussin, Jeffrey M.	Livonia	9/22/2020
	P73350	Paterra, Jordan D.	Detroit	9/22/2020
	P43737	Wisniewski, Mark A.	Detroit	9/22/2020

PROPOSED 2021 District Character & Fitness Committee

District I

Commissioners: David C. Anderson, Lisa J. Hamameh, Thomas H. Howlett, Sarah E. Kuchon,
James W. Low, Daniel D. Quick

Chairperson: Linda K. Kisabeth

<u>Appointment(s)</u>	P42772	Halushka, Lisa K.		
<u>Terminating</u> (Dec. 31, 2020)	P64159	Heath, Charisse L.		
due to term limits,	P55440	Henderson, Jennifer		
resignation, relocation	P53907	Kisabeth, Linda K.		
outside of district, or other.	P63110	Low, James W.		
	P72015	Pearce, Melissa M.		
	P70757	Petz, Scott A.		
	P74476	Renner, Jason M.		
	P55679	Rhoads, Kerry L.		
	P75202	Ruggirello, Michelle		
	P33356	Webb, L. Rodger		
				No Discipline
<u>Member(s) Requesting</u>	P53481	Dworin, Jeffrey Z	W Bloomfield	9/22/2020
<u>Re-appointment</u>	P79129	Eagles, David J.	Farmington Hills	9/22/2020
(Jan. 2021 – Dec. 2022).	P29652	Gershel, Alan M.	W Bloomfield	9/22/2020
	P65673	McKenney, Stephen T.	Birmingham	9/22/2020
	P78839	Sholander, Lynn B.	Southfield	9/22/2020
	P76382	Turnbull, Eric	Troy	9/22/2020
				No Discipline
<u>Member(s) Nominated</u>	P71924	Alvarado, Jienelle	Beverly Hills	9/22/2020
for District Committee	P69623	Ayar, Alexander	Bloomfield Hills	9/22/2020
appointment	P43947	Bordman, Patricia	Birmingham	9/22/2020
(Jan. 2021 – Dec. 2022).	P63857	Burke, Colleen	Southfield	9/22/2020
	P73271	Gallo, Michael V	Troy	9/22/2020
	P72821	Hasan, Nazneen S	Bloomfield Hills	9/22/2020
	P73789	Hatten, Nadine R	Troy	9/22/2020
	P57576	Johnson, Charesa	Southfield	9/22/2020
	P41805	Kalas, Thomas	Bingham Farms	9/22/2020
	P69460	Katranji, Serene	Southfield	9/22/2020
	P56172	Kinsella, Maureen	Farmington Hills	9/22/2020
	P46342	Kramer, David J	Novi	9/22/2020
	P48742	Liss, Jason J.	Farmington Hills	9/22/2020
	P35634	Maloney, John	Rochester	9/22/2020
	P28082	Matz, Steven	Southfield	9/22/2020
	P29141	Plato, Edward D	Farmington Hills	9/22/2020
	P72969	Smith, Matthew D	Birmingham	9/22/2020
	P73001	Vanneste, Mark C	Royal Oak	9/22/2020
	P31240	Zuppke, David	Royal Oak	9/22/2020

PROPOSED 2021 District Character & Fitness Committee

District I - Continued

Chairperson Nominated: McKenney, Stephen T

				No Discipline
<u>Mid-Term Member(s)</u>	P37060	Ben-Ze'ev, Ilana	Huntington Wds	9/22/2020
Does not require	P65404	Blum, Stephanie C.	Bloomfield Hills	9/22/2020
Commissioner action.	P68592	Cotant, Julie H.	Southfield	9/22/2020
	P54384	Dabaja, S. Jenna	Franklin	9/22/2020
	P63068	Eyre, Douglas W.	Auburn Hills	9/22/2020
	P66118	Ford, Corene C.	Northville	9/22/2020
	P14655	Haron, David L.	Farmington Hills	9/22/2020
	P30215	Harris, Stephen J.	Bloomfield Hills	9/22/2020
	P76396	Hoard, Jeffrey A.	Oak Park	9/22/2020
	P77566	Kossaras, Deanna J.	Novi	9/22/2020
	P61831	Kuchon, Sarah E.	Troy	9/22/2020
	P69730	LaBeau, Matthew S.	Southfield	9/22/2020
	P45664	McNeely, Christopher	Rochester Hills	9/22/2020
	P38939	Meihn, G. Michael	Ferndale	9/22/2020
	P74394	Orlewicz, Victoria	Oak Park	9/22/2020
	P77179	Smith, Brande N.	Farmington Hills	9/22/2020
	P76462	Trueman, Grace K.	Bloomfield Hills	9/22/2020
	P68990	Uhl, Joseph W.	Madison Heights	9/22/2020
	P47001	Warr, James C.	Southfield	9/22/2020
	P76675	Warren, Emily	Farmington Hills	9/22/2020
	P68870	Woodson, Danien C.	Southfield	9/22/2020

**Demographics for all Proposed Character & Fitness District Committees
as of January 1, 2021**

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	7.3%	12.5%	10.0%	16.7%	16.7%	0.0%	7.7%	0.0%	3.2%	5.3%
≤10 yrs	26.2%	0.0%	40.0%	8.3%	33.3%	23.1%	0.0%	25.0%	9.7%	18.4%
≤15 yrs	15.7%	12.5%	30.0%	16.7%	16.7%	23.1%	7.7%	0.0%	35.5%	21.1%
≤20 yrs	13.6%	0.0%	0.0%	8.3%	25.0%	11.5%	15.4%	12.5%	12.9%	15.8%
≥21 yrs	37.2%	75.0%	20.0%	50.0%	8.3%	42.3%	69.2%	62.5%	38.7%	39.5%
Self Reported Gender	All Districts	District A	District B	District C	District D	District E	District F	District G	District H	District I
Male	51.3%	75.0%	70.0%	66.7%	66.7%	65.4%	69.2%	62.5%	38.7%	57.9%
Female	48.7%	25.0%	30.0%	33.3%	33.3%	34.6%	30.8%	37.5%	61.3%	42.1%
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	42.9%	37.5%	20.0%	16.7%	58.3%	26.9%	23.1%	37.5%	22.6%	34.2%
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	0.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	12.5%	0.0%	0.0%
African	6.3%	0.0%	0.0%	0.0%	0.0%	15.4%	0.0%	12.5%	29.0%	2.6%
European	38.2%	50.0%	60.0%	75.0%	33.3%	46.2%	76.9%	37.5%	41.9%	57.9%
Hispanic / Latino	1.0%	0.0%	0.0%	0.0%	0.0%	3.8%	0.0%	0.0%	0.0%	0.0%
Multi Racial	0.5%	0.0%	0.0%	8.3%	0.0%	3.8%	0.0%	0.0%	0.0%	0.0%
Arab Origin	2.1%	0.0%	20.0%	0.0%	0.0%	0.0%	0.0%	0.0%	3.2%	0.0%
Other Ethnicity	4.7%	12.5%	0.0%	0.0%	8.3%	0.0%	0.0%	0.0%	3.2%	5.3%
Prefer Not to Answer	3.7%	0.0%	0.0%	0.0%	0.0%	3.8%	0.0%	0.0%	0.0%	0.0%

Date	Event	Location
October 7	ABA Select Committee meeting	Virtual
October 8	JFA Strategic Planning Summit – 2 nd session	Virtual
October 8	Michigan Lawyers Weekly Michigan Women in the Law	Virtual
October 12	Executive Team meeting	Virtual
October 13	JFA Planning Committee meeting	Virtual
October 13 - 16	Clio Conference	Virtual
October 14	International Working Group - Transition after Pandemic Restrictions meeting	Virtual
October 14	Integrated Tech Committee meeting	Virtual
October 14	Attorney Discipline System meeting	Virtual
October 14	Strategic Management Team meeting	Virtual
October 19	Capitol Club meeting	Virtual
October 19	Executive Team meeting	Virtual
October 19	Meeting with Robert Craghead, Executive Director, Illinois Bar Association	Virtual
October 20	JFA Commission Planning meeting	Virtual
October 21	Strategic Management Team meeting	Virtual
October 21	ABA Standing Committee on Bar Activities and Services (SCOBAS)	Virtual
October 22	Virtual Swearing in Ceremony Planning meeting	Virtual
October 22	Race and Justice Forum	Virtual
October 26	Executive Team meeting	Virtual
October 27	Virtual Swearing in Ceremony Planning meeting	Virtual
October 28	ICLE Executive Committee meeting	Virtual
October 28	Review of COVID-19 Resources and Updates meeting	Virtual
October 28	Attorney Discipline System meeting	Virtual
October 28	JFA Commission AO meeting	Virtual
October 29	Meeting with Jennifer Lewin, Deputy Director, ABA Division for Bar Services, and Anne Vrooman	Virtual

