

S T A T E B A R O F M I C H I G A N



Board of Commissioners

Agenda and Materials

June 10, 2022

STATE BAR OF MICHIGAN
BOARD OF COMMISSIONERS
FRIDAY, JUNE 10, 2022
8:30 A.M.
GRAND HOTEL
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.....Dana M. Warnez, President

CONSENT AGENDA

- II. **Minutes**
A. April 8, 2022 Board meeting*
B. March 29, 2022 Executive Committee meeting*
C. April 26, 2022 Executive Committee meeting*
- III. **President’s Activities**.....Dana M. Warnez, President
A. Recent Activities*
- IV. **Executive Director’s Activities**.....Peter Cunningham, Executive Director
A. Recent Activities*
- V. **Finance**..... Lisa J. Hamameh, Chairperson
A. FY 2022 Financial Reports through April 2022*
- VI. **Communications and Member Services** Daniel D. Quick, Chairperson
A. Liberty Bell Award*
- VII. **Public Policy**.....James W. Heath, Chairperson
A. Model Jury Instructions*

LEADERSHIP REPORTS

- VIII. **President’s and Executive Director’s Report**Dana M. Warnez, President
Peter Cunningham, Executive Director
 - A. Introduction of Guests
 - B. Workgroup on Sections
 - a) Proposed Guidelines for *MI Bar Journal* Submissions and Themed Issues*
 - b) Proposed Bylaw Amendments*
 - C. Strategic Planning Committee
 - a) Committee and Section Resolution*
 - D. Task Force on Lawyer Wellness
 - E. Justice for All Commission
 - F. Officer Election Update
 - G. SBM 2022 Election Update
 - H. SBM Social Media Update
- IX. **Representative Assembly Report** Nicholas M. Ohanesian, Chairperson
- X. **Young Lawyers Section Report** Kristina A. Bilowus, Chairperson
- XI. **Remarks**Reginald M. Turner, Jr.
2021-2022 President, American Bar Association

COMMISSIONER COMMITTEES

- XII. **Finance**..... Lisa J. Hamameh, Chairperson
 - A. FY 2022 Financial and Investment Update
 - B. FY 2023 Preliminary Budget – Key Budget Assumptions**
- XIII. **Audit** Lisa J. Hamameh, Chairperson
- XIV. **Professional Standards** Joseph P. McGill, Chairperson
 - A. ABA House of Delegates Appointments**
 - B. Michigan Indigent Defense Commission Recommendations**
- XV. **Communications and Member Services** Daniel D. Quick, Chairperson
- XVI. **Public Policy**..... James W. Heath, Chairperson
 - A. Court Rules**
 - B. Legislation**
 - C. Amicus Brief**

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

- XVII. **Comments or questions from Commissioners**
- XVIII. **Comments or questions from the public**
- XIX. **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 Warnez called the meeting to order at 9:40 a.m. on Friday, April 8, 2022, via videoconference.

Commissioners present:

| | |
|---------------------------------|-----------------------------|
| Danielle Mason Anderson | Suzanne C. Larsen |
| David C. Anderson | James W. Low |
| Yolanda Bennett | E. Thomas McCarthy Jr. |
| Kristina A. Bilowus | Joseph P. McGill, Secretary |
| Erika L. Bryant | Nicholas M. Ohanesian |
| Hon. B. Chris Christenson | Samantha J. Orvis |
| Thomas P. Clement | Hon. David A. Perkins |
| Sherrie Detzler | Hon. Kristen D. Simmons |
| Robert A. Easterly | Delphia T. Simpson |
| Hon. Kameshia D. Gant | Danielle Walton |
| James W. Heath, President-Elect | Dana M. Warnez, President |
| Thomas H. Howlett | Hon. Erane C. Washington |

Commissioners absent:

| | |
|----------------------------|---------------------------------|
| Aaron V. Burrell | Takura N. Nyamfukudza |
| Lisa J. Hamameh, Treasurer | Daniel D. Quick, Vice President |
| Sarah E. Kuchon | Colemon L. Potts |
| Gerrow D. “Gerry” Mason | Thomas G. Sinas |
| Valerie R. Newman | Mark Wisniewski |

State Bar staff present:

Peter Cunningham, Executive Director
Margaret Bossenbery, Executive Coordinator
Nancy Brown, Assistant Executive Director
Alecia Chandler, Professional Responsibility Programs Director
Gregory Conyers, Program Director, Diversity Development Program
Darin Day, Program Director, Outreach
Michelle Erskine, Research Assistant & Event Specialist
Clifford Flood, Interim General Counsel
Katherine Gardner, UPL Counsel
Tatiana Goodkin, Chief Financial Officer
Robert Mathis, Pro Bono Services & Justice Initiatives Counsel
Marjory Raymer, Director of Communications
Carrie Sharlow, Administrative Assistant
Janna Sheppard, Administrative Assistant
Jeanette Socia, Human Resources Director
Kari Thrush, Program Director, Lawyer Services
Nathan Triplett, Public Policy Counsel
Anne Vrooman, Program Director, Research & Development
Meng Xiong, IT Director

Consent Agenda:

The Board received the minutes from the January 21 and March 16, 2022, Board meetings.
The Board received the minutes from the January 11 and February 15, 2022, Executive Committee meetings.

The Board received the recent activities of the president.

The Board received the recent activities of the executive director.

The Board received the FY 2021 draft financial reports through February 2022.

The Board received the 2021 Report of the State Bar of Michigan Retirement Plan.

The Board received the 2021 Report of the State Bar of Michigan Retiree Healthcare Trust.

The Board received the Client Protection Fund Claims.

The Board received the Unauthorized Practice of Law Claims.

The Board received Model Criminal Jury Instructions.

Ms. Warnez asked the Board if any items needed to be removed from the consent agenda. There were none.

A motion was offered and supported to approve the consent agenda. The motion was approved.

LEADERSHIP REPORTS

President and Executive Director's Report: Dana M. Warnez, President and Peter Cunningham, Executive Director.

Mr. Cunningham introduced Cliff Flood, who has returned to the State Bar of Michigan as interim general counsel.

Ms. Warnez asked the chairs of the following work groups to provide an update to the Board.

Work Group Reports

Sections

Ms. Bryant stated that the work group has worked with SBM staff to develop proposed revised guidelines for content submissions to the Michigan Bar Journal. These will address the immediate issue that was brought to the Board's attention last year. The work group has invited the Bar Journal Committee to review and provide feedback no later than May 1, 2022, which will allow the work group to provide an update at the June 2022 Board meeting. The work group is also working on proposed amendments to the bylaws as they relate to sections and their governance. These will also be on the agenda for the June 2022 meeting.

Governance

Ms. Warnez stated that due to the absence of Dan Quick, this report will be tabled until the next Board meeting.

Taylor v Warnez Case Update

Mr. Cunningham reported that the US Supreme Court denied cert in our case, as well as in Texas and Oklahoma. This means that the Court has denied cert in seven cases challenging the mandatory bar over

the past two years. However, there are still cases in the district courts. There is an appeal in the Wisconsin case that is still undecided. The federal district court in Utah recently issued a preliminary mixed decision.

Michigan Supreme Court — Proposed Licensing Fee Increase

Mr. Cunningham provided a recap of the process to this point. In April 2021, the Representative Assembly voted for a license fee increase of \$80. In December 2021, the Court issued for comment an ADM file which included a \$50 increase for the State Bar and \$20 increase for ADS. The comment period expired on Friday, April 1, 2022. There were 37 comments submitted, 18 in favor of the increase and 19 opposing the increase. The next step is a public administrative hearing, which is scheduled to happen no later than May 18, 2022. SBM staff are exploring ways to encourage the Court to move above the \$50 increase and explaining how imperative this increase is to being able to provide essential services to members of the Bar. The timing of the decision could impact the budget process for the 2022-2023 Bar year.

Diversity, Equity, and Inclusion (DEI) Commission

Ms. Warnez announced the appointment of Erika Bryant to the DEI Commission. Mr. Cunningham reported that he has replaced Ms. Welch on the commission, and he is also now sitting on the Executive Committee of the commission. Appointments should occur within the next few weeks for the remaining 12 seats on the commission, with work beginning in May 2022. Mr. Heath added that applications are still being accepted for anyone interested in serving as a committee member.

Justice for All (JFA) Commission

Mr. Cunningham reported that Ms. Warnez has replaced Mr. Buchanan on the commission, and Mr. Cunningham has replaced Ms. Welch on the commission in their respective roles. The work that has the greatest impact on the Bar's mission and strategic goals is the work of the Regulatory and Practice Reform Committee. SBM staff member Robin Eagleson has recently been appointed to this committee.

Officer Election Materials

Ms. Bossenbery reviewed the timeline for officer election materials with the Board. The deadline to submit applications is June 7, 2022, with elections to take place during the July 22, 2022, meeting.

Representative Assembly (RA) Report: Nicholas M. Ohanesian, Chairperson

Mr. Ohanesian indicated that the RA will meet tomorrow in a hybrid format. They will be voting on a few RA awards, and there will be two substantive issues that will be discussed. One proposal includes a change to how the rules regarding the circumstances in which attorneys are able to provide assistance to their clients. The other proposal involves how trust account disbursements are made.

Young Lawyers Section (YLS) Report: Kristina Bilowus, Chairperson

Ms. Bilowus stated the section has been meeting regularly, focusing on the three Ps: programming, pipeline, and partnership. Programming is going strong with a big emphasis on education and outreach, including health and wellness. Pipeline process includes being involved with law students and new attorneys. Partnership is with other sections of the State Bar through educational programming and outreach, as well as other affinity bars.

COMMISSIONER COMMITTEES

Public Policy: James W. Heath, Chairperson

Legislation

HB 5512 (Calley) Medical marihuana: other; inconsistencies between the Michigan Medical Marihuana Act and certain parts of the revised judicature act of 1961 related to drug treatment courts; resolve in favor of the revised judicature act of 1961. Amends sec. 7 of 2008 IL 1 (MCL 333.26427).

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

HB 5868 (Howell) Courts: drug court; eligibility criteria to drug treatment courts; modify. Amends sec. 1064 of 1961 PA 236 (MCL 600.1064).

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

HB 5676 (LaFave) Occupations: attorneys; small claims judgment collection on behalf of an awardee; allow for certain attorneys. Amends sec. 8409 of 1961 PA 236 (MCL 600.8409).

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

HB 5680 (Borton) Civil procedure: other; certain public video recordings of court proceedings; allow the victims' faces to be blurred. Amends secs. 8, 38 & 68 of 1985 PA 87 (MCL 780.758 et seq.).

A motion was offered that this is *Keller* permissible. The motion to support was seconded and approved. The Board agreed to table further consideration of this legislation.

HB 5681 (VanWoerkom) Crime victims: statements; victim impact statements; allow to be made remotely. Amends secs. 15, 43 & 75 of 1985 PA 87 (MCL 780.765 et seq.).

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

HB 5758 (Lightner) Probate: other; allowing electronic signing and witnessing of certain documents under certain conditions; eliminate sunset.

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

HB 5759 (Lightner) Occupations: notaries public; use of communication technology to perform electronic notarizations and remote electronic notarizations; modify and expand.

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

HB 5889 (Glenn) Civil procedure: evidence; consultations with human trafficking victims; provide confidentiality. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 2157c.

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

HJR L (Rabhi) Criminal procedure: bail; cash bail payments; prohibit. Amends secs. 15 & 16, art. I of the state Constitution.

A motion was offered that this is *Keller* permissible. The motion to support was seconded and approved. A motion was offered to support HJR L. **The motion to support failed by roll call vote, 13 to 11, with 10 commissioners not voting.**

Commissioners voting in support: Anderson, Danielle; Anderson, David; Bennett; Bilowus; Easterly; Heath; Howlett; Larsen; Low; McCarthy; Orvis; Simpson; Warnez.

Commissioners voting in opposition: Bryant, Christenson, Clement, Detzler, Gant, McGill, Ohanesian, Perkins, Simmons, Walton, Washington.

Commissioners absent: Burrell, Hamameh, Kuchon, Mason, Newman, Nyamfukudza, Potts, Quick, Sinas, Wisniewski.

Finance: Lisa J. Hamameh, Chairperson

In Ms. Hamameh's absence, Mr. Clement reviewed the FY 2021 financial results through February 2022 with the Board.

Audit: Lisa J. Hamameh, Chairperson

In Ms. Hamameh's absence, Ms. Bryant reported that an RFP was conducted, and Andrews Hooper Pavlik (AHP) provided the lowest bid. The committee proposed that AHP continue to serve as the auditor for the next three years, beginning with the current Bar year (2021-2022). The motion to support was supported and seconded.

Professional Standards: Joseph P. McGill, Chairperson

Mr. McGill reported that the committee met on Tuesday. There was a brief discussion on Scrivener's Error Law and the position of the State Bar. Update from State Bar staff regarding the Amicus Brief concerning the conversion statute. Discussed Client Protection Fund and approved several claims, received a financial update on the fund. Also discussed Unauthorized Practice of Law, specifically releasing RI-383 and proposed Formal Opinion R-25. The motion to support was supported and seconded.

Communications and Member Services (CAMS): Daniel D. Quick, Chairperson

In Mr. Quick's absence, Mr. Howlett provided the report from the CAMS Committee.

Awards

State Bar of Michigan Awards (SBM)

Mr. Howlett said that the SBM Awards Committee met on Wednesday, March 16, 2022, and recommends the following nominees to the Board to receive 2022 State Bar of Michigan Awards.

The committee recommends Janet K. Welch to receive the Roberts P. Hudson Award; Hon. Cynthia D. Stephens to receive the Frank J. Kelley Distinguished Public Service Award; Margaret "Peggy" Costello and Robin L. McCoy to receive the Champion of Justice Award; the D. Augustus Straker Bar

Association to receive the Kimberly M. Cahill Bar Leadership Award; and Professor Peter J. Henning (deceased) to receive the John W. Reed Michigan Lawyer Legacy Award.

A motion was offered and supported to accept the recommendations of the Awards Committee. The motion was approved.

Justice Initiatives Award

A motion was offered and supported to award John R. Runyan the John W. Cummiskey Award.

Mr. Howlett addressed ongoing questions related to the Annual Meeting. Just a reminder, as decided in 2019, until further notice, the Annual Meeting will consist of the Board and RA meetings, along with a contemporaneous and swearing-in event to occur each September at a location to be determined.

FOR THE GOOD OF THE PUBLIC AND THE PROFESSION

Comments or questions from Commissioners

There were none.

Comments or questions from the public

There were none.

Adjournment

The meeting was adjourned at 11:03 a.m.

**State Bar of Michigan
Executive Committee Virtual Meeting
Tuesday, March 29, 2022
4:00 p.m.**

Call to Order: President Warnez called the meeting to order at 4:03 p.m.

Members Present: President Dana M. Warnez; President-Elect James W. Heath; Vice President Daniel D. Quick; Secretary Joseph P. McGill; Representative Assembly Chair Nicholas M. Ohanesian; RA Chair-Elect Gerrow (Gerry) Mason, and Commissioners Erika L. Bryant, Suzanne C. Larsen, and Hon. David Perkins.

Members Absent: Treasurer Lisa Hamameh

State Bar Staff Present: Peter Cunningham, Executive Director; Margaret Bossenbery, Executive Coordinator; Nancy Brown, Assistant Executive Director; Cliff Flood, Interim General Counsel

President and Executive Director's Report

Workgroup on Sections

Ms. Bryant reported that the Workgroup on Sections had a meeting last week and received two proposals from staff: one dealing with recommendations regarding the *Bar Journal* and the other regarding oversight of the sections. The document regarding the *Bar Journal* was shared with the Michigan Bar Journal Committee and it will meet tomorrow to review it and provide comments. Ms. Bryant hopes that both documents will be ready to share with the Board at its April 8 meeting, or if not then, at its June 10 meeting.

Fee Increase Proposal

Mr. Cunningham stated that the comment period for the proposed fee increase expires on April 1. He reported that 26 comments have been received.

Mr. Cunningham said that the next administrative hearing of the Court takes place on May 18, so we should expect a decision shortly after that. He stated that staff will be prepared to respond to the Court's decision by making necessary changes to the budget assumptions and providing the officers and Finance Committee with that information. It is anticipated that the full Board will review the budget assumption at its June 10 meeting.

Diversity, Equity, and Inclusion Commission (DEI)

Ms. Warnez reported that Ms. Bryant had agreed to act as the State Bar's representative to the DEI Commission. Her name was submitted to Justice Welch's office for her appointment.

Mr. Cunningham reported that he is on the Executive Committee of the Commission and stated that the committee is reviewing 118 applications for thirteen spots allocated for other members. He reported that it is anticipated that the Commission members will be named in April.

Justice for All (JFA) Commission

Ms. Warnez stated that she anticipates that she will be appointed to one of the subcommittees of the Commission as the new year begins and Mr. Cunningham mentioned that he is now on the Executive Committee.

Taylor v Warnez

Mr. Cunningham reported that the *Taylor v Warnez* case is expected to be on the U.S. Supreme Court order list next Monday, April 4. Mr. Cunningham stated there is the potential for two other cases to be on the order as well and he discussed how those might affect the *Taylor v Warnez* case.

