

MICHIGAN

BAR JOURNAL

OCTOBER 2024

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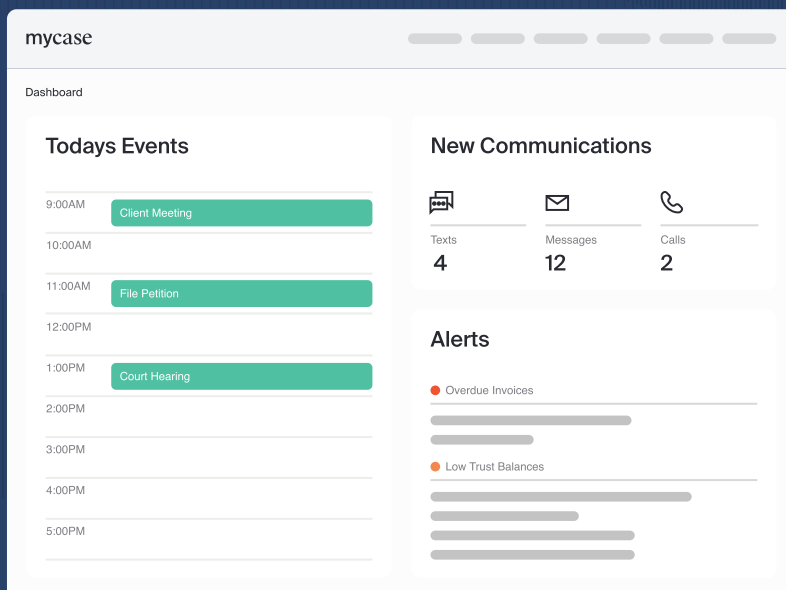
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2024-2025





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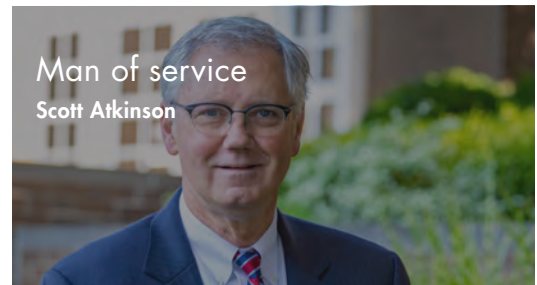
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MICHIGAN
BAR
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OCTOBER 2024 • VOL. 103 • NO. 09

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For a complaint filed after Dec. 31, 1986, the rate as of July 1, 2024, is 4.359%. This rate includes the statutory 1%.

A different rule applies for a complaint filed after June 30, 2002, that is based on a written instrument with its own specific interest rate. The rate is the lesser of:

13% per year, compounded annually; or

The specified rate, if it is fixed — or if it is variable, the variable rate when the complaint was filed if that rate was legal.

For past rates, see <https://www.michigan.gov/taxes/interest-rates-for-money-judgments>.

As the application of MCL 600.6013 varies depending on the circumstances, you should review the statute carefully.

DUTY TO REPORT AN ATTORNEY'S CRIMINAL CONVICTION

All Michigan attorneys are reminded of the reporting requirements of **MCR.9120(A)** when a lawyer is convicted of a crime

WHAT TO REPORT:

A lawyer's conviction of any crime, including misdemeanors. A conviction occurs upon the return of a verdict of guilty or upon the acceptance of a plea of guilty or no contest.

WHO MUST REPORT:

Notice must be given by all of the following:

1. The lawyer who was convicted;
2. The defense attorney who represented the lawyer; and
3. The prosecutor or other authority

WHEN TO REPORT:

Notice must be given by the lawyer, defense attorney, and prosecutor within 14 days after the conviction.

WHERE TO REPORT:

Written notice of a lawyer's conviction must be given to **both**:

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PNC Center
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AUTHOR: PATRICK T. BARONE

Patrick T. Barone has an "AV" (highest) rating from Martindale-Hubbell, and since 2009 has been included in the highly selective *U.S. News & World Report's America's Best Lawyers*, while the Barone Defense Firm appears in their companion *America's Best Law Firms*. He has been rated "Seriously Outstanding" by Super Lawyers, rated "Outstanding/10.0" by AVVO, and has recently been rated as among the top 5% of Michigan's lawyers by *Leading Lawyers* magazine.



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SEPTEMBER 2025 (TBD)



MEMBER SUSPENSION FOR NONPAYMENT OF DUES

This list of active attorneys who are suspended for nonpayment of their State Bar of Michigan 2023-2024 dues is published on the State Bar's website at michbar.org/generalinfo/pdfs/suspension.pdf.

In accordance with Rule 4 of the Supreme Court's Rules Concerning the State Bar of Michigan, these attorneys are suspended from active membership effective Feb. 15, 2024, and are ineligible to practice law in the state.

For the most current status of each attorney, see our member directory at directory.michbar.org.

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IN MEMORIAM

HON. HAROLD M. BULGARELLI, P11371, of Commerce Township, died May 28, 2024. He was born in 1931, graduated from Wayne State University Law School, and was admitted to the Bar in 1961.

HON. ROBERT J. DeGRAND, P12628, of Gladstone, died Sept. 6, 2024. He was born in 1943, graduated from University of Michigan Law School, and was admitted to the Bar in 1968.

HOWARD B. GAVE, P26932, of Saginaw, died Aug. 25, 2024. He was born in 1946, graduated from University of Detroit School of Law, and was admitted to the Bar in 1976.

JOHN J. HOFFMAN, P31807, of West Palm Beach, Florida, died Sept. 6, 2024. He was born in 1951, graduated from University of Detroit School of Law, and was admitted to the Bar in 1980.

BRUCE A. KARASH, P15707, of Saint Clair Shores, died April 9, 2024. He was born in 1937, graduated from Wayne State University Law School, and was admitted to the Bar in 1963.

JOHN R. PARNELL, P31022, of Saint Clair Shores, died Aug. 24, 2024. He was born in 1949, graduated from Detroit College of Law, and was admitted to the Bar in 1980.

STUART PINSKY, P23336, of Warren, died Oct. 8, 2023. He was born in 1949,

graduated from Wayne State University Law School, and was admitted to the Bar in 1973.

ALBERT T. QUICK, P60740, of Traverse City, died Aug. 20, 2024. He was born in 1939, graduated from Wayne State University Law School, and was admitted to the Bar in 1968.

BARRY SHOULTS, P33563, of Lapeer, died Sept. 1, 2024. He was born in 1951, graduated from Detroit College of Law, and was admitted to the Bar in 1981.

LOUIS A. SMITH, P20687, of Traverse City, died Sept. 6, 2024. He was born in 1939, graduated from University of Michigan Law School, and was admitted to the Bar in 1965.

HADLEY J. WINE, P22428, of Southfield, died Jan. 17, 2024. He was born in 1945, graduated from Wayne State University Law School, and was admitted to the Bar in 1970.

PAUL L. WOLFF, P36492, of Highland, died Aug. 9, 2024. He was born in 1956, graduated from University of Detroit School of Law, and was admitted to the Bar in 1984.

In Memoriam information is published as soon as possible after it is received. To notify us of the passing of a loved one or colleague, please email barjournal@michbar.org.



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NEWS & MOVES

ARRIVALS AND PROMOTIONS

CONOR M. BOWERS has joined the Detroit office of Bodman.

CARMEN GOODSON has joined Kreis Enderle as an associate in its Grand Rapids office.

CHRISTOPHER M. MANN has joined Var-num as a partner in its Birmingham office.

FRANK A. MISURACA has joined Collins Einhorn Farrell in Southfield.

JAMERIKA RAMSEY has joined Plunkett Cooney's Bloomfield Hills office.

JEONG SEO has joined Fishman Stewart in Troy as an associate.

RAQUEL S. SPORTEL has joined Warner Norcross + Judd in Grand Rapids as an associate.

CHRISTOPHER J. ZDARSKY has joined the Grand Rapids office of Butzel as a shareholder.

AWARDS AND HONORS

GEANEEN M. ARENDS with Butzel in Detroit has been recognized as a Notable Black Business Leader by Crain's Detroit Business.

KELLI L. BAKER, a partner with Plunkett Cooney in Grand Rapids, was recognized on the Michigan Lawyers Weekly list of Influential Women of Law for 2024.

AARON BURRELL with Dickinson Wright in Detroit has been recognized as a No-

table Black Business Leader by Crain's Detroit Business.

BUTZEL has been recognized on Crain's 2024 Best Places to Work list.

JOHN JOSEPH (J.J.) CONWAY with J.J. Conway Law in Royal Oak has been recognized on Michigan's Leading Lawyers list for 2024 in the category of employee benefits.

MADELAINE C. LANE, a partner with Warner Norcross + Judd in Grand Rapids, was recognized on the Michigan Lawyers Weekly list of Influential Women of Law for 2024.

SHANIKA A. OWENS with Butzel in Detroit was recognized on the Michigan Lawyers Weekly list of Influential Women of Law for 2024.

REBECCA L. WEEKLEY with Williams Williams Rattner & Plunkett in Birmingham was recognized on the Michigan Lawyers Weekly list of Influential Women of Law for 2024.

LEADERSHIP

KATHLEEN CIESLIK, a partner with Varnum in Birmingham, has been appointed to the board of directors for the Planned Giving Roundtable of Southeast Michigan.

JONATHAN E. LAUDERBACH, executive partner at the Midland office of Warner Norcross + Judd, has been elected to the board for the Gerald R. Ford Presidential Foundation.

JOSEPH PETERSON with Plunkett Cooney in Bloomfield Hills was named vice chair of

the Oakland County Bar Association Tax Law Committee.

PETER RAGEAS with the Law Offices of Peter C. Rageas in Royal Oak has been appointed to the Wayne County Ethics Board.

MOVES

BUTZEL relocated its Ann Arbor office to 101 North Main Street, Suite 200.

J.J. CONWAY LAW has relocated to 150 W. 2nd Street, Suite 250 in Royal Oak.

VARNUM's Naples, Florida, office has moved to 4501 Tamiami Trail North.

NEW OFFICE

HOWARD H. COLLENS has opened Collens Estate Law in Huntington Woods.

PRESENTATIONS, PUBLICATIONS, AND EVENTS

GEORGE D. CAMERON III, emeritus professor of business law with the University of Michigan, authored the second book of the In the Age of Nixon series, titled, "Richard Nixon's Court: Pruning the Judicial Branch."

An article authored by **JAMES A. JOHNSON** of James A. Johnson, Esq. in Southfield and **THOMAS CRANMER** of Miller Canfield in Troy titled "Civil RICO: A Tool of Advocacy" appeared in the winter 2004 edition of The Brief, the American Bar Association magazine focused on tort and insurance law.

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Systematically achieving results

BY MARJORY RAYMER

Chances are when you meet Joseph McGill — and chances are pretty decent that you *will* meet him — you will find him in casual conversation doing far more listening than talking. A scholar with six degrees, McGill is naturally inquisitive, eager to learn, and committed to understanding and representing his fellow attorneys' views and ideas.

McGill is the 90th president of the State Bar of Michigan. Elected by his fellow Board of Commissioners colleagues into leadership, McGill brings an eagerness to meet attorneys, hear their concerns, and bring those issues to the forefront during his one-year term.

Since being sworn in by Michigan Supreme Court Justice Brian K. Zahra on Sept. 19, McGill has crisscrossed the state, meeting with attorneys at annual conferences, luncheons, meetings, and even a golf outing. Every event is an opportunity to serve and to learn, and he says it is an honor to get to know so many attorneys and to work on behalf of the profession he loves.

"If someone had told me 35 years ago that I would be sitting here, I would not have believed them," McGill said.

To others, though, it seems only natural that McGill has risen yet again into leadership. Joe seems to always rise to the top, from president of his college fraternity to the Catholic Lawyers Society Detroit, the Incorporated Society of Irish American Lawyers, Irish Network Detroit (formerly known as the Michigan Irish American Chamber of Commerce), the State Bar Representative Assembly, and now the entire State Bar.

He credits football for teaching him how to methodically work toward his goals. Under the glow of the Friday night lights, McGill saw how training and persistence shaped him into a strong player and a formidable lineman.

"You learn that if you set goals and you are systematic about it, you can achieve results," McGill said.

Some of his teammates from Royal Oak Shrine High School went on to play Big Ten-level football, but even back then, McGill had his sights set a legal career. Still, he does reminisce a bit about his glory days on the field.



Joe McGill knew from an early age he wanted to become an attorney.

"I still have four years of eligibility left," he jokes.

James Heath, Wayne County Corporation counsel and 2022-2023 SBM president, calls McGill an inspiration.

"I cannot think of another person I admire more than Joe. He is one of the hardest working commissioners I've ever seen, and I think he is going to be one of our best State Bar presidents ever," Heath said. "I am proud to be a lawyer practicing under his leadership."

A GOOD START IS HALF THE WORK

The youngest of 11 children, McGill hails from a proud Irish-Catholic family. They had food delivered from wholesalers and his eldest brother graduated from law school when Joe was in elementary school.

The family lived in the Detroit suburb of Oak Park. His father, William, was known to most people simply as "Doc," and his medical office was on the same block as the family home. He walked to work and back home for lunch every day and continued to treat patients well into his 80s. His mother, Betty, earned a bachelor's degree in music and worked briefly as an elementary school teacher before becoming a stay-at-home mom.



Joe McGill pictured with his wife, Lauren, and son, William, at the Great Lakes Legal Conference on Mackinac Island this summer.

Young Joe watched and learned from a young age. He saw his older brothers and sisters grow into adults and took note of their youthful missteps and successes. Like all of us, he certainly had his own adventures growing up, but "I learned quite a bit about what not to do from my older siblings," he said with a chuckle.

When Joe went off to college at Michigan State University, Betty McGill went back to college, too, studying humanistic psychology, earning a master's degree at the age of 60, and starting another career as a therapist. She practiced for 10 years before retiring.

The couple lived to see all 11 of their children grow to become successful adults in their own right — including several healthcare professionals, teachers, a park ranger, and, of course, lawyers in the mix — before passing. William Henry McGill died at age 85 in 2004, and Elizabeth Jane McGill passed at age 95 in 2020.

HAVING SOMEWHERE TO GO IS HOME; HAVING SOMEONE TO LOVE IS FAMILY; HAVING BOTH IS A BLESSING

It was a beautiful day in 1975 and 10-year-old Joe was in awe of the pomp and circumstance as his brother, Liam, graduated from the University of Detroit Law School. The day was filled with greatness and promises for more.

"I was hooked," McGill said. "Honestly, I never saw myself being anything other than an attorney."

McGill prioritized his education, even over football. He graduated from high school in 1982 and got an associate's degree from Oakland Community College that same year. He headed off to Michigan State University, where he earned his bachelor's degree in finance, then went to the University of Detroit, where he simultaneously earned his law degree and MBA. He finished up at Wayne State University Law School with two master of law degrees — one in corporate and finance law and a second in taxation.

He started his career as a commercial litigator at a large firm where he became coordinator for the firm's pro bono efforts. While there, he got involved with a State Bar committee on pro bono services. In 2003, he and a group of other attorneys formed their own firm in Livonia now known as Foley, Baron, Metzger & Juip, where McGill is a member. Community engagement is a hallmark for the firm and one fully embraced by McGill.

It seems only natural that McGill married a fellow attorney. He married Lauren after what they would later discover was a series of serendipitous near-meetings that would be fit for a Hallmark movie. He proposed on her birthday in a castle during a trip to Ireland.