Date	Event	Location
October 29	Call with President Rob Buchanan	
October 29	Virtual Swearing in Ceremony meeting	Virtual
October 20	Trial Court Performance Measures Committee meeting	Virtual
November 2	Meeting with Robert E. Craghead Executive Director, Illinois Bar Association	Virtual
November 2	Executive Team meeting	Virtual
November 2	Detroit Bar Association Webinar - A Journey to Now: Beginning the Conversation on Implicit Bias and Microaggression - Part Two	Virtual
November 3	JFA Planning Team meeting	Virtual
November 4	International Working Group - Transition after Pandemic Restrictions meeting	Virtual
November 4	Strategic Management Team meeting	Virtual
November 4	Cloudlaw and Connect meeting	Virtual
November 5	Call with President Rob Buchanan	
November 5	JFA Planning Team meeting	Virtual
November 9	Meeting with State Bar Audit Firm	Virtual
November 9	Executive Team Meeting	Virtual
November 10	ATJ Steering Committee meeting	Virtual
November 10	Executive Committee meeting	Virtual
November 11	Strategic Management Team meeting	Virtual
November 11	Section Orientation	Virtual
November 13	JFA Task Force meeting	Virtual
November 16	Executive Committee meeting	Virtual
November 17	Quarterly ATJC Staff meeting: Pro Bono Tools for ATJCs	Virtual
November 17	ABA Standing Committee on Bar Activities and Services (SCOBAS)	Virtual
November 18	Strategic Management Team meeting	Virtual
November 18	Attorney Discipline System meeting	Virtual

Date	Event	Location
November 19	16 th Annual Dennis M. Archer Public Service Gala Honoring Hon Avern Cohn	Virtual
November 19	Finance Committee meeting	Virtual
November 19	Public Policy Committee meeting	Virtual
November 20	Professional Standards meeting	Virtual
November 20	Board of Commissioners meetings	Virtual

TO: Board of Commissioners

FROM: Professional Standards Committee

DATE: November 20, 2020, 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 as required in the Rule, and to avoid negative publicity about a lawyer subject to a claim, which 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

	<u>Claim No.</u>	<u>Amt. Recommended</u>
1.	CPF 3585	\$4,900.00
2.	CPF 3589	\$2,900.00
3.	CPF 3595	\$1,686.00
4.	CPF 3608	\$500.00
5.	CPF 3611	\$6,000.00
6.	CPF 3618	\$800.00
7.	CPF 3622	\$1,200.00
8.	CPF 3624	\$750.00
9.	CPF 3626	\$407.40
10.	CPF 3639	\$800.00
11.	CPF 3656	\$2,150.00
	TOTAL	\$22,093.40



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

=====

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by December 1, 2020. Comments may be sent in writing to Samuel R. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCrimJI@courts.mi.gov .

=====

PROPOSED

The Committee proposes amending the Domestic Assault instruction, M Crim JI 17.2a, to add the offense of Aggravated Domestic Assault for which there was no instruction previously.

[AMENDED] M Crim JI 17.2a Domestic Assault / Aggravated Domestic Assault

(1) [The defendant is charged with / you may also consider the less serious crime of¹] [domestic assault / aggravated domestic assault¹]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [assaulted / assaulted and battered]² [*name complainant*].

A battery is the forceful, violent, or offensive touching of a person or something closely connected with him or her.²³

The touching must have been intended by the defendant, that is, not accidental, and it must have been against [*name complainant*]'s will.

An assault is an attempt to commit a battery or an act that would cause a reasonable person to fear or apprehend an immediate battery. The defendant must have intended either to commit a battery or to make [*name complainant*] reasonably fear an immediate battery.³⁴ [An

assault cannot happen by accident.] At the time of an assault, the defendant must have had the ability to commit a battery, or must have appeared to have the ability, or must have thought [he / she] had the ability.

(3) Second, that at the time [*name complainant*]: [*Select one or more of the following:*]

- (a) was the defendant's spouse
- (b) was the defendant's former spouse
- (c) had a child in common with the defendant
- (d) was a resident or former resident of the same household as the defendant
- (e) was a person with whom the defendant had or previously had a dating relationship. A "dating relationship" means frequent, intimate association primarily characterized by the expectation of affectional involvement. It does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

[(4) Third, that the assault caused a serious or aggravated injury. A serious or aggravated injury is a physical injury that requires immediate medical treatment or that causes disfigurement, impairment of health, or impairment of a part of the body.¹]

Use Note

1. Use when instructing on this crime as a lesser included offense.
2. Use either or both as warranted by the evidence.
3. If the victim's consent or nature of the touching is at issue, use of M Crim JI 17.14, Definition of Force and Violence, or M Crim JI 17.15, Definition of Touching, is recommended.
4. All assaults are specific intent crimes. *People v Joeseype Johnson*, 407 Mich 196, 284 NW2d 718 (1979).

**Public Policy Position
M Crim JI 17.2a**

Support with Amendments

Explanation

The committee voted unanimously to support the model criminal jury instructions with two amendments to footnote inclusion as described below:

(a) The second footnote 1 in paragraph (1) should be deleted because it is misplaced. The footnote should not be attached as a reference to “aggravated domestic assault,” because that crime is not a lesser included offense, as the substance of footnote would indicate. [Deletions shown in strikethrough]

(1) [The defendant is charged with / you may also consider the less serious crime of¹
[domestic assault / aggravated domestic assault⁴].

(b) Footnote 1 in Paragraph (4) should be deleted because it is unnecessary and does not comport with the substance of paragraph 4.

Position Vote:

Voted For position: 21

Voted against position: 0

Abstained from vote: 0

Did not vote (absent): 2

Contact Persons:

Mark A. Holsomback mahols@kalcounty.com

Sofia V. Nelson snelson@sado.org



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

=====

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=====

PROPOSED

The Committee proposes amending the Animal Fighting instruction, M Crim JI 33.1a, by adding language to comport with an amendment to the applicable statute, MCL 750.49(2)(e).

**[AMENDED] M Crim JI 33.1a Use of an Animal for Fighting,
Baiting, or Shooting**

(1) The defendant is charged with a crime involving the use of an animal for fighting, baiting, or shooting. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

[Select (2), (3), (4), or (5) according to what has been charged:]

(2) First, that the defendant knowingly [was a party to / caused] the use of [a / an] *[identify kind of animal]* [for fighting / for baiting / as a target to be shot at as a test of skill in marksmanship].

(3) First, that the defendant [rented / obtained the use of] [a building / a shed / a room / a yard / grounds / premises] for the purpose of using [a / an] *[identify kind of animal]* [for fighting / for baiting / as a target to be shot at as a test of skill in marksmanship].

(4) First, that the defendant permitted the use of [a building / a shed / a room / a yard / grounds / premises] that belonged to [him / her] or that

was under [his / her] control for the purpose of using [a / an] [*identify kind of animal*] [for fighting / for baiting / as a target to be shot at as a test of skill in marksmanship].

(5) First, that the defendant [organized / promoted / collected money, property, or any other thing of value for] the use of [a / an] [*identify kind of animal*] [for fighting / for baiting / as a target to be shot at as a test of skill in marksmanship].

(6) Second, that the defendant knew that the [*identify kind of animal*] was to be used [for fighting / for baiting / as a target to be shot at as a test of skill in marksmanship].

**Public Policy Position
M Crim JI 33.1a**

Support

Explanation

The committee voted unanimously to support the proposed model criminal jury instructions 33.1a as drafted.

Position Vote:

Voted For position: 21

Voted against position: 0

Abstained from vote: 0

Did not vote (absent): 2

Contact Persons:

Mark A. Holsomback mahols@kalcounty.com

Sofia V. Nelson snelson@sado.org



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

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=====

PROPOSED

The Committee proposes new instructions, M Crim JI 39.7 and 39.7a, for the crimes found in MCL 750.411a(2) of falsely reporting an offense involving explosives and of falsely reporting an offense involving of harmful substances or poisons, respectively.

[NEW] M Crim JI 39.7 False Report of Explosive Offenses

(1) The defendant is charged with making a false report that a crime involving explosives had occurred. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [communicated / caused (another person / *identify person who made report*) to communicate] with [*identify recipient(s) of communication*] by speech, writing, gestures, or conduct.

(3) Second, that during the course of the communication, [the defendant / the other person / *identify person who made report*)] reported that [dynamite, nitroglycerine, fulminate in bulk in dry condition, or any other explosive substance that explodes by concussion or friction had been ordered, sent, taken, transported, conveyed, or carried concealed as freight or baggage, on a passenger boat, railroad car, motor vehicle, or other vehicle used to carry passengers or articles of commerce¹ / a person sent, took, or carried, or attempted to order, send, take, or carry dynamite, nitroglycerine or any other explosive substance that explodes by concussion or

friction, concealed in any manner, either as freight or baggage, on a passenger boat, railroad car, motor vehicle, or other vehicle used to carry passengers² / an explosive substance or any other dangerous thing had been sent with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property³ / a person constructed a device that appeared to be a bomb or an explosive or incendiary device⁴ / an explosive material was handled or being handled by an intoxicated person⁵ / an explosive substance had been placed in or near any real or personal property with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property⁶ / a person possessed an explosive substance or device in a public place with intent to frighten or intimidate⁷ / a person carried or possessed an explosive or combustible substance with intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property, without the permission of the property owner or governmental agent, if it is public property⁸ / a person manufactured, bought, sold, furnished, or possessed a Molotov cocktail or any similar device with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property⁹ / a person manufactured, bought, sold, furnished, or possessed a device designed to explode or that would explode upon impact or with the application of heat or a flame or that is highly incendiary, with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property¹⁰ / a person manufactured, sold, kept, or offered for sale any unbranded or unmarked or falsely branded or falsely marked high explosive¹¹ / a death resulted from placing gun powder or any other explosive substance in, on, under, against, or near a building¹²].

(4) Third, that the report was false.

(5) Fourth, that when the defendant [made the report / caused the report to be made], [he / she] knew it was false.

