

MEMORANDUM

To: 2001-2002 Members of the Representative Assembly

From: Julie I. Fershtman, Assembly Chair

Date: February 15, 2002

Please accept my most sincere thanks for your contributions to an excellent and productive Representative Assembly meeting on Saturday, January 26, 2002.

The Summary of Proceedings is enclosed (in accordance with Rule 4.8 of the Permanent Rules of Procedure of the Representative Assembly). Any member of the Assembly who believes that a correction should be made must notify the Clerk, Daniel M. Levy, of a proposed correction. Please direct your correspondence to Mr. Levy at the address on this letterhead in writing postmarked on or before February 28, 2002. At our next Assembly meeting in April, we will vote on approval of the Summary of Proceedings.

If you have any questions regarding Assembly matters, please do not hesitate to contact me at any time [(248) 851-4111 or <mailto:fershtman@aol.com>].

Enclosure: Summary of Proceedings
Attendance Record

cc: 2001-2002 Section Chairpersons
2001-2002 Committee Chairpersons
Board of Commissioners
John T. Berry, Executive Director

**State Bar of Michigan
Representative Assembly
January 26, 2002**

SUMMARY OF PROCEEDINGS

The following is a summary of proceedings of the State Bar Representative Assembly session held Saturday, January 26, 2002, in the University Ballroom at the Marriott Hotel in East Lansing, Michigan.

1. Call to Order by Chairperson Julie I. Fershtman.
2. Clerk Daniel M. Levy declared a quorum was present.
3. Upon a motion made and seconded, the calendar was adopted, as amended.
4. As provided in Rule 4.8, the Summary of Proceedings of the September 13, 2001, meeting was deemed approved with corrections to the attendance list.
5. Upon a motion made and seconded, the Assembly approved a special order motion that any member of the Representative Assembly absent from the September 13, 2001, meeting not be considered “absent without notice” or receive an “excused absence” for the purpose of application of Rule 6, of the Supreme Court Rules concerning the State Bar of Michigan if such member was absent because of concerns related to the national tragedy of September 11, 2001.
6. Upon a motion made and seconded, Jennifer A. Mazzuchi, Marquette (25th Judicial Circuit, and Jennifer L. Schrand, Battle Creek (37th Judicial Circuit) were appointed to fill immediate vacancies within their respective circuits.
7. Ms. Fershtman addressed the Assembly.
8. John T. Berry, Executive Director of the State Bar of Michigan, addressed the Assembly.
9. Allyn Kantor, Chair of the Special Issues Committee, and Peggy Costello, Chair of the Rules and Calendar Committee, provided an informational status report on their respective committees.
10. Upon a motion made and seconded, the Assembly approved a resolution proposing an amendment to Rule 4.8 of the Permanent Rules of Procedure to annually update the Chronological Summary of Representative Assembly Action and accompanying Index, and to provide both to each member at the Assembly’s first meeting of the year.
11. Upon a motion made and seconded, the Assembly approved a resolution proposing amendments to the Michigan Rules of Professional Conduct regarding the provision of ancillary and joint services by lawyers.

12. Outside speakers Kary L. Moss, Executive Director, ACLU-Michigan, and Professor Stephen J. Safranek, Ave Maria School of Law, provided an informational pro/con presentation on the attorney/client privilege issue and U. S. Department of Justice Order monitoring attorney-client communications.
13. Upon a motion made and seconded, the Assembly approved a resolution that (1) opposed the U. S. Department of Justice's proposed action to monitor communications between attorneys and their clients without prior judicial approval, which abrogates the attorney-client privilege; and (2) required that a copy of the resolution (as passed by the Assembly) be sent to the U.S. Attorney General and the Rules Unit of the Office of General Counsel, Bureau of Prisons.
14. Outside speakers Kary L. Moss, Executive Director, ACLU-Michigan, and Professor Eugene R. Milhizer, Ave Maria School of Law, provided an informational pro/con presentation regarding military tribunals and Military Order issued by President George W. Bush.
15. Upon a motion made and seconded, the Assembly approved a resolution 1) endorsing the January 4, 2002, Recommendations on Military Commissions issued by the American Bar Association Task Force on Terrorism and the Law and 2) requiring that copies of the resolution and Task Force Recommendations be sent to the President of the United States, the Secretary of Defense and the American Bar Association.
16. Adjournment.