Together, they have one son, William Henry McGill III, named in honor of Joe's father. The family lives in Plymouth, where Lauren McGill also runs her own private practice.

In his spare time, McGill dives the Great Lakes exploring old shipwrecks. He's been a certified master diver since 1995, and he also is a competitive racquetball player. He has completed one marathon (which should be enough) and several half marathons. He is also an expert downhill skier.

THE LONGEST ROAD OUT IS THE SHORTEST ROAD HOME

McGill first ran for the SBM Board of Commissioners in 2014 in the competitive Wayne County District H but lost by one vote to none other than James Heath. Undeterred, McGill instead landed a seat on the Representative Assembly and quickly was elected to its leadership, which also afforded him a seat on the Board of Commissioners and its Executive Committee.

Along the way, McGill sought out Heath, introducing himself at a luncheon. He approached with no animosity, only with an eagerness to learn as he prepared to run again for election to the Board of Commissioners. The two became fast friends — and carpool buddies. As Heath traveled the district to meet with his attorney constituents, McGill was a constant companion, going anywhere and everywhere to meet attorneys and campaign for his election.

McGill easily won the District H election in 2018, prevailing over six highly qualified candidates for the lone open seat. Sometimes, he is still a bit in awe of the opportunities he is afforded. He has been able to meet legal legends like Dennis Archer, Victoria Roberts, and Reggie Turner (all former SBM presidents) and break bread with a series of mentors who inspire him daily.

"Professionally, it's very enriching and both intellectually rigorous and stimulating," McGill said. "The way the governance is set up, you really get an opportunity to get involved and make a difference."

He also has been able to have an inside view of the many programs and services offered by the State Bar of Michigan, participating in and leading the Professional Standards, Finance & Audit, Communications and Member Services, and Public Policy committees. As president, McGill wants to educate attorneys about the many resources available to them through the Bar including ethics guidance, practice management assistance, and wellness services.

While on the Board of Commissioners, McGill has been appointed to head a special workgroup on artificial intelligence. That group expects to issue its report early next year summarizing the current



James Heath, Joe McGill, and Michael J. Brady volunteer in 2023 to pack lunches for the Food for Seniors program through Focus: HOPE.

issues around AI and outlining steps for the State Bar to address the emerging issue.

When he looks over his years of Bar involvement, McGill expresses deep gratitude for the mentors, knowledge, and friendships he's gained. He shrugs off the endless hours he has given back, conceding a true reverence for the profession and his true motivation for attending all those meetings, luncheons, and chicken dinners.

"Attorneys are trusted advisers, officers of the court, and defenders of the rule of law," he said. "Our work is not easy and is often thankless, so I want to meet as many Michigan attorneys as I can to say thank you. Thank you for what you do for your clients, your communities, and our system of justice."

Marjory Raymer is director of communications for the State Bar of Michigan.



MAN OF SERVICE

2024-2025 REPRESENTATIVE ASSEMBLY
CHAIR JOHN W. REISER

BY SCOTT ATKINSON

For John W. Reiser, service isn't something he just happened upon. It's how he was raised.

"My parents were involved in public service," he said, and rattled off some of their community service endeavors including the parish council, president of the ski club, and the local charter commission. His mother was a county commissioner.

Growing up, serving and being involved in the community was just part of what people do.

"When you have the ability to help others, you do."

Reiser is certainly continuing the family tradition. Currently serving as the senior assistant city attorney for the City of Ann Arbor, he has been a council member of the Cannabis Law and Criminal Law sections of the State Bar of Michigan, a board member for the Washtenaw chapter of the Women Lawyers Association of Michigan, and president of the Washtenaw County Bar Association.

His most recent accomplishment: becoming chair of the State Bar of Michigan Representative Assembly.

Reiser was officially sworn in on Sept. 19 after two decades of service to the RA, where his work has included chairing both the calendar and drafting committees. He also served on the Assembly Review Committee.

In his one-year term as chair, he has some big goals. He plans to continue outreach efforts he's been a part of with Michigan's tribal courts, address the shortage of attorneys in parts of Michigan, and increase RA membership.

Reiser was part of a group of RA members who visited the Nottawaseppi Huron Band of the Potawatomi Tribal Court and met with Judge Melissa M. Pope, who subsequently swore Reiser into office.

In addition to visiting the court, Reiser and other Board of Commissioners and Representative Assembly members attended a powwow and gained insight into Judge Pope's work on restorative justice.

While continuing to strengthen tribal relationships, he also said he wants to address the issue of legal deserts.

"You have the unavailability of attorneys in certain areas, you've got long distances from the court, you've got limited English-speaking ability, you've got poverty, the lack of internet or broadband, all of which make it harder for a lot of people to access justice, to access the court system, and to have their legal needs met," he said.

Reiser's legal career only makes up for a portion of his resume, however. Beyond getting involved in the legal profession, he finds himself involved, well, pretty much everywhere.

A resident of Scio Township just west of Ann Arbor, Reiser got to know the township supervisor when he visited the township offices to advocate for the construction of sidewalks to link several adjacent subdivisions. When a Scio Township trustee seat opened up in 2022, the board unanimously chose Reiser to fill it. He has recently been elected to retain his seat.

He became a board member of the Home of New Vision drug and alcohol treatment center in Ann Arbor, something that stemmed from his day job.

"As an assistant prosecuting attorney, I saw firsthand the impact that drugs and alcohol can have on somebody, through the commission of a crime or being the victim of someone who's committed a crime," he said. "So, I wanted to do what I can to volunteer for organizations that address that as a root cause."

Reiser also is a member of the Ann Arbor branch of the NAACP, past chair of the Ypsilanti Township Planning Commission, a member of Prosecuting Attorneys' Association of Michigan Traffic Safety Forum, former president of the Washtenaw County Assistant Prosecuting Attorneys' Association, and board member of the Wheatland Music Organization. He also plays keyboard in an all-lawyer band, Soul Practitioners (get it?) who play for charity events, many of which have to do with functions pertaining to the law.

How does a guy who has a day job as a city attorney do all that?

Reiser isn't exactly sure. When asked, he turned to his wife, Patricia, also an attorney and SBM member, and asked her.

"Hey Trish, how do I have so much time for so much stuff? Or don't I?"

Her reply came quickly.

"You don't," she said, laughing.

After thinking it over a moment, Reiser said, "You just kind of make it work."

Scott Atkinson is communications specialist for the State Bar of Michigan.

Congratulations **Bill Wolfson!**



Your selection as the 2024 recipient of the **Frank J. Kelley Distinguished Public Service Award** is a fitting recognition of your decades of selfless public service and your passion for upholding the highest standards of integrity, fairness, leadership, and excellence in your practice of law.

You have made a significant, lasting impact through all you have accomplished in southeast Michigan. Your GLWA family is proud of you!



Congrats!

Foley, Baron, Metzger & Juip, PLLC congratulates
Joseph McGill on becoming the 90th president
of the State Bar of Michigan!



JOSEPH P. MCGILL

MEMBER

JMcGill@fbmjlaw.com | 734.742.1825

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STATE BAR OF MICHIGAN

PRESIDENTIAL INAUGURATION & AWARDS LUNCHEON 2024

A time to honor our best



Photos courtesy of Bryan Esler Photo

A time to honor our best

2024 STATE BAR OF MICHIGAN AWARDS

BY SCOTT ATKINSON

ROBERTS P. HUDSON AWARD **MAURA D. CORRIGAN**



Former Michigan Supreme Court Chief Justice Maura D. Corrigan was honored with the State Bar of Michigan's Robert P. Hudson Award, the highest accolade bestowed by the Bar.

Corrigan's dedication to public service is evident through her impressive legal career. She served as a state and federal prosecutor and from 1979

to 1986 was assistant U.S. attorney in the Eastern District of Michigan before quickly rising to become chief assistant U.S. attorney.

In 1992, she was appointed to the Michigan Court of Appeals, where she distinguished herself as a leading intellect in Michigan jurisprudence. Her contributions led her to the Michigan Supreme Court, where she served two terms, including one as chief justice. During her tenure, she became known for her leadership and collegiality and enhancing the court's functionality, which earned her national respect.

Beyond her judicial career, Corrigan made a significant impact as the head of the Michigan Department of Human Services. Under

her leadership, DHS served over 2 million clients and employed 12,000 people. Her tenure was marked by remarkable achievements, particularly in foster care. Having a keen understanding of the situations foster children find themselves in and the unique challenges they face, Corrigan spearheaded initiatives that resulted in vast improvements of the children's lives. Her efforts led to 90% of children in the system being adopted and significantly improved high school graduation rates among foster children as well. Around the time she got involved with DHS it was common for most foster children not to finish high school, but by the end of her tenure she had helped to reverse this trend, with the majority graduating and earning a diploma. She also forged partnerships with local colleges to support foster children in pursuing higher education.

The Robert P. Hudson Award honors those who demonstrate an unselfish rendering of outstanding and unique service to and on behalf of the State Bar of Michigan, the legal profession, and the public. For Corrigan's service in the courtroom on both sides of the bench and for the work and results she has given her community, the State Bar on Michigan proudly bestows her with his award.

FRANK J. KELLEY DISTINGUISHED PUBLIC SERVICE AWARD EDWARD PLawecki



In recognition of his extraordinary governmental service, Edward Plawecki was one of two attorneys honored with the Frank J. Kelley Distinguished Public Service Award.

Plawecki's commitment to public service and the legal profession is evident throughout his extensive career. He has served in numerous capacities, including as general counsel and deputy director for the Michigan Department of Civil Rights. In this role, he played a pivotal part in promoting and protecting civil rights across the state. His leadership and expertise were instrumental in advancing the department's mission and ensuring the fair treatment of all individuals.

Beyond his work with the Michigan Department of Civil Rights, Plawecki served with distinction as a district court judge, starting the 20th District Court's first alternative work program and community education programs. He has been active in several public sec-

tor labor issues, including restructuring chapter 9 bankruptcy for the City of Detroit, emergency management problems and economic hardships faced by several communities, and various issues related to higher education, among them diversity and inclusion. He has also served on multiple boards and committees.

Plawecki's impact extends to his role as an educator. As an adjunct professor at several universities, he has mentored and inspired countless students, shaping the next generation of legal professionals. His teaching has been characterized by a deep understanding of the law and a passion for sharing his knowledge with others. In 2018, he was appointed to serve on the Board of Trustees of Central Michigan University, his alma mater.

Throughout his career, Edward Plawecki has exemplified the spirit of the Frank J. Kelley Distinguished Public Service Award through his unwavering commitment to public service, his contributions to the legal profession, and his dedication to education and community service.

FRANK J. KELLEY DISTINGUISHED PUBLIC SERVICE AWARD WILLIAM WOLFSON



In recognition of his leadership in the legal profession with a career spanning five decades, William M. Wolfson was honored with the Frank J. Kelley Distinguished Public Service Award.

Wolfson has shown leadership in improving Michigan's justice system. He collaborated with the Wayne County Clerk, Prosecutor, and

Third Circuit Court to expedite restitution payments to crime victims. He restructured Wayne County's juvenile justice service delivery system, lowering recidivism rates, increasing treatment options, and eliminating the county's juvenile system's structural deficit. He also negotiated an intergovernmental agreement to provide municipal and law enforcement services in Highland Park when the city couldn't provide them on its own.

As Great Lakes Water Authority chief administrative and compliance officer, Wolfson shaped environmental policies to protect Michigan waterways and promote environmental justice. He drafted the policy for GLWA's Water Residential Assistance Program, aiding over 35,000 households since its inception in March 2016.

He also helped negotiate a 30-year model contract with the City of Flint to ensure high-quality water for residents.

At the City of Detroit, Wolfson served as Mayor Dennis Archer's representative on the Charter Revision Commission and point person on casino gaming. He was also parliamentarian to the city council and legal counsel to the city's cable commission and election commission. He has influenced Michigan case law and legislation, mentored countless attorneys, and shared his extensive knowledge of municipal law.

Wolfson also has been deeply involved in his community, serving on the board of directors of the Detroit Zoological Society Board and Life Directions, helping at-risk youth. As chairman of the Detroit-Wayne County Stadium Authority, he helped bring major events to Comerica Park and Ford Field, catalyzing economic development in Michigan. Wolfson's dedication to public service and community improvement has left a lasting impact on both the legal and local communities.

CHAMPION OF JUSTICE AWARD MARILENA DAVID



Marilena David was one of four winners of the 2024 Champion of Justice Award.

David, deputy director at the State Appellate Defender Office, epitomizes integrity and dedication to the highest principles of the legal profession. She has become known among colleagues for her focus on creating effective solutions, which foster a vibrant workplace. More importantly, David's commitment has improved the lives of those affected by Michigan's criminal legal system by providing crucial information, tools, and enhancing lawyers' advocacy skills.

In 2012, David initiated and managed sessions with families of incarcerated individuals to provide them with critical information. In 2016, David launched Project Reentry to assist juvenile lifers transitioning home, and later expanded the program to support a broader range of incarcerated individuals. The project includes publications, a resource database, workshops, and dedicated staff.

David has also worked with other organizations to further other causes, including her leadership to develop a Michigan Depart-

ment of Corrections' "video visit" system, which strengthens attorney-client relationships. Recognizing the need for quality training after SADO merged with the Michigan Appellate Assigned Counsel System in 2015, she developed comprehensive training programs for roster attorneys, which are now attended statewide.

From 2015-2022, David managed the Criminal Defense Resource Center, providing education and resources to Michigan's criminal defense bar. In 2023, she established a Black Defender Mentorship Group to address the need for mentorship among SADO's Black attorneys.

She developed annual leadership training programs for SADO's leadership team, enhancing their supervisory skills, and is a sought-after trainer nationwide, providing high-level training on various topics to public defender offices across the country. Her work raises the bar for public defenders nationwide and improves office culture and leadership skills.

David's superior professional competence and dedication to excellence and empathy inspire her colleagues and have made a significant, lasting impact on the legal community.

CHAMPION OF JUSTICE AWARD ANDREW DENSEMO



Andrew Densemo was one of four winners of the 2024 Champion of Justice Award.

Densemo has become known for his integrity and adherence to the highest principles and traditions of the legal profession, approaching every client with the same energy and commitment regardless of the case's complexity or societal perceptions. His representation of defendants in challenging federal cases — from complex fraud to tragic sex offenses, drug conspiracies, and material support of terrorism — underscores his belief that everyone deserves competent and effective representation.

As an assistant federal defender since 1991, he has represented over 1,000 defendants and negotiating countless plea agreements. His ability to present cases to the bench impartially, relying solely on his deep understanding of the law and his clients' rights, has earned him the respect of judges and peers. He's earned a reputation for seeking fair and just sentences for all his convicted clients,

even in the face of opposition from prosecutors and judges. Prior to his career as an assistant defender, he represented hundreds of clients at the juvenile and state defender offices and in private practice. He has taken more than 500 cases to trial.

One of Densemo's most extraordinary professional accomplishments is his tireless advocacy against the mandatory federal sentencing guidelines' disparity in crack cocaine cases. Densemo continuously argued against the harsh penalties that disproportionately impacted Black defendants. His unwavering commitment to this cause contributed to the landmark Supreme Court case *Spears v. United States* in 2009, which allowed federal judges to reject the 100-to-1 ratio in crack cases.

Densemo's career is marked by humility, dedication, and a steadfast belief in the principles of justice. He exemplifies the qualities of the State Bar of Michigan's Champion of Justice Award. His work has left an indelible mark on the legal profession, and his courageous advocacy continues to inspire those around him.