Use Note

1. MCL 750.201
2. MCL 750.327
3. MCL 750.204
4. MCL 750.204a
5. MCL 750.204c
6. MCL 750.207

7. MCL 750.209a
8. MCL 750.210
9. MCL 750.211a(1)(a)
10. MCL 750.211a(1)(b)
11. MCL 750.212
12. MCL 750.328

[NEW] M Crim JI 39.7a False Report of Poisoning or Harmful Substances Offenses

(1) The defendant is charged with making a false report [of poisoning / concerning harmful substances]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [communicated / caused (another person / *identify person who made report*) to communicate] with [*identify recipient(s) of communication*] by speech, writing, gestures, or conduct.

(3) Second, that during the course of the communication, [the defendant / the other person / *identify person who made report*)] reported that [a person manufactured, delivered, possessed, transported, placed, used, or released (a harmful biological substance or a harmful biological device / a harmful chemical substance or a harmful chemical device / a harmful radioactive material or a harmful radioactive device / a harmful electronic or electromagnetic device)¹ / a person manufactured, delivered, possessed, transported, placed, used, or released (a chemical irritant or a chemical irritant device / a smoke device / an imitation harmful substance or device)² / a person made another individual believe that (he / she) had been exposed to a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, or harmful electronic or electromagnetic device³ / a person placed an offensive or injurious substance or compound* in or near to any real or personal property intending to wrongfully injure or coerce another person, or to injure the property or business of another person, or to interfere with another person's use, management, conduct, or control of his or her business or property⁴ / a person (placed pins, needles, razor blades, glass, or other harmful objects in any food with intent to harm the consumer of the food / placed a harmful substance in any food with intent to harm the consumer of the food / knowingly furnished food containing a harmful object or substance to another person)⁵ / a person willfully (mingled a poison or harmful substance with a food, drink, nonprescription medicine, or pharmaceutical product / placed a poison or harmful substance in a spring, well, reservoir, or public water supply), knowing or having reason to know that it may be consumed or used by a person and result in injury⁶ / a person had dishonestly told another individual that a poison or harmful substance had been or would be placed in a food, drink, nonprescription medicine, pharmaceutical product, spring, well, reservoir, or public water supply, knowing that the information was false and that it would likely be disseminated to the public⁷].

*[Provide definitions by selecting from paragraphs (a) through (i):]*⁸

(a) A “harmful biological device” means a device designed or intended to release a harmful biological substance.

(b) A “harmful biological substance” means a bacteria, virus, or other microorganism or a toxic substance derived from or produced by an organism that can be used to cause death, injury, or disease in humans, animals, or plants.

(c) A “harmful chemical device” means a device that is designed or intended to release a harmful chemical substance.

(d) A “harmful chemical substance” means a solid, liquid, or gas that through its chemical or physical properties, alone or in combination with 1 or more other chemical substances, can be used to cause death, injury, or disease in humans, animals, or plants.

(e) A “harmful radioactive material” means material that is radioactive and that can be used to cause death, injury, or disease in humans, animals, or growing plants by its radioactivity.

(f) A “harmful electronic or electromagnetic device” means a device designed to emit or radiate or that, as a result of its design, emits or radiates an electronic or electromagnetic pulse, current, beam, signal, or microwave that is intended to cause harm to others or cause damage to, destroy, or disrupt any electronic or telecommunications system or device, including, but not limited to, a computer, computer network, or computer system.

(g) “Harmful radioactive device” means a device that is designed or intended to release a harmful radioactive material.

(h) A “chemical irritant” means a solid, liquid, or gas that, through its chemical or physical properties, alone or in combination with one or more other substances, can be used to produce an irritant effect in humans, animals, or plants.

(i) A “chemical irritant device” means a device designed or intended to release a chemical irritant.

(4) Third, that the report was false.

(5) Fourth, that when the defendant [made the report / caused the report to be made], [he / she] knew it was false.

Use Note

1. MCL 750.200i

2. MCL 750.200j

3. MCL 750.200l

4. MCL 750.209

5. MCL 750.397a

6. MCL 750.436(1)(a)

7. MCL 750.436(1)(b)

8. MCL 750.200h

* There is no statutory definition for an offensive or injurious substance or compound.

**Public Policy Position
M Crim JI 39.7 and 39.7a**

Support

Explanation

The Committee voted unanimously to support Model Criminal Jury Instruction 39.7 and 39.7a. The committee supports the changes because they improve the model jury instruction's organization by grouping together a range of crimes that could be the subject of false reports.

Position Vote:

Voted For position: 21

Voted against position: 0

Abstained from vote: 0

Did not vote (absent): 2

Contact Persons:

Mark A. Holsomback mahols@kalcounty.com

Sofia V. Nelson snelson@sado.org



**FROM THE COMMITTEE
ON MODEL CRIMINAL
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=====

PROPOSED

The Committee proposes new instructions, M Crim JI 39.8 and 39.8a, for the crimes found in MCL 750.411a(2)(b): threatening to commit an offense involving explosives (M Crim JI 39.8), or threatening to commit an offense involving of harmful substances or poisons (M Crim JI 39.8a).

**[NEW] M Crim JI 39.8 Threat to Commit an Offense Involving
Explosives**

(1) The defendant is charged with making a threat to commit a crime involving explosives. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [communicated / caused (another person / *identify person who made report*) to communicate] with [*identify recipient(s) of communication*] by speech, writing, gestures, or conduct.

(3) Second, that during the course of the communication, [the defendant / the other person / *identify person who made report*] threatened to [order, send, take, transport, convey, or carry concealed as freight or baggage dynamite, nitroglycerine, fulminate in bulk in dry condition, or any other explosive substance that explodes by concussion or friction on a passenger boat, railroad car, motor vehicle, or other vehicle used to carry passengers or articles of commerce¹ / send, take or carry, or attempt to order, send, take or carry dynamite,

nitroglycerine or any other explosive substance that explodes by concussion or friction, concealed in any manner, either as freight or baggage, on a passenger boat, railroad car, motor vehicle, or other vehicle used to carry passengers² / send an explosive substance or any other dangerous thing with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property³ / construct a device that appeared to be a bomb or an explosive or incendiary device⁴ / to handle an explosive material while intoxicated⁵ / place an explosive substance in or near any real or personal property with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property⁶ / possess an explosive substance or device in a public place with intent to frighten or intimidate⁷ / carry or possess an explosive or combustible substance with intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over that property⁸ / manufacture, buy, sell, furnish, or possess a Molotov cocktail or any similar device with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property⁹ / manufacture, buy, sell, furnish, or possess a device designed to explode or that would explode upon impact or with the application of heat or a flame, or that is highly incendiary, with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property¹⁰ / manufacture, sell, keep, or offer for sale any unbranded or unmarked or falsely branded or marked high explosive¹¹ / kill a person by placing gun powder or any other explosive substance on, under, against, in, or near a building¹²].

Use Note

1. MCL 750.201
2. MCL 750.327
3. MCL 750.204
4. MCL 750.204a
5. MCL 750.204c
6. MCL 750.207
7. MCL 750.209a
8. MCL 750.210
9. MCL 750.211a(1)(a)

10. MCL 750.211a(1)(b)
11. MCL 750.212
12. MCL 750.328

[NEW] M Crim JI 39.8a Threatening to Poison or Commit a Harmful Substance Offense

(1) The defendant is charged with threatening to commit a crime involving poison or harmful substances. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [communicated / caused (another person / *identify person who made report*) to communicate] with [*identify recipient(s) of communication*] by speech, writing, gestures, or conduct.

(3) Second, that during the course of the communication, [the defendant / the other person / *identify person who made report*)] threatened to [manufacture, deliver, possess, transport, place, use, or release (a harmful biological substance or a harmful biological device / a harmful chemical substance or a harmful chemical device / a harmful radioactive material or a harmful radioactive device / a harmful electronic or electromagnetic device)¹ / manufacture, deliver, possess, transport, place, use, or release (a chemical irritant or a chemical irritant device / a smoke device / an imitation harmful substance or device)² / cause another individual to believe that (he / she) had been exposed to a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, or harmful electronic or electromagnetic device when it was untrue that the individual had been exposed to such a substance or device³ / place an offensive or injurious substance or compound* in or near to any real or personal property intending to wrongfully injure or coerce another person, or to injure the property or business of another person, or to interfere with another person's use, management, conduct, or control of his or her business or property⁴ / (place pins, needles, razor blades, glass, or other harmful objects in any food with intent to harm the consumer of the food / place a harmful substance in any food with intent to harm the consumer of the food / knowingly furnish food containing a harmful object or substance to another person)⁵ / (mingle a poison or harmful substance with a food, drink, nonprescription medicine, or pharmaceutical product / place a poison or harmful substance in a spring, well, reservoir, or public water supply, knowing or having reason to know that it may be consumed or used by a person and result in injury)⁶ / dishonestly tell another individual that a poison or harmful substance had been or would be placed in a food, drink, nonprescription medicine, pharmaceutical product, spring, well, reservoir, or public water supply,

knowing that the information was false and that it would likely be disseminated to the public⁷].

*[Provide a definition by selecting from paragraphs (a) through (i):]*⁸

(a) A “harmful biological device” means a device designed or intended to release a harmful biological substance.

(b) A “harmful biological substance” means a bacteria, virus, or other microorganism or a toxic substance derived from or produced by an organism that can be used to cause death, injury, or disease in humans, animals, or plants.

(c) A “harmful chemical device” means a device that is designed or intended to release a harmful chemical substance.

(d) A “harmful chemical substance” means a solid, liquid, or gas that through its chemical or physical properties, alone or in combination with 1 or more other chemical substances, can be used to cause death, injury, or disease in humans, animals, or plants.