NABE Chief Executives Retreat

Mr. Cunningham reported that he attended the NABE Chief Executives Retreat and met with many ED's from other bar associations and that it was very helpful.

Representative Assembly (RA)

Mr. Ohanesian reported that after the Special Governance meeting the RA officers and Mr. Cunningham met to discuss the plan going forward. Mr. Ohanesian stated that he plans to talk to the RA at the April meeting about the report provided about this issue from last year's committee. He plans to have a more detailed presentation for the RA members in September.

April 8 Board of Commissioners

A motion was offered and supported to approve the agenda for the April 8, 2022 Board meeting. The motion was approved.

Other

There was no other business.

A motion was made and supported to go into an executive session. The motion was approved. The committee went into closed session at 4:44 p.m. The committee went into open session at 5:10 p.m. and the meeting was adjourned.

Adjournment

The meeting was adjourned at 5:09 p.m.

**State Bar of Michigan
Executive Committee Virtual Meeting
Tuesday, April 26, 2022
4:00 p.m.**

President Warnez called the meeting to order at 4:03 p.m.

Members Present: President Dana M. Warnez; President-Elect James W. Heath; Vice President Daniel D. Quick; Secretary Joseph P. McGill; Representative Assembly Chair Nicholas M. Ohanesian; RA Chair-Elect Gerrow (Gerry) Mason; and Commissioners Erika L. Bryant, Suzanne C. Larsen, and Hon. David Perkins

Members Absent: Treasurer Lisa Hamameh

State Bar Staff Present: Peter Cunningham, Executive Director; Margaret Bossenbery, Executive Coordinator; Nancy Brown, Assistant Executive Director; Cliff Flood, Interim General Counsel; Tatiana Goodkin, Chief Financial Officer; and Marjory Raymer, Director of Communications

President and Executive Director's Report

Ms. Warnez stated that she needs to appoint a committee to review the materials and interview candidates for the general counsel position. The deadline for submission is April 30 and she would like to move forward when possible after that date. She stated that the human resources director will compile the résumés and redact the names before sending out to the committee.

Ms. Warnez reported that all the officers are on the committee, and she is looking for additional volunteers. Ms. Bryant, Hon. David Perkins, and Ms. Larsen volunteered. Mr. Heath suggested that one or two of the newer members of the Board be included and the committee members agreed. Ms. Warnez said she would talk with Mr. Heath to determine other possible Board member candidates.

Michigan Indigent Defense Commission (MIDC)

Mr. Cunningham stated that the term of the SBM representative to the MIDC expired on April 1. The SBM needs to send three names to the governor's office for her consideration for appointment. He stated that an announcement will be posted on the SBM website and that the names will be brought to the Professional Standards Committee for consideration and then brought before the Board at its June meeting.

Fee Increase Proposal

Mr. Cunningham stated that the comment period for the proposed fee increase expired on April 1 and that to date, 39 comments were received. He said there were 19 negative and 20 positive comments. Mr. Cunningham said that the next administrative hearing of the Court takes place on May 18, and that the fee increase is on the agenda. He stated that a decision should be issued shortly after the hearing.

Mr. Cunningham asked the committee for their thoughts on the best approach on making the testimony successful. He informed the committee of the actions that the SBM staff has been working on. The committee provided several suggestions for Mr. Cunningham.

Representative Assembly (RA)

No comments were given.

Other

- Ms. Warnez stated that she hoped to see everyone this weekend at the Barristers Ball.
- Mr. Cunningham stated that Ms. Laurin Thomas is receiving the Distinguished Barrister Award from the Davis Dunning Bar Association.
- Ms. Bryant stated that Judge Cynthia Stephens is receiving the Ida P. Wells Award from the NAACP. She also mentioned that Judge Stephens is retiring and that a celebration is planned for her on Friday, May 20, at the Roostertail in Detroit.
- Ms. Bossenbery mentioned that Ms. Warnez is receiving the Jean King Leadership Award from the Women Lawyers Association of Michigan at their annual meeting on June 3.
- Mr. Cunningham mentioned that Chief Justice McCormack is receiving the Distinguished Alumni Award from the University of Michigan Law School.

Adjournment

The meeting was adjourned at 4:55 p.m.

President Dana M. Warnez
President's Activities
April 9 to June 10, 2022

| Date | Event | Location |
|-------------|--|------------------|
| April 9 | Board of Commissioners meeting | Virtual |
| April 14 | Mock Trial – President Gerald Ford's Pardon of Richard Nixon | Clinton Township |
| April 26 | Executive Committee meeting | Virtual |
| April 30 | Wolverine Bar Association Barristers Ball 2022 | Detroit |
| May 6 | Mock Trial – President Gerald Ford's Pardon of Richard Nixon | Farmington Hills |
| May 18 | Michigan Supreme Court Public Administrative Hearing | Virtual |
| May 12 | General Counsel Search Committee meeting | Virtual |
| May 12 | Women Lawyers of Michigan – Macomb Annual Meeting | Shelby Township |
| May 20 – 21 | ICLE Probate & Estate Planning Institute | Traverse City |
| May 24 | Strategic Planning Commission meeting | Virtual |
| May 24 | Branch County Bar Association meeting | Coldwater |
| May 24 | Berrien County Bar Association meeting | St. Joseph |
| May 25 | Workgroup on Sections meeting | Virtual |
| May 25 | Strategic Planning Committee meeting | Virtual |
| May 25 | U.S. Courts Committee Bar Bench Bar Dinner | Lansing |
| May 27 | Interviews for the General Counsel Position | Virtual |
| May 31 | Executive Committee meeting | Virtual |

| Date | Event | Location |
|-------------|---|-----------------|
| June 3 | Women Lawyers of Michigan Annual Meeting and Awards Presentation | Royal Oak |
| June 9 – 11 | Bar Leadership Forum / Upper Michigan Legal Institute Board Meeting | Mackinac Island |

Executive Director Peter Cunningham
Executive Director Activities
April 9 to June 10, 2022

| Date | Event |
|----------|---|
| April 9 | Representative Assembly (RA) Meeting |
| April 12 | Judicial Qualifications (JQ) Committee Implicit Bias Training |
| April 14 | Justice for All Commission (JFAC) Executive Committee meeting |
| April 21 | Diversity, Equity, and Inclusion (DEI) Commission Executive Team |
| April 21 | JFA Communications Workgroup |
| April 22 | Online Legal Resources & Referrals Committee meeting |
| April 25 | Meeting with Michigan State Medical Society Executives |
| April 26 | Meeting with Angela Tripp, co-chair of State Planning Body |
| April 26 | Executive Committee Meeting |
| April 27 | Meetings with Michigan Congressional Delegation Regarding Legal Services Corporation Funding |
| April 27 | Meeting with Nicholas Ohanesian and Mark Jane regarding RA Nominating & Awards Committee |
| April 27 | Strategic Planning Committee meeting |
| April 28 | State Planning Body meeting |
| April 28 | JFAC Executive Committee meeting |
| April 29 | Meeting with Attorney Grievance Commission and Attorney Discipline Board Executive Directors |
| April 30 | Wolverine Bar Association Barrister's Ball |
| May 4 | Meeting with David Watson, Executive Director Institute of Continuing Legal Education (ICLE) |
| May 6 | JFA Executive Team meeting |
| May 6 | Diversity, Equity, and Inclusion Commission (DEI) Executive Team Meeting |
| May 9 | JFA Resource Committee meeting |
| May 10 | JQ Committee Implicit Bias Training |
| May 10 | Meeting regarding ADM File No. 2020-15 – Interim Administrator Proposal |
| May 12 | General Counsel Search Committee meeting |
| May 12 | JFAC Executive Committee meeting |

| Date | Event |
|-------------|--|
| May 16 | Meetings with Individual Justices |
| May 17 | Meetings with Individual Justices |
| May 18 | Michigan Supreme Court Public Administrative Hearing |
| May 19 – 20 | ICLE Probate Seminar |
| May 23 - 25 | Budget Review meetings with SMT members |
| May 24 | Strategic Planning Committee meeting |
| May 24 | Interviews for General Counsel |
| May 25 | U.S. Courts Committee Bench & Bar Dinner |
| May 26 | Michigan Supreme Court Historical Society Luncheon |
| May 26 | JFA Executive Committee meeting |
| May 27 | DEI Executive Team meeting |
| May 27 | Interviews for General Counsel |
| May 31 | Executive Committee meeting |
| June 7 | Finance Committee meeting |
| June 8 | Public Policy Committee meeting |
| June 9 | JFAC Executive Committee meeting |
| June 9 – 11 | Bar Leadership Forum / Upper Michigan Legal Institute, Board meeting |

State Bar of Michigan Financial Results Summary

For the Seven Months Ended April 30, 2022
Fiscal Year 2022

Administrative Fund - Summary of Results as of April 30, 2022

| | |
|-------------------------------|-----------------------------|
| Operating Revenue | \$5,539,301 |
| Operating Expense | <u>\$5,865,292</u> |
| Operating Loss | (\$325,991) |
| Non-Operating Income (Loss) | <u>(\$676,619)</u> |
| Change in Net Position | <u><u>(\$1,002,610)</u></u> |
| Net Position, October 1, 2021 | \$11,773,220 |
| Net Position, April 30, 2022 | \$10,770,610 |

As of April 30, 2022, Net Position excluding Retiree Healthcare Trust was \$8,099,829, a decrease of \$323,183 since the beginning of the year. Excluding the loss on investments of the retiree healthcare trust, the decrease was **favorable** to budget by **\$496,745¹**.

YTD Operating Revenue variance - \$35,406, favorable to budget 0.6%:

Operating revenue was higher due to higher license fees and related revenue, higher communications and lawyer referral services revenues, and lower C&F fees.

YTD Operating Expense variance - \$453,894, favorable to budget (7.2%):

Salaries and Employee Benefits/ Payroll Taxes – \$ 49,958, favorable (1.2%)

- Slightly under budget in salaries and benefits due to vacancies and health care.

Non-Labor Operating Expenses - \$403,936, favorable (19.4%)

- Legal - \$9,609, favorable (8.7%) – Under budget mainly due to lower expenses for C&F.

¹ Including the loss on investments of the retiree healthcare trust, the total budget to actual variance through April 30, 2022 was \$206,569.

- Public and Bar Services - \$133,112, favorable (26.5%) – Under budget primarily in IT and Outreach, partially due to timing.
- Operations and Policy - \$261,215, favorable (17.7%) – Under budget primarily in Finance due to depreciation expense, Bar Journal, EO/BOC and Facilities, partially due to timing.

YTD Non-Operating Revenue Budget Variance - \$695,869 unfavorable to budget:

- Operating investment income is favorable to budget by \$7,445 (38.7%).
- Retiree Health Care Trust net investment loss of \$703,314 (this amount is *not* budgeted).

Cash and Investment Balance

As of April 30, 2022, 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 \$8,659,446, an increase of \$987,562 from the beginning of the year due to collection of FY 2022 license fees.

SBM Retiree Health Care Trust

As of April 30, 2022, the SBM Retiree Health Care Trust investments were \$4,051,488, a decrease of \$679,426 since the beginning of the year. The change was a result of the investment loss of \$693,342, SBM contributions of \$23,889, and investment advisor fees of \$9,976.

Capital Budget

As of April 30, 2022, YTD capital expenditures totaled \$121,800, with \$200,000 remaining in the budget and allocated to spending in future months.

Client Protection Fund

The Net Position of the Client Protection Fund as of April 30, 2022 totaled \$1,957,998, an increase of \$123,878 from the beginning of the year. Claims expenses totaled \$181,575.

SBM Membership

As of April 30, 2022, the active, inactive, and emeritus membership in good standing totaled 46,547 attorneys, a net increase of 24 attorneys since the beginning of the year; the number of paying attorneys decreased by 65. A total of 613 new attorneys have joined the SBM since the beginning of the year.

**STATE BAR OF MICHIGAN
ADMINISTRATIVE FUND**

Unaudited and For Internal Use Only

**FINANCIAL REPORTS
April 30, 2022**

FY 2022

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 Seven Months Ending April 30, 2022

| | 3/31/2022 | 4/30/2022 | Increase (Decrease) | % | Beginning of FY 2022 10/1/21 |
|---|---------------------|---------------------|------------------------|---------------|------------------------------------|
| ASSETS AND DEFERRED OUTFLOWS | | | | | |
| Cash | \$5,483,097 | \$4,396,612 | (\$1,086,486) | (19.8%) | \$4,696,954 |
| Investments | 7,476,913 | 7,977,223 | 500,310 | 6.7% | 5,979,540 |
| Accounts Receivable | 37,219 | 37,347 | 128 | 0.3% | 73,941 |
| Due from (to) CPF | (360) | (285) | 75 | (20.8%) | (21,276) |
| Due to Sections | (3,765,375) | (3,714,103) | 51,272 | (1.4%) | (2,983,335) |
| Prepaid Expenses | 313,950 | 297,904 | (16,047) | (5.1%) | 466,629 |
| Capital Assets | 3,223,289 | 3,211,757 | (11,532) | (0.4%) | 3,343,587 |
| SBM Retiree Health Care Trust | 4,375,257 | 4,051,488 | (323,769) | (7.4%) | 4,730,914 |
| Total Assets | \$17,143,990 | \$16,257,942 | (\$886,048) | (5.2%) | \$16,286,954 |
| Deferred outflows of resources related to pensions | 38,551 | 38,551 | - | 0.0% | 38,551 |
| Deferred outflows of resources related to OPEB | 779,487 | 779,487 | - | 0.0% | 779,487 |
| Total Deferred outflows of resources | 818,038 | 818,038 | - | 0.0% | 818,038 |
| Total Assets and Deferred Outflows of Resources | 17,962,028 | 17,075,980 | (886,048) | (4.9%) | 17,104,992 |
| LIABILITIES, DERERRED INFLOWS AND NET POSITION | | | | | |
| Liabilities | | | | | |
| Accounts Payable | \$3,330 | \$3,283 | (\$47) | (1.4%) | \$299,588 |
| Accrued Expenses | 654,430 | 663,456 | 9,027 | 1.4% | 629,109 |
| Deferred Revenue | 3,666,331 | 3,075,970 | (590,361) | (16.1%) | 1,840,416 |
| Net Pension Liability | 402,467 | 402,467 | - | 0.0% | 402,467 |
| Net OPEB Liability | 1,381,131 | 1,381,131 | - | 0.0% | 1,381,131 |
| Total Liabilities | 6,107,689 | 5,526,307 | (581,382) | (9.5%) | 4,552,710 |
| Deferred Inflows of resources related to OPEB | 779,062 | 779,062 | - | 0.0% | 779,062 |
| Total Deferred inflows of resources | 779,062 | 779,062 | - | 0.0% | 779,062 |
| Total Liabilities and Deferred Inflows | 6,886,751 | 6,305,369 | (581,382) | (8.4%) | 5,331,772 |
| Net Assets | | | | | |
| Invested in Capital Assets, Net of Related Debt | 3,223,289 | 3,211,757 | (11,532) | (0.4%) | 3,343,587 |
| Restricted for Retiree Health Care Trust | 2,994,551 | 2,670,782 | (323,769) | (10.8%) | 3,350,208 |
| Unrestricted | 4,857,437 | 4,888,072 | 30,635 | 0.6% | 5,079,425 |
| Total Net Position | 11,075,277 | 10,770,611 | (304,666) | (2.8%) | 11,773,220 |
| Total Liabilities, Deferred Inflows and Net Position | \$17,962,028 | \$17,075,980 | (\$886,048) | (4.9%) | \$17,104,992 |
| Net Position <u>excluding</u> the impacts of retiree health care | \$8,080,726 | \$8,099,829 | \$19,103 | 8.1% | \$8,423,012 |
| 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 \$8,659,446 (see below) | | | | | |
| CASH AND INVESTMENT BALANCES | | | | | |
| Cash (including CD's and Money Market) | \$5,483,097 | \$4,396,612 | (\$1,086,486) | (19.8%) | \$4,696,954 |
| Investments | 7,476,913 | 7,977,223 | 500,310 | 6.7% | 5,979,540 |
| Total Available Cash and Investments | 12,960,010 | 12,373,835 | (586,176) | (4.5%) | 10,676,495 |
| Less: | | | | | |
| Due to Sections | 3,765,375 | 3,714,103 | (51,272) | (1.4%) | 2,983,335 |
| Due to CPF | 360 | 285 | (75) | (20.8%) | 21,276 |
| Due to Sections and CPF | 3,765,735 | 3,714,388 | (51,347) | (1.4%) | 3,004,611 |
| Net Administrative Fund Cash and Investment Balance | 9,194,275 | 8,659,446 | (534,829) | (5.8%) | 7,671,884 |

State Bar of Michigan
Statement of Revenue, Expense and Net Assets
For the Seven Months Ending April 30, 2022

