

REMEMBER TO BRING YOUR STANDING COMMITTEE ON PROFESSIONAL AND JUDICIAL ETHICS PROPOSAL TO AMEND MICHIGAN RULES OF PROFESSIONAL CONDUCT, JUNE 2003 BOOK. This book of materials was distributed prior to the September 12, 2003 meeting and extra booklets will not be available.

CALENDAR FOR THE NOVEMBER 14, 2003, SPECIAL MEETING  
OF THE STATE BAR OF MICHIGAN REPRESENTATIVE ASSEMBLY  
(Recommended for Adoption by the Assembly Committee on Rules and Calendar)

*Thomas M. Cooley Law School  
217 S. Capitol – 6<sup>th</sup> Floor Auditorium  
Lansing, Michigan*

<u>Time</u>	<u>Calendar Item</u>	<u>Time Allotment*</u>
9:30 a.m.	Continental Breakfast.....	30 minutes
10:00 a.m.	1. A. Call to order B. Certification that a quorum is present C. Adoption of proposed calendar D. No objection having been received to the Summary of Proceedings of the September 12, 2003 meeting, the summary is deemed approved .....	4 minutes
10:04 a.m.	2. Filling vacancies.....	1 minute
10:05 a.m.	3. Remarks by Daniel M. Levy, Chairperson of the Representative Assembly.....	5 minutes
10:10 a.m.	4. Consideration of Proposed Resolutions Relating to Supreme Court Administrative Order 2002-29, Standards for Lawyer Sanctions..... <b>NOTE: Background Materials Contained in Grey Colored Booklet</b>  -Proponent: Representative Assembly Special Issues Committee Edward L. Haroutunian, Chair, 6 <sup>th</sup> Circuit [Haroutunian Licata Haroutunian, PC; 30700 Telegraph Rd, Suite 3475, Bingham Farms, MI 48025; phone (248)-594-9071; e-mail: <a href="mailto:elh@hlhpc.com">elh@hlhpc.com</a> ] -Written reports received from: State Bar of Michigan Grievance Committee - John W. Allen, Chair -Invited to comment: All State Bar Committees and Sections, Representative Assembly Members, Others -Assembly debate and vote	60 minutes
11:10 a.m.	5. Consideration of Proposed Resolutions Relating to the Michigan Rules of Professional Conduct. State Bar of Michigan Standing Committee on Professional and Judicial Ethics Committee - Elaine Fieldman and Honorable Elwood Brown, Co-Chairs	

**NOTE:** The Rules are in numerical order in the Standing Committee on Professional and Judicial Ethics Proposal to Amend Michigan Rules of Conduct June, 2003 booklet but will be discussed in the order listed below.

After the proponent presents the proposal package, each proposal will be discussed individually using the following format:

- Proponent: Representative Assembly Special Issues Committee  
Edward L. Haroutunian, Chair
- Invited to Comment: All State Bar Committees and Sections,  
Representative Assembly Members, Others
- Assembly debate and vote

**NOTE:** The State Bar of Michigan Standing Committee on Professional and Judicial Ethics provided a report to assist in the Assembly debate. Its report is located behind Tab 6 in this booklet. Page number(s) will be referenced following each Rule.

a. **Rule 6.1 [Voluntary Pro Bono Rule]**

Written Reports received from:

- 1) Pro Bono Community
- 2) ACES Section – Henry B. Clay, III, Chair
- 3) Animal Law Section – Beatrice M. Friedlander, Chair
- 4) Ethics Committee (State Bar of Michigan Standing Committee on Professional and Judicial Ethics Committee) Tab 6, pages 20-21

b. **Scope of Rules [Preamble to the MRPC]**

Written Reports received from:

- 1) Grievance Committee, page 3
- 2) Ethics Committee, Tab 6, page 23

c. **“In Writing” Requirement [Rules 1.0(b), 1.7(b), 1.9(b), 1.10(d), 1.11(a), 1.12, 1.18(d)]**