(e) A “harmful radioactive material” means material that is radioactive and that can be used to cause death, injury, or disease in humans, animals, or growing plants by its radioactivity.

(f) A “harmful electronic or electromagnetic device” means a device designed to emit or radiate or that, as a result of its design, emits or radiates an electronic or electromagnetic pulse, current, beam, signal, or microwave that is intended to cause harm to others or cause damage to, destroy, or disrupt any electronic or telecommunications system or device, including, but not limited to, a computer, computer network, or computer system.

(g) “Harmful radioactive device” means a device that is designed or intended to release a harmful radioactive material.

(h) A “chemical irritant” means a solid, liquid, or gas that, through its chemical or physical properties, alone or in combination with one or more other substances, can be used to produce an irritant effect in humans, animals, or plants.

(i) A “chemical irritant device” means a device designed or intended to release a chemical irritant.

Use Note

1. MCL 750.200i
2. MCL 750.200j
3. MCL 750.200l
4. MCL 750.209
5. MCL 750.397a
6. MCL 750.436(1)(a)
7. MCL 750.436(1)(b)
8. MCL 750.200h

* There is no statutory definition for an offensive or injurious substance or compound.

**Public Policy Position
M Crim JI 39.8 and 39.8a**

Oppose as Drafted

Explanation

The committee voted to oppose the model criminal jury instructions as drafted because the model rules did not include (a) constitutionally derived true threat language, and (b) a proviso that a defendant need not follow through on a threat.

Position Vote:

Voted For position: 21

Voted against position: 0

Abstained from vote: 0

Did not vote (absent): 3

Contact Persons:

Mark A. Holsomback mahols@kalcounty.com

Sofia V. Nelson snelson@sado.org



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

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The Committee on Model Criminal Jury Instructions solicits comment on the following proposals by December 1, 2020. Comments may be sent in writing to Samuel R. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCrimJI@courts.mi.gov .

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PROPOSED

The Committee proposes new instructions, M Crim JI 40.1, 40.2 and 40.3, for disturbing-the-peace person offenses found in MCL 750.170 (disturbance of lawful meetings), MCL 750.169 (disturbing religious meetings), and MCL 750.167d (disturbing funerals), respectively.

[NEW] M Crim JI 40.1 Disturbing the Peace

- (1) The defendant is charged with disturbing the peace. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant was [in a (tavern / grocery / store / business place / manufacturing establishment / street, lane, alley, or highway / public building) / at (a park / an election / a public meeting where people were lawfully assembled)].
- (3) Second, that the defendant intentionally engaged in conduct that threatened public safety, threatened violence to other persons, disrupted the peace and quiet of other persons present, or interfered with the ability of other persons to perform legal actions or duties.¹ The defendant must have intentionally engaged in conduct that went beyond stating [his / her] position or opinion or expression of ideas.²

Use Note

1. *People v Mash*, 45 Mich App 459 (1973); *People v Weinberg*, 6 Mich App 345 (1967).
2. *People v Vandenberg*, 307 Mich App 57 (2014).

[NEW] M Crim JI 40.2 Disturbing Religious Meetings

(1) The defendant is charged with disturbing a religious meeting. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that a religious meeting was held or was going to be held on private property at [*describe location*].

(3) Second, that the defendant knew that people were meeting or were going to meet to pursue the exercise of religion at that location.

[*Select appropriate alternative(s):*]

(4) Third, that the defendant entered or attempted to enter the property with the intent to disrupt the meeting.

(5) Third, that the defendant remained or attempted to remain on the property after being instructed to leave with the intent to disrupt the meeting.

(6) Third, that the defendant obstructed or attempted to obstruct the entrance to or exit from the property with the intent to prevent or disrupt the meeting.

[NEW] M Crim JI 40.3 Disturbing Others at a Funeral

(1) The defendant is charged with disturbing people at a funeral. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that [a funeral, memorial service, or viewing of a deceased person / a funeral procession or burial] was taking place [in / at] [*describe location*].

(3) Second, that the defendant was within 500 feet of that [building / location].

[*Select appropriate alternative(s):*]

(4) Third, that the defendant intentionally made a statement or gesture, or engaged in conduct that would make a reasonable person attending that funeral, memorial service or viewing, procession, or burial feel intimidated, threatened or harassed.

(5) Third, that the defendant made a statement or gesture or engaged in conduct intending to incite or result in a breach of the peace, and that [his / her] statement, gesture, or conduct caused a breach of the peace among those attending the funeral, memorial service or viewing, procession, or burial.

The peace is breached when public safety is threatened, when violence is threatened, when the peace and quiet of other persons present is disrupted, or when there is interference with the ability of other persons to perform legal actions or duties.

(6) Third, that the defendant made a statement or gesture, or engaged in conduct intending to disrupt that funeral, memorial service or viewing, procession, or burial and did disrupt that funeral, memorial service or viewing, procession, or burial.

Public Policy Position
M Crim JI 40.1, 40.2, and 40.3

Support

Explanation

The committee voted unanimously to support the proposed model criminal jury instructions regarding disturbing-the-peace offenses. The committee supports the proposed model instructions because they mirror statutory language and utilize a common law definition of what is “disturbing.”

Position Vote:

Voted For position: 21

Voted against position: 0

Abstained from vote: 0

Did not vote (absent): 2

Contact Persons:

Mark A. Holsomback mahols@kalcounty.com

Sofia V. Nelson snelson@sado.org



MEMORANDUM

To: SBM Board of Commissioners

From: Darin Day, Director of Outreach

Date: November 10, 2020

Re: Proposed Bylaws Amendments: **Children's Law Section**

Rule 12, Section 2 of the Supreme Court Rules Concerning the State Bar of Michigan requires each SBM section to 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.”

Upon review of documents submitted by the section, staff confirms that the section has followed all steps necessary to propose bylaws changes in accordance with the procedures set forth in the section's current bylaws. The only remaining step is for this body to approve the section's proposed amendments.

Please see the attached excerpts from the section's current bylaws, redlined to highlight the proposed changes.

No proposed amendment is inconsistent with Supreme Court Rules or the State Bar of Michigan bylaws. Thus, staff recommends the proposal be APPROVED.

**ARTICLE VI
DUTIES AND POWERS OF THE COUNCIL**

SECTION 4. ~~Regular monthly meetings of the Council shall be held at times and locations to be determined by the Chair, and the schedule of regular meetings for each fiscal year shall be published in advance.~~ Regular meetings of the Council shall be held at least six times per year, including the annual meeting, at times to be determined by the Chair, and the schedule of regular meetings for each fiscal year shall be published in advance.

**ARTICLE VIII
ANNUAL MEETING**

SECTION 1. ~~The annual meeting of the Section shall be held during and at the same place as the annual meeting of the State Bar of Michigan and shall include such programs and order of business as may be arranged by the Chair-Elect.~~ The annual meeting of the Section shall be held in September of each year at a place designated by the Executive Board at least 30 days in advance and shall include such programs and order of business as may be arranged by the Chair/Chair-Elect.

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

1. CPF 3585 \$4,900.00

Claimant retained Respondent to represent her in a lawsuit involving the theft of her burial marker for \$4,900. After receiving the retainer fee, Respondent abandoned the matter. Respondent's failure to return the unearned fee constitutes dishonest conduct and is a reimbursable loss under CPF Rules 9(C)(1) and 9(C)(6).

2. CPF 3589 \$2,900.00

Claimant retained Respondent to open an Estate on behalf of her father for \$3,925. Respondent drafted the documents to open the Estate but when attempting to file, discovered that an Estate had been opened the day before. Claimant acknowledges that Respondent completed some services, estimating he earned \$1,025. The \$3,925 flat fee is excessive for the work completed by Respondent and Claimant should be reimbursed the unearned portion of the flat fee. Respondent's failure to return the unearned portion of the flat fee constitutes dishonest conduct under CPF Rules 9(C)(1) and 9(C)(6).

3. CPF 3595 \$1,686.00

Claimant retained Respondent to represent him regarding an IRS matter for a flat fee of \$1,686. Respondent completed some services but abandoned the matter before passing away. When a flat fee is charged for services, the funds must be held in an attorney trust account until the services are completed, RI-69. Respondent's failure to return the unearned flat fee constitutes dishonest conduct under CPF Rules 9(C)(1) and 9(D)(6).

4. CPF 3608 \$500.00

Claimant retained Respondent to assist her in filing an Application to Set Aside Conviction for a flat fee of \$500. Respondent abandoned the matter before completing any legal services. Respondent's failure to refund the unearned retainer fee constitutes dishonest conduct under CPF Rules 9(C)(1), 9(C)(6) and 11(B).

5. CPF 3611 \$6,000.00

Claimant retained Respondent to represent him in a civil suit for a non-refundable fee of \$6,000. Respondent provided inadequate services resulting in a default judgment being entered against Claimant. Respondent requested, and received, an additional \$6,000 from Claimant sixteen days before being suspended and then disbarred. After that payment, the only legal services provided were the improper filing of a claim of appeal and jurisdictional statement. Respondent's failure to return the second \$6,000 payment is an unearned fee and failure to return the fee constitutes dishonest conduct under CPF Rules 9(C)(1) and 9(C)(6) and 9(F), waiving the one-year filing requirement.

6. CPF 3618 \$800.00

Claimant retained Respondent to assist with a driver's license restoration matter for a flat fee of \$800. Respondent did not complete any legal services or ensure that funds were available to provide a refund after death. Respondent's failure to reimburse the \$800 constitutes dishonest conduct under CPF Rules 9(C)(1) and 9(D)(6).