YTD FY 2022 Increase (Decrease) in Net Position Summary

| | Actual YTD | Budget YTD | Variance | Percentage | Prior Year Actual YTD | Variance | Percentage |
|---|--------------------|-------------------|------------------|-----------------|-----------------------------|--------------------|----------------|
| Operating Revenue | | | | | | | |
| - License Fees, Dues & Related | 4,580,346 | 4,544,008 | 36,338 | 0.8% | 4,643,063 | (62,717) | (1.4%) |
| - All Other Op Revenue | 958,955 | 959,887 | (932) | (0.1%) | 938,580 | 20,375 | 2.2% |
| Total Operating Revenue | <u>5,539,301</u> | <u>5,503,895</u> | <u>35,406</u> | <u>0.6%</u> | <u>5,581,643</u> | <u>(42,342)</u> | <u>(0.8%)</u> |
| Operating Expenses | | | | | | | |
| - Labor-related Operating Expenses | | | | | | | |
| Salaries | 3,089,402 | 3,107,965 | (18,563) | (0.6%) | 2,871,821 | 217,581 | 7.6% |
| Benefits and PR Taxes | 1,092,546 | 1,123,941 | (31,395) | (2.8%) | 1,054,353 | 38,193 | 3.6% |
| Total Labor-related Operating Expenses | <u>4,181,948</u> | <u>4,231,906</u> | <u>(49,958)</u> | <u>(1.2%)</u> | <u>3,926,174</u> | <u>255,774</u> | <u>6.5%</u> |
| - Non-labor Operating Expenses | | | | | | | |
| Legal | 101,048 | 110,657 | (9,609) | (8.7%) | 65,962 | 35,086 | 53.2% |
| Public and Bar Services | 369,010 | 502,122 | (133,112) | (26.5%) | 447,437 | (78,427) | (17.5%) |
| Operations and Policy | 1,213,286 | 1,474,501 | (261,215) | (17.7%) | 1,372,282 | (158,996) | (11.6%) |
| Total Non-labor Operating Expenses | <u>1,683,344</u> | <u>2,087,280</u> | <u>(403,936)</u> | <u>(19.4%)</u> | <u>1,885,681</u> | <u>(202,337)</u> | <u>(10.7%)</u> |
| Total Operating Expenses | <u>5,865,292</u> | <u>6,319,186</u> | <u>(453,894)</u> | <u>(7.2%)</u> | <u>5,811,855</u> | <u>53,437</u> | <u>0.9%</u> |
| Operating Income (Loss) | <u>(325,991)</u> | <u>(815,291)</u> | <u>489,300</u> | <u>(60.0%)</u> | <u>(230,212)</u> | <u>(95,779)</u> | <u>41.6%</u> |
| Non-operating Revenue (Expenses) | | | | | | | |
| Investment Income | 26,695 | 19,250 | 7,445 | 38.7% | 48,070 | (21,375) | (44.5%) |
| Investment Income - Ret HC Trust | (703,314) | - | (703,314) | N/A | 775,720 | (1,479,034) | N/A |
| Loss on Disposal of Capital Asset | - | - | - | N/A | - | - | N/A |
| Net Non-operating Revenue (Expenses) | <u>(676,619)</u> | <u>19,250</u> | <u>(695,869)</u> | <u>(3,615%)</u> | <u>823,790</u> | <u>(1,500,409)</u> | <u>(182%)</u> |
| Increase (Decrease) in Net Position | <u>(1,002,610)</u> | <u>(796,041)</u> | <u>(206,569)</u> | <u>N/A</u> | <u>593,578</u> | <u>(1,596,188)</u> | <u>N/A</u> |
| Net Position - Beginning the Year | <u>11,773,220</u> | <u>11,773,220</u> | <u>-</u> | <u>0.0%</u> | <u>11,571,907</u> | <u>201,313</u> | <u>1.7%</u> |
| Net Position - Year-to-Date | <u>10,770,610</u> | <u>10,977,179</u> | <u>(206,569)</u> | <u>(1.9%)</u> | <u>12,165,485</u> | <u>(1,394,875)</u> | <u>(11.5%)</u> |
| Increase (Decrease) in Net Position Excluding Ret HC Trust Inv. Income | <u>(299,296)</u> | <u>(796,041)</u> | <u>496,745</u> | <u>(62.4%)</u> | <u>(182,142)</u> | <u>(117,154)</u> | <u>64.3%</u> |

State Bar of Michigan
Statement of Revenue, Expense, and Net Assets
Administrative Fund
For the Seven Months Ending April 30, 2022

| | Actual YTD | Budget YTD | Variance | Percentage | Prior Year YTD | Variance | Percentage |
|-------------------------------------|---------------|---------------|-----------|-------------|-------------------|-------------|------------|
| Revenue | | | | | | | |
| Legal | | | | | | | |
| Ethics | \$1,500 | \$2,925 | (\$1,425) | (48.72%) | \$6,000 | (\$4,500) | (75.00%) |
| Character & Fitness | 216,025 | 283,604 | (67,579) | (23.83%) | 263,215 | (47,190) | (17.93%) |
| Legal Total | 217,525 | 286,529 | (69,004) | (24.08%) | 269,215 | (51,690) | (19.20%) |
| Public and Bar Services | | | | | | | |
| Lawyer Services | 128,383 | 123,175 | 5,208 | 4.23% | 123,767 | 4,616 | 3.73% |
| Bar Leadership Forum | 7,432 | 7,625 | (193) | (2.53%) | - | 7,432 | 0.00% |
| Upper Michigan Legal Institute | 14,292 | 12,500 | 1,792 | 14.34% | - | 14,292 | 0.00% |
| Practice Management Resource Center | - | 2,042 | (2,042) | (100.00%) | 500 | (500) | (100.00%) |
| Lawyer Referral Service | 134,299 | 87,500 | 46,799 | 53.48% | 89,326 | 44,973 | 50.35% |
| LJAP | 28,357 | 35,000 | (6,643) | (18.98%) | 34,180 | (5,823) | (17.04%) |
| Public and Bar Services Total | 312,763 | 267,842 | 44,921 | 16.77% | 247,773 | 64,990 | 26.23% |
| Operations and Policy | | | | | | | |
| License Fees | 4,580,346 | 4,544,008 | 36,338 | 0.80% | 4,643,063 | (62,717) | (1.35%) |
| Other Revenue | 214,554 | 216,283 | (1,729) | (0.80%) | 218,983 | (4,429) | (2.02%) |
| Bar Journal Directory | - | - | - | 0.00% | 12,827 | (12,827) | (100.00%) |
| Bar Journal | 128,198 | 119,358 | 8,840 | 7.41% | 113,730 | 14,468 | 12.72% |
| Print and Design | 30,035 | 21,583 | 8,452 | 39.16% | 24,348 | 5,687 | 23.36% |
| e-Journal | 23,380 | 20,000 | 3,380 | 16.90% | 21,400 | 1,980 | 9.25% |
| Digital | 32,500 | 28,292 | 4,208 | 14.87% | 30,304 | 2,196 | 7.25% |
| Operations and Policy Total | 5,009,013 | 4,949,524 | 59,489 | 1.20% | 5,064,655 | (55,642) | (1.10%) |
| Non-Operating Revenue | | | | | | | |
| Investment Income - SBM Operations | 26,695 | 19,250 | 7,445 | 38.68% | 48,070 | (21,375) | (44.47%) |
| Investment Income - Ret HC Trust | (703,314) | - | (703,314) | 0.00% | 775,720 | (1,479,034) | (190.67%) |
| Total Non-Operating Revenue | (676,619) | 19,250 | (695,869) | (3,614.90%) | 823,790 | (1,500,409) | (182.13%) |
| Total Revenue | 4,862,682 | 5,523,145 | (660,463) | (11.96%) | 6,405,433 | (1,542,751) | (24.09%) |

State Bar of Michigan
Statement of Revenue, Expense and Net Assets
Administrative Fund
For the Seven Months Ending April 30, 2022

| | Actual YTD | Budget YTD | Variance | Percentage | Prior Year YTD | Variance | Percentage |
|--------------------------------------|------------------|------------------|------------------|----------------|-------------------|---------------|--------------|
| Expense | | | | | | | |
| Legal | | | | | | | |
| Ethics | \$1,818 | \$4,320 | (\$2,502) | (57.92%) | \$1,640 | \$178 | 10.85% |
| Client Protection Fund Dept | 9,466 | 2,865 | 6,601 | 230.40% | 1,281 | 8,185 | 638.95% |
| Character & Fitness | 17,248 | 32,092 | (14,844) | (46.25%) | 27,773 | (10,525) | (37.90%) |
| UPL | 2,370 | 5,800 | (3,430) | (59.14%) | 1,551 | 819 | 52.80% |
| General Counsel | 41,261 | 35,247 | 6,014 | 17.06% | 9,682 | 31,579 | 326.16% |
| Human Resources | 1,121,431 | 1,154,274 | (32,843) | (2.85%) | 1,078,388 | 43,043 | 3.99% |
| Salaries | 669,550 | 721,336 | (51,786) | (7.18%) | 644,416 | 25,134 | 3.90% |
| Legal Total | 1,863,144 | 1,955,934 | (92,790) | (4.74%) | 1,764,731 | 98,413 | 5.58% |
| Public and Bar Services | | | | | | | |
| Annual Meeting | - | - | - | 0.00% | 899 | (899) | (100.00%) |
| Lawyer Services | 14,314 | 20,982 | (6,668) | (31.78%) | 15,742 | (1,428) | (9.07%) |
| UMLI | 2 | 5 | (3) | (60.00%) | - | 2 | 0.00% |
| 50 Yr. Golden Celebration | - | - | - | 0.00% | 1,178 | (1,178) | (100.00%) |
| Practice Management Resource Center | 2,982 | 6,080 | (3,098) | (50.95%) | 1,583 | 1,399 | 88.38% |
| Lawyer Referral Service | 1,361 | 1,042 | 319 | 30.61% | 5,597 | (4,236) | (75.68%) |
| Outreach | 30,274 | 78,583 | (48,309) | (61.48%) | 21,249 | 9,025 | 42.47% |
| Diversity | 4,306 | 11,017 | (6,711) | (60.91%) | 21,076 | (16,770) | (79.57%) |
| LJAP | 3,456 | 9,058 | (5,602) | (61.85%) | 3,297 | 159 | 4.82% |
| Technical Services | 312,315 | 375,355 | (63,040) | (16.79%) | 376,816 | (64,501) | (17.12%) |
| Salaries | 1,132,051 | 1,104,906 | 27,145 | 2.46% | 986,402 | 145,649 | 14.77% |
| Total Public and Bar Services | 1,501,061 | 1,607,028 | (105,967) | (6.59%) | 1,433,839 | 67,222 | 4.69% |
| Operations and Policy | | | | | | | |
| Administration | 77,019 | 75,564 | 1,455 | 1.93% | 62,027 | 14,992 | 24.17% |
| Financial Services | 568,569 | 668,542 | (99,973) | (14.95%) | 674,701 | (106,132) | (15.73%) |
| Bar Journal Directory | - | - | - | 0.00% | 1,519 | (1,519) | (100.00%) |
| Bar Journal | 200,429 | 228,955 | (28,526) | (12.46%) | 215,820 | (15,391) | (7.13%) |
| Print and Design | 18,695 | 29,467 | (10,772) | (36.56%) | 18,475 | 220 | 1.19% |
| Digital | 79,547 | 92,642 | (13,095) | (14.14%) | 54,425 | 25,122 | 46.16% |
| e-Journal | 7,130 | 9,755 | (2,625) | (26.91%) | 25,020 | (17,890) | (71.50%) |

| | Actual YTD | Budget YTD | Variance | Percentage | Prior Year YTD | Variance | Percentage |
|-----------------------------------|---------------|---------------|-------------|------------|-------------------|---------------|------------|
| General Communications | 3,018 | 13,308 | (10,290) | (77.32%) | 8,907 | (5,889) | (66.12%) |
| Executive Office | 17,657 | 36,957 | (19,300) | (52.22%) | 17,084 | 573 | 3.35% |
| Board of Commissioners | 13,255 | 40,625 | (27,370) | (67.37%) | 2,020 | 11,235 | 556.19% |
| Representative Assembly | 9,077 | 12,600 | (3,523) | (27.96%) | 1,275 | 7,802 | 611.92% |
| Governmental Relations | 33,417 | 40,140 | (6,723) | (16.75%) | 32,050 | 1,367 | 4.27% |
| Research and Development | 422 | 4,092 | (3,670) | (89.69%) | 220 | 202 | 91.82% |
| Facilities Services | 182,895 | 218,792 | (35,897) | (16.41%) | 181,943 | 952 | 0.52% |
| Justice Initiatives | 2,156 | 3,062 | (906) | (29.59%) | 76,796 | (74,640) | (97.19%) |
| Salaries | 1,287,801 | 1,281,723 | 6,078 | 0.47% | 1,241,003 | 46,798 | 3.77% |
| Operations and Policy Total | 2,501,087 | 2,756,224 | (255,137) | (9.26%) | 2,613,285 | (112,198) | (4.29%) |
| Total Expense | 5,865,292 | 6,319,186 | (453,894) | (7.18%) | 5,811,855 | 53,437 | 0.92% |
| Increase (Decrease) in Net Assets | (\$1,002,610) | (\$796,040) | (\$206,570) | 25.95% | \$593,576 | (\$1,596,186) | (268.91%) |
| Human Resources Detail | | | | | | | |
| Payroll Taxes | 226,414 | 236,218 | (9,804) | (4.15%) | 209,427 | 16,987 | 8.11% |
| Benefits | 866,132 | 887,723 | (21,591) | (2.43%) | 844,926 | 21,206 | 2.51% |
| Other Expenses | 28,884 | 30,333 | (1,449) | (4.78%) | 24,035 | 4,849 | 20.17% |
| Total Human Resources | 1,121,430 | 1,154,274 | (32,844) | (2.85%) | 1,078,388 | 43,042 | 3.99% |
| Financial Services Detail | | | | | | | |
| Depreciation | 253,630 | 326,667 | (73,037) | (22.36%) | 339,644 | (86,014) | (25.32%) |
| Other Expenses | 314,939 | 341,875 | (26,936) | (7.88%) | 335,057 | (20,118) | (6.00%) |
| Total Financial Services | 568,569 | 668,542 | (99,973) | (14.95%) | 674,701 | (106,132) | (15.73%) |
| Salaries | | | | | | | |
| Legal | 669,550 | 721,336 | (51,786) | (7.18%) | 644,416 | 25,134 | 3.90% |
| Public and Bar Services | 1,132,051 | 1,104,906 | 27,145 | 2.46% | 986,402 | 145,649 | 14.77% |
| Operations and Policy | 1,287,801 | 1,281,723 | 6,078 | 0.47% | 1,241,003 | 46,798 | 3.77% |
| Total Salaries Expense | 3,089,402 | 3,107,965 | (18,563) | (0.60%) | 2,871,821 | 217,581 | 7.58% |
| Non-Labor Expense Summary | | | | | | | |
| Legal | 101,048 | 110,657 | (9,609) | (8.68%) | 65,962 | 35,086 | 53.19% |
| Public and Bar Services | 369,010 | 502,122 | (133,112) | (26.51%) | 447,437 | (78,427) | (17.53%) |
| Operations and Policy | 1,213,286 | 1,474,501 | (261,215) | (17.72%) | 1,372,282 | (158,996) | (11.59%) |
| Total Non-Labor Expense | 1,683,344 | 2,087,280 | (403,936) | (19.35%) | 1,885,681 | (202,337) | (10.73%) |

State Bar of Michigan
Administrative Fund
FY 2022 Capital Expenditures vs Budget
For the Seven Months Ending April 30, 2022

| | YTD Actual | YTD Budget | YTD Variance | Notes and Variance Explanations | Total Approved FY 2022 Budget | FY 2022 Year-End Forecast | Projected Year-end Variance |
|--|-------------------|-------------------|-----------------|--|--|---------------------------------|-----------------------------------|
| FACILITIES, FURNITURE & OFFICE EQUIPMENT | | | | | | | |
| Meeting room upgrades for virtual capabilities | - | - | - | Installed in April 2022 | \$ 20,000 | \$ 17,000 | \$ (3,000) |
| Replacement of Floor Copiers/Scanners | - | - | - | In process of confirming the quote. | \$ 35,000 | \$ 27,000 | \$ (8,000) |
| Total Facilities, Furniture & Office Equipment: | - | - | - | | \$ 55,000 | \$ 44,000 | \$ (11,000) |
| INFORMATION TECHNOLOGY | | | | | | | |
| <u>IT Infrastructure:</u> | | | | | | | |
| Replacement of ethernet switches for rooms 2, 3, 4 and garden level | - | - | - | Ordered, waiting for delivery. | \$ 58,000 | \$ 52,000 | \$ (6,000) |
| <u>Application Software Development:</u> | | | | | | | |
| Receivership /Interim Administrator Program data portal | - | - | - | Pending MI Supreme Court program approval. | 35,000 | 20,000 | (15,000) |
| E-commerce Store | 50,600 | 50,600 | - | | 15,000 | 50,600 | 35,600 |
| E-commerce Events | 3,000 | 3,000 | - | Not budgeted, to be offset by other projects | - | 20,000 | 20,000 |
| E-commerce License Fee Updates | 10,900 | 10,900 | - | Not budgeted, to be offset by other projects | - | 20,000 | 20,000 |
| e-Services Application to Court e-Filing (mi-File) | - | - | - | | - | - | - |
| Firm Administration and Billing | 23,100 | 23,100 | - | | 30,000 | 30,000 | - |
| Unauthorized Practice of Law Portal | - | - | - | | 20,000 | - | (20,000) |
| Client Protection Fund Portal | - | - | - | | 20,000 | - | (20,000) |
| Website Functionality Enhancements | 11,800 | 11,800 | - | | 28,800 | 28,800 | - |
| Volunteer Application Portal | - | - | - | | 2,500 | 2,500 | - |
| Character & Fitness Application Module (for BLE) | 17,400 | 17,400 | - | | 12,000 | 19,000 | 7,000 |
| Character & Fitness Hearings Module | - | - | - | | 35,500 | - | (35,500) |
| Consumer Portal (LRS) | 5,000 | 5,000 | - | | 10,000 | 17,900 | 7,900 |
| Total Information Technology: | \$ 121,800 | \$ 121,800 | \$ - | | \$ 266,800 | \$ 260,800 | \$ (6,000) |
| Total Capital Budget: | \$ 121,800 | \$ 121,800 | \$ - | | \$ 321,800 | \$ 304,800 | \$ (17,000) |