CHAMPION OF JUSTICE AWARD BONSITU KITABA-GAVIGLIO



Bonsitu Kitaba-Gaviglio was one of four 2024 winners of the Champion of Justice Award.

Throughout her career, Kitaba-Gaviglio has demonstrated an unwavering commitment to her clients and their causes. Whether it is preventing water shutoffs, stopping mass deportations, advocating for women's rights, or championing civil rights claims — she steps up to the plate.

Kitaba-Gaviglio is known for being a thorough researcher and for being meticulous in her preparation. Every day, she demonstrates her respect for the legal profession and her commitment to her clients' best interests. She is noted for consistently stepping up to take on new, complex matters in emerging subject areas. She immerses herself in the intricacies of the law, works to stay abreast of the latest developments and precedents, and always ensures that her clients receive the highest level of representation.

As one colleague put it: "Bonsitu makes herself an expert in everything she does."

She has built a reputation for litigation and policy expertise by drafting, researching, and advocating for a successful ballot proposal. On the national level, she also has been a resource for other states by providing guidance and assistance whenever asked. She responds quickly, strategically, and effectively to ensure her clients' rights are protected.

As a civil rights attorney for 10 years, Kitaba-Gaviglio is dedicated to helping others and to building a more fair and just society. She grew up in Canada, attended Wayne State University Law School, and recently became a U.S. citizen so she can vote on the issues to which she has dedicated her career.

For consistently demonstrating superior professional competence and for providing unwavering commitment to her clients and the legal profession, Kitaba-Gaviglio was honored as one of this year's winners.

CHAMPION OF JUSTICE AWARD ERIKA RIGGS



Erika Riggs was one of four winners of this year's Champion of Justice Award.

A partner with the Disability Law Group, Riggs has earned a reputation for holding herself to the highest standards of the legal profession. She is also a community leader who has earned a reputation for being a problem solver and innovator.

Her leadership skills have led her to be regularly sought out by community nonprofit organizations and other attorneys seeking advice.

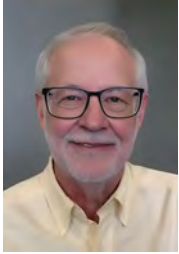
While still in law school, Riggs founded the 313 Project, a nonprofit organization, to encourage student involvement, mentorship with professionals, community service, and pro bono legal advice. Now more than a decade into her career, Riggs has dedicated her career to helping thousands of Michigan residents with their claims for disability benefits from the Social Security Administration and the Department of Veterans Affairs.

She co-founded the Disability Law Group just over five years ago and has continued to be known for her commitment to her clients. This year the firm will hold its sixth annual Free Legal Aid & Resource Fair, which is open to the public and free of charge to attend. Through the fair, Riggs and her colleagues have connected hundreds of people in need of legal advice or representation with attorneys who can help them, with many of those attorneys from outside her own firm.

In addition to the fair, Riggs also spearheaded her firm's podcast, "Disability Lawyers for the Community," where she connects the public with community resources that provide needed services and support. The podcast also highlights local community heroes and their work.

Riggs is often sought out by leaders of nonprofits, other attorneys, and law firms for her expert advice. She also frequently volunteers in her community including, most recently, the University of Michigan, the Oakland County Bar Association, local law firms, and area nonprofit organizations.

JOHN W. REED MICHIGAN LAWYER LEGACY AWARD GARY MAVEAL



Gary Maveal, professor emeritus of the University of Detroit Mercy Law School, received the John W. Reed Michigan Lawyer Legacy Award, which is given periodically to a Michigan law school educator whose influence on lawyers has elevated the quality of legal practice in our state.

Prior to his teaching career, Maveal was an assistant U.S. attorney in Detroit from 1984-1988, where he chaired the hiring committee, was acting chief of the appellate division, and won the Director's Award for Outstanding Service.

Throughout his tenure as a professor at Detroit Mercy Law, Maveal dedicated himself to imparting not only legal knowledge but also a deep understanding of the lawyer's role in advancing social justice. He taught courses in civil procedure, evidence, and remedies, molding countless students into adept legal practitioners.

Beyond the classroom, Maveal served as administrator for Detroit Mercy Law's American Inn of Court Program for nearly three

decades, mentoring hundreds of law students and helping them refine their trial advocacy skills. Many of his former students continue to contribute to the program, a testament to his enduring legacy of assisting students on their paths to becoming professionals.

Maveal's influence extends beyond teaching; his scholarly contributions have significantly shaped Michigan's legal landscape. He published extensively in the Michigan Bar Journal, for which he served as both editor and as a member of the advisory committee, and in other practitioner publications. His writing covered a broad range of issues in both civil and criminal law, usually focusing on complex matters of importance to practicing Michigan attorneys. Consistently delving into critical issues affecting the state's legal system through his writing, he demonstrated his commitment to enhancing legal practice and jurisprudence in Michigan.

His service on committees like the Attorney Discipline Board further underscores his dedication to advancing professional standards within the legal community.

JOHN W. CUMMISKEY PRO BONO AWARD WENDOLYN RICHARDS



Wendolyn Richards has been honored with the 2024 John W. Cummiskey Award by the State Bar of Michigan for her exceptional dedication to pro bono service and community impact.

Richards is deeply involved in professional and civic groups such as the Lawyers' Committee for Civil Rights Under Law, Access to Justice Fund Statewide Steering Committee, Goodwill Detroit, and the Association of Pro Bono Counsel, where she has co-chaired its Voting Rights Task Force for over six years. Richards is also the co-chair of Miller Canfield's Election Law group and the Resident Director of its Detroit office.

Richards was instrumental in creating the Road to Restoration initiative, a dynamic public-private partnership designed to support Michigan residents restore their driving privileges started. Through the program, volunteer attorneys work with partners at the Michi-

gan Department of State, DTE Energy, Detroit Justice Center, United Way agencies, and various participating local court administrators to offer free comprehensive assistance to those in need. To date, we have served almost 10,000 Michiganders, hosted 52 clinics in more than 20 cities, and trained over 120 pro bono attorneys.

Richards's other accomplishments include working with the ACLU of Michigan to obtain an injunction in a national habeas class action to prevent the imminent deportation of hundreds of Iraqi nationals without due process in immigration courts. During the COVID-19 pandemic, Richards addressed the devastating economic effects by working with legal service organizations to establish the remote COVID-19 Small Business Clinic in Michigan.

Richards's career at Miller Canfield and her leadership in various civic and professional organizations exemplify her commitment to social justice and legal excellence.

LIBERTY BELL AWARD ELAINE STOCKING



Elaine Stocking won the 2024 State Bar of Michigan Liberty Bell Award. Also the winner of the 2023 Ingham County Bar Association Liberty Bell Award, Stocking has 50 years of experience working in various roles in Michigan courts, including her service as a judicial assistant for five judges.

Stocking began working “the window” in the 54-A District Court as soon as she graduated high school, was later trained as a clerk, and became a judicial assistant for judges Claude Thomas and Charles Filice. In addition to her own duties, Stocking would help court reporters by typing up transcripts when they needed help, something she was not required to do. During this time she also earned a bachelor’s degree from Michigan State University. She retired from the position after 25 years.

She went on to work for Judge Pamela McCabe, Judge Thomas Boyd (now a state court administrator), and stayed on with Judge

Richard Hillman until her second retirement in 2022. “I have always enjoyed coming in every single day,” she said when she retired. “If you love what you do, it’s not work.”

During her time working in courts, attorneys came to know her as the go-to person whenever they had a question on anything related to the court. In addition to her work in the courts, Stocking is a regular volunteer at the Ingham County Animal Shelter — sometimes even rushing to the shelter during her lunch hour.

Despite two retirements, Stocking remains a resource at the 55th District Court, answering questions from court employees as needed and occasionally stepping in as a substitute judicial assistant.

“If you had a question and you contacted Elaine,” one colleague said, “things were going to be all right.”

UN Sung HERO AWARD ELIZABETH HOHAUSER



Elizabeth Hohausser is this year’s winner of the State Bar of Michigan Representative Assembly’s Unsung Hero Award. The award honors an attorney who has exhibited the highest standards of practice and commitment for the benefit of others. Hohausser won for her work with children in the Michigan foster care system, her dedication to helping her clients, and the

service she provides for her community.

A 2000 graduate of the University of Detroit Mercy Law School, Hohausser, who also earned a bachelor’s degree in education from Michigan State University, decided to become a lawyer to make a positive impact on her community. Since then, she has continued that mission in not only her career but her personal life.

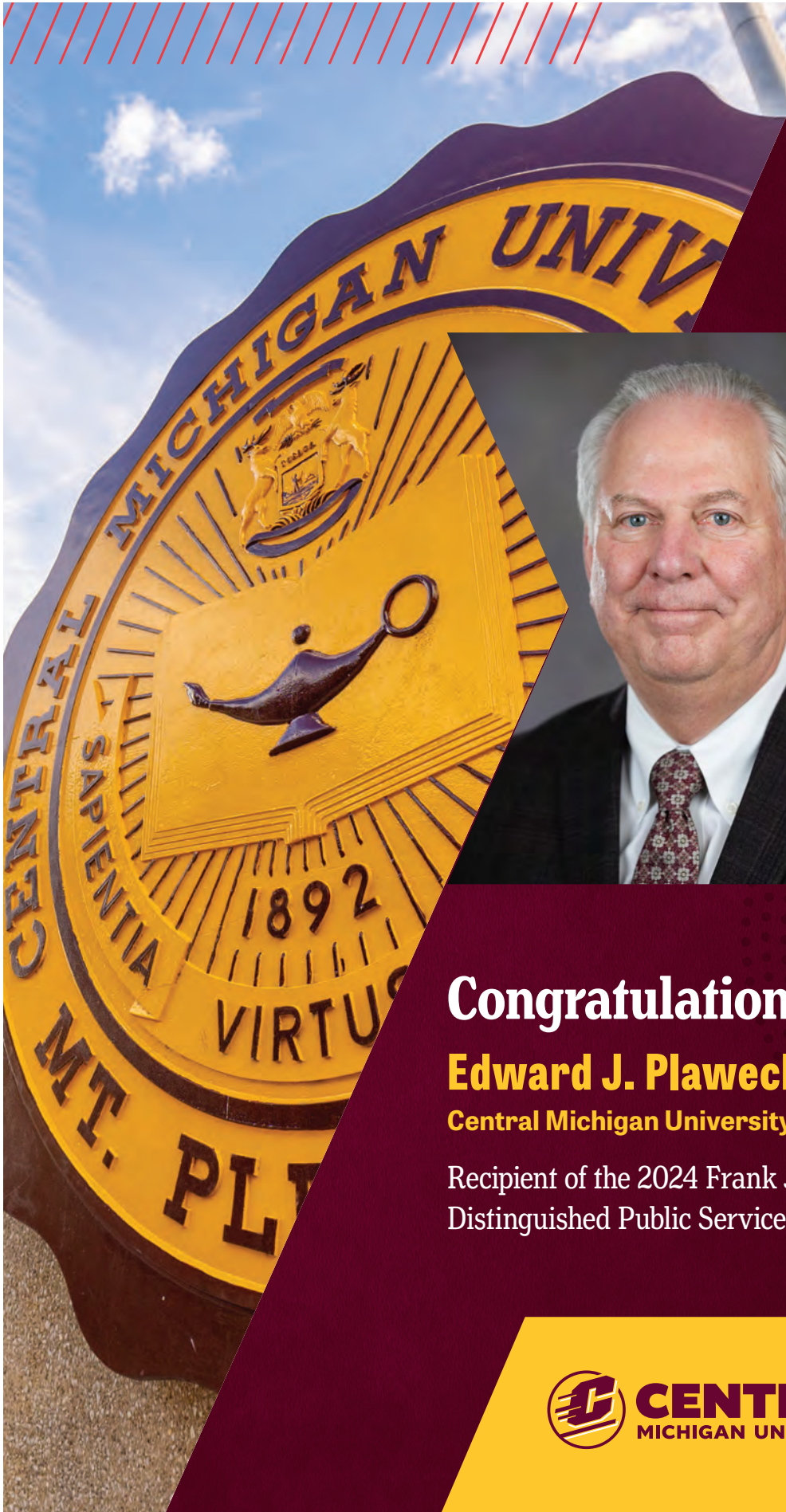
Hohausser served as director of legal services and policy for The New Foster Care and as an attorney for Collins Einhorn Farrell,

Hohausser Kuchon, and Eagle Automation Services, where she was also business manager before opening her own solo litigation practice in 2018.

Throughout her career, Hohausser has developed a reputation for going above and beyond the call of duty as an attorney. One of her former pro bono clients, a victim of domestic abuse, said that Hohausser had not only helped her through her legal battles, but gave her the emotional support needed to thrive in her personal life.

In addition to her legal career, Hohausser is active in her community. She volunteers with elementary students for mock trial, offers pro bono legal services to underserved communities, and co-hosts an annual youth law conference for high school students.

When she is not working, she spends time gardening, chasing chickens out of the garage, and camping with her family and two dogs.



Congratulations

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BEST PRACTICES

What you don't know may hurt you: Cannabis businesses' obligation to notify the Cannabis Regulatory Agency

BY EMILY CANTOR AND ROBERT HENDRICKS

An old adage states that what you don't know won't hurt you. While this may be true in some contexts, it is certainly not the case when it comes to regulatory compliance for businesses licensed by the Michigan Cannabis Regulatory Agency (CRA).¹

In that arena, licensees, owners, managers, and advisors should know and understand precisely the events and circumstances that must be reported to CRA; how to make those reports in a proper and timely fashion; and recognize the consequences of failing to report. Failure to report may jeopardize a licensee's financial stability or its ability to continue doing business altogether.

THE RULES

CRA is statutorily mandated to promulgate rules "to implement, administer, and enforce" Michigan marijuana law.² Those rules, designated R420.1 through R420.1004, "ensure the safety, security, and integrity of the operation of [medical] marijuana" facilities and "standards for safe cultivation, processing, and distribution of [adult use] marijuana."

It is clear that the agency is very serious about its responsibility to ensure the safety and security of marijuana produced and sold by its licensees and used by consumers.³ To assist in early identification of potentially problematic situations, the rules impose obligations to call specific matters to CRA's attention. However, ambiguities in these rules create risk of noncompliance for even the most well-meaning applicant or licensee.

APPLICANT OR LICENSEE?

Rules 420.14 and 420.15 are explicitly designed to identify matters that trigger an obligation for an applicant to notify CRA. Rules 420.802 and 420.804 impose similar notice obligations on a licensee. Though

not defined in the rules, a "licensee" is typically understood to mean the specific person or entity to whom the license is issued. "Applicant" is a broader term that includes both the person or entity applying to hold a marijuana license as well as related and affiliated persons.⁴

At first blush, the rules for applicants and licensees may appear identical, but there are subtle differences between the sets. Many of the differences have minimal practical impact. However, some create material differences in the matters to be reported or the time frame for reporting. For example, the rules require licensees to notify CRA upon removal of an employee from a position for misconduct related to marijuana sales or transfers, but no such obligation applies to applicants. As another example, licensees have 10 business days to notify CRA of initiation of a lawsuit involving the licensee while an applicant has only 10 calendar days to provide this notification with respect to the applicant.⁵ If a licensee waits two weeks to notify CRA of a lawsuit, he or she has failed to comply with the time frame based on parallel status as an applicant.