7. CPF 3622 \$1,200.00

Claimant retained Respondent to file bankruptcy on her behalf and paid \$1,200. Respondent passed away before completing any legal services. The failure of Respondent, the law firm, or estate to return the unearned portion of the retainer fee advanced to her constitutes dishonest conduct under CPF Rules 9(C)(1) and 9(C)(6).

8. CPF 3624 \$750.00

Claimant retained Respondent to file an appeal for a fee of \$1,175, representing \$100 for court transcript, \$100 filing fee, \$200 to post the bond on appeal, \$25 district court fee, and \$750 for attorney fee. Respondent filed the claim of appeal and ordered transcripts, incurring costs. The court entered an order stating that the claim of appeal had deficiencies and, if not remedied, would be dismissed. Respondent did not correct the deficiencies resulting in dismissal of the appeal. Respondent provided no further legal services. Respondent's failure to return the unearned retainer fee constitutes dishonest conduct under CPF Rules 9(C)(1) and 9(C)(6).

9. CPF 3626 \$407.40

Claimant retained Respondent to represent him in a divorce matter for \$3,000. Respondent provided some services before abandoning the matter. Respondent provided Claimant with a detailed statement that included researching and drafting interrogators that were not filed. The ADB ordered \$3,000 in restitution because Respondent did not complete the legal services, however, this was not a flat fee matter and Respondent provided a detailed statement of the services provided. As such, the \$2,592.60 in earned fees and expended costs are excluded from the reimbursement recommendation. Respondent's failure to return the unearned \$407.40 constitutes dishonest conduct under CPF Rules 9(C)(1) and 9(C)(6).

10. CPF 3639 \$800.00

Claimant retained Respondent to file a Chapter 7 Bankruptcy for a non-refundable flat fee of \$800, plus the \$335 filing fee. Respondent knew that she was ill when she signed the agreement and passed away before filing the bankruptcy. In claims involving a deceased respondent, the death of the respondent is not considered dishonest conduct however, it can lead to the discovery of dishonest conduct. Unless an attorney has a written fee agreement that comports with *Cooper*,¹ the fee is refundable and must be held in an attorney trust account. Moreover, a flat or fixed fee is not earned until the conclusion of the representation and must be held in trust until earned.² The failure of respondent's law firm or estate to reimburse claimant after an untimely death is a failure to return an unearned fee in violation of MRPC 1.15. Though the fee states it was nonrefundable, it may be

¹ *Grievance Adm'r v Cooper*, 757 NW2d 867 (2008), the Michigan Supreme Court ruled as follows regarding a nonrefundable retainer:

As written, the agreement clearly and unambiguously provided that the respondent was retained to represent the client and that the minimum fee was incurred upon execution of the agreement, regardless of whether the representation was terminated by the client before the billings at the stated hourly rate exceeded the minimum. So understood, neither the agreement nor the respondent's retention of the minimum fee after the client terminated the representation violated existing MRPC 1.5(a), MRPC 1.15(b) or MRPC 1.16(d).

² RI-069

deemed excessive, as no legal services were rendered. Respondent's failure to return the unearned fee constitutes dishonest conduct under CPF Rules 9(C)(1) and 9(C)(6).

11. CPF 3656

\$2,150.00

Claimant retained Respondent to represent her in a child support action for a fee of \$2,500.

Claimant paid \$2,150 towards the agreed upon fee. Respondent did not complete any legal services before he was suspended from the practice of law and later disbarred. Respondent's failure to return the unearned fee constitutes dishonest conduct under CPF Rules 9(C)(1) and 9(C)(6).

For all Claims, CPF staff is granted permission to adjust the amount payable on any claim listed above to reflect any payments made on behalf of the Respondent and received by the Claimant or payee before the Fund receives an executed subrogation agreement and issues a check, without further review.

Total payments recommended: \$22,093.40



MEMORANDUM

To: SBM Board of Commissioners

From: Darin Day, Director of Outreach

Date: November 10, 2020

Re: Proposed Bylaws Amendments and Name Change:
Marijuana Law Section to Cannabis Law Section

Rule 12, Section 2 of the Supreme Court Rules Concerning the State Bar of Michigan requires each SBM section to 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.”

Upon review of documents submitted by the section, staff confirms that the section has followed all steps necessary to propose bylaws changes in accordance with the procedures set forth in the section’s current bylaws. The only remaining step is for this body to approve the section’s proposed amendments.

Please see the attached excerpts from the section’s current bylaws, redlined to highlight the proposed changes.

No proposed amendment is inconsistent with Supreme Court Rules or the State Bar of Michigan bylaws. Thus, staff recommends the proposal be APPROVED.

**AMENDED AND RESTATED BYLAWS OF THE CANNABIS MARIJUANA LAW
SECTION OF THE STATE BAR OF MICHIGAN**

ARTICLE I - NAME

The name of this Section shall be the “CannabisMarijuana Law Section of the State Bar of Michigan”.

ARTICLE II - PURPOSES

Purposes. The purposes of this Section shall be to foster and advance the profession of Michigan Marijuana-cannabis law; study the principles, regulations, statutes and legal developments that affect Michigan cannabisMarijuana law; to encourage and promote reforms in the law; to cultivate the science of jurisprudence; to secure the more efficient administration of justice; to serve as a forum and vehicle for the dissemination of specialized knowledge to practitioners engaged in the practice of cannabisMarijuana law in this area by fostering networking and communication among members; to coordinate its activities with those of other sections of the State Bar of Michigan whose activities and practice areas are complimentary to those of this Section; to encourage and advocate effective and thorough legal education; to encourage the continued education of the practicing lawyer; and to afford a means of social intercourse among the lawyers of the State Bar of Michigan. To accomplish its goals, the CannabisMarijuana Law Section of the State Bar of Michigan may sponsor meetings and conferences of educational value and support the publication of articles that relate to the purposes of this Section.

ARTICLE III – MEMBERSHIP AND DUES

- 1.**Dues.** Any active member of the State Bar of Michigan, upon request to the State Bar of Michigan and upon payment of dues for the current year, shall be enrolled as a member of the Section. Dues shall be payable in advance, in the amount of \$65.00 on or before October 1 of each year. The amount of dues may be changed upon a 2/3’s vote of the membership of the Council. Any Section member whose Annual dues is more than three (3) months past due shall automatically cease to be a member of the Section.
- 2.**Newly Admitted Members.** As provided in Article VII, Section 5 of the Bylaws of the State Bar of Michigan, any newly admitted member of the State Bar of Michigan shall become a member without payment of dues for the first two (2) years of his or her admission to the State Bar of Michigan, upon submission of a written request to the State Bar of Michigan.
- 3.**Law Student Affiliates.** As provided in Article VII, Section 6 of the Bylaws of the State Bar of Michigan, any law student affiliate member may become a member of the Section upon written request to the State Bar. Law student affiliates are not required to pay dues.

4.Limitations. No Member of the Section shall speak on behalf of or otherwise represent himself or herself to have the authority to speak on behalf of the Section without complying in all respects with the Supreme Court Rules Concerning the State Bar of Michigan and the Bylaws of the State Bar of Michigan.

ARTICLE IV – ~~[Intentionally blank]~~ORGANIZATIONAL MEETING

~~1.General. The organizational meeting of the Section shall be held during the period of January 1-31, 2016 or as soon thereafter as possible at a time and place to be determined by the Acting Chairperson hereafter appointed.~~

~~2.Acting Chairperson. The Board of Commissioners of the State Bar of Michigan hereby appoints Bernard A. Jocuns as Acting Chairperson of the proposed Section, to serve in this capacity until the Bylaws of the Section are approved and the Council and Officers of the Section are duly elected as hereinafter provided. The Acting Chairperson may appoint an acting Secretary/Treasurer to assist in preparation for the initial meeting and to perform other functions for the Section.~~

~~3.Membership. All active members of the State Bar of Michigan who by November 19, 2015 have applied for membership in the Section and have paid dues or are otherwise qualified under Article III of these Bylaws shall receive personal written notice by e-mail, US Mail, fax or other means reasonably likely to provide personal written notice of the time and place of the organizational meeting and shall be eligible to vote at the meeting. Voting at the organizational meeting shall be in person and not by proxy.~~

~~4.Council. At the organizational meeting, the members shall elect nine (9) members to serve as the first Council. A majority of those present and voting at the organizational meeting shall be sufficient to elect the first Council and no member may cast more than one vote for any one candidate. In order to preserve continuity, three (3) members will be elected to three-year terms, three (3) members to two-year terms, and three (3) members to one-year terms on the Council, and thereafter, each year three (3) members will be elected to three-year terms.~~

~~5.Officers. The organizational meeting of the Council shall commence immediately following the organizational meeting of the Section at which the Council shall elect a Chairperson, Chairperson-Elect and Secretary/Treasurer to serve for one-year terms. It's's's's~~

ARTICLE V – SECTION MEETINGS

1.ANNUAL MEETING. The Annual Meeting of the Section shall be held ordinarily during the annual meeting of the State Bar of Michigan in the same city or place as the annual meeting of the State Bar of Michigan, or at such other time and place as the Council may determine but subject to State Bar Bylaw Article VII, Section 7. The Annual Meeting shall be for the election of Council members and the transaction of such other business as may come before members of the Section.