**STATE BAR OF MICHIGAN
CLIENT PROTECTION FUND**

Unaudited and For Internal Use Only

**FINANCIAL REPORTS
April 30, 2022**

FY 2022

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 Seven Months Ending April 30, 2022

| | 3/31/2022 | 4/30/2022 | Increase (Decrease) | % | Beginning of FY 2022 10/1/21 |
|---|--------------------|--------------------|------------------------|----------------|------------------------------------|
| Assets | | | | | |
| Cash-Checking | \$19,671 | \$18,304 | (\$1,367) | (6.9%) | \$51,336 |
| Savings | 2,212,555 | 1,217,239 | (995,316) | (45.0%) | 2,134,669 |
| Investments | - | 995,650 | 995,650 | 0.0% | - |
| Account Receivable | - | 519 | 519 | 0.0% | - |
| Due From SBM | 360 | 285 | (75) | (20.8%) | 21,276 |
| Total Assets | \$2,232,586 | \$2,231,997 | (\$588) | (0.0%) | \$2,207,281 |
| Liabilities | | | | | |
| Accounts Payable | - | \$4,885 | \$4,885 | 0.0% | \$241,237 |
| Deferred Revenue | 321,123 | 269,115 | (52,008) | (16.2%) | 131,925 |
| Total Liabilities | 321,123 | 274,000 | (47,123) | (14.7%) | 373,162 |
| Fund Balance | | | | | |
| Fund Balance at Beginning of Year | 1,834,119 | 1,834,119 | - | 0.0% | 1,635,719 |
| Net Income (Expense) Year to Date | 77,343 | 123,878 | 46,535 | 60.2% | 198,400 |
| Total Fund Balance | 1,911,463 | 1,957,998 | 46,535 | 2.4% | 1,834,119 |
| Total Liabilities and Fund Balance | \$2,232,586 | \$2,231,997 | (\$588) | (0.0%) | \$2,207,281 |

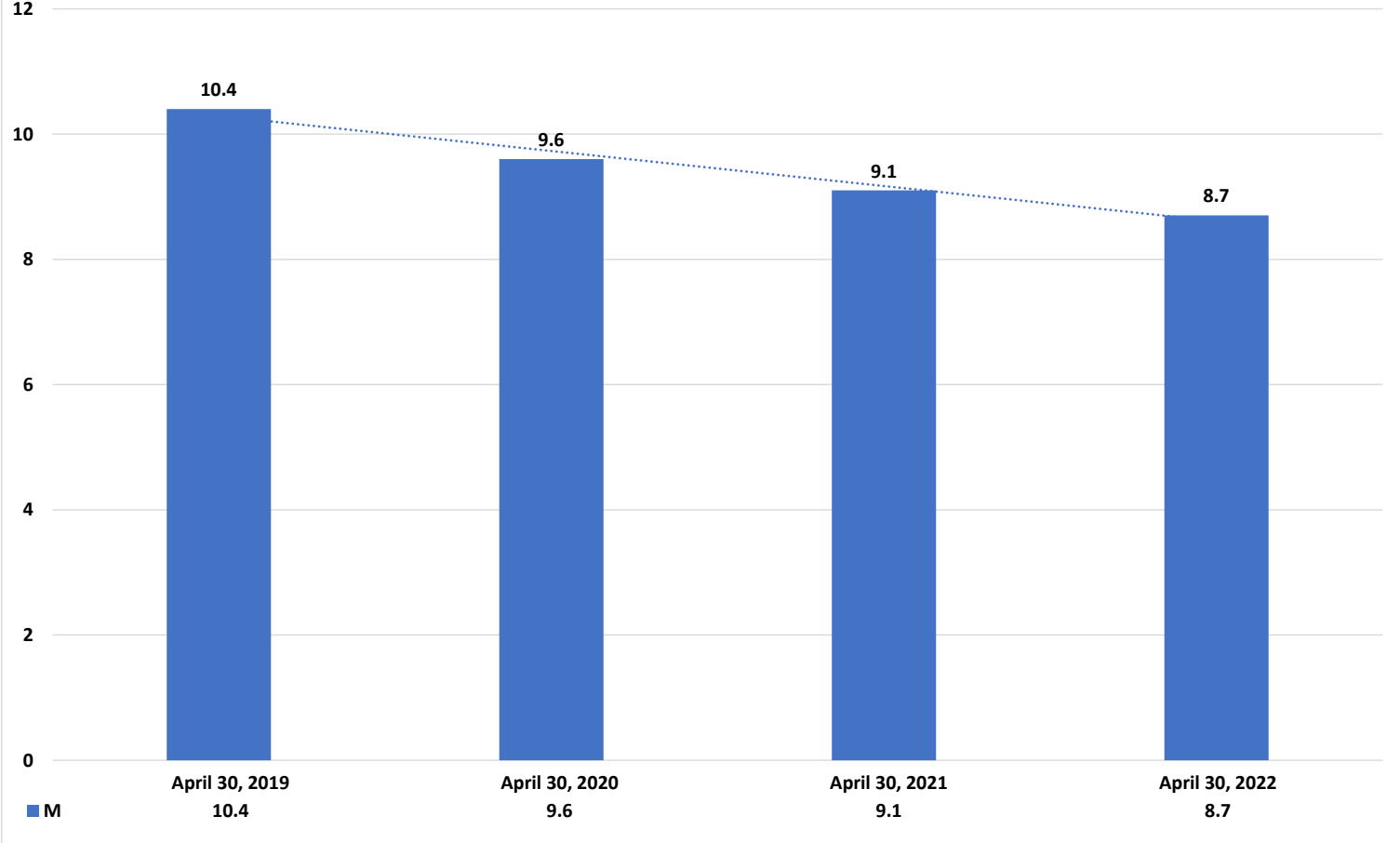
Note: As of April 30, 2022, CPF had \$4,885 claims that were approved and were awaiting signed subrogation agreements.

Client Protection Fund
Statement of Revenue, Expenses, and Changes in Net Assets□
For the Seven Months Ending April 30, 2022

| | 2022 | 2021 ⁽¹⁾ |
|--|----------------|---------------------|
| | YTD | YTD |
| Income: | | |
| 3-7-00-000-0005 Contributions Received | 1,916 | 5,371 |
| 3-7-00-000-0050 License Fees Assessment | 373,534 | 368,165 |
| 3-7-00-000-0051 Pro Hac Vice Fees | 6,375 | 7,650 |
| 3-7-00-000-0890 Claims Recovery | 23,175 | 21,489 |
| 3-7-00-000-0891 Claims Income | - | - |
| Total Income | <u>405,000</u> | <u>402,675</u> |
| Expenses: | | |
| 3-9-00-000-0200 Claims Payment | 181,575 | 53,301 |
| 3-9-00-000-0910 Administrative Fee | 100,625 | 96,347 |
| 3-9-00-000-0994 Bank Service Charges | 245 | 252 |
| Total Expenses | <u>282,445</u> | <u>149,900</u> |
| 3-7-00-000-0921 Gain or Loss on Investment | 125 | - |
| 3-7-00-000-0920 Interest and Dividends | 1,198 | 2,990 |
| | <u>1,323</u> | <u>2,990</u> |
| Increase/Decrease in Net Position | 123,878 | 255,765 |
| 3-5-00-000-1010 Fund Balance | 1,834,119 | 1,635,718 |
| Net Position, End of Period | 1,957,997 | 1,891,483 |

⁽¹⁾ In FY 2022 CPF is recording claim recoveries on cash basis and claim expenses as they are approved. FY 2021 is restated to show both years consistently.

State Bar of Michigan Cash & Investments
Excluding Sections, Client Protection Fund and Retiree Health Care Trust
For the Seven Months Ending April 30, 2022
\$8.7M



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

Summary of Cash and Investment Balances by Financial Institution

4/30/2022

| Assets | Bank Rating | Financial Institution Summary | Interest Rates | Fund Summary |
|-----------------|-------------|--|----------------|--|
| | | SBM Chase Checking \$ 83,211.73 | | Client Protection Fund \$ 2,231,193 |
| | | SBM Chase Credit Card \$ 15,233.50 | | |
| | | SBM Chase E Checking \$ 2,337.50 | | State Bar Admin Fund \$ 12,373,835 |
| | | SBM Chase Payroll \$ - | | (including Sections) |
| | | SBM Chase Savings \$ 715,452.10 | 0.05% | Attorney Discipline System \$ 4,980,672 |
| | | ADS Chase Checking \$ 5,141.85 | | |
| | | ADS Chase Petty Cash \$ 6,857.47 | | |
| | | CPF Chase Checking \$ 18,303.95 | | SBM Retiree Health Care Trust \$ 4,051,488 |
| | | CPF Chase Savings \$ 205,434.45 | 0.05% | |
| \$3.31 Trillion | 5 stars | ** Chase Total \$ 1,051,972.55 | | ADB Retiree Health Care Trust \$ 1,310,036 |
| | | SBM Horizon Bank Money Market \$ 10,035.71 | 0.15% | AGC Retiree Health Care Trust \$ 4,143,535 |
| \$7.3 Billion | 5 stars | Horizon Bank Total w/CD \$ 1,510,035.71 | | Total \$ 29,090,759 |
| | | SBM Fifth Third Commercial Now \$ 36,726.97 | 0.10% * | |
| \$210 Billion | 4 stars | Fifth Third Total \$ 36,726.97 | | State Bar Admin Fund Summary |
| | | Grand River Bank Money Market \$ 10,037.73 | 0.20% | Cash and Investments \$ 12,373,835 |
| \$489 Million | 5 stars | Grand River Bank Total w/CD \$ 753,565.42 | | Less: |
| | | MSUCU Savings \$ 56.09 | 0.00% | Due (to)/from Sections \$ (3,714,103) |
| | | MSUCU Checking \$ 8,128.16 | 0.00% | Due (to)/from CPF \$ (285) |
| \$6.7 Billion | 5 stars | MSU Credit Union Total \$ 8,184.25 | | Due to Sections and CPF \$ (3,714,388) |
| | | MSU Credit Union Total w/CD \$ 2,000,308.17 | | Net Administrative Fund \$ 8,659,447 |
| | | LAFUCU Savings \$ 7.76 | | |
| \$939 Million | 5 stars | LAFUCU Total w/CD \$ 499,997.76 | | SBM Average Weighted Yield: 0.43% |
| | | CASE Cr Un \$ 6.00 | | ADS Average Weighted Yield: 0.10% |
| | | CASE Cr Un Total w/CD \$ 1,000,006.00 | | CPF Average Weighted Yield: 0.46% |
| | | SBM Flagstar ICS Checking \$ 550,802.16 | 0.10% | Notes: |
| | | ADS Flagstar ICS Checking Account \$ 4,933,556.02 | 0.10% | - Average weighted yields exclude retiree health care trusts |
| | | CPF Flagstar ICS Checking \$ 1,011,804.21 | 0.10% | - All amounts are based on reconciled book balance and interest rates as of |
| \$25 Billion | 5 stars | Flagstar Bank FDIC Insured \$ 6,496,162.39 | | - CDARS when used are invested in multiple banks up to the FDIC limit for each bank |
| | | | | - Funds held in bank accounts are FDIC insured up to \$250,000 per bank |
| | | | | - The SBM funds held with Charles Schwab in the Retiree Health Care Trusts are invested in 75% equity securities, 23% in bonds, and 2% in money market funds |
| | | | | - As of 04/30/2022, the funds held by SBM attributable to ADS were \$35,116.72 |
| | | | | - Bank Star rating from Bauer Financial. |
| | | | | - Lockbox fees are offset by 0.10% (annual rate) on average monthly balance (*) |
| | | | | - Actual unreconciled Chase balance per statements was \$1,169,154.28 (**) |

| Assets | Bank Rating | Financial Institution Summary | Interest Rates | Maturity |
|---------------|-------------|---|----------------|-----------|
| N/A | N/A | | | |
| | | US Treasuries - SBM \$ 249,542.13 | 0.78% | 07/21/22 |
| | | \$ 996,379.54 | 0.63% | 09/01/22 |
| | | SBM US Treasuries Total \$ 1,245,921.67 | | |
| | | US Treasuries - CPF \$ 995,650.42 | 0.91% | 09/22/22 |
| | | US Treasuries Total \$ 2,241,572.09 | | |
| \$25 Billion | 5 stars | SBM Flagstar Savings \$ 2,999,692.88 | 0.15% | n/a |
| | | \$ 2,999,692.88 | | |
| \$489 Million | 5 stars | SBM - Grand River Bank \$ 253,527.69 | 0.55% | 05/11/22 |
| | | SBM - Grand River Bank \$ 245,000.00 | 0.60% | 09/29/22 |
| | | SBM - Grand River Bank \$ 245,000.00 | 0.60% | 09/29/22 |
| \$3.3 Billion | 3.5 stars | SBM-CD First National Bank of America \$ 245,659.68 | 0.65% | 10/12/22 |
| | | SBM-CD First National Bank of America \$ 250,000.00 | 0.65% | 10/16/22 |
| | | SBM-CD First National Bank of America \$ 250,000.00 | 0.65% | 10/16/22 |
| | | SBM-CD First National Bank of America \$ 250,000.00 | 0.65% | 10/16/22 |
| \$6.7 Billion | 5 stars | SBM-CD MSU Credit Union \$ 250,530.98 | 0.60% | 10/28/22 |
| | | SBM-CD MSU Credit Union \$ 250,530.98 | 0.60% | 10/28/22 |
| | | SBM-CD MSU Credit Union \$ 250,530.98 | 0.60% | 10/28/22 |
| | | SBM-CD MSU Credit Union \$ 250,530.98 | 0.60% | 10/28/22 |
| | | SBM-CD MSU Credit Union \$ 250,000.00 | 0.60% | 11/21/22 |
| | | SBM-CD MSU Credit Union \$ 250,000.00 | 0.60% | 11/21/22 |
| | | SBM-CD MSU Credit Union \$ 250,000.00 | 0.60% | 11/21/22 |
| \$939 Million | 5 stars | SBM - CD LAFUCU \$ 250,000.00 | 0.70% | 05/07/22 |
| | | SBM - CD LAFUCU \$ 249,990.00 | 0.70% | 05/07/22 |
| \$385 Million | 5 stars | SBM - Case Credit Union \$ 250,000.00 | 0.40% | 07/01/22 |
| | | SBM - Case Credit Union \$ 250,000.00 | 0.40% | 07/01/22 |
| | | SBM - Case Credit Union \$ 250,000.00 | 0.40% | 07/01/22 |
| | | SBM - Case Credit Union \$ 250,000.00 | 0.40% | 07/01/22 |
| \$7.3 Billion | 5 stars | Horizon Bank \$ 250,000.00 | 0.57% | 8/9/2022 |
| | | Horizon Bank \$ 250,000.00 | 0.57% | 8/9/2022 |
| | | Horizon Bank \$ 250,000.00 | 0.57% | 8/9/2022 |
| | | Horizon Bank \$ 250,000.00 | 0.57% | 8/9/2022 |
| | | Horizon Bank \$ 250,000.00 | 0.67% | 8/18/2022 |
| | | Horizon Bank \$ 250,000.00 | 0.67% | 8/18/2022 |
| | | Bank CD Totals \$ 6,731,301.29 | | |
| | | Total Cash & Investments (excluding Schwab) \$ 19,585,699.62 | | |
| | | SBM - Charles Schwab (Ret HC Trust) \$ 4,051,488.29 | Mutual Funds | |
| | | ADB - Charles Schwab (Ret HC Trust) \$ 1,310,036.02 | Mutual Funds | |
| | | AGC - Charles Schwab (Ret HC Trust) \$ 4,143,534.83 | Mutual Funds | |
| | | Charles Schwab Totals \$ 9,505,059.14 | | |
| | | Grand Total (including Schwab) \$ 29,090,758.76 | | |
| | | Total amount of cash and investments (excluding Schwab) not FDIC insured \$ 8,811,238.17 | 44.99% | |