For purposes of compliance with the CRA notice rules, all persons holding marijuana licenses and those associated with the licensee should first determine whether they are within the scope of the rules and then ensure they carefully review the correct rules pertaining to their statuses as licensees or applicants.⁶ Additionally, licensees should remember that they also fall within the definition of an applicant and should endeavor to comply with the more restrictive set of notification rules in the event of a conflict.⁷

WHAT TO REPORT?

Broadly speaking, CRA rules regarding notification pertain to two categories of events:

- 1) Material changes to business operations and
- 2) Unplanned adverse events involving the applicant or licensee. These can include criminal, civil, or disciplinary proceedings or charges asserted against an applicant or licensee, alleged municipal cannabis ordinance violations, the occurrence of an unwanted fire, or court appointment of a person to exercise control over the licensee.

Because CRA rules arise in the context of a highly regulated product, many matters triggering a notification obligation are expected. For example, applicants and licensees have an ongoing duty to keep CRA informed of up-to-date contact information including mailing addresses, phone numbers, and email addresses.⁸ However, other notification requirements contain broad language for categories of reportable matters without sufficient guidance to determine whether CRA would construe specific facts to be subject to them. A careful reading of the rules and regular reviews are important first steps, but licensees, applicants, and advisors should recognize that many of the words CRA uses in the rules are not explicitly defined. Many have a common-sense meaning, but sometimes one person's common sense differs from another's. When in doubt, asking CRA about its interpretation and practices and erring on the side of notification can avoid significant frustration — and potentially a formal rule violation citation and steep fine.

WHEN TO REPORT?

CRA rules include express deadlines to report unplanned adverse events. For example, under R420.14(4), an applicant has three business days to report criminal, civil, or disciplinary proceedings or charges even if those matters occur in another state or jurisdiction or have no connection to the licensee's cannabis business.⁹

With respect to material changes to business operations, licensees and applicants are required to notify CRA prior to making the proposed change.¹⁰ While notification rules themselves don't explicitly require CRA approval of the change, prior approval of material changes to a licensee's business is required under other sections of the rules.¹¹ If there is any question as to whether a change constitutes a proposed material change under either the notification rules or the prior approval requirements, the licensee should contact CRA¹² to explain the situation and communicate any urgency with respect to the change.

HOW TO REPORT?

In addition to directions contained in its detailed instruction manual, CRA has created a variety of forms for licensees to provide required notices; they can be found at www.michigan.gov/cra/resources/applications.¹³ According to the instruction manual, reporting forms must be filed using the CRA citizen access portal,¹⁴ so unless the person submitting the information to CRA has access to the licensee's portal account, the information cannot be submitted.

With that in mind, some preplanning is required in advance of material change. Licensees and applicants should designate approved portal users to submit prompt notification in cases when the reportable material change or event occurs suddenly.

BUT I DIDN'T KNOW...

Ignorance is not bliss. Based on interactions with CRA following formal complaints for failure of licensees or applicants to provide required notices of material changes and other reportable events, it appears that lack of knowledge has no weight with CRA. Its view is that licensees and applicants are required to know the rules and what they provide. For example, not realizing that an out-of-state disciplinary citation against an owner's spouse is a reportable event does not excuse non-compliance.

Failure to comply with notification obligations may result in sanctions, fines, or both. Rule R420.806 elaborates on penalties that might be assessed for violation of the rules, which include serious consequences of license revocation, suspension, or nonrenewal. Based on the authors' experience, penalties more commonly take the form of a fine levied by CRA against the licensee. Fines are often in the \$5,000-\$10,000 range, but can be much higher.

CONCLUSION

If you or your client are licensed by the CRA or hold an interest in a business with a CRA-issued license, sooner or later something will change or an event will occur that needs to be reported. You must implement structures to ensure you are aware of events affecting a licensee and its related applicants, focus on the challenges or opportunities those events may present, and also identify which events must be reported to CRA.

Taking time to become familiar with the rules and their ambiguities is worth the investment. And when a significant event occurs, reach out to legal counsel with cannabis expertise and experience to help you analyze the rules, navigate the notice process, and prepare the appropriate notice. When it comes to CRA notice requirements, what you don't know may indeed hurt you.

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Robert Hendricks is senior counsel at Warner Norcross + Judd in Grand Rapids. For more than a decade, legal cannabis commerce has comprised the majority of his practice.

ENDNOTES

1. See Cannabis Regulatory Agency, <<https://www.michigan.gov/cra>> (all websites accessed September 12, 2024).
2. MCL 333.27206; MCL 333.27957; MCL 333.27958.

3. Some licensees and their counsel might say that CRA may even stretch the boundaries of safety and security when justifying the application of a rule to a particular situation. If CRA is sometimes overzealous in its enforcement activities, then forewarned is forearmed.

4. "Applicant" is defined in several of the rule sets. See R420.1(1)(c), R420.101(1)(d), and R420.201(1)(d). Each of these definitions is identical, except that the definition in R420.201(1)(d) inexplicably limits certain exclusions from the scope of "applicants."

5. R420.802-R420.804

6. *Id.*

7. *Id.*

8. R420.14(1); R420.802(1).

9. An example here will illustrate the scope of this rule, and the importance of identifying who an "applicant" is. Applicants include the spouses of most owners, even if the spouse has no role in the business. Owners can be non-Michigan residents. A spouse of a non-Michigan applicant who practices a regulated activity in another

state (e.g. cosmetologist) and who is cited for a regulatory violation in that state likely fits this rule and must disclose the charge.

10. R420.14(3); R420.802(3).

11. R420.18(1) expressly states that a material change or modification to the marijuana business must be approved by CRA before the change or modification is made. Further, CRA's Amendments page on its website states: "Proposed changes to a marijuana business require approval from the agency before the change can be implemented." CRA, *supra* n 1.

12. CRA quite vigorously restricts information flow about a licensee. While there is no explicit rule in this regard, CRA's practice is to require that a person supplying information to CRA about a particular licensee receive appropriate authorization from CRA or access will be denied.

13. See Cannabis Regulatory Agency, *Reporting Form Instructions*, <<https://www.michigan.gov/cra/-/media/Project/Websites/cra/Amendments/Reporting-Form-Instructions--CRA-Enforcement.pdf?rev=7b4cda1a5f26441dabe06f342e1a9c3e>>.

14. *Id.*

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Give bullet points a try

BY JOSEPH KIMBLE

Good, clear, inviting document design — a topic that this column has addressed many times¹ — is a vital part of plain language. And among the many aspects of good design is the generous use of vertical lists, whether numbered or bulleted. The examples below illustrate the latter. They are taken from judicial opinions, but all forms of legal writing could benefit from a greater use of bullets than we are used to seeing.

Bullets are perfect for giving added emphasis to a list of important items — more emphasis than they would receive in a horizontal list. Bullets make it easy for readers to take in each of the items. And they add a touch of visual interest. Just don't overuse them, or they lose some of their punch. And think twice about using them if the items have a rank order of importance that might be better suited to a numbered list.

Some recommendations for formatting bullets:

- Indent the bullets slightly to the right of the normal paragraph indent, as in this list. Or at least align them with the paragraph indent — and not to the left of it. (Note that the *Bar Journal* does not use paragraph indents, but block-style paragraphing.)
- Set the first word of text only about two letter spaces from the bullet.
- Use hanging indents within each item; don't bring a second (or later) line back any farther than the first word in the first line of the bullet.
- Add some extra line space between the items. (*Bar Journal* style differs, so that's not done in this column.)
- If each item is a full sentence, then capitalize the first word in each sentence and end each one with a period, as you normally would; if the items are all phrases or clauses, put a semicolon after each item except the last one and use *and* or *or* after the next-to-last item.

BEFORE

The purpose of the rule is to prevent an attorney from being in the awkward position of acting as both a witness and an advocate at trial, which could create some of the following problems:

the possibility that, in addressing the jury, the lawyer will appear to vouch for his own credibility; the unfair and difficult situation which arises when an opposing counsel has to cross-examine a lawyer-adversary and seek to impeach his credibility; and the appearance of impropriety created, i.e., the likely implication that the testifying lawyer may well be distorting the truth for the sake of his client.

AFTER

The rule's purpose is to prevent an attorney from being in the awkward position of acting as both a witness and an advocate at trial — thus creating some of the following problems:

- the possibility that, in addressing the jury, the lawyer will appear to vouch for their own credibility;
- the unfair and difficult situation that arises when an opposing counsel has to cross-examine a lawyer-adversary and seek to impeach their credibility; and
- the appearance of impropriety created, i.e., the likely implication that the testifying lawyer may well be distorting the truth for the sake of their client.

BEFORE

Nothing in Mr. Munson's complaints supports an inference that Mr. Robinson had been "subdued." He had a firearm with him as he was driving, and he had shot at pursuing police officers. There is no allegation that he had indicated he was surrendering or was rendered dead or unconscious by the crash. And, in a statement in the memorandum decision and order that was not challenged on

appeal, the district court said that a bystander video of the shooting “makes clear that Mr. Robinson was not incapacitated by the crash.” (Citation omitted.)

AFTER

Nothing in Mr. Munson’s complaints supports an inference that Mr. Robinson had been “subdued”:

- He had a firearm with him as he was driving, and he had shot at pursuing police officers.
- There is no allegation that he had indicated that he was surrendering or was rendered dead or unconscious by the crash.
- Finally, in a statement in the memorandum decision and order that was not challenged on appeal, the district court said that a bystander’s video of the shooting “makes clear that Mr. Robinson was not incapacitated by the crash.” (Citation omitted.)

BEFORE

On June 14, 2015, Plaintiff, Patricia Lopez, slipped and fell while shopping for groceries at Cardenas. Video footage of the incident establishes the following timeline. At 11:59:54, a customer’s child dropped a bottle near the meat department, creating a spill. At 12:00:12, a customer walked through the area and did not fall. At 12:00:30, a second customer walked through the area and did not fall. At 12:01:04, Cardenas employee Cruz Olmos walked through the area and did not fall or notice the spill. Four more customers walked through the area between 12:01:13 and 12:01:16 and did not fall. Plaintiff walked through the area at 12:01:20 and fell. At 12:01:45, Mr. Olmos placed a yellow caution cone in the area. By 12:02:24, Mr. Olmos had obtained a roll of paper towels and was cleaning the spill.

AFTER

On June 14, 2015, Plaintiff Patricia Lopez slipped and fell while shopping for groceries at Cardenas. Video footage of the incident establishes this timeline, lasting 2½ minutes:

- At 11:59:54, a customer’s child dropped a bottle near the meat department, creating a spill.
- Between 12:00:12 and 12:00:30, two customers walked through the area and did not fall.
- At 12:01:04, Cardenas employee Cruz Olmos walked through the area and did not fall or notice the spill.
- Between 12:01:13 and 12:01:16, four more customers walked through the area and did not fall.
- At 12:01:20, Lopez walked through the area and fell.

- At 12:01:45, Olmos placed a yellow caution cone in the area.
- By 12:02:24, Olmos had obtained a roll of paper towels and was cleaning the spill.

BEFORE

The Supreme Court had told district courts to ask four questions when deciding whether a general technique is the “product of reliable principles and methods” sufficient to allow a jury to consider it in a specific case. (Citation omitted.) Can third parties “test” the technique . . . ? Have other knowledgeable experts engaged in “peer review” . . . ? Does the technique have a “known or potential rate of error”? And has the “relevant scientific community” come to generally accept the technique?

AFTER

The Supreme Court had told district courts to ask four questions when deciding whether a general technique is the “product of reliable principles and methods” sufficient to allow a jury to consider it in a specific case. (Citation omitted.)

- Can third parties “test” the technique . . . ?
- Have other knowledgeable experts engaged in “peer review” . . . ?
- Does the technique have a “known or potential rate of error”?
- And has the “relevant scientific community” come to generally accept the technique?

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Joseph Kimble taught legal writing for 30 years at Cooley Law School. His fourth and latest book is *Essentials for Clear Legal Drafting* (with Bryan Garner). He is a senior editor of *The Scribes Journal of Legal Writing*, editor of the Redlines column in *Judicature*, and a drafting consultant on all federal court rules. He led the work of redrafting the Federal Rules of Civil Procedure, Federal Rules of Evidence, and Michigan Rules of Evidence. In 2023, he won a Roberts P. Hudson Award from the State Bar of Michigan. This year, he won the Golden Pen Award from the Legal Writing Institute.

ENDNOTES

1. See, for instance, the columns for March 2010, September 2016, September 2018, September 2019, February 2020, January 2021, June 2021, November 2021, April 2023, February 2024, and March 2024 at <https://www.michbar.org/generalinfo/plainenglish/home>.

LIBRARIES & LEGAL RESEARCH

Crime pays: Michigan's peculiar funding of public libraries through penal fines

BY CODY JAMES

If you have ever paid a speeding ticket in the state of Michigan, you have also donated to your local public library. Michigan, along with 13 other states,¹ provide funding to public libraries through revenue collected from penal fines and civil infractions. Michigan differs from the other 13 states in that it is the only one with a constitutional provision mandating that public libraries receive the money collected from penal fines.² So, by law, funds collected from speeding tickets must be given to public libraries.

Article 8, Section 9 of the Michigan Constitution states that “all fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.”³ MCL 600.8831 expands upon this constitutional provision by mandating that fines collected from civil infractions also go to public libraries.⁴

It is not entirely clear why this funding source was originally enshrined in the Michigan Constitution, but the provision has proven to be enduring.⁵ Since its creation in 1835, this constitutional provision has survived — relatively unchanged — through Michigan's four constitutional conventions.⁶

Due in part to this stability, penal fines have become an important component of public library budgets in the state. While it was never intended to be the sole funding source for libraries, penal fines make up a significant portion of libraries' budgets — anywhere from 3-70% according to the Michigan Library Association.⁷ Generally, rural and smaller libraries have a greater budgetary dependence on penal fines. Since roughly 70% of Michigan libraries fall into the rural category, penal fines⁸ are a crucial funding source for the majority of public libraries in the state.⁹ Without the money from penal fines, most Michigan libraries would likely be forced to significantly cut resources.

THE ROLE OF ATTORNEYS AND JUDGES IN LIBRARY FUNDING

Lawyers and judges can have a significant impact on how penal fines are used in legal proceedings. Through charging decisions

and plea deals, prosecutors, in particular, have a great deal of discretion in deciding how penal fines are used. Statutes might dictate caps or monetary ranges for applicable fines, but prosecutors and judges have the discretion to select the exact amount of a fine for a given offense.¹⁰ As long as prosecutors or judges do not exceed the cap or range, they are provided a wide latitude to decide on the exact amount to be fined.¹¹

In rural jurisdictions where public library budgets can be particularly dependent on penal fines, the actions of prosecutors and judges can have an even greater effect. For example, a local library would have a more robust budget in a jurisdiction where the judge enforces higher fines. Conversely, in a jurisdiction where the local prosecutor disfavors using fines in plea deals, the local library's budget would be diminished.

It would be improper for judges and prosecutors to consider their local library's budget when deciding punishment in a given case. But due to the peculiarity of Michigan's funding structure of public libraries, their decisions nonetheless greatly impact the public library's budget. Some of the most important actors in providing funding for the local libraries do it indirectly, and these actors are unable to consider the needs of the library when deciding on actions that affect its budget.

A COMPLICATED RELATIONSHIP

There are clear benefits to having a constitutionally protected funding source. Barring a constitutional amendment, the funding source is guaranteed. The legislature cannot directly alter or change this revenue source, and the Michigan Supreme Court has protected libraries' access to penal fines.¹² The courts have explicitly stated that libraries are entitled to penal fines and that the “entitlement is not dependent upon the discretionary act of any other official.”¹³ As long as fines are collected for criminal actions, this source of library funds is secure.