2. **SPECIAL MEETINGS.** A Special Meeting of the Section may be called at any time by the Chairperson of the Section upon approval of the Council. A Special Meeting shall be called by the Chairperson upon the written request to the Chairperson or Secretary/~~Treasurer~~ of the Section of at least ten (10) Active Members. Special Meetings shall be held at such time and place as the Chairperson may determine. Section members shall receive at least ten (10) days advance written notice of any Special Meeting. The notice shall state the time and place of the Special Meeting and the business to be transacted and shall be delivered by e-mail, US Mail, fax or other means reasonably likely to provide personal written notice of the time and place of the meeting.
3. **WAIVER OF NOTICE.** Notice of any Special Meeting of the Section may be waived in writing before or after the meeting. Attendance at any meeting constitutes waiver of notice of the meeting unless attendance is for the express purpose of objecting to the transaction of any business because the meeting was not properly called or convened.
4. **QUORUM.** Ten or more members of the Section present at a meeting of the Section shall constitute a quorum for the transaction of business properly before the Section.
5. **SECTION ACTION.** When a quorum is present at any Section meeting, the majority vote of Active Members present in person at the meeting or appearing remotely by way of videoconferencing technology, if such remote format is approved by a vote of the Council in advance, shall decide any matter brought before Section members at the meeting, except as otherwise specifically provided in these Bylaws.

ARTICLE VI - COUNCIL

1. **Qualifications.** Each member of the Council must be an active member in good standing of the State Bar of Michigan and a member in good standing of the Section.
2. **Number and Term.** The council shall have ~~twelve nine~~-(129) elected members. Following the initial terms of less than three years held by members of the Council in the first five years of the Section as provided in Article IV of these Bylaws, members of the Council shall serve for three (3) years with terms commencing at the close of the Annual Meeting at which they were elected and ending at the close of the third succeeding Annual Meeting of the Section. The Council reserves the right to add three (3) additional Council members. A majority of the Council members must agree to add each additional council seat. To fill a seat at a time other than at the organizational meeting, the process in Article VI, Section 6, must be followed.
3. **General.** At each Annual Meeting, any open~~three~~-(3) positions on the Council shall be filled. The Nominations Committee shall propose nominations for membership on the Council, pursuant to procedures set forth~~noted~~ below. Other nominations may be made by members present at the Annual Meeting. Election of the Council shall be by voice vote of the members of the Section present at the Annual Meeting, unless voting by written

ballot is requested and approved by a majority vote of the members present at the Annual Meeting or the outcome of the election by voice vote is indeterminable, in which case voting by written ballot is required.

- 4.Term Limits.** No person shall be eligible for election to the Council if at the time of being so nominated, he or she has served without interruption two full consecutive 3- year terms immediately preceding the term for which the election is held, provided that if the Nominating Committee of the Section shall nominate a person who would otherwise be ineligible for election to the Council under this Section to the office of Chair-Elect or Secretary/Treasurer, then such person shall be eligible for nomination and election to the Council for an additional term of three years.
- 5.Past Chairperson.** The immediate past Chairperson who has completed his or her term as Chairperson but whose term as a council member has not expired may continue to serve on the Council until his or her term expires, with all voting rights thereto. Past Chairpersons of the Section no longer serving as a member of the Council shall automatically remain as ex-officio members of the Council so long as they maintain membership in the Section. Past Chairpersons whose Council terms have expired 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.
- 6.Attending Meetings/Vacancy.** If any member of the Council fails to attend three (3) successive meetings of the Council, the Council may declare the position vacant. If a position of the Council becomes vacant for any reason during the term of a member, including upon resignation or the inability to perform the duties of the position, the remaining members of the Council shall select a replacement, who shall fill the seat until the next election, at which point the seat shall be filled for the remaining portion of the term.
- 7.Nominating Committee/Nominations from Floor.** Prior to the Annual meeting, the Nominating Committee, consisting of all three Council officers and two additional Council members the Chairperson has appointed, shall propose the nominations for the positions of members of the Council for election at the Annual meeting. At least 72 hours in advance of the Annual meeting, its nominations shall be provided to Section members by e-mail, US Mail, fax or other means reasonably likely to provide personal written notice to members of its recommendations. Other nominations may be made from the floor by Section members present at the Annual meeting.
- 8.Voting/Quorum.** Election of the Council shall be by voice vote of the members of the Section present at the Annual meeting, unless voting by written ballot is requested and approved by a majority vote of the members present at the Annual meeting or the outcome of the election by voice vote is indeterminable, in which case voting by written ballot shall be required. The members of the Section present at the Annual meeting of the Section constitutes a quorum for the transaction of business, and the action of the majority of the quorum constitutes action of the Section.

ARTICLE VII – ELECTION OF OFFICERS

1. **Officers.** The Council shall elect the following Officers at its Organizational Meeting:

- a) Chairperson,
- b) Chair-Elect, ~~and~~
- c) Secretary, and
- ~~d) Treasurer~~

2. **Term.** The Officers of the Section shall be elected to one (1) year terms by the Council at its Organizational Meeting held immediately following the Annual Meeting. The term of each office shall commence at the close of the Organizational Meeting at which the officer was elected and close at the succeeding Annual Meeting of the Section.

3. **Voting.** Election of Officers shall be by voice vote of the members of the Council present at the annual Organizational Meeting, unless voting by written ballot is requested and approved by a majority vote of the members present at the annual Organizational Meeting or the outcome of the election by voice vote is indeterminable in which case voting by written ballot is required.

4. **Vacancy.** If any office becomes vacant during the period between Annual meetings, the Council may select a replacement, who shall succeed to the full duties and responsibilities of the office. If the office of Chairperson becomes vacant and is filled by the Chair-Elect, the Chair-Elect will then also complete his or her own term of office.

5. **Succession of ~~Officers~~ Chair-Elect.** ~~Subject to the approval of the Council at its Organizational meeting, it is anticipated that t~~The Chairperson-Elect shall succeed to the office of Chairperson, the Secretary shall succeed to the office of Chairperson-Elect, and the Treasurer shall succeed to the office of Secretary.

ARTICLE VIII – DUTIES OF OFFICERS

1. **Chairperson.** The Chairperson shall:

- a) Preside at all meetings of the Council;
- b) Prepare and present at each Annual meeting of the Section a report of the activities of the Section for the preceding year;
- c) Appoint the chairpersons and members of any committees of the Section; and;
- d) Perform such other duties as are customarily associated with the office of Chairperson, or as assigned by the Council.

2. **Chairperson-Elect.** The Chair-Elect shall:

- a) Preside at all meetings of the Council in the absence of the Chairperson;

- b) Assume and perform the duties of the Chairperson during the disability of or after the death or resignation of the Chairperson;
- c) Be responsible for the development and presentation of an educational program at the Annual meeting; and
- d) Perform such other duties as are customarily associated with the office of Chairperson-Elect, or as assigned by the Council.

3. Secretary/Treasurer. The Secretary/Treasurer shall:

- a) Be the custodian of the books and records of the Section; ~~including financial documents;~~
- b) Keep a record of the Annual meeting of the Section, and the meetings of the Council;
- c) Preside at the Annual meetings of the Council in the absence of the Chairperson and Chairperson-Elect;
- d) ~~Keep a record of the money received and disbursed, and present a report at each meeting of the Council;~~
- e) ~~Present a financial report to the members at the Annual meeting;~~
- f) ~~Prepare and present a proposed budget for the consideration of the Council, and~~
- g) Perform such other duties as are customarily associated with the office of Secretary/Treasurer, or as assigned by the Council.

4. Treasurer. The Treasurer shall:

- a) Be the custodian of the financial documents of the Section;
- b) Keep a record of the money received and dispersed, and present a report at each meeting of the Council;
- c) Present a financial report to the members at the Annual meeting;
- d) Prepare and present a proposed budget for the consideration of the Council; and
- e) Perform such other duties as are customarily associated with the office of Treasurer, or as assigned by the Council.

ARTICLE IX – DUTIES AND POWERS OF THE COUNCIL

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. The Council shall authorize all commitments or contracts which entail the payment of money and shall authorize the expenditure of all monies appropriated by the Council for the use or benefit of the Section.

2. Committees. The Council may establish such standing committees (and subcommittees) and ad hoc committees (and subcommittees) as the Council may determine from time to time to further the interests and goals of the Section, and no committee, subcommittee or

directorship shall be authorized to take any action on behalf of the Council or the Section without the express approval of the Council.:-

3. **Executive Committee.** There shall be an Executive Committee that will consist of the Chairperson, Chairperson-Elect, Secretary, Treasurer and ~~one~~ two council members appointed by the Chairperson. The Chairperson shall serve as chairperson of the Executive Committee. The Executive Committee shall have the authority to conduct any business as delegated from time to time by resolution of the Council. Additionally, the Executive Committee shall have the authority to conduct any business that would normally come before the Council, provided that such action is of a nature that requires resolution prior to the next Council meeting. The Section Chairperson, on behalf of the Executive Committee, shall report any and all action taken by the Executive Committee between meetings of the Council at the next succeeding meeting of the Council.
4. **Committee Chairpersons.** The Council, upon recommendation of the Executive Committee, shall direct the Chairperson to appoint committee chairpersons and other agents from Members to perform such duties and exercise such powers as the Council may direct. The Chairperson on direction from the Council shall remove any committee chairperson or other agent from any such committee.
5. **Vacancies.** The Council, during the interim between annual meetings of the Section, may fill vacancies in the offices of the Secretary, Treasurer or Vice-Chairperson, or, in the event of a vacancy in both the office of Chairperson and Vice-Chairperson, then in the office of Chairperson. The Executive Committee may appoint acting officers to fill such vacancies during the interim between the occurrence of the vacancy and the next regularly scheduled or special Council meeting.
6. **Quorum.** ~~Seven~~ Five (5) members of the Council present at a meeting shall constitute a quorum for the transaction of business.
7. **Voting.** 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 meetings. Each Council member shall be entitled to one vote on all matters brought to the Council for vote.
8. **Telephonic or RemoteVirtual Participation.** A Council member may participate in a Council meeting by telephone conference or other remote means of communication by which all persons participating in the meeting may communicate with each other if all participants are advised of the communications equipment and the names of the participants in the conference are divulged to all participants. Participation in a meeting pursuant to this section constitutes presence in person at the meeting.
9. **Proposals.** 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 to the Council at the next occurring Council meeting, any proposal upon which the Council may be authorized to act, and the

members of the Council may vote upon such proposal or proposals so submitted. A majority of the votes cast on any proposal at a meeting of the Council at which a quorum is present shall constitute the binding action of the Council.