Assets & Ratings updated 5/06/2022

Monthly SBM Attorney and Affiliate Report - April 30, 2022

FY 2022

| | September 30 2014 | September 30 2015 | September 30 2016 | September 30 2017 | September 30 2018 | September 30 2019 | September 30 2020 | September 30 2021 | April 30 2022 | FY Increase (Decrease) |
|---|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|------------------|---------------------------|
| Attorneys and Affiliates In Good Standing | | | | | | | | | | |
| Active | 41,093 | 41,608 | 41,921 | 42,100 | 42,342 | 42,506 | 42,401 | 42,393 | 42,212 | (181) |
| Less than 50 yrs serv | 40,036 | 40,490 | 40,725 | 40,833 | 40,973 | 41,036 | 40,559 | 40,504 | 40,472 | (32) |
| 50 yrs or greater | 1,057 | 1,118 | 1,196 | 1,267 | 1,369 | 1,470 | 1,842 | 1,889 | 1,740 | (149) |
| Voluntary Inactive | 1,211 | 1,218 | 1,250 | 1,243 | 1,169 | 1,139 | 1,192 | 1,097 | 1,062 | (35) |
| Less than 50 yrs serv | 1,184 | 1,195 | 1,230 | 1,217 | 1,142 | 1,105 | 1,149 | 1,055 | 1,022 | (33) |
| 50 yrs or greater | 27 | 23 | 20 | 26 | 27 | 34 | 43 | 42 | 40 | (2) |
| Emeritus | 1,552 | 1,678 | 1,841 | 1,973 | 2,204 | 2,447 | 2,727 | 3,033 | 3,273 | 240 |
| Total Attorneys in Good Standing | 43,856 | 44,504 | 45,012 | 45,316 | 45,715 | 46,092 | 46,320 | 46,523 | 46,547 | 24 |
| 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 | 41,559 | 41,494 | (65) |
| Affiliates | | | | | | | | | | |
| Legal Administrators | 14 | 13 | 13 | 13 | 10 | 10 | 8 | 5 | 5 | - |
| Legal Assistants | 413 | 425 | 405 | 400 | 401 | 393 | 317 | 219 | 252 | 33 |
| Total Affiliates in Good Standing | 427 | 438 | 418 | 413 | 411 | 403 | 325 | 224 | 257 | 33 |
| Total Attorneys and Former Attorneys in the Database | | | | | | | | | | |
| | September 30 2014 | September 30 2015 | September 30 2016 | September 30 2017 | September 30 2018 | September 30 2019 | September 30 2020 | September 30 2021 | April 30 2022 | FY Increase (Decrease) |
| State Bar of Michigan Attorney and Affiliate Type | | | | | | | | | | |
| Attorneys in Good Standing: | | | | | | | | | | |
| ATA (Active) | 41,093 | 41,608 | 41,921 | 42,100 | 42,342 | 42,506 | 42,401 | 42,393 | 42,212 | (181) |
| ATVI (Voluntary Inactive) | 1,211 | 1,218 | 1,250 | 1,243 | 1,169 | 1,139 | 1,192 | 1,097 | 1,062 | (35) |
| ATE (Emeritus) | 1,552 | 1,678 | 1,841 | 1,973 | 2,204 | 2,447 | 2,727 | 3,033 | 3,273 | 240 |
| Total Attorneys in Good Standing | 43,856 | 44,504 | 45,012 | 45,316 | 45,715 | 46,092 | 46,320 | 46,523 | 46,547 | 24 |
| Attorneys Not in Good Standing: | | | | | | | | | | |
| ATN (Suspended for Non-Payment of Dues) | 5,427 | 5,578 | 5,743 | 5,888 | 6,072 | 6,246 | 6,416 | 6,472 | 6,670 | 198 |
| ATDS (Discipline Suspension - Active) | 407 | 415 | 418 | 430 | 439 | 440 | 445 | 449 | 450 | 1 |
| ATDI (Discipline Suspension - Inactive) | 12 | 11 | 18 | 19 | 19 | 24 | 25 | 25 | 25 | - |
| ATDC (Discipline Suspension - Non-Payment of Court Costs) | 1 | 3 | 3 | 16 | 15 | 16 | 16 | 14 | 14 | - |
| ATNS (Discipline Suspension - Non-Payment of Other Costs) | 83 | 92 | 99 | 94 | 95 | 98 | 100 | 102 | 106 | 4 |
| ATS (Attorney Suspension - Other)* | 1 | 1 | 1 | - | 1 | 1 | 2 | - | - | - |
| ATR (Revoked) | 521 | 517 | 534 | 562 | 583 | 596 | 613 | 623 | 629 | 6 |
| ATU (Status Unknown - Last known status was inactive)** | 2,088 | 2,076 | 2,074 | 2,070 | 2,070 | 2,070 | 2,070 | 2,070 | 2,048 | (22) |
| Total Attorneys Not in Good Standing | 8,540 | 8,693 | 8,890 | 9,079 | 9,294 | 9,491 | 9,687 | 9,755 | 9,942 | 187 |
| Other: | | | | | | | | | | |
| ATSC (Former special certificate) | 136 | 140 | 145 | 152 | 155 | 157 | 158 | 164 | 164 | - |
| ATW (Resigned) | 1,429 | 1,483 | 1,539 | 1,612 | 1,689 | 1,798 | 1,907 | 2,036 | 2,123 | 87 |
| ATX (Deceased) | 8,127 | 8,445 | 8,720 | 9,042 | 9,287 | 9,524 | 9,793 | 10,260 | 10,577 | 317 |
| Total Other | 9,692 | 10,068 | 10,404 | 10,806 | 11,131 | 11,479 | 11,858 | 12,460 | 12,864 | 404 |
| Total Attorneys in Database | 62,088 | 63,265 | 64,306 | 65,201 | 66,140 | 67,062 | 67,865 | 68,738 | 69,353 | 615 |

* 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 April 30, 2022 a total of 613 new attorneys joined SBM.



p 517-346-6300

p 800-968-1442

f 517-482-6248

www.michbar.org

To: Board of Commissioners
From: James Heath, Awards Committee Chair
Date: May 27, 2022
Re: 2022 State Bar of Michigan Liberty Bell Award Recommendation

306 Townsend Street
Michael Franck Building
Lansing, MI
48933-2012

The State Bar of Michigan Awards Committee recommends that Grace French receive the 2022 State Bar of Michigan Liberty Bell Award.

Ms. French received the Ingham County Bar Association’s 2022 Liberty Bell Award in acknowledgement of her tireless advocacy for survivors of sexual assault at the hands of former Michigan State University doctor Larry Nassar, of whom she was also a victim.

She has not only advocated on behalf of other survivors, but also nationally and internationally for all survivors of sexual abuse. In addition, she founded the non-profit “The Army of Survivors,” which advocates for survivors of abuse across the nation. She was awarded the 2018 ESPY’s Arthur Ashe Courage Award and the 2018 Glamour Women of the Year Award, and she spoke about sexual abuse at the United Nations General Assembly in 2019.

We believe Ms. French embodies everything this award stands for.



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

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by July 1, 2022. 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 a new instruction, M Crim JI 11.25a, for the crime of brandishing a firearm in violation of MCL 750.234e. This jury instruction is entirely new.

[NEW] M Crim JI 11.25a Brandishing a Firearm

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

(2) First, that the defendant possessed a firearm or had control of a firearm. A firearm is a weapon that will shoot out a projectile by explosive action, is designed to shoot out a projectile by explosive action, or can readily be converted to shoot out a projectile by explosive action.¹

(3) Second, that while possessing or controlling the firearm, the defendant was in a public place.

(4) Third, that while possessing or controlling the firearm in a public place, the defendant pointed it, waved it about, or displayed it in a threatening manner.

(5) Fourth, that the defendant deliberately pointed, waved about, or displayed the firearm in a threatening manner.

(6) Fifth, that when the defendant pointed, waved about, or displayed the firearm, [he / she] did so intending to cause another person or other persons to be fearful.²

Use Note

1. The court need not read this sentence where it is undisputed that the weapon alleged to have been brandished was a firearm.
2. This is a specific intent crime.

**Public Policy Position
M Crim JI 11.25a**

Support

Explanation:

The Committee voted to support the Model Criminal Jury Instruction 11.25a regarding the crime of brandishing a firearm in violation of MCL 750.234e.

Position Vote:

Voted For position: 18

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Contact Persons:

Mark A. Holsomback mahols@kalcounty.com

Sofia V. Nelson snelson@sado.org

**Public Policy Position
M Crim JI 11.25a**

Oppose

Explanation:

The fourth and fifth paragraphs go beyond scope of statute.

Position Vote:

Voted for position: 14

Voted against position: 0

Abstained from vote: 0

Did not vote: 0

Contact Person: Sofia V. Nelson

Email: sofia.nelson@gmail.com



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

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by July 1, 2022. 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 a new instruction, M Crim JI 19.1a, for the crime of kidnapping a child in violation of MCL 750.350. This jury instruction is entirely new.

[NEW] M Crim JI 19.1a Taking a Child by Force or Enticement

- (1) The defendant is charged with unlawfully taking a child by force or enticement. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant used force or trickery to take, carry, lure, or lead away [*state name of child*].
- (3) Second, that when the defendant took, carried, lured, or led [*him / her*] away, [*state name of child*] was less than fourteen years old.
- (4) Third, that the defendant intended to keep or conceal [*state name of child*] from

[*Choose from the following:*]

- (a) the parent or legal guardian who had legal [*custody / visitation rights*] at the time.
- (b) [*his / her*] adoptive parent.

(c) the person who had lawful charge of [*state name of child*] at the time.¹

(5) Fourth, that the defendant was not the adoptive or natural parent of [*state name of child*].²

Use Note

1. This is a specific intent crime.
2. Read this paragraph only where the defendant offers evidence of adoptive or natural parenthood.

**Public Policy Position
M Crim JI 19.1a**

Support

Explanation:

The Committee voted to support Model Criminal Jury Instruction 19.1a regarding the crime of kidnapping a child in violation of MCL 750.350.

Position Vote:

Voted For position: 18

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Contact Persons:

Mark A. Holsomback mahols@kalcounty.com

Sofia V. Nelson snelson@sado.org

**Public Policy Position
M Crim JI 19.1a**

Support

Position Vote:

Voted for position: 13

Voted against position: 1

Abstained from vote: 0

Did not vote: 0

Contact Person: Sofia V. Nelson

Email: sofia.nelson@gmail.com



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

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by July 1, 2022. 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 to amend jury instruction M Crim JI 19.6, the instruction for charges under the parental kidnapping statute, MCL 750.530a. The amendment entirely re-writes the instruction.

[AMENDED] M Crim JI 19.6 Parental Taking or Retaining a Child

(1) The defendant is charged with unlawfully taking or retaining a child. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that on *[date and time alleged]*, *[name complainant]*:

[Choose one of the following:]

(a) was the *[parent / legal guardian]* of *[name of child]* who had *[custody of (name of child) / parenting time rights with (name of child)]* under a court order.

(b) was the adoptive parent of *[name child]*.

(c) had lawful charge of *[name child]*.

(3) Second, that on *[date and time alleged]*, the defendant *[took (name of child) / kept (name of child) for more than 24 hours]*.

(4) Third, that when the defendant [took (*name of child*) / kept (*name of child*) for more than 24 hours], [he / she] intended to keep or conceal [*name child*] from [*name complainant*].¹

Use Note

This instruction applies only where parental kidnapping is charged under MCL 750.350a. The Committee of Model Criminal Jury Instructions takes the view that whether a defendant is a “parent” under the statute is a legal question for the court, not a factual question for the jury.

1. This is a specific intent crime. Neither MCL 750.350a nor the House Legislative Analysis accompanying it directly addresses the question as to whether apparent consent or a reasonable belief that lawful authority to take or keep the child exists, may be a defense to this crime, or otherwise negates an essential element of the crime.

**Public Policy Position
M Crim JI 19.6**

Support

Explanation:

The Committee voted to support Model Criminal Jury Instruction 19.6 regarding the instruction for charges under the parental kidnapping statute, MCL 750.530a.

Position Vote:

Voted For position: 18

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Contact Persons:

Mark A. Holsomback mahols@kalcounty.com

Sofia V. Nelson snelson@sado.org

**Public Policy Position
M Crim JI 19.6**

Support

Position Vote:

Voted for position: 13

Voted against position: 1

Abstained from vote: 0

Did not vote: 0

Contact Person: Sofia V. Nelson

Email: sofia.nelson@gmail.com



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

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by July 1, 2022. 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 a new instruction, M Crim JI 19.9, for the crime of a prisoner taking a hostage in violation of MCL 750.349a. This jury instruction is entirely new.

[NEW] M Crim JI 19.9 Prisoner Taking a Person Hostage

- (1) The defendant is charged with being a prisoner and taking a person hostage. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant was a prisoner at [*identify facility where the defendant was incarcerated*].
- (3) Second, that while still subject to incarceration at [*identify facility where the defendant was incarcerated*], the defendant used threats, intimidation, or physical force to take, lure away, hold, or hide [*name complainant*].
- (4) Third, that the defendant took, lured away, held, or hid [*name complainant*] as a hostage.

To hold a person hostage means that the defendant intended to use the person as a shield or to use the person as security to force someone else to [do something / perform some act] or [not do something / to refrain from performing some act / hold off on performing some act].¹

(5) Fourth, the defendant intended to hold [*name complainant*] as a hostage and knew [he / she] did not have the authority to do so.

Use Note

1. The court may read all of the options in this paragraph or only those that apply to according to the charges or evidence.

**Public Policy Position
M Crim JI 19.9**

Support

Explanation:

The Committee voted to support Model Criminal Jury Instruction 19.9 regarding the crime of a prisoner taking a hostage in violation of MCL 750.349a.

Position Vote:

Voted For position: 18

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Contact Persons:

Mark A. Holsomback mahols@kalcounty.com

Sofia V. Nelson snelson@sado.org

**Public Policy Position
M Crim JI 19.9**

Support

Position Vote:

Voted for position: 13

Voted against position: 1

Abstained from vote: 0

Did not vote: 0

Contact Person: Sofia V. Nelson

Email: sofia.nelson@gmail.com



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

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by July 1, 2022. 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 instructions, M Crim JI 34.7, 34.7a, 34.8, 34.9, 3.10, 34.11, 34.12, 34.13, 34.14 and 34.15, for the Medicaid-related crimes found in MCL 400.603 to 400.611. These jury instructions are entirely new.

[NEW] M Crim JI 34.7 Medicaid Fraud – False Statement

- (1) The defendant is charged with making a false statement or representation to obtain Medicaid benefits. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant was [making an application for Medicaid benefits / having rights to a Medicaid benefit determined].
- (3) Second, that when defendant was [making an application for Medicaid benefits / having rights to a Medicaid benefit determined] [he / she] made a false statement or false representation.
- (4) Third, that the defendant knew the statement or representation was false.
- (5) Fourth, that the false statement or false representation would matter or make a difference to a decision about benefits or the rights to benefits.

[NEW] M Crim JI 34.7a Medicaid Fraud – Concealing Events

(1) The defendant is charged with the crime of concealing or failing to disclose an event affecting the right to Medicaid benefits. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [was initially applying for Medicaid / was receiving a Medicaid benefit / was initially applying for Medicaid on another person’s behalf / had applied on another person’s behalf for Medicaid benefits and the other person was receiving Medicaid benefits].

(3) Second, that an event occurred that affected [the defendant’s initial right to receive a Medicaid benefit / the defendant’s continuing right to receive a Medicaid benefit / the other person’s initial right to receive a Medicaid benefit / the other person’s continuing right to receive a Medicaid benefit].

In this case, the event that is alleged to have occurred was [*describe event that affected right to benefits*].

(4) Third, that the defendant had knowledge of the occurrence of the event.

(5) Fourth, that the defendant concealed or failed to disclose the event.

(6) Fifth, that at the time the defendant concealed or failed to disclose the event that affected [defendant’s right to receive a Medicaid benefit / the other person’s right to receive a Medicaid benefit], [he / she] did so with an intent to obtain a benefit to which [the defendant / the other person] was not entitled or a benefit in an amount greater than [the defendant / the other person] was entitled.

[NEW] M Crim JI 34.8 Public Welfare Program – Kickback, Bribe, Payment, or Rebate

(1) The defendant is charged with the crime of making or receiving a kickback, bribe, payment, or rebate in connection with public welfare program goods or services. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [solicited, offered, or received a kickback or bribe / made or received a payment in connection with a kickback or bribe / received a rebate of a fee or charge for referring an individual to another person for the furnishing of goods and services].

(3) Second, that the [kickback or bribe / payment made or received in connection with a kickback or bribe / rebate of a fee or charge for referring an individual to another person] was intended to secure the furnishing of goods or services for which payment was or could have been made in whole or in part under the Social Welfare Act.

[NEW] M Crim JI 34.9 Medicaid Facilities – False Statement

(1) The defendant is charged with the crime of making or inducing a false statement or representation about an institution or facility. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant knowingly and willfully [made / induced the making of / tried to cause someone to make] a false statement or false representation.

(3) Second, that the false statement or false representation was about the conditions in or operation of an institution or facility.