That is not to say penal funding is impervious to change. Due in part to criminal justice reform — the legalization of recreational

marijuana, for example — libraries have seed funding from penal fines drop from \$32 million in 2008 to \$24 million in 2020.¹⁴ Funding is also subject to the willingness of the local prosecutors and judges to impose discretionary fines as punishment, and there can also be a natural fluctuation from year to year in the number of crimes committed in a given county.

Even with the decrease in funding from penal fines, it is rare for libraries to have such a secure source of funding.¹⁵ As was stated previously, Michigan is the only state to have a constitutionally mandated source of library funding.¹⁶ Especially in light of how much rural libraries' budgets depend on penal fines, having this guaranteed source of funding is crucial to their operations from year to year.

Unfortunately, this secure source of funding can conflict with one of the foundational identities of public libraries. Modern libraries are seen by both the public and libraries themselves as crucial public spaces that allow people from all walks of life to exist without judgment.¹⁷ As such, libraries spend time and resources building programs that help and support people experiencing poverty.¹⁸ However, individuals experiencing poverty are also disproportionately affected by the financial burdens of penal fines.¹⁹ Thus, a conflict arises between the public library's ideals and its funding source.

CONCLUSION

Until libraries are granted a traditional funding source that does not rely on penal fines, courts and prosecutors will continue to be put in the odd position of being indirect influencers on library budgets. Libraries, meanwhile, will continue to rely on funding sources that are counterintuitive to their mission.



Cody James is a former reference librarian at the University of Michigan Law School and the current director of the law library at the University of Montana School of Law.

ENDNOTES

1. Michael Smith, *Library Crime*, 71 Drake L Rev 65 (2024).
2. *Id.*
3. Const 1963, art 6, § 9.
4. MCL 600.8831.
5. Clare Membiela, *Penal Fine History, Importance & Funding for Public Libraries* <https://www.milibraries.org/assets/docs/Penal_Fines_12-20.pdf> [perma.cc/8E2A-NFP6] [all websites accessed August 8, 2024].
6. *Id.*
7. Michigan Library Association, *Penal Fines — MLA Advocacy Priority Area* <<https://www.milibraries.org/penal-fines>> [perma.cc/L273-ZHM5].
8. *Id.*
9. *Id.*
10. See MCL 324.8905a; 7 Gillespie, *Michigan Criminal Law & Procedure* (3d ed), § 24:77.
11. *Id.*
12. *City of Belding v Ionia Co Treasurer*, 360 Mich 336; 103 NW2d 621 (1960).
13. *Saginaw Pub Libraries v Judges of 70th Dist Court*, 118 Mich App 379; 325 NW2d 777 (1982).
14. Michigan Library Association, *Penal Fines*, *supra* n 7.
15. *Id.*
16. *Id.*
17. Smith, *Library Crime*, *supra* n 1.
18. ALA, *Libraries Respond: Services to Poor and Homeless People* <<https://www.ala.org/advocacy/diversity/librariesrespond/services-poor-homeless>> [perma.cc/K6KN-HAQT].
19. Lindsey Bing et al., *Incomparable Punishments: How Economic Inequality Contributes to the Disparate Impact of Legal Fines and Fees* <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9030976>> [perma.cc/B7KL-APSR].

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LAW PRACTICE SOLUTIONS

Strategies for cost-effective client acquisition

BY JEFF ELBLE, WINSTON HOFER, AND JORDAN HAYNES

Struggling to balance marketing costs with client acquisition? What if you could significantly lower your expenses while consistently attracting high-quality clients?

You're in luck. You can!

This article explores key strategies for mastering client acquisition from leveraging organic growth to diversifying your marketing efforts. Whether you're a solo practitioner or managing a large firm, these insights can help you achieve more with less.

REPEATABLE CLIENT ACQUISITION

Is your client acquisition process hit or miss? What if you could have a system that consistently brings in new clients?

In the competitive legal market, reducing your average client acquisition cost (CAC) is crucial for sustainable growth. One of the most effective ways to achieve this is by creating a repeatable client acquisition process. This means developing a system that consistently attracts and converts potential clients into paying clients.

Start by identifying your target audience and understanding their needs, preferences, and pain points. Use this information to create compelling content and targeted marketing campaigns that cater to your newly defined audience.

To really excel, implement a customer relationship management (CRM) system to track interactions with potential clients and streamline your follow-up process. CRM systems can automate many aspects of client acquisition — such as sending follow-up emails and scheduling consultations — to ensure potential clients don't fall through the cracks and allowing you to reduce the time and resources spent on acquiring each new client, ultimately lowering your CAC.

EVALUATE YOUR FULL FUNNEL

Do you know where potential clients are dropping off in your sales process? What if a few tweaks could significantly improve your conversion rates?

A funnel, in simple terms, is a way to visualize the journey potential clients embark upon before making a purchase or committing to a service. Imagine an actual funnel used in the kitchen or garage; it's wide at the top and narrows down at the bottom. Similarly, in marketing and sales, the funnel starts with a broad audience at the top and narrows as leads move through different stages and become more engaged and interested until some convert into clients at the bottom.

Understanding and optimizing your marketing and sales funnel is essential to reducing CAC. Start by analyzing each stage of your funnel to identify bottlenecks and areas for improvement. For example, say you notice a high drop-off rate at the consultation stage; you may need to refine your consultation process or provide potential clients with more value up front.

How do you evaluate your marketing funnel? We all know numbers don't lie. Using analytics tools, track key performance indicators such as conversion rates, click-through rates, and engagement levels that correspond with each stage of your funnel. This data provides insights into what's working and what's not, allowing you to make informed decisions about where to allocate your resources. Regularly reviewing and adjusting your strategies based on data will help improve your funnel's efficiency and reduce your CAC.

EVALUATE THE LONG-TERM BENEFITS OF SEO

Diversification in organic and paid marketing is another key to profitable marketing. Ask yourself if you rely too much on paid ads for traffic and whether search engine optimization (SEO) can provide a sustainable and cost-effective source of new clients.

SEO is a powerful tool for reducing your CAC over the long term. While it may require an initial investment, the benefits of a well-optimized website far outweigh the costs. By improving your website's visibility on search engines, you'll attract organic traffic and generate leads without relying solely on paid advertising.

A key component of successful SEO is creating high-quality, informative content that addresses the needs and questions of your target audience. After thorough keyword research, select and use relevant keywords naturally within your content. With your keyword-rich content, build backlinks from reputable sources to enhance your site's authority and further improve its search engine rankings.

SEO pro tip: most users are on handheld devices, so ensure your website is optimized for mobile viewing to help with your SEO ranking.

This is just the tip of the SEO iceberg but implementing and maintaining these tools allows you to reap the long-term benefits of SEO. Our favorite returns on investing in SEO include sustained organic traffic, increased brand visibility, more qualified leads, and higher conversion rates.

Unlike paid advertising where generating leads fluctuates with your budget, SEO continues to attract potential clients over time, making it a cost-effective strategy for reducing your CAC.

STOP SPENDING YOUR WHOLE BUDGET ON PAID ADVERTISING

Wait, a marketing agency telling you NOT to spend more?! Yep, we're going to focus on what drives results most efficiently. If you find your marketing budget draining quickly with little to show for it, consider reallocating your funds to yield better long-term results.

Paid advertising is effective, but relying solely on it can quickly drain your budget and leave you without a long-term foundation to build on. Instead, consider redistributing a portion of your paid advertising budget towards organic growth strategies to help reduce your CAC and build a sustainable client acquisition model.

REDISTRIBUTE PAID ADS BUDGET TO ORGANIC GROWTH FOR LONG-TERM SUCCESS

As business owners, we all look for ways to maximize our returns. One investment often overlooked is what we put in and get out of organic growth strategies.

Investing in organic growth strategies such as SEO, content marketing, and social media yields significant long-term benefits. When you invest in creating blog posts, videos, infographics, and other content, you're creating valuable assets that attract potential clients

for years to come while simultaneously establishing your firm as an authority in your field. As you continue to invest in content, you'll drive organic traffic to your website, reducing your dependence on paid ads.

Other organic avenues to invest in include:

- Networking and building relationships with potential clients and referral sources.
- Hosting webinars where you and members of your firm are keynote speakers.
- Offering free consultations.
- Participating in community events.

These strategies can create a positive brand image and generate word-of-mouth referrals that pay short- and long-term dividends. Just remember, add the new people you've met into your marketing and sales funnel (your CRM) after in-person events!

ALLOCATE FUNDS WISELY

Are you getting the most out of your marketing budget? How can strategic allocation of funds improve your client acquisition efforts?

Effective budget allocation is crucial for reducing your CAC. Instead of spending the majority of your budget on paid advertising, allocate funds to a mix of marketing strategies that provide both short-term and long-term benefits. For instance, you could allocate a portion of your budget to SEO and content marketing, another portion to social media marketing, and a smaller portion to targeted paid advertising campaigns.

Regularly review your marketing budget and adjust your allocations based on performance data. By strategically investing in a diverse range of marketing channels, you can optimize your CAC and achieve sustainable growth.

When considering promotion of legal services, State Bar of Michigan members should review the Michigan Rules of Professional Conduct, relevant ethics opinions, and frequently asked questions.

Specific questions may be addressed to the SBM Ethics Helpline at 877.558.4760 or ethics@michbar.org.

DIVERSIFY YOUR MARKETING STRATEGIES

Relying on a single marketing channel is risky and can be expensive. Diversifying your marketing not only reduces dependence on one or a few tactics; it also increases your chances of reaching more people in your target audience. Consider using a mix of digital marketing, content marketing, pay-per-click options (paid ads), social media, email marketing, and traditional marketing methods.

Let's look at different marketing channels and how they can be beneficial.

- **Social media:** Platforms like LinkedIn, Facebook, and Instagram offer unique opportunities to engage one on one and one to many.
- **Podcasting and content marketing:** Podcasts are a growing medium that allow you to provide valuable insights and advice by sharing informative and engaging content, which establishes your authority in the legal field and attracts clients organically.
- **Email communications:** Email marketing campaigns nurture leads by providing valuable information and updates about your services. You can also use email communications with current clients to educate and inform them about all aspects of what your firm has to offer.

By exploring and testing new marketing channels, you can discover effective ways to reach potential clients and reduce your CAC. Be sure to track the performance of each channel and adjust your strategies based on the results.

CONCLUSION

Reducing your average client acquisition cost requires a multifaceted approach. By creating a repeatable client acquisition process,

diversifying your marketing strategies, evaluating your full funnel, investing in search engine optimization, and redistributing your paid advertising budget towards organic growth, you can achieve sustainable growth and lower your CAC. Regularly reviewing and adjusting your strategies based on data will ensure that you continue to attract and convert potential clients efficiently.

Next month, we continue with part two of this series, where we discuss optimizing legal practice marketing funnels and innovative approaches to client conversion.



Jeff Elble has been a project advisor at Madroit Marketing in Holland since January. Prior to where he developed numerous marketing and client communication programs targeting the legal industry.



Winston Hofer, who founded Madroit Marketing in 2015, is a purpose-driven entrepreneur and marketer who thinks strategically and focuses on growth for the clients and organizations he works with.



Jordan Haynes has been a partner at Madroit Marketing since June 2023. He has spent more than a decade as a marketing leader in different industries, organizing high-level strategies designed to drive opportunities and improve results.

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PRACTICING WELLNESS

Retirement: The last frontier

BY LIAM MCGILL

I recently retired after practicing family law for 25 years. I enjoyed the practice of law but as you can imagine, my job had its share of stress and anxiety. I once heard that the highest-stress job in the world is goalie on a soccer team; fans watching your every move while you are all alone out there with nobody to blame if you give up a goal. Being a divorce lawyer comes in somewhere below that on the scale, but you get the point. We assume a lot of responsibility for our clients in every case we sign on for.

Early in the game, I found that the stress of the work was formidable. There were some cases that I brought home with me on weekends and were the first thing I thought of when getting up in the morning. The worry and anxiety worked its way into other areas of my life. I wondered what I could do to find some relief from the stress.

One day, I was reading the newspaper and saw an advertisement announcing an upcoming breathing and meditation course. I called the number, talked to a volunteer about the course content, and signed up. The course was put on by Art of Living, a nonprofit organization that had chosen as its mission teaching meditation techniques to interested individuals. I didn't really have any experience with the group or their techniques, but I decided to give it a try anyway. The breathing course, which was conducted in person over a weekend, was attended by me and a group of about 15 others.

All together, the exercises take about 15 minutes in the morning to complete. I would do the breath work every morning, and it had an immediate — and significant — impact on my day. I started each day with a calm and peaceful mind. The practice allowed me to touch base with that part of me undeterred by the trials and troubles of the world. Basically, I gained access to the serenity in my mind; by doing so, it allowed me to face the challenges of the day with the best possible attitude. It was easier to deal with my work. I had a clearer perspective; calmness became my preferred mindset.

When it was time to retire from the law, I was a bit wary. I liked my job and enjoyed the company of colleagues at work. I had become accustomed to my identity as a lawyer. Slowly but surely over the course of time, I became more comfortable with the concept. I retired on my 25th anniversary with my firm. Still, one burning question remained: "What's next?"

The fun parts of retirement are easy. I started playing the ukelele, which has been a riot. Starting from square one, I am a work in progress, but time is on my side. I had forgotten how much fun music can be. Another upbeat pursuit is pickleball. It is a great game and a good workout, and it's not hard to find someone to play with.

One part of retirement has been more of a challenge — finding a way to give back to the community. Like all of us, my career has had an impact of many people, both clients and colleagues. Regardless of the outcome of a particular case, I used my skills with the intention of creating a positive impression in the process. I think we all work in our own way to make things better. My hope was to continue being a positive force in a meaningful way and when it came down to it, I was looking to use my abilities to make things better, just like I did during my life as a lawyer.

I investigated many volunteer positions out there but struggled to find the right one for me. I wanted something that utilized my skill set and would have a meaningful impact on the community. After considering my options, I decided to become a teacher for the Art of Living. Earlier this year, I was accepted into the Art of Living teacher training program and spent two weeks at the Art of Living Center in Uvalde, Texas, where I went through an intensive program learning the methods and practices needed to be a teacher. I am now a certified Art of Living teacher, coaching others on the breathing practices that were so important to me. By sharing these tools with others, I hope people can find the peace in their own lives that I have found in mine.

CONCLUSION

For my colleagues contemplating retirement, know that there are many opportunities and activities that will fill your life with enjoyment. You can also find ways to use your abilities in meaningful ways. Bear in mind one truth about stress — it doesn't retire. It tends to find us. You may not have cases to worry about any longer, but the mind finds some other situation to cause consternation. Consider learning a meditation technique that will help ease your mind.

For all of you not quite ready to call it a career, consider meditation. Finding a way to calm my mind in the heat of battle was an

invaluable tool to me, and if it was there for me, then it can be there for you, too. Soldier on.



Liam McGill is a retired Oregon bar member and a certified Art of Living teacher. The brother of State Bar of Michigan President Joseph P. McGill, he can be contacted at liam.mcgill@artofliving.org.