10.**Meetings.** The Section Chairperson shall designate the time and place of the regular Council meetings, which may include remote meetings using electronic audio/video communication tools. Special meetings may be called by the Chairperson or upon written request to the Secretary of any five members of the Council. Not less than five (5) days' notice of regular and special meetings shall be given. All such notices shall specify the date, time, and place (and in the case of a special meeting, the purpose of such special meeting). The required notice shall be delivered by e-mail, US Mail, fax or other means reasonably likely to provide personal written notice of the time and place of the meeting.

11.**Action By ~~Unanimous~~ Written Consent.** Any action that may be taken at any regular or special meeting may be taken by a vote of two thirds (2/3) of the ~~six~~ current Council members provided that this vote is in writing and does not reduce another higher vote requirement.

ARTICLE X - MISCELLANEOUS

The fiscal year of the Section shall be the same as the State Bar of Michigan. All bills incurred by the Section, before being forwarded to the Treasurer or the Executive Secretary of the State Bar of Michigan for payment, shall be approved by the Chairperson or by the ~~Secretary~~/Treasurer, or, if the Council shall direct, by both of them. No salary or compensation shall be paid for serving as a Section Officer, member of the Council, or member of any committee.



MEMORANDUM

To: SBM Board of Commissioners
From: Darin Day, Director of Outreach
Date: November 10, 2020
Re: Proposed Bylaws Amendments: **Young Lawyers Section**

Rule 12, Section 2 of the Supreme Court Rules Concerning the State Bar of Michigan requires each SBM section to 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.”

Upon review of documents submitted by the section, staff confirms that the section has followed all steps necessary to propose bylaws changes in accordance with the procedures set forth in the section’s current bylaws. The only remaining step is for this body to approve the section’s proposed amendments.

Please see the attached excerpts from the section’s current bylaws, redlined to highlight the proposed changes.

No proposed amendment is inconsistent with Supreme Court Rules or the State Bar of Michigan bylaws. Thus, staff recommends the proposal be APPROVED.

DRAFT Proposed Bylaws

Article 1

NAME

This section shall be known as the "Young Lawyers Section of the State Bar of Michigan."

Article 2

OBJECTIVES

The objectives and purposes of the Young Lawyers Section of the State Bar of Michigan ("YLS") shall be to sponsor and carry on activities of particular interest and value to ~~young~~ **new** attorneys in Michigan; to coordinate activities of the various local young lawyer groups in Michigan; to cooperate fully with, and as an integral part of, the State Bar of Michigan ("State Bar"); and to cooperate with the various local bar associations in the State of Michigan, the American Bar Association, and the American Bar Association's Young Lawyers Division in the promotion of their programs.

Article 3

MEMBERSHIP

SECTION 1. ELIGIBILITY. Except as otherwise allowed in Art 4, ~~S~~sec 4 and Art 5, ~~S~~sec 2 of these bylaws, every attorney who is a member in good standing of the State Bar is a member of the YLS through the annual meeting following the member's 36th birthday or through the annual meeting following the member's 5th anniversary of being licensed, whichever period is greater. **Members of the State Bar Law Student Section will be automatically considered members of the YLS as well.**

SECTION 2. MEMBERSHIP REMOVAL. Any member the YLS shall, upon written request, be dropped from membership without prejudice to reinstatement upon written request if still eligible.

Article 4

NOMINATION AND ELECTION OF OFFICERS

SECTION 1. OFFICERS. The officers of the YLS shall be: A Chairperson, Chairperson-Elect, Secretary, and Treasurer.

SECTION 2. COUNCIL, TERM, VACANCY. The Chairperson-Elect, Secretary and Treasurer shall be elected by the Council members from their own number at the annual Council meeting immediately following the annual meeting of the YLS. All officers shall serve in the respective offices to which they have been elected for a term of one year, or until

their successors are elected. If, before the expiration of the normal one-year term of any office, a vacancy occurs with respect to such office, except that of Chairperson where a Chairperson-Elect is available to fill the vacancy, such office shall be filled by election at the next regular Council meeting, and the tenure of officers so elected shall be for the remainder of the unexpired terms.

SECTION 3. CHAIRPERSON. The Chairperson shall automatically be a member of the Council, shall be chief executive officer of the YLS, and shall fill by appointment, subject to approval by the Council, all vacancies occurring in the membership of the Council from the district in which the vacancy has occurred for the remainder of the term being filled. The Chairperson shall appoint the chairs of all standing committees and such other committees as the Chairperson may deem necessary or as the Council may recommend or create. Except as otherwise provided in these bylaws, the Chairperson shall call and preside at all meetings of the Council, regular meetings of which shall be held **regularly but in no case less than four times each year. Meetings may be held in person or through electronic means at the discretion of the Chairperson.** ~~at least four times each year in the city of Lansing and at such other times and places as the Council shall designate.~~ The Chairperson shall also call and preside at the annual meetings of the YLS and Council.

SECTION 4. CHAIRPERSON-ELECT. The Chairperson-Elect shall automatically succeed to the office of Chairperson at the conclusion of the term as Chairperson-Elect, or earlier upon the existence of a vacancy. In the event the Chairperson-Elect succeeds to the office of Chairperson prior to the expiration of the term as Chairperson-Elect, he/she shall continue in the office of Chairperson through the full term of office that he/she would otherwise have served. The Chairperson-Elect shall act as Chairperson during the absence of the Chairperson. The Chairperson-Elect shall ~~also act as editor of the YLS newsletter, Inter Alia,~~ perform the duties assigned by the Chairperson in planning and coordinating the projects and activities of the YLS and shall perform other duties usually incident to the office. A person elected Chairperson-Elect may automatically succeed to the office of Chairperson, even if he/she does not meet the age requirement for YLS membership, and that person shall be deemed a member of the YLS during the term of office as Chairperson. ~~In anticipation of the Chairperson-Elect succeeding to the office of Chairperson at the annual Council meeting, the Council member seat occupied by the Chairperson-Elect shall be filled by election prior to the annual Council meeting.~~

SECTION 5. SECRETARY. The Secretary shall keep all minutes and records of meetings of the Council and the YLS, shall preside at meetings of the Council in the absence of both the Chairperson and the Chairperson-Elect, and shall perform other duties usually incident to the office. **A person elected Secretary may automatically succeed to the office of Chair-Elect, even if he/she does not meet the age requirement for YLS membership, and that person shall be deemed a member of the YLS during the term of office as Chairperson. In anticipation of the Secretary succeeding to the office of Chair-Elect at the annual Council**

meeting, the Council member seat occupied by the Treasurer shall be filled by election prior to the annual Council meeting.

SECTION 6. TREASURER. The Treasurer shall maintain current information as to the financial affairs of the YLS, and shall perform other duties usually incident to the office.

SECTION 7. RETIRING CHAIRPERSON AS EX OFFICIO MEMBER. The immediate past Chairperson shall be an ex officio member of the Council for the following year, with all voting rights. All other past Chairpersons shall be honorary members of the Council for advisory purposes but without the right to vote.

SECTION 8. ELIGIBILITY. No person shall be eligible to hold office unless, at the time he/she is appointed or elected, that person is a member of the YLS. No person shall hold the same elective office for two consecutive terms.

SECTION 9. REMOVAL. The Council or YLS may, by a two-thirds vote, remove or discharge an officer.

Article 5

DUTIES AND POWERS OF COUNCIL

SECTION 1. POWERS. There shall be a Council for the YLS which shall be its final policy-making body. The Council shall advise and aid the Chairperson and perform other acts as provided in these bylaws.

SECTION 2. MEMBERS. The Council shall be composed of not more than ~~27~~ **23** members, namely, the Chairperson, elected or appointed council members (which includes the Chairperson-Elect, Secretary and Treasurer), the immediate past Chairperson, and the **Law Student Representative** ~~Chairperson of the Law Student Section~~.

SECTION 3. NOMINATIONS, ELECTION PROCEDURES. To be nominated, a Council member shall file a petition signed by at least 5 persons entitled to vote for the nominee with the ~~State Bar Secretary or his or her designee~~ **no later than between April 1 and April 30**. Only members of the YLS eligible to vote in the district they are to represent and who consent to their candidacy in writing may be nominated to serve as Council members. The ~~State Bar Secretary~~ shall cause to be published and mailed prior to the end of the month of April in each year an announcement of the vacancies to be filled on the Council, the month during which nominations may be filed, and a form of petition for the nomination of Council members. Nominations may be made on such forms, but nominations in any other form of petition which complies with these bylaws shall be deemed sufficient. The address of record of each YLS member which is on file with the State Bar as of April **30** of the election year shall determine eligibility for all election purposes. A ballot shall be voted for the number of candidates selected on the ballot, but in no event shall the number of candidates selected on the ballot exceed the maximum number of vacancies to be filled in the district to which the YLS member is

eligible to vote. No ballot shall be counted which does not comply with this requirement. The candidate receiving the highest number of votes will be declared elected. In the case of a tie vote, the tellers shall determine the successful candidate by lot.