(4) Third, that the defendant knew at the time [he / she] [made / induced the making of / tried to cause someone to make] the statement or representation that it was false.

(5) Fourth, that when the defendant [made / induced the making of / tried to cause someone to make] the false statement or representation, [he / she] intended that it would be used for initial certification or recertification to qualify the institution or facility as a hospital, skilled nursing facility, intermediate care facility, or home health agency.

(6) Fifth, that the false statement or representation would have mattered or made a difference in the initial certification or recertification decision.

[NEW] M Crim JI 34.10 Making a False Claim for Goods or Services Under the Social Welfare Act

(1) The defendant is charged with the crime of making a false claim under the Social Welfare Act. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant made, presented, or caused to be made or presented a claim to a state employee or officer.

(3) Second, that the claim that the defendant made, presented, or caused to be made or presented was to obtain goods or services under the Social Welfare Act.

(4) Third, that the claim was false.

(5) Fourth, that the defendant knew the claim was false.

This means that the defendant was aware or should have been aware of the wrongful nature of [his / her / their] conduct and aware that what [he / she / they] said or did could cause the payment of a Medicaid benefit. This includes acting in deliberate ignorance of the truth or falsity of facts or acting in reckless disregard of the truth or falsity of facts. Proof of an intent to defraud is not required, but it may be considered as evidence that the defendant knew a claim to be false.

[NEW] M Crim JI 34.11 Making a False Claim That Goods or Services Were Medically Necessary Under the Social Welfare Act

(1) The defendant is charged with the crime of making a false statement that goods or services were medically necessary under the Social Welfare Act. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant made, presented, or caused to be made or presented a claim for goods or services under the Social Welfare Act, [*describe goods or services claimed*].

(3) Second, that the defendant claimed that [*describe goods or services claimed*] [was / were] medically necessary according to professionally accepted standards.

(4) Third, that the claim that the [*describe goods or services claimed*] [was / were] medically necessary was false.

(5) Fourth, that the defendant knew the claim was false.

This means that the defendant was aware or should have been aware of the wrongful nature of [his / her / their] conduct and aware that what [he / she / they] said or did could cause the payment of a Medicaid benefit for goods or services that were not medically necessary. This includes acting in deliberate ignorance of the truth or falsity of facts or acting in reckless disregard of the truth or falsity of facts. Proof of an intent to defraud is not required, but it may be considered as evidence that the defendant knew a claim to be false.

[NEW] M Crim JI 34.12 Making a False Statement or Record to Avoid or Decrease a Payment to the State Under the Social Welfare Act

(1) The defendant is charged with the crime of making or using a false record or statement to conceal, avoid, or decrease an obligation to pay money or transmit property to the state under the Social Welfare Act. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant made, used, or caused to be made or used a record or statement to a state employee or an officer. The [record / statement] was [*describe record or statement alleged*].

(3) Second, that the record or statement related to a claim made under the Social Welfare Act.

(4) Third, that the record or statement concealed, avoided, or decreased an obligation to pay or send money or property to the state of Michigan, or could have concealed, avoided, or decreased such an obligation.

(5) Fourth, that the record or statement was false.

(6) Fifth, that the defendant knew the claim was false.

This means that the defendant was aware or should have been aware of the wrongful nature of [his / her / their] conduct and aware that what [he / she / they] said or did could avoid or decrease a payment or transfer of money or property to the state of Michigan. This includes acting in deliberate ignorance of the truth or falsity of facts or acting in reckless disregard of the truth or falsity of facts. Proof of an intent to defraud is not required, but it may be considered as evidence that the defendant knew a claim to be false.

[NEW] M Crim JI 34.13 Medicaid False Claims -- Knowledge

It is not necessary that the prosecutor show that the defendant had knowledge of similar acts having been performed in the past by a person acting on the defendant's behalf, nor to show that the defendant had actual notice that the acts by the persons acting on the defendant's behalf occurred to establish the fact that a false statement or representation was knowingly made.

Use Note

This instruction is used in cases where someone other than the defendant made a false claim that caused a benefit to be paid or provided to the defendant.

[NEW] M Crim JI 34.14 Medicaid Claims – Rebuttable Presumption

(1) You may, but you do not have to, infer that a claim for a Medicaid benefit was knowingly made [if the defendant’s actual, facsimile, stamped, typewritten, or similar signature was used on the form required for the making of a claim / if the claim was submitted by computer billing tapes or other electronic means and the defendant had previously notified the Michigan Department of Social Services that claims will be submitted by computer billing tapes or other electronic means].

(2) The prosecutor still bears the burden of proving all of the elements beyond a reasonable doubt.

[NEW] M Crim JI 34.15 Medicaid False Claims – Venue

The prosecutor must also prove beyond a reasonable doubt that the crime[s] occurred on or about [*state date alleged*] within [*identify county*] County.

Use Note

The language describing the county should be omitted if the Attorney General has chosen Ingham County as the venue under MCL 400.611.

**Public Policy Position
M Crim JI 34.7 – 34.15**

Support

Explanation:

The Committee voted to support Model Criminal Jury Instructions 34.7 – 34.15 regarding the Medicaid-related crimes found in MCL 400.603 to 400.611.

Position Vote:

Voted For position: 18

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Contact Persons:

Mark A. Holsomback mahols@kalcounty.com

Sofia V. Nelson snelson@sado.org

**Public Policy Position
M Crim JI 34.7 – 34.15**

Support

Position Vote:

Voted for position: 13

Voted against position: 1

Abstained from vote: 0

Did not vote: 0

Contact Person: Sofia V. Nelson

Email: sofia.nelson@gmail.com



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

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by July 1, 2022. 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 a new instruction, M Crim JI 41.1, for the crime of trespassing for eavesdropping or surveillance in violation of MCL 750.539b. This jury instruction is entirely new.

[NEW] M Crim JI 41.1 Trespassing For Eavesdropping or Surveillance

- (1) The defendant is charged with the crime of trespassing to engage in eavesdropping or surveillance. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant was on property owned or possessed by *[name owner(s) or possessor(s)]* without *[his / her / their]* permission or without *[his / her / their]* knowledge.
- (3) Second, that the defendant went on *[identify complainant(s)]*'s property to *[listen to, record, amplify, or transmit any part of a private conversation, discussion, or discourse / secretly observe the activities of another person or other persons]*.
- (4) Third, that the defendant intended to *[listen to, record, amplify, or transmit the private conversation of (identify complainant(s)) without the permission of all participants in the conversation / spy on and invade the privacy of the person or persons (he / she) was observing]*.

**Public Policy Position
M Crim JI 41.1**

Support

Explanation:

The Committee voted to support Model Criminal Jury Instruction 41.1 regarding the crime of trespassing for eavesdropping or surveillance in violation of MCL 750.539b.

Position Vote:

Voted For position: 18

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 6

Contact Persons:

Mark A. Holsomback mahols@kalcounty.com

Sofia V. Nelson snelson@sado.org

**Public Policy Position
M Crim JI 41.1**

Support

Position Vote:

Voted for position: 13

Voted against position: 1

Abstained from vote: 0

Did not vote: 0

Contact Person: Sofia V. Nelson

Email: sofia.nelson@gmail.com

GUIDELINES FOR ALL SUBMISSIONS ADOPTED BY
MICHIGAN BAR JOURNAL STANDING COMMITTEE
APRIL 27, 2022

Criteria Applicable to All Submissions, Solicited and Unsolicited (Submission Criteria)

1. In General. The *Michigan Bar Journal* welcomes submissions that:

- address specific issues in areas of law that are widely practiced,
- cover new fields of law or subspecialties, or
- are otherwise of interest to our members

2. Unacceptable Submissions. The *Michigan Bar Journal* will decline submissions that:

- denigrate the legal profession,
- do not meet **professional** writing standards,
- promote a specific business or type of business,
- **do not present a balanced analysis or critique, supported by sufficient legal authority (such submissions may be appropriate for the *Bar Journal's* Point–Counterpoint feature),**
or
- do not otherwise conform to these guidelines.

3. Reprints. The *Michigan Bar Journal* does not typically publish content that has been published elsewhere.

4. Specific Requirements.

- A. Length:** Articles should be no longer than 2,500 words including endnotes. Columns should be no longer than 1,500 words including endnotes. Book reviews should be no longer than 2,000 words including endnotes.
- B. Format:** All content must be submitted in electronic format, preferably as a Word document. At the top of the file include author names (how they should appear in the author credit), author email addresses, and author phone numbers where they can be reached. Contact information will not be published. It is for internal use only.
- C. Endnotes:** All citations must be included in endnote form — not in the body of the submission. Although the *Michigan Bar Journal* is not a law review, it is peer reviewed; thus, statements of fact and law must be supported by endnotes. Use endnotes to cite authority only and do not include extended side discussion.
- D. Citation Form:** The *Michigan Bar Journal* uses the *Michigan Appellate Opinion Manual* as a citation-style guide. The manual is available in a searchable online format at <http://www.courts.mi.gov>. Please consult and follow the manual when preparing a submission. Accurate quotations and citations are important. Please include complete

citations (for example, include parallel citations) and, when citing material other than cases, statutes, or rules, give the reader enough information to locate that material.

- E. Title/Subtitle:** Compose a suggested title — and subtitle, if appropriate — that conveys the essence of the submission.
- F. At a Glance:** Include a suggested “At a Glance” sidebar consisting of two to three brief sentences that summarize the submission’s key points, if possible. The sentences can be taken verbatim from the submission or paraphrased.
- G. Author Bio and Photo:** For each author, provide a brief biography —no longer than 70 words — emphasizing credentials related to the subject of the submission. Submit a photo of each author. Photos should be 300 DPI (dots per inch) and no smaller than 2 by 3 inches. We accept color or grayscale TIFF, JPEG, EPS, or PDF files.
- H. Copyright License:** The author(s) must sign the State Bar of Michigan copyright license before publication.

Review, Editing, and Appeal Process Applicable to All Submissions

1. Initial Review. The *Michigan Bar Journal* reserves the right to refuse to publish any submission (including one solicited for a theme issue) and to determine when approved articles will be published. Editors may request that a submission be shortened or edited before completing the review process.

2. Right to Edit. The *Michigan Bar Journal* reserves the right to edit all submissions for length, clarity, organization, and style; substantive changes are subject to author approval.

3. Theme Articles. The Michigan Bar Journal Standing Committee appoints theme editors to solicit, coordinate, review, and edit feature articles in conjunction with a schedule of themes scheduled by the Committee for upcoming issues of the *Bar Journal*.

4. Unsolicited Articles. Unsolicited articles providing legal analysis or education also may be submitted for consideration by a three-member article-review committee appointed by the Michigan Bar Journal Standing Committee. An unsolicited article will be considered for publication based on how well it meets the submission criteria, as well as its timeliness, clarity, and organization. If the review committee determines that an article is appropriate for publication, it will be edited by a general-articles editor, unless determined to be appropriate for a theme issue; in that case, the article will be sent to the appropriate theme editor for editing unless the author objects.

5. Appeals. The *Michigan Bar Journal* seeks to resolve all issues with authors through consensus. But if the author and editors cannot come to an agreement on any submission, it will not be published. Authors may appeal for future publication of their submission. All appeals must first be made to the Executive Director of the State Bar of Michigan. If the author wishes to appeal the Executive Director’s determination, the author may appeal to the Board of

Commissioners' Communications and Member Services Committee. To appeal, email Marge Bossenbery at mbossenbery@michbar.org.

6. Final Edits. The managing editor of the *Michigan Bar Journal* also reviews and edits all articles accepted for publication, and a cite-checker reviews the endnotes.

7. Inquiries. To determine the status of a submission, email barjournal@michbar.org.

PROPOSED THEME-EDITOR GUIDELINES AND TIMELINE

Selecting Topics

As a theme editor, you should:

- Check the online archive for recently published articles on the topic area (<http://www.michbar.org/journal/archive>).
- Contact the chairs of any relevant SBM sections and committees to help identify topics and authors (<http://www.michbar.org/sections/home>).
- Identify related articles in section newsletters/publications within the past two years.
- Follow the timeline below.

Working with Authors – Soliciting Articles

1. Word Count. The maximum word count for theme articles is 10,000 words, including endnotes. Solicit three to five 2,500-word articles (including endnotes). A theme issue with three articles — or about 7,500 words — will allow the inclusion of a general-interest article. If individual articles are fewer than 2,500 words, more than four articles may be included. Soliciting five articles may also prove wise if one or more authors fails to produce an article in a timely fashion; if necessary, a fifth 2,500-word article may be published in a later issue. Finally, invite the section liaison to write a short (750 word) introduction to the issue that introduces readers to the section and highlights each article

2. Need for Authors to Know the Submission Guidelines. It is critical that authors read the Guidelines for All Submissions before they begin writing to ensure that they know what to expect and understand the submission criteria; the specific requirements; and the review, editing, and appeal process.

3. Items Needed with Each Article. You should ensure that each article has:

- A signed copyright license (a blank license is attached to these guidelines).
- A biography, maximum of 70 words, for each author.
- Two or three brief sentences that will be formatted in a sidebar called “At a Glance” to emphasize key points of the article or entice readers to read the full article. They can be taken verbatim from the article or paraphrased.

- A photo, if desired. Photos should be 300 DPI (dots per inch) and no smaller than 2 by 3 inches. We accept color or grayscale TIFF, JPEG, EPS, or PDF files.

Working with Articles – Editing Articles

1. Meeting the *Bar Journal's* Guidelines. You are responsible for ensuring that the articles you review meet the *Michigan Bar Journal's* Guidelines for All Submissions, including our submission criteria. If you have questions or concerns about whether an article meets these criteria, you can contact the managing editor of the *Bar Journal* at barjournal@michbar.org.

2. Editing Process.

You should edit each article as appropriate for length, clarity, and organization and review all endnotes as well. Ask authors to correct endnotes that do not contain proper citations (for example, missing parallel citations) or that do not give the reader enough information to locate the source. Authors should use endnotes to cite authority only, and all citations must be included in endnote form at the end of the article — not in the body of the submission.

As each article is reviewed and edited, remember that substantive changes are subject to author approval, which needs to be obtained before submitting the article to the editor of the *Bar Journal*. The editor of the *Bar Journal* also will obtain author approval on substantive changes made after the theme editor's review.

Timeline

Refer to http://www.michbar.org/generalinfo/pwac/Theme_Issue_Schedule.pdf for the current theme-issue schedule. The copy-due deadline (see the last bullet point below) is the deadline for submitting copy to barjournal@michbar.org. Submitting articles late jeopardizes their publication.

- **10-11 months before the issue date (the first day of the month of publication)**

Develop a plan that outlines the scope of the issue and suggestions for possible articles. This plan will help you and the theme-issue liaison from the relevant SBM section (if any) in soliciting authors and avoiding articles that overlap.

Obtain the authors' commitment, in writing, to the schedule below and confirm the subjects assigned. Send each author the Guidelines for All Submissions, together with a

blank copyright license. Submit as soon as possible a list of the articles to barjournal@michbar.org. Include working titles and the authors' contact information.

Remember that practicing attorney authors often leave publications to the very last minute because they tend to be under the gun, so in creating and executing an issue plan, you need to calendar dates to ask the authors for regular status reports, and to establish a succession of deadlines for milestones (e.g., submission dates for an outline, a rough draft, and a draft), so that you don't find yourself rudely surprised that no one has done anything when the copy-due deadline is upon you.

- **4 ½ months before the issue date:**

This is the deadline for the authors' submission of a final draft of their articles to the section liaison. It will provide the liaison an opportunity to review the articles to ensure that they align with the theme-issue plan and reflect favorably on the section, and also allow the liaison to do preliminary editing before forwarding them to you. This date is just a suggestion and is entirely up to you; you may want to set it earlier, to leave room for error (in a volunteer project, deadlines often are missed).

If there is no section liaison, then you can ignore this deadline.

- **3 ½ months before the issue date:**

This is the deadline for the section liaison to send edited drafts of all articles to you. You will need time to review and edit the articles, if necessary, after the liaison sends them and, if necessary, return them to the author for reworking. Remember that substantive changes are subject to author approval.

If there is no liaison, this is the deadline for the authors' submission of their final draft directly to you.

- **2 ½ months before the issue date**

This is the copy-due date—the deadline for submitting edited versions of all articles to the editor of the *Bar Journal*. If possible, send each article separately — along with the author's signed copyright license, bio, photo, and other required materials — to barjournal@michbar.org.

Proposed Amendments to Articles VII and VIII of the Bylaws of the State Bar of Michigan

[Additions to the text are indicated in bold underlining and deleted text is shown by strikeover.]

Article VII—Sections

Section 1—Establishment, Purpose, and Discontinuance.

(1) At the discretion of the Board of Commissioners, a Section may be established or discontinued, and existing Sections may be combined and their names changed, upon motion by a Commissioner or upon written petition from an existing Section or a group of **active members** ~~SBM licensees~~ in good standing requesting to form a new Section.

(2) The purpose of a Section is to:

(a) Develop and facilitate education and training on topics within the Section’s jurisdiction as a means of protecting the public by promoting subject matter expertise and the highest standards of professional competence, ethics, and civility.

(b) Provide opportunities for skills-building, professional development, and leadership.