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FROM THE COMMITTEE ON MODEL CRIMINAL JURY INSTRUCTIONS

The committee has adopted amendments to two jury instructions, M Crim JI 20.2 (Criminal Sexual Conduct in the Second Degree) and M Crim JI 20.13 (Criminal Sexual Conduct in the Fourth Degree) to add “sexual contact” language from MCL 750.520a(q). The amended instructions are effective Oct. 1, 2024.

[AMENDED] M Crim JI 20.2

Criminal Sexual Conduct in the Second Degree

- (1) The defendant is charged with the crime of second-degree criminal sexual conduct. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant intentionally [touched (*name complainant*)’s/made_z permitted, or caused (*name complainant*) to touch (his/her)] [genital area/groin/inner thigh/buttock/(or) breast] or the clothing covering that area.
- (3) Second, that when the defendant [touched (*name complainant*)/made_z permitted, or caused (*name complainant*) to touch (him/her)] it could reasonably be construed as being done for any of these reasons:
- (a) for sexual arousal or gratification,
 - (b) for a sexual purpose, or
 - (c) in a sexual manner for
 - (i) revenge or
 - (ii) to inflict humiliation or
 - (iii) out of anger.
- (4) [Follow this instruction with one or more of the 13 alternatives, M Crim JI 20.3-20.11d, as warranted by the charges and evidence.]

[AMENDED] M Crim JI 20.13

Criminal Sexual Conduct in the Fourth Degree

- (1) The defendant is charged with the crime of fourth-degree criminal sexual conduct. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant intentionally [touched (*name complainant*)’s/made_z permitted, or caused (*name complainant*) to touch (his/her)] [genital area/groin/inner thigh/buttock/(or) breast] or the clothing covering that area.

- (3) Second, that when the defendant [touched (*name complainant*)/made_z permitted, or caused (*name complainant*) to touch (him/her)] it could reasonably be construed as being done for any of these reasons:

- (a) for sexual arousal or gratification,
- (b) for a sexual purpose, or
- (c) in a sexual manner for
 - (i) revenge or
 - (ii) to inflict humiliation or
 - (iii) out of anger.

- (4) [Follow this instruction with M Crim JI 20.14a, M Crim JI 20.14b, M Crim JI 20.14c, M Crim JI 20.14d, M Crim JI 20.15, M Crim JI 20.16, or M Crim JI 20.16a, as warranted by the charges and evidence.]

Use Note

Use this instruction where the facts describe an offensive touching not included under criminal sexual conduct in the second degree.

The committee has adopted a new jury instruction, M Crim JI 38.5 (Using the Internet to Disrupt Government or Public Institutions) for crimes charged under MCL 750.543p. The new instruction is effective Oct. 1, 2024.

[NEW] M Crim JI 38.5

Using the Internet to Disrupt Government or Public Institutions

- (1) The defendant is charged with the crime of using the Internet to disrupt government or public institutions. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant used [the Internet/a telecommunications device or system/an electronic device or system]¹ in a way that disrupted the functioning of [public safety/educational/commercial/governmental] operations. To disrupt operations means to interrupt the normal functioning of those institutions.
- (3) Second, that when the defendant disrupted [public safety/educational/commercial/governmental] operations, [he/she] intended to commit the following acts [*describe alleged conduct by the defendant that would be a felony*].²

(4) Third, that the defendant acted willfully and deliberately. This means that [his/her] [act was/acts were] intentional and not the result of an accident and that [he/she] considered the pros and cons of committing the act, thought about it, and chose [his/her] actions before [he/she] did it.

(5) Fourth, that the defendant knew or had reason to know that [his/her] actions would [be likely to cause serious injury or death/cause a person to be restrained in order to be

[Select appropriate subparagraph[s] based on the charges and evidence.]³

(a) held for ransom or reward.

(b) used as a shield or hostage.

(c) subject to criminal sexual penetration or criminal sexual contact.

(d) taken outside of this state.

(e) held in involuntary servitude.

(f) used for child sexually abusive activity, including sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity.

(g) concealed from his or her parent or guardian.]

(6) Fifth, that through or by [his/her] action, the defendant intended to intimidate or coerce a civilian population or intended to influence or affect the conduct of government or a unit of government through intimidation or coercion.

Use Notes

1. These terms are defined in MCL 750.145d(9)(f), 750.219a(6)(b), 750.540c(9), 750.543b, 750.543p, and 47 USC 230(f)(1).
2. E.g., if it is alleged that the defendant intended to commit the felony offense of arson of insured property, the court could say, “setting fire to a building so it would be damaged or burned down in order to collect insurance money.”
3. See MCL 750.543b(b) citing the kidnapping statutes, MCL 750.349 and 750.350.

The committee has adopted two new jury instructions, M Crim JI 40.7 (Loitering Where Prostitution Is Practiced) and M Crim JI 40.7a (Loitering Where an Illegal Occupation or Business Is Practiced or Conducted), for “loitering” crimes charged under the disorderly person statute, MCL 750.167. The new instructions are effective Oct. 1, 2024.

[NEW] M Crim JI 40.7

Loitering Where Prostitution Is Practiced

(1) The defendant is charged with the crime of loitering where acts of prostitution were taking place. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that acts of prostitution were allowed or being committed at [provide location where prostitution was being performed].

An act of prostitution is sexual conduct with another person for a fee or something of value.

(3) Second, that the defendant was present at that location and the defendant knew or learned that prostitution was allowed or being committed there.

(4) Third, that the defendant remained at [provide location of illegal conduct] without a lawful purpose¹ knowing that prostitution was allowed or being committed there.

Use Note

1. Lawful purposes could include, among other things, gathering information to report illegal conduct to the police or attempting to dissuade persons engaging in illegal conduct from continuing their illegal activity.

The committee has adopted three new jury instructions, M Crim JI 41.3 (Placing Eavesdropping or Surveillance Devices), M Crim JI 41.3a (Placing Eavesdropping or Surveillance Devices for a Lewd or Lascivious Purpose), and M Crim JI 41.3b (Transmitting Images or Recordings Obtained by Surveillance or Eavesdropping Devices), for crimes charged under the eavesdropping-device statute, MCL 750.539d. The new instructions are effective Oct. 1, 2024.

[NEW] M Crim JI 41.3

Placing Eavesdropping or Surveillance Devices

(1) The defendant is charged with the crime of placing an eavesdropping or surveillance device. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt.

(2) First, that the defendant [installed/placed/used] a device for observing, recording, photographing, eavesdropping on, or transmitting the sounds or events¹ of others² at or in a private place.³

A private place is one where a person could reasonably expect to be safe from casual or unwanted intrusion or surveillance. It does not include a place where the public or a substantial group of the public has access.

(3) Second, that the defendant did not have permission or consent to observe, record, photograph, eavesdrop on, or transmit

FROM THE COMMITTEE ON MODEL CRIMINAL JURY INSTRUCTIONS (CONTINUED)

sounds or events involving *[(identify complainant(s) if possible)/the person or persons entitled to privacy at (provide location of device)]*.

Use Notes

Use M Crim JI 41.3a in cases where the defendant is the owner or principal occupant of the premises where an eavesdropping device was alleged to have been placed. Questions regarding whether a defendant has status as an “owner or principal occupant” appear to be legal questions decided by the court.

1. MCL 750.539d(1)(a).
2. The Committee on Model Criminal Jury Instructions believes that the statute does not encompass recording conversations or events under MCL 750.539a(2) where the person recording them is a participant because Michigan appears to be a one-party consent state. See *Sullivan v. Gray*, 117 Mich App 476; 324 NW2d 58 (1982), cited in *Lewis v. LeGrow*, 258 Mich App 175; 670 NW2d 675 (2003), and *Fisher v. Perron*, 30 F4th 289 (6th Cir 2022).
3. *Private place* is defined in MCL 750.539a(1).

[NEW] M Crim JI 41.3a**Placing Eavesdropping or Surveillance Devices for a Lewd or Lascivious Purpose**

- (1) The defendant is charged with the crime of placing an eavesdropping or surveillance device for a lewd or lascivious purpose. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant [installed/placed/used] a device for observing, recording, photographing, eavesdropping on, or transmitting the sounds or events in a residence.
- (3) Second, that the location that the device could observe, record, photograph, or eavesdrop was a private place in or around the residence.¹

A private place is one where a person could reasonably expect to be safe from casual or unwanted intrusion or surveillance.

- (4) Third, that the defendant did not have permission or consent to observe, record, photograph, eavesdrop on, or transmit sounds or events involving *[(identify complainant(s) if possible)/the person or persons entitled to privacy at (provide location of device)]*.

- (5) Fourth, that the defendant installed, placed, or used the device for a lewd or lascivious purpose.

A lewd or lascivious purpose means that the device was placed to observe or record *[(identify complainant)/a person]* under indecent or sexually provocative circumstances.

Use Note

This instruction should only be given when the defendant is the owner or principal occupant of the residence where an eavesdropping device was alleged to have been placed. Questions regarding whether a defendant has status as an “owner or principal occupant” appear to be legal questions decided by the court.

1. *Private place* is defined in MCL 750.539a(1).

[NEW] M Crim JI 41.3b**Transmitting Images or Recordings Obtained by Surveillance or Eavesdropping Devices**

- (1) The defendant is charged with the crime of transmitting images or recordings obtained by surveillance or eavesdropping devices. To prove this charge, the prosecutor must prove both of the following elements beyond a reasonable doubt:
- (2) First, that the defendant intentionally distributed, disseminated, or transmitted a recording, photograph, or visual image of *[identify person or complainant]* so that the recording, photograph, or visual image could be accessed by other persons.
- (3) Second, that the defendant knew or had reason to know the recording, photograph, or visual image of *[identify person or complainant]* that *[he/she]* transmitted was obtained using a device for eavesdropping¹ that had been placed or used in a private place.²

A private place is one where a person could reasonably expect to be safe from casual or unwanted intrusion or surveillance. It does not include a place where the public or a substantial group of the public has access.

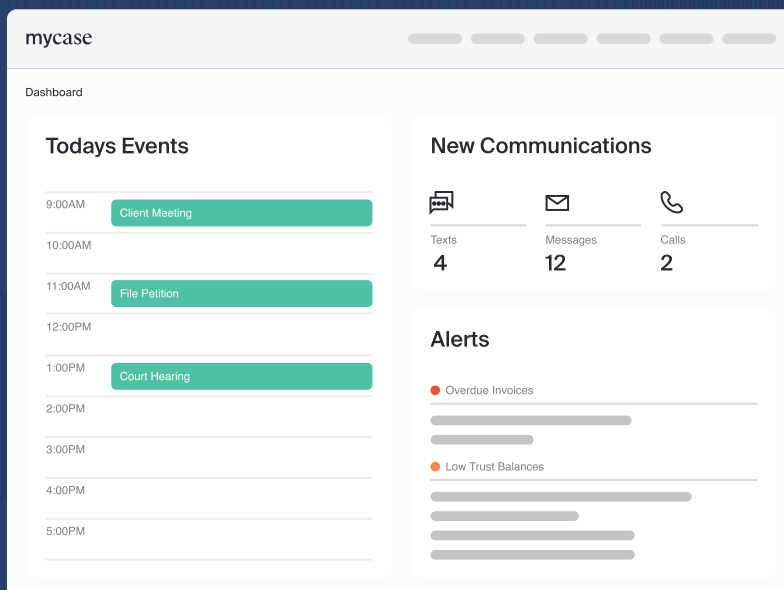
Use Notes

1. MCL 750.539d(1)(a) describes these devices as “any device for observing, recording, transmitting, photographing, or eavesdropping upon the sounds or events in that place.”
2. *Private place* and *surveillance* are defined in MCL 750.539a(1) and (3).



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ORDERS OF DISCIPLINE & DISABILITY

SUSPENSION WITH RESTITUTION AND CONDITION

Jason Robert Baker, P72645, Grand Rapids. Suspension, three years, effective Aug. 21, 2024.¹

After proceedings conducted pursuant to MCR 9.115, Kent County Hearing Panel #2 found that the respondent committed professional misconduct during his representation of four different clients in separate matters and by failing to answer four requests for investigation.

The respondent failed to file an answer to the complaint and his default was entered by the grievance administrator on Oct. 27, 2023. After failing to appear at a scheduled prehearing conference, the panel entered an Order of Interim Suspension pursuant to MCR 9.115(H)(1).

Based on the respondent's default and evidence presented at the hearing, the hearing panel found that the respondent neglected legal matters entrusted to him in violation of MRPC 1.1(c) (counts 1, 3, 5,

and 7); failed to seek the lawful objective of clients through reasonable available means in violation of MRPC 1.2(a) (counts 1, 3, 5, and 7); failed to act with reasonable diligence and promptness when representing a client in violation of MRPC 1.3 (counts 1, 3, 5, and 7); failed to keep clients reasonably informed about the status of their matters and failed to comply with reasonable requests for information in violation of MRPC 1.4(a) (counts 1, 3, 5, and 7); failed to respond to a lawful demand for information from a disciplinary authority in violation of MRPC 8.1(a)(2) and MCR 9.113(A) and (B)(2) (counts 2, 4, 6, and 8); engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in violation of MRPC 8.4(b) (counts 5 and 7); engaged in conduct prejudicial to the administration of justice in violation of MCR 9.104(1) and MRPC 8.4(c) (all counts); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach in violation of

MCR 9.104(2) (all counts); engaged in conduct that is contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3) (counts 1, 3, 5, and 7); knowingly violated the Rules of Professional Conduct adopted by the Supreme Court in violation of MCR 9.104(4) and MRPC 8.4(a) (counts 1, 3, 5, and 7); and engaged in conduct that violates the standards or rules of professional responsibility adopted by the Supreme Court in violation of MCR 9.104(4) and MRPC 8.4(a) (counts 2, 4, 6, and 8).

The panel ordered that the respondent's license to practice law in Michigan be suspended for three years, that he pay restitution in the total amount of \$5,500, and that he be subject to a condition relevant to the established misconduct. Costs were assessed in the amount of \$2,689.32.

1. The respondent has been continuously suspended from the practice of law in Michigan since Feb. 6, 2024. See Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), dated Feb. 21, 2024.

REPRIMAND (BY CONSENT)

Christopher Shea Berry, P68580, Muskegon. Reprimand, effective Aug. 7, 2024.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by Muskegon County Hearing Panel #3. The stipulation contained the respondent's no-contest plea to the factual allegations set forth in the formal complaint and the allegations of professional misconduct set forth in paragraphs 47(a) and (b), namely that the respondent committed professional misconduct when he disclosed information about a jury verdict respondent obtained contrary to the wishes of his client, who wanted to avoid publicity regarding the case and trial. The stipulation also contained the parties' agree-

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ment to dismiss the remaining allegations of professional misconduct.

Based upon the respondent's no-contest plea as set forth in the parties' stipulation, the panel found that the respondent failed to keep a client reasonably informed about the status of a matter and/or failed to comply promptly with reasonable requests for information in violation of MRPC 1.4(a) and revealed a confidence or secret of a client in violation of MRPC 1.6.

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$1,242.65.

REINSTATEMENT

On Jan. 31, 2024, Grand Traverse County Hearing Panel #1 entered an Order of Suspension with Conditions (By Consent) in this matter, suspending the respondent from the practice of law in Michigan for 179 days, effective Jan. 31, 2024, and ordering him to comply with certain conditions and pay costs in the amount of \$837.82.

On Feb. 8, 2024, the respondent paid his costs and on July 23, 2024, filed an affidavit pursuant to MCR 9.123(A) attesting that he had fully complied with the requirements of the panel's order and will continue to comply with the order until and unless reinstated. The board was advised that the grievance administrator has no objection to the affidavit, and the board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that the respondent, **W. Dane Carey**, P79898, is **REINSTATED** to the practice of law in Michigan, effective July 29, 2024.