SECTION 4. ELECTION DISTRICTS, REAPPORTIONMENT, TERM. There shall be three council election districts comprised as indicated: District 1 - YLS members in Macomb and Wayne Counties; District 2 - YLS members in Oakland County; District 3 - YLS members not in District 1 or District 2. A YLS member is a member of the district which corresponds with the member's address on record with the State Bar of Michigan. As of the reapportionment for election districts held in advance of the elections held in 2010, District 1 shall be entitled to elect a total of ~~6~~ **5** Council members, District 2 shall be entitled to elect a total of ~~8~~ **7** Council members and District 3 shall be entitled to elect a total of ~~10~~ **8** Council members. Every six years the Council shall review election Districts and report to the State Bar Board of Commissioners whether or not a reapportionment of Districts is necessary, and, if so, shall submit a proposed reapportionment plan, which upon adoption shall govern subsequent elections without the need to revise these bylaws. One-half of the number of Council members to which each District is entitled shall be elected each year to staggered two-year terms, including those elected in the year first following enactment of these bylaws provisions. Elected Council members shall take office at the close of the annual YLS meeting following their election and shall, together with Council members whose terms continue, convene the annual Council meeting. **The Chairperson, Chair-Elect, and Secretary do not count towards the numbers for each District for purpose of calculations under this section.**

SECTION 5. LAW STUDENT REPRESENTATIVES. Any ABA Accredited law school campus with an address in the State of Michigan may, but is not required to, send a law student representative to be a part of the YLS Council meetings. The manner in which each campus selects that person is in the sole discretion of each campus and the person need not be the same individual at each meeting. However, any selected student representative must be a member of the SBM Law Student Section. At each meeting, the campus representatives will select one individual from amongst themselves to have the power to conduct one vote on behalf of the Law Student Representatives as a whole. The person selected will be representing law student members of the State Bar as a whole. Each campus will not have their own individual vote. The Law Student Representative will be count towards quorum for voting purposes. If the campus representatives are unable to determine which individual will have voting power due to a tie, a coin flip will be held to determine a representative. If there is a tie involving more than two campus representatives, all the names will be placed into a random draw and the selected individual will have the voting privileges.

SECTION 6 5. SPECIAL MEETINGS. Special meetings may be called by the Chairperson, either upon his/her own initiative or upon written request of two-thirds of the Council and shall be held at the time and place designated by the Chairperson.

SECTION 7 6. QUORUM. A quorum of the Council shall consist of a majority of its members. Members shall attend meetings in person, unless the Chairperson permits a member to attend by videoconference or by telephone. The decisions of the Council shall be determined by a majority vote of the members present at a meeting at which a quorum exists. In the event that a quorum is not present at any meeting, the members present may proceed with the business of the meeting as if a quorum were present, and their acts shall become effective when and if enough absent members ratify them in writing, in addition to those present, to constitute a majority of the Council. Upon prior consent of the Chairperson, any action that may be taken at a meeting may be taken without a meeting and determined by a majority vote of members via electronic means. **Proxy voting is not allowed under any circumstances.**

SECTION 8 7. ABSENCES. If a Council member is absent for two consecutive meetings of the Council without having been excused by the Chairperson, or three meetings during the course of the Bar year for any reason, the Chairperson may declare the seat of that Council member vacant and fill the vacancy as provided for in Article 4, section 3.

Article 6

ANNUAL MEETING

SECTION 1. YLS ANNUAL MEETING. The annual meeting of the YLS shall be held **at any time prior to October 31st of each year** ~~in conjunction with the Annual Meeting of the State Bar.~~ **The agenda for the YLS Annual Meeting shall include, but is not limited to, the following:**

1. **Opening remarks by Chairperson.**
2. **Report of Secretary.**
3. **Council Member Reports.**
4. **Committee Reports**
5. **New business, special address, etc.**
6. **Assumption of office of Chairperson by Chairperson-**
- Elect.
7. **Assumption of the office of Chairperson-Elect by**
- Secretary
8. **Election of Treasurer and any other officer positions that have not been assumed.**
9. **Report of the Secretary of results of Council election.**
10. **Appointment of Council vacancies by Chairperson and approval by Council.**
11. **Adjourn**

~~SECTION 2. ANNUAL COUNCIL MEETING. The annual meeting of the Council shall be held on the same date and at the same place as the annual YLS meeting and shall convene immediately following the annual YLS meeting.~~

~~SECTION 2. AGENDAS. At such meetings listed in this section, the order of business must include, but is not limited to, the following:~~

~~ANNUAL YLS MEETING:~~

- ~~3. Opening remarks by Chairperson.~~
- ~~4. Report of Secretary.~~
- ~~3. Reports of standing committees.~~
- ~~4. Reports of special committees.~~
- ~~5. New business, special address, etc.~~
- ~~12. Report of the Secretary of results of Council election.~~
- ~~13. Other business~~
- ~~14. Adjourn~~

~~ANNUAL COUNCIL MEETING:~~

- ~~1. Appointment of Council vacancies by Chairperson and approval by Council.~~
- ~~2. Assumption of office of Chairperson by Chairperson Elect.~~
- ~~3. Assumption of the office of Chairperson Elect by Secretary~~
- ~~4. Election of Treasurer, Secretary, and Chairperson Elect and any other officer positions that have not been assumed.~~

~~SECTION 4 3. ELECTION OF OFFICERS. Ballots for Treasurer, Secretary, and Chairperson Elect, and any other officer positions that have not been assumed, shall be canvassed by a committee of tellers appointed by the Chairperson.~~

No proxy voting shall be permitted in any election for officers of the YLS.

Officers shall be elected by a majority of votes cast among the Council members present and voting. In the event of a tie, the tellers appointed by the Chairperson shall determine the successful candidate by lot. In the event of an uncontested election, a candidate's election may be confirmed by acclamation.

~~SECTION 5 4. DISPUTED ELECTIONS: In the event an election is disputed, a written petition shall be transmitted to the Chairperson within ten days, who shall preside over a special meeting of the Council. The determination of the Council shall be final, subject to a right of appeal to the State Bar Board of Commissioners.~~

Article 7

COMMITTEES

SECTION 1. STANDING AND OTHER COMMITTEES. The Chairperson shall have power to create and appoint such standing committees and other committees as he/she may deem necessary or which are recommended or created by the Council. The Council shall have the authority to create special committees upon majority vote of the Council.

SECTION 2. APPOINTING MEMBERS. The Chairperson shall have power to remove any member of any committee upon written notice and upon such removal, the Chairperson or the committee chair shall immediately fill the vacancy so created.

SECTION 3. DUTIES AND POWERS. Each committee shall have the right and duty to perform the functions suggested by its title, and such other functions and duties as shall be assigned by the Chairperson or Council. At present and subject to this bylaw, the standing committees are:

A. *INTER ALIA* COMMITTEE. The *Inter Alia* Committee shall be led by the Chairperson-Elect, and shall be responsible for collecting content for and publishing the YLS Newsletter, *Inter Alia*. The Chairperson-Elect shall name all other committee members and assign tasks.

B. MEDIA/MARKETING RELATIONS. The Media/Marketing Relations Committee shall be established and shall be responsible for maintaining the YLS webpage, **SBM Connect**, marketing and promotional materials, protocol regarding the YLS listserv, and initiating and maintaining any other media and/or marketing relations items. The Chairperson shall appoint a chair for the Media/Marketing Relations Committee, who will name all other committee members and assign tasks.

C. DIVERSITY. The Diversity Committee shall be established and shall be responsible for promoting diversity, including initiating ideas for projects to promote diversity. The Chairperson shall appoint a chair for the Diversity Committee, who will name all other committee members and assign tasks.

Article 8

RATIFICATION AND AMENDMENT

SECTION 1. AMENDMENTS. These bylaws may be amended by two-thirds vote of the members of the YLS present and voting at any meeting of the YLS, provided such proposed amendment was first submitted to the Council for its recommendation; and further, that no such amendment shall be effective until approved by the Board of Commissioners of the State Bar. After approved by the Board of Commissioners of the State Bar, any amendments to these Bylaws shall become effective at the first meeting of the following Bar year.

SECTION 2. PROCEDURES. Any proposed amendment shall be submitted in writing to the Council by any member of the YLS in time for it to be considered by the Council at or before the last regular Council meeting before a meeting of the YLS (either the annual meeting or other meeting of the YLS) at which it is to be voted upon. The Council shall consider the proposed amendment at said regular meeting, and shall prepare recommendations thereon, which recommendations, together with a complete and accurate text of said proposed amendment, shall be published in the *Michigan Bar Journal* or *Inter Alia*, at least thirty days prior to the meeting of the YLS at which it is to be voted upon.

Created 1940 as "Junior Bar"

Name changed to "Young Lawyers" in 1960

YLS Bylaws approved September 2011

Revised 11/20/~~2020~~ ~~9/2011~~

SBM

STATE BAR OF MICHIGAN

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