(c) Communicate and collaborate with other State Bar Sections and Committees, and with affinity bar associations, law schools, and other related entities, where appropriate, to advance the objectives of the State Bar and the Section.

(d) Welcome active participation among a diverse array of members and foster an inclusive atmosphere that encourages the expression of a wide range of points of view. Unless the Board of Commissioners expressly restricts membership in a particular Section, membership in all Sections must be open to all active members in good standing.

(e) To the extent that doing so advances the goals of the Section, consistent with the purposes of the State Bar of Michigan, review and take positions concerning proposed legislation, regulations, court rules, and other matters of public policy within the section’s jurisdiction. Section activities in public policy advocacy should be thoughtful, deliberate, and restrained, and comply with all SBM policies and procedures.

(3) Formation of a New Section ~~To be valid, a request to form a new Section must show substantial compliance with the following requirements:~~

(a) The proponents of the proposed new Section must **submit the following to the Executive Director of the State Bar:** ~~file with the the Board of Commissioners a petition setting forth:~~

(i) A statement of need **that describes a substantial and continuing need not being addressed by any Section, Standing Committee or Special Committee** ~~for the proposed new Section;~~

(ii) **A proposed jurisdiction;**

~~(ii) A statement confirming that the contemplated jurisdiction of the proposed Section will address a substantial need not currently being addressed by any Section, Standing Committee or Special Committee of the Bar that will continue after the proposed Section is established;~~

~~(iii) The Proposed B bylaws of the Section, which shall contain a definition of its jurisdiction;~~

~~(iv) The Names of any the proposed committees of the Section;~~

~~(v) The An estimated proposed budget for the Section for the first two years of operation, **including the initial dues amount, with** projected annual expenses not to exceed **projected** ~~anticipated~~ annual revenues;~~

~~(vi) A **petition signed by at least 150 active members in good standing, requesting creation of the Section and expressing intent to join the proposed Section and pay the proposed Section dues** list of active licensees of the State Bar of Michigan, totaling at least 150 in number, who have demonstrated a commitment to apply for membership in the Section and pay the proposed dues.~~

~~(b) **If a proposed new Section would be formed from a combination of existing Sections,** in the case of a combination of Sections, in addition to the foregoing a statement of any jurisdiction **of the existing Sections** that will not **be included in the jurisdiction of the new Section** be carried into the combination.~~

Article VIII—Section and State Bar Entity Activity; Public Policy

Section 1—Annual Reports.

For purposes of this Article:

(1) "State Bar entity" means a body created by action of the Board of Commissioners or Representative Assembly, and any suborganization of such a body, but does not include a Section or suborganization of a Section. **As used in this Article, "Section" includes a suborganization of a Section.**

(2) – (4) [Unchanged]

Section 2—Reports Containing Recommendations.

(1) Every Section or State Bar entity requesting State Bar endorsement of a recommended position shall submit a report to the Board of Commissioners and/or Representative Assembly using a template format provided by the State Bar. The report may be submitted electronically. Any report containing a recommendation shall:

(a) – (d) [Unchanged]

(e) Include the text of any legislation, court rule, or administrative regulation, **amicus brief, or other written declaration of policy** that is the subject of the request or is otherwise referenced in the report. If the report is submitted electronically, the text and references may be included by hyperlink.

(f) Not exceed the equivalent of five 8 1/2" x 11" typewritten pages, **excluding the text required by Section 2(e)**, unless a waiver of this limitation is obtained from the Executive Director.

(2) [Unchanged]

Section 7—Public Advocacy by Sections

(1) The only State Bar bodies permitted to take positions on policy issues other than Keller-permissible policy issues are Sections funded by the voluntary dues of their members.

Before a Section may publicly advocate any public policy position in a new bar year, the officers of the Section shall submit to the Executive Director a signed acknowledgement that they have reviewed, understand, and agree to abide by the provisions of this Article. This acknowledgement shall be made on a form provided by the State Bar no later than October 1 of each year.

A Section shall notify the Executive Director of the adoption of a public policy position, **whether Keller-permissible or not**, within 10 days of taking the position **and may not publicly advocate a public policy position until the Executive Director reviews the public policy position for compliance with the provisions of this Article within 2 days of notification.** A Section may not publicly advocate a public policy position unless **the subject matter is within the jurisdiction of the Section and the policy position is adopted in accordance with the Section's bylaws and the requirements of this Article.**

the following requirements are met:

(a) The subject matter is within the jurisdiction of the Section.

(b) The policy position is adopted in accordance with the Section's bylaws and the requirements of this Article;

(c)

The Executive Director of the State Bar **must** receive ~~has received~~ the following by mail or e-mail:

(i) a copy of the report, recommendation, amicus brief, or other written declaration of the policy;

(ii) a statement that the requirements of this Article have been satisfied.

(2) – (5) [Unchanged]

Section 8—Public Policy Activity by Entities other than Sections Funded by Voluntary Member Dues

A State Bar entity created by the Board of Commissioners or Representative Assembly may make recommendations to the Board of Commissioners or Representative Assembly on a Keller-permissible

policy as directed by the Board of Commissioners or Representative Assembly, respectively. The State Bar entity shall not publicly advocate a public policy position that has not been adopted by the Board of Commissioners or Representative Assembly unless authorized to do so **by a majority vote of the Board of Commissioners or Representative Assembly.**

Section 9—Conditions for Public Advocacy

(1) A Section **funded by voluntary dues** or entity of the State Bar that publicly advocates a public policy position on a matter must include ~~the following information~~ in **any** its written communication to any external entity concerning the public policy position **the following statements:**

(a) The Section or State Bar entity is not the State Bar of Michigan but rather a State Bar entity or a Section whose membership is voluntary.

~~(ab) If the State Bar has no position on the matter, a statement that the position expressed is that of the State Bar entity only, and that the State Bar has no position on the matter.~~

~~(b) If the State Bar has a position on the matter, a statement of the State Bar entity's position and a statement of the position of the State Bar. **The position expressed is that of the Section or State Bar entity only, and that the State Bar has no position on the matter, or, if the State Bar has a position on the matter, what that position is.**~~

(2) In any oral public advocacy, Sections and entities of the State Bar are responsible for ensuring that the information above has been effectively communicated to the audience ~~to which the advocacy is addressed~~ **receiving the communication.**

(3) For written communications other than amicus briefs, a Section **or State Bar entity** publicly advocating a public policy position shall also include the following information:

(a) ~~The number of members~~ **total membership** of the Section **or State Bar entity.**

(b) The process **used by the Section or State Bar entity to take a public policy position.** ~~by which the position of the State Bar entity was taken.~~

(c) The number of members in the body that adopted the position on behalf of the Section.

~~(ed) **The number who voted in favor and opposed to the position.** vote by which the position was adopted.~~

(4) The information required above must be effectively communicated in any amicus briefs, but may be provided in a footnote, attachment, or statement of interest.

(4) [Unchanged]



FY 2022-23 COMMITTEE RESOLUTION

Foundational Principles

Committees Do Not Speak for the State Bar of Michigan.

Regardless of its jurisdiction, SBM committees, task forces, commissions and/or work groups do not speak for the State Bar of Michigan. To the extent that any public activity or programming can be interpreted as a decision of the State Bar of Michigan or an expression of an ideological viewpoint, the activity or programming must be authorized in advance, in accordance with the bylaws of the State Bar of Michigan. Further, standing and special committees do not have authority to bestow an award or significant honor. Any award or significant honor recommended by a standing or special committee must be approved by the Board of Commissioners or Representative Assembly, as appropriate.

Committees Are Advisory to the Board of Commissioners.

Unless explicitly noted otherwise in their jurisdictions, committees are advisory to the Board of Commissioners.

Committees Are Encouraged to Collaborate.

Committees with overlapping subject-matter jurisdictions are encouraged to communicate regularly about their committees' work and collaborate where appropriate.

Definitions

| | |
|--------------------------------|--|
| Commissioner Committees | Work supports the deliberations of the Board of Commissioners. Membership is primarily accomplished by members of the Board of Commissioners, but committee membership may be supplemented to meet needs for particular expertise. |
| Standing Committee | Work expected to be ongoing, at least throughout the life cycle of the current Strategic Plan. In making standing committee recommendations and appointments, special attention should be paid to experience and continuity. |
| Special Committee | Work is intended to accomplish a complex but discrete mission, typically lasting at least one year but not exceeding any single Strategic Plan cycle. In making special committee recommendations and appointments, special attention should be paid to the expertise and representation of interested or affected communities. Recruitment from the leadership of sections and local and affinity bars is often essential. |
| Workgroups | Work is intended to be short-term and narrowly defined. It often reflects an unanticipated need or opportunity not evident during the annual planning of committee work. Workgroups may be formed at any time within a bar year, often on recommendation of a committee to the President, in whom the bylaws invest the authority of appointment. In making workgroup appointments, special attention should be paid to expertise and ability to commit to a fast-paced work schedule. |

Resolution

RESOLVED: That, pursuant to Article VI of the Bylaws of the State Bar of Michigan, the Board of Commissioners adopt the committees of the State Bar of Michigan for FY 2022-23 with the following changes from the FY 2021-22 committee roster.

- Changes to the jurisdiction statements of four committees:
 - Affordable Legal Services Committee
 - Access to Justice Policy Committee
 - Judicial Ethics Committee
 - Professional Ethics Committee
- Conversion of the current Professionalism and Civility Workgroup to a permanent special committee, titled Professionalism and Civility Committee

TO: Board of Commissioners
FROM: Strategic Planning Committee
DATE: May 31, 2022
RE: **FY 2022-2023 Committee Recommendations**

As part of its jurisdiction, the Strategic Planning Committee is tasked with reviewing and making recommendations concerning committees. Based on recommendations of SBM staff and Strategic Planning Committee discussions, the Committee makes the following committee recommendations for FY 2022-2023 to the Board of Commissioners:

I. Jurisdictional Updates

Affordable Legal Services Committee

Recommended change:

A minor change to the 2022-2023 jurisdiction statement to reflect that the name of the Access to Justice Committee was changed to the Justice Initiatives Committee. The Affordable Committee's current jurisdiction statement currently provides the following: "Conferring and coordinating regularly at least annually with the Access to Justice and Online Legal Resources and Referral Center committees." CHANGE TO: "Conferring and coordinating regularly at least annually with the Justice Initiatives and Online Legal Resources and Referral Center committees."

Jurisdiction Statement (with proposed change)

Support the State Bar of Michigan's access to justice and member services goals by:

- Reviewing, developing, and recommending innovative practices to provide low-cost legal services and evaluating efforts to expand access to affordable legal services for persons of modest means, including low bono services; non-profit law firms and sliding scale civil legal services; online dispute resolution and alternative dispute resolution services; lean process analysis, both at law practice and court administrative levels; alternative fee agreements; and fixed fee packages.
- Identifying the need for any workgroups to support the jurisdiction of the committee
- Conferring and coordinating regularly at least annually with the Justice Initiatives and Online Legal Resources and Referral Center committees
- Identifying possible collaborations to support the committee's jurisdiction
- Reviewing and evaluating metrics

Note: This committee may have more than 15 members.

Access to Justice Policy Committee

Recommended change:

A minor change to the 2022-2023 jurisdiction statement. Change the third bullet of the committee's jurisdiction statement to mirror its counterparts in Criminal Jurisprudence and Practice and Civil Procedure and Courts committees: "Collaborating with other State Bar committees to provide feedback on proposed administrative, court rule, and statutory changes related to civil practice in the courts."

Jurisdiction Statement (with proposed change)

Support the State Bar of Michigan's public policy program by:

- Reviewing and making recommendations on proposed court rules and legislation concerning access to justice, particularly access policy issues that impact underserved populations
- Making recommendations for administrative, court rule, and statutory changes concerning access to justice, particularly access policy issues that impact underserved populations
- Collaborating with other State Bar committees to provide feedback on proposed administrative, court rule, and statutory changes related to civil practice in the courts.

Judicial Ethics Committee

Recommended change:

The recommended change in jurisdiction statement is not a change in substantive role of the committee but rather to clarify the role of the committee with greater specificity.

Proposed Jurisdiction Statement:

The jurisdiction of the Standing Committee on Judicial Ethics is derived from authority granted under the Board of Commissioners and oversight provided by the Professional Standards Committee. The Standing Committee on Judicial Ethics offers analysis and guidance concerning the Michigan Code of Judicial Conduct, and, to the extent that they relate to judicial conduct in Michigan, on provisions of the Michigan Rules of Professional Conduct, the ABA Model Rules of Professional Conduct, and other applicable standards of professional conduct, as well as emerging issues of professional conduct affecting judges and judicial candidates by:

- Rendering informal advisory opinions on judicial ethics, which are published on the State Bar of Michigan website.
- Rendering proposed formal advisory opinions for consideration by the Board of Commissioners.
- Update published opinions as rules, case law, and legislation are modified.
- Recommend amendments and provide comments to proposed amendments to the Michigan Code of Judicial Conduct and other standards of professional conduct that relate to judicial conduct, to the Board of Commissioners or Representative Assembly for consideration.
- Provide comments and recommend amendments to court rules or legislation affecting professional ethics that relate to judicial conduct and report such recommendations to the Board of Commissioners or Representative Assembly for consideration.
- Drafting resources relevant to professional ethics as it relates to judicial conduct, which are published on the State Bar of Michigan website.
- Consult with external stakeholders on various professional ethics topics.
- Consult with the Judicial Tenure Commission to discuss trends, data, and insights as it relates to judicial conduct and needed advisory guidance.
- Review and evaluate available metrics measuring the effectiveness of national and state efforts to reduce conduct subject to judicial discipline.

Note: Members are nominated by and drawn from among the membership of the judicial bench, Michigan Judges Association, the Michigan Probate Judges Association, the Michigan District Judges Association, the Michigan

Association of District Court Magistrates, and the Referees Association of Michigan. Pursuant to operating rules adopted by the Board of Commissioners, informal ethics opinions and other general resources of this Committee are made public on the Committee's own initiative, without approved of the Board of Commissioners. This Committee may have more than 15 members.

Professional Ethics Committee

Recommended change:

The recommended change in jurisdiction statement is not a change in substantive role of the committee but rather to clarify the role of the committee with greater specificity.

Proposed Jurisdiction Statement:

The jurisdiction of the Standing Committee on Professional Ethics is derived from authority granted under the Board of Commissioners and oversight provided by the Professional Standards Committee. The Standing Committee on Professional Ethics offers analysis and guidance concerning the Michigan Rules of Professional Conduct, and, to the extent that they relate to attorney conduct in Michigan, provisions of the Michigan Code of Judicial Conduct, the ABA Model Rules of Professional Conduct, and other applicable professional conduct standards, as well as emerging issues of professional conduct affecting lawyers:

- Rendering informal advisory opinions on professional ethics, which are published on the State Bar of Michigan website.
- Rendering proposed formal advisory opinions on professional ethics for consideration by the Board of Commissioners.
- Update published opinions as rules, case law, and legislation are modified.
- Recommend amendments and provide comments to proposed amendments to the Michigan Rules of Professional Conduct and other standards of professional conduct that relate to lawyer conduct, to the Board of Commissioners or Representative Assembly for consideration.
- Provide comments and recommend amendments to court rules or legislation affecting professional ethics that relate to lawyer conduct and present recommendations to the Board of Commissioners or Representative Assembly for consideration.
- Drafting resources relevant to professional ethics as it relates to lawyer conduct, which are published on the State Bar of Michigan website.
- Consult with external stakeholders on various professional ethics topics.
- Consult with the Attorney Grievance Commission and the Attorney Discipline Board to discuss trends, data, and insights as it relates to lawyer conduct and advisory guidance.
- Review and evaluate available metrics measuring the effectiveness of national and state efforts to reduce conduct subject to professional discipline and promote professionalism and civility.

Note: Pursuant to operating rules adopted by the Board of Commissioners, informal ethics opinions and other general resources of this Committee are made public on the Committee's own initiative, without approval of the Board of Commissioners. This Committee may have more than 15 members. "

II. Recommendation for Conversion of the Professionalism and Civility Workgroup to the Professionalism and Civility Committee

A recommendation to convert the current Professionalism and Civility Workgroup to a permanent special committee titled Professionalism and Civility Committee has been made with the support of State Bar of Michigan staff and the leadership of the current workgroup. The workgroup was created in January 2019 by then State Bar of Michigan

President Jennifer Grieco. It has continued its work during the subsequent bar years and has a proposed work plan for FY 2022-23. It is requested as a special committee rather than a standing committee since it is anticipated that the number of members will exceed 15.