REINSTATEMENT PURSUANT TO MCR 9.123(A)

Stephanie A. Carson, P57096, Detroit. Reinstated, effective Aug. 27, 2024.

On May 8, 2024, the Attorney Discipline Board issued an Order Reducing Suspend-

tion from 180 Days to 60 Days and Affirming Condition, suspending the respondent's license to practice law effective June 6, 2024. On Aug. 5, 2024, the respondent filed an affidavit of compliance as required by MCR 9.123(A). The grievance administrator filed an objection to the respondent's reinstatement on Aug. 13, 2024. The board denied the objection and reinstated the respondent's license to practice law in Michigan effective Aug. 27, 2024.

SUSPENSION AND RESTITUTION

Edward M. Czuprynski, P34114, Bay City. Suspension, three years and one day, effective Sept. 12, 2024.

Based on the evidence presented to Tri-Valley Hearing Panel #3 at hearings held in this matter in accordance with MCR 9.115, the hearing panel found that the respondent committed professional misconduct in multiple matters in which the respondent met with clients and improperly accepted retainer payments while suspended from the practice of law, held himself out as an attorney, practiced law while suspended, and failed to comply with prior orders of discipline.

The respondent entered no contest pleas to the allegations and charges in counts 1, 2, 5, and 6 of the formal complaint. Based upon the no contest pleas and the evidence presented at the hearing, the hearing panel found that the respondent failed to keep a client reasonably informed about the status of a matter and comply with reasonable

request for information in violation of MRPC 1.4(a) (counts 1, 4, and 5); failed to hold property of clients or third persons in connection with a representation in an IOLTA or non-IOLTA account and separate from the lawyer's own property in violation of MRPC 1.15(d) (counts 1, 2, 4, and 5); failed to address client's request upon the termination of representation in violation of MRPC 1.16 (counts 1 and 5); failed to timely refund an unearned fee, or portion thereof, to which the client is entitled in violation of MRPC 1.16(d) (counts 1, 2, and 5); engaged in the practice of law while not licensed to do so in violation of MRPC 5.5(a) (counts 1, 2, 4, and 5); kept an active website identifying himself as an active attorney after being suspended in violation of MRPC 7.1(a) (count 6); failed to cooperate with an investigation of the Attorney Grievance Commission in violation of MRPC 8.1(a)(2) (count 6); engaged in conduct in violation of the Rules of Professional Conduct in violation of MRPC 8.4(a) (counts 1, 2, 4, 5, and 6); engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in violation of MRPC 8.4(b) (counts 1, 2, 4, and 5); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach in violation of MCR 9.104(2) (counts 1, 2, 4, 5, and 6); engaged in conduct contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3) (counts 1, 2, 4, 5, and 6); engaged in conduct in violation of the Rules

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ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

of Professional Conduct in violation of MCR 9.104(4) (counts 1, 2, 4, 5, and 6); engaged in conduct in violation of an order of discipline in violation of MCR 9.104(9) (count 6); failed to notify a client of suspension in violation of MCR 9.119(A) (counts 1, 2, 4, 5, and 6); failed to file affidavits of compliance with the Attorney Discipline Board and Attorney Grievance Commission in violation of MCR 9.119(C) (count 6); engaged in the practice of law in violation of MCR 9.119(E)(1) (counts 1, 2, 4, and 5); had contact with clients in violation of MCR 9.119(E)(2) (counts 1, 2, 4, and 5); held himself out as an attorney in violation of MCR 9.119(E)(4) (counts 1, 2, and 5); and failed to notify client of suspension in violation of MCR 9.123 (count 5). Count 3 was dismissed by the hearing panel.

The panel ordered that the respondent's license to practice law in Michigan be sus-

pending for three years and one day and pay restitution in the total amount of \$27,650. Costs were assessed in the amount of \$3,411.98.

SUSPENSION (BY CONSENT)

Timothy P. Dugan, P41135, Bloomfield Hills. Suspension, 30 days, effective Sept. 15, 2024.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline and, subsequently, an Amended Stipulation for Consent Order of Discipline, amending only the effective date of the discipline pursuant to MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #63. The respondent pled no contest to the factual allegations and grounds for discipline set forth in the two-

count formal complaint, namely that the respondent committed professional misconduct during his representation of a client in a civil matter.

Based on the respondent's no contest pleas and the stipulation of the parties, the panel found that the respondent neglected a legal matter in violation of MRPC 1.1(c) [counts 1-2]; failed to keep the client reasonably informed about the status of a matter in violation of MRPC 1.4(a) [counts 1-2]; engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of a criminal law where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in violation of MRPC 8.4(b) [counts 1-2]; engaged in conduct prejudicial to the administration of justice in violation of MRPC 8.4(c) and MCR 9.104(1) [counts 1-2]; engaged in conduct that exposes the legal profession or the

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- Past member, ABA Center for Professional Responsibility Committee on Continuing Legal Education
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- Former assistant federal defender and training director, Federal Community Defender Office, Eastern District of Michigan
- Over 24 years complex litigation experience
- Member, Association of Professional Responsibility Lawyers

courts to obloquy, contempt, censure, or reprobation in violation of MCR 9.104(2) [counts 1-2]; and engaged in conduct contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3) [counts 1-2].

The panel ordered that the respondent's license to practice law be suspended for 30 days, effective Sept. 15, 2024. Costs were assessed in the amount of \$750.

SUSPENSION

Mark D. Goldman, P42697, Scottsdale, Arizona. Suspension, three years, effective Aug. 14, 2024.

In a reciprocal discipline proceeding filed pursuant to MCR 9.120(C), the grievance administrator filed a certified copy of a Final Judgment and Order and Decision and Order Imposing Sanctions of the presiding disciplinary judge of the Arizona Supreme Court showing that the court suspended the respondent's Arizona law license on April 11, 2024, for a period of three years

in a matter titled *In the Matter of a Suspended Member of the State Bar of Arizona, Mark D. Goldman*, Presiding Disciplinary Judge, Arizona Supreme Court, Case No. PDJ 2024-9008.

An order regarding imposition of reciprocal discipline was issued by the board and served on the parties on May 15, 2024. The 21-day period referenced in MCR 9.120(C)(2)(b) expired without objection or a request for hearing by either party. As a result, the respondent was deemed to be in default with the same effect as a default in a civil action pursuant to MCR 9.120(C)(6).

On July 16, 2024, the Attorney Discipline Board ordered that the respondent's license to practice law in Michigan be suspended for three years. Costs were assessed in the amount of \$1,510.16.

REPRIMAND (BY CONSENT)

Jeffery T. Hall, P67131, Saline, Reprimand, effective July 20, 2024.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by Washtenaw County Hearing Panel #4.

The stipulation contained the respondent's admission that he was convicted on July 12, 2023, by guilty plea, of Operating a Motor Vehicle While Visibly Impaired, a misdemeanor, in violation of MCL/PACC Code 257.625(3)(A), in a matter titled *The People of Ypsilanti Township v. Jeffery Thomas Hall*, 14B District Court, Case No. 23T-00275-OD, and that this conviction constitutes professional misconduct.

Based on the respondent's conviction, admissions, and the parties' stipulation, the panel found that the respondent committed professional misconduct when he engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615 in violation of MCR 9.104(5).

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ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$778.40.

SUSPENSION AND RESTITUTION (BY CONSENT)

George W. Hyde, P46885, Marquette. Suspension, 60 days, effective Aug. 22, 2024.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline pursuant to MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The factual allegations set forth in paragraphs 29, 41, and 46 and the allegations of professional misconduct contained in subparagraphs 47(d), (f), (g), (k), and (l) of count 1 of the formal complaint were dismissed. Count 2 of the formal complaint was dismissed in its entirety. Paragraphs 5, 7, 11, 13, 14, 18, 21, 26, 28, 30, and 40 in the formal complaint were amended as provided in the stipulation. The respondent pled no contest to the factual allegations and grounds for discipline set forth in the remaining paragraphs of the formal complaint, namely that the re-

spondent committed professional misconduct during his representation of a client in a civil matter.

Based upon the respondent's no contest plea and the stipulation of the parties, Upper Peninsula Hearing Panel #2 found that the respondent neglected a legal matter entrusted to him in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in representing a client in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of a matter and comply promptly with reasonable requests for information in violation of MRPC 1.4(a); failed to make reasonable efforts to expedite litigation consistent with the interests of the client in violation of MRPC 3.2; having direct supervisory authority over a nonlawyer, failed to make reasonable efforts to ensure that the person's conduct was compatible with the professional obligations of the lawyer in violation of MRPC 5.3(b); engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in violation of MRPC

8.4(b); and engaged in conduct prejudicial to the administration of justice in violation of MCR 9.104(1).

The panel ordered that the respondent's license to practice law be suspended for 60 days, effective Aug. 22, 2024, and that the respondent pay restitution totaling \$2,085, which was paid by the respondent prior to the filing of the stipulation for consent order of discipline. Costs were assessed in the amount of \$929.

REPRIMAND WITH CONDITIONS (BY CONSENT)

Anthony E. Jacobs, P52742, Washington. Reprimand, effective Aug. 21, 2024.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by the hearing panel.

The stipulation contained the respondent's admission that, as set forth in Notice of Filing of Judgment of Conviction, he was convicted by guilty plea on Nov. 7, 2023, of two counts of Controlled Substance Use, misdemeanor offenses, in violation of MCL 333.7404(2)(A) in *People v. Anthony Essa Jacobs*, 16th Circuit Court Case No. 2023-000824-FH and on April 4, 2022, of one count of Disorderly Person — Loitering re Illegal Business, a misdemeanor offense, in violation of MCL 333.7404(2)(A) in the matter titled *People v. Anthony Essa Jacobs*, 16th Circuit Court Case No. 2022-000170-FH. Formal complaint 24-54-GA alleged that the respondent failed to report his convictions as required by MCR 9.120(A) and (B).

Based on the respondent's conviction, admission, and the parties' stipulation, the panel found that the respondent engaged in conduct that violated a criminal law of a state or of the United States, an ordinance,

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or tribal law pursuant to MCR 2.615 in violation of MCR 9.104(5); failed to provide notice of his convictions in violation of MCR 9.120(A) and (B); and violated or attempted to violate the Rules of Professional Conduct in violation of MRPC 8.4(a).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded and that he be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$861.36.¹

1. The respondent was actually sentenced on Nov. 7, 2023. The date of his convictions was June 21, 2023. See 16th Circuit Court Register of Actions.

REPRIMAND (BY CONSENT)

Richard L. Kent, P65494, Eastpointe. Reprimand, effective Aug. 14, 2024.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #102. The stipulation contained the parties' agreement to set aside the default previously entered and dismiss the allegations of professional misconduct contained in paragraph 27(a), (d), (e), (g), (h), and (i) of the formal complaint. The stipulation also contained the respondent's plea of no contest to the factual allegations and allegations of professional misconduct set forth in the remaining paragraphs the formal complaint, namely that the respondent committed professional misconduct during his representation of a client in an immigration matter by failing to file asylum applications for his client's five minor children. The stipulation further acknowledged that the respondent had issued a refund to the client in the amount of \$2,000.

Based upon the respondent's no contest pleas and the stipulation of the parties, the panel found that the respondent failed to act with reasonable diligence and promptness when representing a client in violation of

MRPC 1.3; failed to keep a client reasonably informed regarding the status of a matter and comply promptly with reasonable requests for information in violation of MRPC 1.4(a); and engaged in conduct in violation of the Rules of Professional Conduct in violation of MRPC 8.4(a) and MCR 9.104(4).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$768.61.

REPRIMAND (BY CONSENT)

Shanice Gabrielle Moore, P83784, Southgate. Reprimand, effective Aug. 23, 2024.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by the hearing panel.

The stipulation contained the respondent's admission that as set forth in Notice of Filing of Judgment of Conviction, she was convicted by guilty plea of operating while intoxicated, a misdemeanor, in violation of MCL 257.625(1)(a) in the case of *People of the City of Detroit v. Shanice Gabrielle Moore*, 36th District Court Case Z8073081. The parties' stipulation also contained admissions by the respondent to specific allegations set forth in Formal Complaint 24-49-GA related to the above criminal matter.

Based on the respondent's conviction, admission, and the parties' stipulation, the panel found that the respondent engaged in conduct that violated a criminal law where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in violation of MRPC 8.4(b); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach in violation of MCR 9.104(2); engaged in conduct that is contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3); and violated a criminal law of a state of the United States, an ordinance, or tribal law pursuant to MCR 2.615 in violation of MCR 9.104(5).

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ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$955.80.

AUTOMATIC INTERIM SUSPENSION

Danasia Nikhol Neal, P83076, Birmingham. Effective July 22, 2024.

On July 22, 2024, the respondent was convicted by a plea of nolo contendere to one count of Controlled Substance — Delivery/Manufacture (Narcotic or Cocaine) 50 to 449 Grams (Attempt) — MCL 333.7401(2)(a)(iii), a felony, in *State of Michigan v. Danasia Nikhol Neal*, Third Circuit Court of Michigan, Case No. 21-007000-01-FH. Upon the respondent's conviction and in accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended.

Upon the filing of a judgment of conviction, this matter will be assigned to a hearing panel for further proceedings. The interim suspension will remain in effect until the effective date of an order filed by a hearing panel under MCR 9.115(J).

REPRIMAND (BY CONSENT)

Robert S. Strager, P30896, Southfield. Reprimand, effective Aug. 14, 2024.

The respondent and the grievance administrator filed an Amended Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #76. The amended stipulation contained the respondent's admission that, as set forth in the Notice of Filing of Judgment of Conviction, he was convicted by no contest plea of disturbing the peace under City of

Birmingham Ordinance 74-156, a misdemeanor, in *People of the City of Birmingham v. Robert Strager*, 48th District Court Case No. 21-BC00718. The stipulation also contained the parties' agreement that the allegations contained in Formal Complaint 24-47-GA relating to the respondent's failure to report his conviction would be dismissed.

Based on the respondent's conviction, admission, and stipulation of the parties, the panel found that the respondent engaged in conduct that violated a criminal law of a state or the United States, an ordinance, or tribal law pursuant to MCR 2.615 in violation of MCR 9.104(5).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$799.44.

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LAWYERS & JUDGES ASSISTANCE

MEETING DIRECTORY

The following list reflects the latest information about lawyers and judges AA and NA meetings. Meetings marked with "*" have been designated for lawyers, judges, and law students only. All other meetings are attended primarily by lawyers, judges, and law students, but also are attended by others seeking recovery. In addition, we have listed "Other Meetings," which others in recovery have recommended as being good meetings for those in the legal profession.

For questions about any of the meetings listed, please contact the Lawyers and Judges Assistance Program at 800.996.5522 or jclark@michbar.org.

PLEASE DO NOT HESITATE TO CONTACT LJAP DIRECTLY WITH QUESTIONS PERTAINING TO VIRTUAL 12-STEP MEETINGS. FOR MEETING LOGIN INFORMATION, CONTACT LJAP VOLUNTEERS ARVIN P. AT 248.310.6360 OR MIKE M. AT 517.242.4792.