Written Reports received from:

- 1) Grievance Committee, page 3
- 2) Ethics Committee, Tab 6, page 24

d. **“Informed Consent” [Rules 1.0(e) [definition], 1.2(c), 1.4(a)(1), 1.6(a), 1.7(b)(4), 1.8(a)(3), 1.9(b)(2), 1.10(d), 1.11(a)(2), 1.12(a), 1.18(d)(1) and 2.3(b)]**

Written Reports received from:

- 1) Grievance Committee, page 3
- 2) Ethics Committee, Tab 6, page 24

e. **Rule 4.2 [Communication with a Represented Person]**

Written Reports received from:

(Rule 4.2 continued)

- 1) Jeffrey G. Collins, United States Attorney, U. S. Department of Justice Eastern District of Michigan; 211 Fort Street, Suite 2001, Detroit, MI 48226; (313) 226-9500
- 2) Ethics Committee, Tab 6, page 17

f. **Rule 4.1** [Truthfulness in Statements to Others]

Written Reports received from:

- 1) Grievance Committee, page 2
- 2) Ethics Committee, Tab 6, page 16

g. **Rule 1.8** [Attorney/Client Sexual Relations]

Written Reports received from:

- 1) Standing Committee on Legal Aid – Terri Stangl, Chair
- 2) Ethics Committee, Tab 6, pages 9-11

h. **Rule 1.5** [Fee Sharing and Referral Fees]

Written Reports received from:

- 1) John P. Quinn, Chief Assistant Corporation Counsel, City of Detroit, Law Dept., Litigation Division, 1650 First National Bldg., 660 Woodward Ave, Detroit, MI 48226; (313) 237-3082
- 2) Grievance Committee
- 3) Ethics Committee, Tab 6, page 2

i. **Rule 1.15** [Safekeeping of Advances of Fees and Expenses]

Written Reports received from:

- 1) Grievance Committee, page 2
- 2) Ethics Committee, Tab 6, pages 12-13

j. **Rule 1.17** [Sale of a Law Practice or Area of Practice]

No Written Reports Received

k. **Rule 7.6** [Political Contributions]

Written Reports Received from:

- 1) Edward L. Haroutunian
- 2) Ethics Committee, Tab 6, page 22

l. **Rule 1.7** [Conflict of Interest Related to Attorney Role as Corporate Fiduciary]

Written Reports Received from:

- 1) SBM Probate and Estate Planning Council – Henry M. Grix, Chair
- 2) Pro Bono Community
- 3) Ethics Committee, Tab 6, pages 7-8

m. **Rule 1.18** [Duties to a Prospective Client]

Written Reports received from:

- 1) Pro Bono Community
- 2) Ethics Committee, Tab 6, page 14

n. **Rule 5.5** [Regulation of Out-of-State Attorneys Practicing in Michigan]

Written Reports received from:

- 1) Probate and Estate Planning Section – Dirk Hoffius, Chair
- 2) UPL Committee – John Anding, Chair
- 3) Ethics Committee, Tab 6, pages 18-19

o. **Michigan Rules in Principle, Without Objections** [Rules 3.8, 6.3, 6.6]

No Written Reports Received

- |            |    |  |
|------------|----|--|
| 12:15 p.m. | 6. | LUNCHEON RECESS – a lunch will be provided to each Assembly member..... 60 minutes |
| 1:15 p.m.  | 7. | Resume Assembly Session – Continuation of Item 5 above                             |
| 4:00 p.m.  | 8. | Adjournment  |

\* NOTE: Time allotments are advisory and reflect only an estimate of the time needed to discuss and resolve each calendar item. Consequently, specific calendar items may be reached sooner or later than anticipated depending upon whether the discussion of matters earlier on the calendar takes more or less time than anticipated. Persons who may be interested in specific calendar items should accordingly plan to be present substantially in advance of the time indicated hereon for that item so as to guard against the possibility that it may be considered earlier than originally anticipated.