SBM Committee Jurisdictions

FY2022-23 with Proposed Changes

Standing Committees

Professional Standards

- Character & Fitness
- Client Protection Fund
- Judicial Ethics
- Judicial Qualifications
- Lawyers & Judges Assistance
- Law School Deans
- Professional Ethics
- Professionalism and Civility Committee
- Unauthorized Practice of Law

Public Policy

- Access to Justice Policy
- American Indian Law

- Civil Procedure & Courts
- Criminal Jurisprudence & Practice
- United States Courts

Communications & Member Services

- Awards
- Michigan Bar Journal
- Public Outreach & Education

Implementation & Innovation

- Affordable Legal Services
- Diversity & Inclusion Advisory
- Justice Initiatives
- Online Legal Resource & Referral Center
- Past Presidents Advisory Council

Character and Fitness Committee

Support the work of the State Bar of Michigan conducted under the direction and authority of the Board of Law Examiners and Michigan Supreme Court by:

- Investigating the character and fitness of candidates for admission to the Bar pursuant to Rule 15, Section 1, of the Supreme Court Rules Concerning the State Bar of Michigan. This work product is provided to the Board of Law Examiners for its consideration. The work product is not provided to, or subject to approval by, the Board of Commissioners or Representative Assembly.
- Making recommendations on changes to rules concerning admissions related to character and fitness, and SBM interaction with Michigan law schools concerning character and fitness
- Meeting on a biennial basis with the Board of Law Examiners
- Determining how the committee's work might interact with and support the work of the Professional Ethics, Judicial Ethics, Lawyers and Judges Assistance, and Client Protection Fund committees, including through conferring and coordinating regularly with them on trends, data, insights, and metrics
- Suggesting metrics for measuring the effectiveness of the work carried out by the Character and Fitness committee

Note: This committee may have more than 15 members. The work of this committee is conducted pursuant to the authority, and under the oversight of, the Board of Law Examiners. The committee's and district committees' work product is not provided to, or subject to review by, the Board of Commissioners or any other entity of the State Bar of Michigan.

Client Protection Fund

Advise the Board of Commissioners on the operation of the Client Protection Fund program pursuant to the [Client Protection Rules](#) adopted by the Board of Commissioners by:

- Making recommendations on the reimbursement of claims authorized by the Board of Commissioners
- Proposing or advising on revisions to rules and policies concerning the Client Protection Fund
- Recommending subrogation actions to recoup monies paid from the Client Protection Fund
- Reviewing and recommending loss prevention measures to minimize claims and public loss
- Determining how the committee's work might interact with and support the work of the Professional Ethics, Judicial Ethics, Lawyers and Judges Assistance, and Character and Fitness committees, including through conferring and coordinating regularly with them on trends, data, insights, and metrics
- Being aware of and discussing metrics measuring the effectiveness

Judicial Ethics Committee

The jurisdiction of the Standing Committee on Judicial Ethics is derived from authority granted under the Board of Commissioners and oversight provided by the Professional Standards Committee. The Standing Committee on Judicial Ethics offers analysis and guidance concerning the Michigan Code of Judicial Conduct, and, to the extent that they relate to judicial conduct in Michigan, on provisions of the Michigan Rules of Professional Conduct, the ABA Model Rules of Professional Conduct, and other applicable standards of professional conduct, as well as emerging issues of professional conduct affecting judges and judicial candidates by:

- Rendering informal advisory opinions on judicial ethics, which are published on the State Bar of Michigan website.
- Rendering proposed formal advisory opinions for consideration by the Board of Commissioners.
- Update published opinions as rules, case law, and legislation are modified.
- Recommend amendments and provide comments to proposed amendments to the Michigan Code of Judicial Conduct and other standards of professional conduct that relate to judicial conduct, to the Board of Commissioners or Representative Assembly for consideration.
- Provide comments and recommend amendments to court rules or legislation affecting professional ethics that relate to judicial conduct and report such recommendations to the Board of Commissioners or Representative Assembly for consideration.
- Drafting resources relevant to professional ethics as it relates to judicial conduct, which are published on the State Bar of Michigan website.
- Consult with external stakeholders on various professional ethics topics.
- Consult with the Judicial Tenure Commission to discuss trends, data, and insights as it relates to judicial conduct and needed advisory guidance.
- Review and evaluate available metrics measuring the effectiveness of national and state efforts to reduce conduct subject to judicial discipline.

Note: Members are nominated by and drawn from among the membership of the judicial bench, Michigan Judges Association, the Michigan Probate Judges Association, the Michigan District Judges Association, the Michigan Association of District Court Magistrates, and the Referees Association of Michigan. Pursuant to operating rules adopted by the Board of Commissioners, informal ethics opinions and other general resources of this Committee are made public on the Committee's own initiative, without approved of the Board of Commissioners. This Committee may have more than 15 members.

Judicial Qualifications Committee

As requested by the Governor, evaluate candidates for possible appointment to judicial vacancies and report in confidence to the Governor.

Note: The evaluations of this committee are advisory only to the Governor and are not provided to, or subject to approval by, the Board of Commissioners or Representative Assembly. The chief staff attorney of the Attorney Grievance Commission serves as reporter for this committee. Chairs of the committee may serve more than three two-year terms. This committee may have more than 15 members.

Lawyers and Judges Assistance Committee

Propose and support measures to advance the well-being of lawyers, judges, and law students by:

- Recommending, developing, and supporting programs and educational presentations that provide assistance to law students, lawyers, and judges regarding substance use issues, mental health issues, anxiety, and general wellness
- Reviewing and making recommendations concerning proposed statutes and court rules affecting assistance to lawyers and judges faced with personal and professional problems related to substance use and mental health issues
- Monitoring national trends and data on attorney and judge wellness and treatment
- Determining how the committee's work might interact with and support work of the Professional Ethics, Judicial Ethics, Character and Fitness, and Client Protection Fund committees, including by conferring and coordinating regularly with them on trends, data, insights, and metrics
- Being aware of and discussing metrics measuring the effectiveness of national and state efforts to reduce attorney drug and alcohol addiction and depression
- Reviewing and evaluating metrics measuring

Note: The LJAP committee may develop and carry out programming consistent with this jurisdiction and within allocated budgetary resources, without explicit approval by the Board of Commissioners or Professional Standards committee. This committee may have more than 15 members and may include non-State Bar members.

Law School Deans Committee

Confer on issues and subjects that affect the law schools of Michigan and the State Bar, and its members, including legal preparation, law school admissions, education, standards, and testing of candidates for admission to the bar.

Note: This committee meets upon the initiative of a majority of the Michigan law school deans. Its membership includes the officers of the State Bar and the executive director of the Board of Law Examiners.

Professional Ethics Committee

The jurisdiction of the Standing Committee on Professional Ethics is derived from authority granted under the Board of Commissioners and oversight provided by the Professional Standards Committee. The Standing Committee on Professional Ethics offers analysis and guidance concerning the Michigan Rules of Professional Conduct, and, to the extent that they relate to attorney conduct in Michigan, provisions of the Michigan Code of Judicial Conduct, the ABA Model Rules of Professional Conduct, and other applicable professional conduct standards, as well as emerging issues of professional conduct affecting lawyers:

- Rendering informal advisory opinions on professional ethics, which are published on the State Bar of Michigan website.

- Rendering proposed formal advisory opinions on professional ethics for consideration by the Board of Commissioners.
- Update published opinions as rules, case law, and legislation are modified.
- Recommend amendments and provide comments to proposed amendments to the Michigan Rules of Professional Conduct and other standards of professional conduct that relate to lawyer conduct, to the Board of Commissioners or Representative Assembly for consideration.
- Provide comments and recommend amendments to court rules or legislation affecting professional ethics that relate to lawyer conduct and present recommendations to the Board of Commissioners or Representative Assembly for consideration.
- Drafting resources relevant to professional ethics as it relates to lawyer conduct, which are published on the State Bar of Michigan website.
- Consult with external stakeholders on various professional ethics topics.
- Consult with the Attorney Grievance Commission and the Attorney Discipline Board to discuss trends, data, and insights as it relates to lawyer conduct and advisory guidance.
- Review and evaluate available metrics measuring the effectiveness of national and state efforts to reduce conduct subject to professional discipline and promote professionalism and civility.

Note: Pursuant to operating rules adopted by the Board of Commissioners, informal ethics opinions and other general resources of this Committee are made public on the Committee's own initiative, without approval of the Board of Commissioners. This Committee may have more than 15 members. "

Professionalism and Civility Committee

The Special Committee on Professionalism and Civility intends to be a resource to lawyers, judges, and those involved in the administration of justice to help promote the highest standards of personal conduct of lawyers and judges in the practice of law as articulated in Michigan Supreme Court Administrative Order No. 2020-23 - Professionalism Principles ("Professionalism Principles") and any subsequent orders.

The Special Committee will maintain an educational and promotional plan to (i) help ensure that the culture of the legal profession is consistent with the Professionalism Principles and (ii) secure commitments from those who participate in the legal profession to comply with the Professionalism Principles. The Committee will develop a consistent message to be used by the Committee and will enlist others to help educate and work with all stakeholders in the administration of justice, including lawyers, judges, court staff, law firms, public and private employers of lawyers, law students, law schools, applicants to be admitted to the State Bar of Michigan, and others who participate in the legal process, including members of the public.

Unauthorized Practice of Law Committee

Provide advice on and support for the State Bar of Michigan's unauthorized practice of law responsibilities under Rule 16 of the Supreme Court Rules Concerning the State Bar of Michigan:

- Proposing and supporting measures to educate the public and the legal profession about unauthorized practice of law issues
- Providing guidance to the Board of Commissioners concerning matters involving the alleged unauthorized practice of the law (UPL), including recommendations on the filing and prosecuting of actions to enjoin the unauthorized practice of law.
- Proposing and advising on revisions to courts rules and legislation related to the unauthorized practice of law

- Determining how the committee’s work might interact with and support work of the Professional Ethics, Public Outreach and Education, and Affordable Legal Services committees, including through conferring and coordinating regularly with them on trends, data, insights, and metrics
- Reviewing and evaluating metrics for measuring the effectiveness of efforts to carry out the responsibilities of the State Bar of Michigan under Rule 16, MCL 600.916, and MCL450.681

Notes: UPL activity of the State Bar of Michigan is subject to the ongoing oversight of the Michigan Supreme Court and recommendations of the committee on specific UPL prosecution must be approved by the Board of Commissioners. This committee may have more than 15 members.

Access to Justice Policy Committee

Support the State Bar of Michigan’s public policy program by:

- Reviewing and making recommendations on proposed court rules and legislation concerning access to justice, particularly access policy issues that impact underserved populations
- Making recommendations for administrative, court rule, and statutory changes concerning access to justice, particularly access policy issues that impact underserved populations
- Collaborating with other State Bar committees to provide feedback on proposed administrative, court rule, and statutory changes related to civil practice in the courts.

American Indian Law Committee

Support the State Bar of Michigan’s efforts to support effective and appropriate interaction between sovereign tribal courts and state and federal courts, and on the practice of law in those courts by:

- Reviewing and making recommendations on relevant proposed court rules and legislation
- Proposing court rule, legislative, or policy changes to advance more effective and appropriate interaction between sovereign tribal courts and state and federal courts

Civil Procedure and Courts Committee

Support the public policy program of the State Bar of Michigan by:

- Reviewing and making recommendations on proposed court rules and legislation related to civil practice in the courts
- Making recommendations for administrative, court rule, and statutory changes concerning improvements in the administration, organization, and operation of Michigan state courts.
- Collaborating with other State Bar committees to provide feedback on proposed administrative, court rule, and statutory changes related to civil practice in the courts.

Note: This committee may have more than 15 members.

Criminal Jurisprudence and Practice Committee

Support the public policy program of the State Bar of Michigan by:

- Reviewing and making recommendations on proposed court rules and legislation related to criminal jurisprudence and practice
- Making recommendations for administrative, court rule, and statutory changes concerning improvements in criminal jurisprudence and practice

- Collaborating with other State Bar committees to provide feedback on proposed administrative, court rule, and statutory changes related to criminal jurisprudence and practice in the courts

Note: This committee may have more than 15 members.

United States Courts Committee

Provide advice and recommendations concerning the State Bar of Michigan’s interaction with federal courts in Michigan and on practice of law in those courts by:

- Reviewing and making recommendations on proposed federal court rule amendments
- Proposing court rule, legislative, or policy changes to improve practice in federal courts in Michigan
- Developing and collaborating on projects and events focused on federal practice and the relationship between state and federal courts

Awards Committee

Support the nomination process for and recommend recipients of awards made in the name of the State Bar of Michigan, by:

- Assisting in the management of the timetable for soliciting, reviewing, and recommending award nominations
- Providing input on effective solicitation of awards to ensure a high-quality pool of diverse nominees
- Providing recommendations on the establishment of new awards or discontinuation of existing awards
- Offering guidance on how best to honor awardees and create an inspiring and accessible online archive of award recipients

Bar Journal Committee

Provide recommendations to the Board of Commissioners on any changes concerning the Michigan Bar Journal consistent with the State Bar’s strategic plan and provide regular editorial assistance to the editor of the Michigan Bar Journal by:

- Developing annual plans for the content of each Michigan Bar Journal issue
- Soliciting and reviewing submissions to the Michigan Bar Journal
- Make recommendations to the Board of Commissioners on any substantial changes to the publication of the Michigan Bar Journal, including format, number of issues, and budget
- Recommending collaborations to advance the communication and member service objectives of the Strategic Plan
- Reviewing and evaluating metrics for evaluating the effectiveness of the Michigan Bar Journal

Public Outreach and Education Committee

Support the public education services of the State Bar of Michigan

- Assisting in developing educational events and programs advancing lay understanding of law and the legal profession, with particular emphasis on community programs, including Law Day and Constitution Day
- Providing review and recommendations concerning the State Bar of Michigan’s online resources available to the public
- Exploring and assessing opportunities for collaboration in public outreach consistent with SBM strategic goals with local bar associations, non-legal professional associations, and other external entities
- Conferring and coordinating regularly with the Unauthorized Practice of Law committee to discuss how each committee’s work might interact with and support the other’s work

- Recommending Michigan Legal Milestones that commemorate significant cases, events, places and people in the State’s legal history, and upon approval of the Board of Commissioners, helping implement the milestone and its celebration
- Reviewing reports on effectiveness of public outreach programming based on evaluation metrics and utilizing these reports as a basis for recommending improvements in content, or modification or discontinuation of programs.

Note: This committee may have more than 15 members.

Affordable Legal Services Committee

Support the State Bar of Michigan’s access to justice and member services goals by:

- Reviewing, developing, and recommending innovative practices to provide low-cost legal services and evaluating efforts to expand access to affordable legal services for persons of modest means, including low bono services; non-profit law firms and sliding scale civil legal services; online dispute resolution and alternative dispute resolution services; lean process analysis, both at law practice and court administrative levels; alternative fee agreements; and fixed fee packages.
- Identifying the need for any workgroups to support the jurisdiction of the committee
- Confering and coordinating regularly at least annually with the Justice Initiatives and Online Legal Resources and Referral Center committees
- Identifying possible collaborations to support the committee’s jurisdiction
- Reviewing and evaluating metrics

Note: This committee may have more than 15 members.

Diversity and Inclusion Advisory Committee

Support the diversity goals of the SBM Strategic Plan by:

- Identifying strategies to promote a diverse and inclusive voice in all State Bar of Michigan work and communications
- Recommending practices, tools and strategies to advance diversity and inclusion at the SBM staff level, section and committee levels, and throughout the justice system
- Encouraging examination of the status of diversity and inclusion efforts of Michigan law firms, courts, and law schools
- Suggesting methods for celebrating successful diversity and inclusion efforts
- Identifying the need for any workgroups to support the jurisdiction of the committee
- Identifying possible collaborations to support

Note: This committee may develop and carry out collaborative programs consistent with this jurisdiction, and within allocated budgetary resources, with approval of the Executive Committee.

Justice Initiatives Committee

Support the State Bar’s access to justice efforts by:

- Developing and recommending proposals for proactive programs to benefit underserved populations, including the poor, racial and ethnic minorities, gender identity, juveniles, domestic violence survivors
- Supporting resources for civil legal aid programs
- Providing recommendations and support for the State Bar’s pro bono legal services program
- Recommending John W. Cummiskey Award recipient

- Identifying the need for any workgroups to support the jurisdiction of the committee
- Conferring and coordinating regularly with the Access to Justice Policy, Affordable Legal Services, and Online Legal Resource and Referral committees on common strategic goals
- Identifying possible collaborations to support

Note: This committee may have more than 15 members and may include non-State Bar members.

Online Legal Resource and Referral Center Committee

Provide guidance and recommendations concerning the development and operation of the SBM Online Legal Resource and Referral Center, and the integration of the State Bar’s pilot lawyer referral (LRS) program into the Center, through:

- Identifying strategies for the recruitment of qualified LRS panel members
- Evaluating pilot progress
- Proposing standards and rules for participation
- Suggesting potential collaborations
- Advising on marketing to the public
- Reviewing and advising on integration with SBM enhanced profile directory and tools
- Assessing metrics to help measure the effectiveness of the Online Legal Resource and Referral Center in advancing Strategic Plan goals
- Providing input on how ethics rules relate to the pilot and its development
- Conferring and coordinating regularly with the Justice Initiatives and Affordable Legal Services committees
- Suggesting metrics to measure the effectiveness of the Online Legal Resource and Referral Center and lawyer referral program efforts
- Identifying the need for any workgroups to support the jurisdiction of the committee.

Past Presidents Advisory Council

Provide counsel and recommendations on all matters concerning the State Bar, at the request of the Board of Commissioners.

Note: The membership of the committee consists of all past presidents of the State Bar of Michigan.

SBM

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