ALCOHOLICS ANONYMOUS & OTHER SUPPORT GROUPS

Bloomfield Hills

WEDNESDAY 6 PM*

Virtual meeting
Kirk in the Hills Presbyterian Church
1340 W. Long Lake Rd.
1/2 mile west of Telegraph

Detroit

MONDAY 7 PM*

Lawyers and Judges AA
St. Paul of the Cross
23333 Schoolcraft Rd.
Just east of I-96 and Telegraph (This is both an AA and NA meeting.)

East Lansing

WEDNESDAY 8 PM

Sense of Humor AA Meeting
Michigan State University Union
Lake Michigan Room
S.E. corner of Abbot and Grand River Ave.

West Bloomfield

THURSDAY 7:30 PM *

A New Freedom
Virtual meeting
(Contact Arvin P. at 248.310.6360 for Zoom login information)

Houghton Lake

SECOND SATURDAY OF THE MONTH 1 PM

Lawyers and Judges AA Meeting
Houghton Lake Alano Club
2410 N. Markey Rd.
Contact Scott with questions 989.246.1200

Lansing

THURSDAY 7 PM*

Virtual meeting
Contact Mike M. for meeting information
517.242.4792

Lansing

SUNDAY 7 PM*

Virtual meeting
Contact Mike M. for meeting information
517.242.4792

Royal Oak

TUESDAY 7 PM*

Lawyers and Judges AA
St. John's Episcopal Church
26998 Woodward Ave.

Stevensville

THURSDAY 4 PM*

Al-Anon of Berrien County
4162 Red Arrow Highway

THURSDAY 7:30 PM

Zoom
(Contact Arvin P. at 248.310.6360 for Zoom login information)

GAMBLERS ANONYMOUS

For a list of meetings, visit
gamblersanonymous.org/mtgdirMI.html.

Please note that these meetings are not specifically for lawyers and judges.

OTHER MEETINGS

Detroit

TUESDAY 6 PM

St. Aloysius Church Office
1232 Washington Blvd.

Detroit

FRIDAY 12 PM

Detroit Metropolitan Bar Association
645 Griswold
3550 Penobscot Bldg., 13th Floor
Smart Detroit Global Board Room 2

Farmington Hills

TUESDAY 7 AM

Antioch Lutheran Church
33360 W. 13 Mile
Corner of 13 Mile and Farmington Rd., use back entrance, basement

Monroe

TUESDAY 12:05 PM

Professionals in Recovery
Human Potential Center
22 W. 2nd St.
Closed meeting; restricted to professionals who are addicted to drugs and/or alcohol

Rochester

FRIDAY 8 PM

Rochester Presbyterian Church
1385 S. Adams
South of Avon Rd.
Closed meeting; men's group

Troy

FRIDAY 6 PM

The Business & Professional (STAG)
Closed Meeting of Narcotics Anonymous
Pilgrim Congregational Church
3061 N. Adams
2 blocks north of Big Beaver (16 Mile Rd.)

FROM THE MICHIGAN SUPREME COURT

Amendment of Rule 3.305 of the Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 3.305 of the Michigan Court Rules is adopted, effective immediately.

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

Rule 3.305 Mandamus

(A) Jurisdiction.

- (1) Unless the constitution, a statute, or court rule requires a ~~an~~ action for mandamus against a state officer to be brought in the Supreme Court, the action must ~~may~~ be brought in the Court of Appeals or the Court of Claims.

(2) [Unchanged.]

(B)-(G) [Unchanged.]

Staff Comment (ADM File No. 2022-46): The amendment of MCR 3.305 clarifies where to file a mandamus action.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

Proposed Amendment of Rule 6.302 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.302 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

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

Rule 6.302 Pleas of Guilty and Nolo Contendere

(A)-(F) [Unchanged.]

(G) After the court accepts a defendant's plea, it must advise the defendant, either orally or in writing, that the plea may be withdrawn in accordance with MCR 6.310. Any advice must specifically state that if the defendant engages in misconduct, as that term is defined in MCR 6.310, before sentencing,

(1) the defendant will not be allowed to withdraw the plea unless the court allows for good cause, and

(2) the court will not be required to abide by any sentencing agreement or evaluation.

Staff Comment (ADM File No. 2022-59): The proposed amendment of MCR 6.302 would require courts, after accepting a plea, to advise defendants of their ability to withdraw their plea and to specifically advise defendants of the consequences of misconduct in between plea acceptance and sentencing.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the secretary of the State Bar and the state court administrator so they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by Jan. 1, 2025, by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2022-59. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ZAHRA, J., would have declined to publish the proposal for comment.

Proposed Amendment of Rule 6.433 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.433 of the Michigan Court Rules. Before

determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

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

Rule 6.433 Documents for Postconviction Proceedings; Indigent Defendant

(A)-(B) [Unchanged.]

(C) Other Postconviction Proceedings. An indigent defendant who is not eligible to file an appeal of right or an application for leave to appeal may obtain records and documents as provided in this subrule.

(1)-(2) [Unchanged.]

(3) The court may order the transcription of additional proceedings if it finds that there is good cause for doing so. A defendant must provide the following information before a court can determine whether good cause exists to order transcription under this subrule:

(a) The date of the proceeding(s) for which the defendant is seeking transcription.

(b) The specific reason(s) why a transcript is needed.

(c) How each requested transcript will improve the defendant's chance of receiving postconviction relief.

After such a transcript has been prepared, the clerk must provide a copy to the defendant.

(4) [Unchanged.]

Staff Comment (ADM File No. 2023-07): The proposed amendment of MCR 6.433 would require an indigent defendant to provide certain information before a court can consider whether good cause exists to order transcription of additional proceedings.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the secretary of the State Bar and the state court administrator so they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by Jan. 1, 2025, by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2023-07. Your comments and the comments of others will be posted under the chapter affected by this proposal.

Proposed Amendment of Rule 1.6 of the Michigan Rules of Professional Conduct

On order of the Court, this is to advise that the Court is considering an amendment of Rule 1.6 of the Michigan Rules of Professional Conduct. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

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

Rule 1.6. Confidentiality of Information

(a)-(b) [Unchanged.]

(c) A lawyer may reveal:

(1)-(3) [Unchanged.]

(4) the intention of a client to commit a crime and the information necessary to prevent the crime; ~~and~~

(5) confidences or secrets necessary to establish or collect a fee, or to defend the lawyer or the lawyer's employees or associates against an accusation of wrongful conduct; ~~and~~.

(6) confidences or secrets to the extent reasonably necessary to protect the client from self-harm that may result in the client's death.

(d) [Unchanged.]

FROM THE MICHIGAN SUPREME COURT (CONTINUED)

Comment:

[Paragraphs 1-25 unchanged.]

Confidentiality of Information.

When transmitting a communication that contains confidential and/or privileged information relating to the representation of a client, the lawyer should take reasonable measures and act competently so that the confidential and/or privileged client information will not be revealed to unintended third parties. Any confidences or secrets that may be disclosed under paragraph (c)(6) may only be disclosed to an individual or entity who is licensed by the State of Michigan to provide information about or assistance with regard to suicidal individuals.

Staff Comment (ADM File No. 2023-25): The proposed amendment of MRPC 1.6 would provide an exception to the confidentiality rule by permitting a lawyer to reveal, to certain individuals, confidences or secrets to the extent reasonably necessary to protect a client from self-harm that may result in the client's death.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the secretary of the State Bar and the state court Administrator so they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by Jan. 1, 2025, by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2023-25. Your comments and the comments of others will be posted under the chapter affected by this proposal.

Amendment of Rule 8.128 of the Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 8.128 of the Michigan Court Rules is adopted, effective immediately.

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

Rule 8.128 Michigan Judicial Council

(A)-(B) [Unchanged.]

(C) Membership

(1) [Unchanged.]

(2) All members shall be appointed by the Supreme Court. Members serving on the Judicial Council by nature of their positions designated in subparagraphs (C)(1)(a), (c) and (d) shall serve on the Judicial Council so long as they hold that position. Of the remaining members appointed by the Supreme Court, one-third shall initially be appointed to a two-year term, one-third appointed to a three-year term and one-third appointed to a four-year term. All members appointed or reappointed following these inaugural terms shall serve three-year terms. Terms commence January 1st of each calendar year. Unless otherwise specified in MCR 8.128(H) or the member is required or nominated to serve under MCR 8.128(C)(1)(a), (b), (c), or (d), no member may consecutively serve more than two full consecutive terms.

(D)-(G) [Unchanged.]

(H) Vacancies. In the event of a vacancy on the Judicial Council, a replacement member shall be appointed by the Supreme Court for the remainder of the term of the former incumbent. After serving the remainder of the term, the new member may consecutively serve ~~be reappointed for up to two full consecutive terms.~~

(I)-(K) [Unchanged.]

Staff Comment (ADM File No. 2024-09): The amendment of MCR 8.128(C) and (H) clarifies the number of allowed terms for members of the Michigan Judicial Council.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

Adoption of Local Court Rule 2.518 for the 13th Circuit Court and the Antrim, Grand Traverse, and Leelanau Probate Courts

On order of the Court, the following Local Court Rule 2.518 for the 13th Circuit Court and the Antrim, Grand Traverse, and Leelanau Probate Courts is adopted, effective Jan. 1, 2025.

LCR 2.518 Submission of Trial and Hearing Exhibits

- (A) Introduction. This local rule establishes a procedure for represented and unrepresented parties to submit proposed exhibits to the court prior to hearings and trials.
- (B) Submission of Exhibits in General.
- (1) Exhibits are Not Court Records. Pursuant to MCR 1.109(A)(2), exhibits that are maintained by the court reporter or other authorized staff pursuant to MCR 2.518 or MCR 3.930 during the pendency of a proceeding are not court records.
 - (2) Personal Identifying Information. Motions and pleadings may reference attachments, except that such attachments shall not include unredacted personal identifying information, unless submitted in the form and manner established by the State Court Administrative Office.
 - (3) Attachment of Prohibited or Confidential Information. No motion or pleading shall attach any document that is:
 - (a) described in MCR 3.229,
 - (b) within the scope of a protective order filed or requested in the action, or
 - (c) the subject of an entered order or pending motion to seal the document under MCR 8.119(I), unless such document is identified as nonpublic, confidential, or sealed, pursuant to applicable court rule. Attachments to pleadings that violate this rule are subject to being stricken pursuant to MCR 2.115(B).
 - (4) Prior Orders or Judgments. It is unnecessary and redundant to attach copies of prior court orders or judgments to pleadings filed in the same case, as such prior orders are already part of the record.
 - (5) Attachments to and Items Inserted Within Pleadings are Not Exhibits. No attachment to or item inserted, copied and pasted, or similarly included within a filed pleading shall be considered an exhibit. No attachment to or item inserted, copied and pasted, or similarly included within a filed pleading shall be simultaneously admissible as an exhibit at any subsequent hearing or trial (i.e., no attachment to a pleading may be removed from a court file to be used as an exhibit). A separate copy must be provided and marked as an exhibit at such a hearing or trial.
 - (6) Disposal of Exhibits. Pursuant to MCR 2.518, upon expiration of the applicable appeal period, parties shall retrieve the exhibits submitted by them except that any weapons and drugs shall be returned to the confiscating agency for proper disposition. If the exhibits are not requested and retrieved within 56 days after the conclusion of the applicable appeal period, the court may properly dispose of the exhibits without notice to the parties. Unretrieved exhibits that are confidential records or confidential electronic records may be disposed of by shredding or deletion, respectively.
- (C) Prehearing and Pretrial Submission of Exhibits.
- (1) Existing Pretrial Orders in a Case are Controlling. Documents, photographs, and other physical evidence shall be disclosed and exchanged between the parties in accordance with any pretrial or scheduling order entered in the case, and in accord with discovery requests pursuant to the Michigan Court Rules.
 - (2) Exchange of Exhibits in Absence of Pretrial Order. In the absence of a specific pretrial or scheduling order, parties shall exchange proposed exhibits at least seven days before any evidentiary hearing or trial before the judge, and parties shall exchange proposed exhibits at least 48 hours before any referee hearing or motion hearing, unless the court permits otherwise for good cause. These disclosure/exchange requirements do not apply to evidence submitted for rebuttal purposes. All proposed exhibits for any evidentiary hearing or trial are subject to admissibility under the Michigan Rules of Evidence. If the volume or nature of the proposed exhibit(s) makes them excessively expensive, difficult, or burdensome to print or submit in physical form, the proposing party shall promptly advise the court so as to determine whether electronic evidence can be exchanged between parties and presented to the court in a mutually-compatible electronic format, capable of being presented in court, and preserved as part of the electronic record. The timing of exhibit exchange under this rule does not override any requirements of the Michigan Court Rules imposing earlier exchange time frames.
 - (3) Court Staff Assistance is Limited. Court staff shall have no obligation to print any electronic file to paper or convert it to any other format prior to a hearing or trial. Any such printing done by court staff is strictly a courtesy to the judge and is conditioned upon court staff's time and availability. Judges and referees are not expected to search for proposed physical or electronic evidence prior to or during any hearing or trial, and submission of proposed exhibits directly to a judge or referee via email is prohibited as an ex parte communication.
 - (4) Prior Arrangement for Presentation of Electronic Evidence Required. Any party intending to present electronic evidence

FROM THE MICHIGAN SUPREME COURT (CONTINUED)

at any trial or hearing is responsible for confirming, before said trial or hearing, that:

- (a) said electronic evidence is compatible with the court's technology;
- (b) it can be seen, heard, or read during the trial or hearing;
- (c) if admitted into evidence, it can be preserved as part of the court record; and
- (d) said party will be capable of presenting said electronic evidence using available technology.

Failure to confirm such compatibility and capacity prior to the hearing or trial is not grounds for adjournment unless the court determines otherwise for good cause. Nothing in this subrule authorizes the court to refuse to admit evidence that is otherwise admissible pursuant to the Michigan Rules of Evidence.

Staff Comment (ADM File No. 2024-16): The adoption of LCR 2.518 facilitates the submission of proposed exhibits in the 13th Circuit Court and the Antrim, Grand Traverse, and Leelanau County Probate Courts.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

Appointments to the Attorney Discipline Board

On order of the Court pursuant to MCR 9.110, Peter Smit (attorney member), Jason M. Turkish (attorney member), and Dr. Louis J. Prues

(layperson) are reappointed to the Attorney Discipline Board for terms commencing on Oct. 1, 2024, and ending on Sept. 30, 2027.

Alan Gershel is reappointed as chair and Peter Smit is reappointed as vice-chair of the board for terms commencing on Oct. 1, 2024, and ending on Sept. 30, 2025.

Appointments of Commissioners-at-Large to the State Bar of Michigan Board of Commissioners

On order of the Court pursuant to State Bar Rule 5, Section 2, Elizabeth Kitchen-Troop, Patrick Crowley, and Claudynse Holloman are appointed as commissioners-at-large of the State Bar of Michigan Board of Commissioners to serve three-year terms commencing on adjournment of the 2024 annual meeting of the outgoing Board of Commissioners.

Appointments to the Foreign Language Board of Review

On order of the Court pursuant to MCR 8.127(A), the following members are reappointed to the Foreign Language Board of Review for terms beginning on Jan. 1, 2025, and ending on Dec. 31, 2027.

- Hon. Marcy A. Klaus (probate court judge)
- Tyler Martinez (family law attorney)
- J. Elizabeth McClain (limited English proficient (LEP) individuals advocate)

Appointment to the Michigan Judicial Council

On order of the Court pursuant to MCR 8.128 and effective immediately, Ashish Joshi (attorney) is appointed to the Michigan Judicial Council for the remainder of a term ending on Dec. 31, 2025.



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