

**State Bar of Michigan  
Representative Assembly  
March 27, 2010**

**SUMMARY OF PROCEEDINGS**

The following is a summary of proceedings of the State Bar Representative Assembly session held Saturday, March 27, 2010, at the Lansing Community College West Campus in Lansing, Michigan. Call to order by Chairperson Elizabeth M. Johnson.

1. Clerk Stephen J. Gobbo declared a quorum (50) was present.
2. Upon a motion made and seconded, as the calendar was adopted, as proposed.
3. As provided in Rule 4.8, the Summary of Proceedings of the September 17, 2009, meeting was deemed approved.
4. Elizabeth M. Johnson, Chair of the Representative Assembly introduced Michigan Supreme Court Chief Justice Marilyn J. Kelly.
5. Michigan Supreme Court Chief Justice Marilyn J. Kelly spoke to Assembly members on the state's unemployment, the workloads in the legal aid systems and on pro bono lawyers.
6. Jeff Nellis, Chair, Nominating and Awards Committee, addressed the Assembly in regards to filling vacancies for the current meeting. Upon a motion made and seconded, Barry Poulson (1<sup>st</sup> Circuit); Donna Howard (2<sup>nd</sup> Circuit); Vincent Romano (3<sup>rd</sup> Circuit); Scott Wolfson (6<sup>th</sup> Circuit); Kenneth Morgan (6<sup>th</sup> Circuit); Pamela Enslin (9<sup>th</sup> Circuit); Carl Chioini (16<sup>th</sup> Circuit); Tom TerMaat (17<sup>th</sup> Circuit); Victoria Vuletich (17<sup>th</sup> Circuit); Mark Quinn (19<sup>th</sup> Circuit); Ryan Edberg (24<sup>th</sup> Circuit); Monique Field (30<sup>th</sup> Circuit); Christopher Smith (30<sup>th</sup> Circuit); Dawn LaCasse (34<sup>th</sup> Circuit); Heidi Behnke (43<sup>rd</sup> Circuit); Toam Chung (46<sup>th</sup> Circuit) James Riggle (50<sup>th</sup> Circuit); Michael Ekdahl (53<sup>rd</sup> Circuit) were appointed to fill immediate vacancies within their respective Circuits.
7. Elizabeth M. Johnson, Chair of the Representative Assembly made a few remarks to the Assembly.
8. Charles R. Toy, President of the State Bar of Michigan made a few remarks to the Assembly.
9. Janet Welch, Executive Director of the State Bar of Michigan made a few remarks to the Assembly.
10. Jeff Nellis, Chair, Nominating & Awards Committee addresses the Assembly in regards to the 2010 Award Nominations. Upon a motion made and seconded the Representative Assembly unanimously approved the 2010 Award Recipients in that the Michael Franck Award be presented to two recipients this year, Sheldon Stark from the Institute of Continuing Legal Education in Ann Arbor and John Van Bolt

- from the Attorney Discipline Board in Detroit. The Unsung Hero Award will be presented to posthumous Kevin Moody who was a shareholder at Miller Canfield in Lansing.
11. Jeff Nellis, Chair, Nominating & Awards Committee addressed the Assembly in regards to Representative Assembly Reapportionment. The Supreme Court, Rule 6, Section 3, mandates the Representative Assembly shall reapportion its circuits every six years based on February 1 attorney geographic location. A motion was made and seconded for the approval of the reapportionment consistent with the data that was presented. Hearing no discussion the motion was approved.
  12. Anne Vrooman, Director of Research & Development of the State Bar of Michigan made a few remarks on some of the changes in the demographics facing our legal profession in Michigan this year.
  13. Elizabeth Lyon, Director of Governmental Relations of the State Bar of Michigan made a few remarks to update the Assembly on tax on legal services and reforming the public defense system.
  14. Vanessa Williams, Representative Assembly member and American Bar Association House of Delegates member gave a brief overview of the ABA Mid-Year Meeting and the proposals that were discussed at the ABA Mid-Year Meeting.
  15. Teri Stangl, Director of the Center for Civil Justice and Co-Chair of the Justice Initiatives Committee gave a brief update on Justice Initiatives and a new project that they are focusing on. They will hold a Justice Initiatives summit to look at questions related to unrepresented people in the court system and options and choices on how to assist.
  16. Teri Stangl, Director of the Center for Civil Justice and Co-Chair of the Justice Initiatives Committee introduced for consideration an amendment to MRPC 6.1 on voluntary pro bono services. The proposed resolution supports amendment and restatement of MRPC 6.1 and the elimination of the Voluntary Pro Bono Standard to accomplish the following:
    1. Combine the two State Bar statements of pro bono policy into one comprehensive statement;
    2. Expand the definition of pro bono while making it clear that the majority of pro bono effort must be directed to civil legal services for the poor;
    3. Clarify that contributions to the Access to Justice Fund and pro bono services provided through the Access to Justice Fund eligible programs will fulfill pro bono obligations;
    4. Encourage those lawyers who are financially able to do so to make a pro bono contribution of more than \$300 each year; and

5. Maintain the voluntary nature of the rule.

After a motion was made, seconded, the Assembly approved the proposal.

17. Elizabeth Sadowski, member of the Representative Assembly and member of the Family Law Section introduced for consideration an amendment to either the MRPC or the MCR regarding solicitation of potential Family Law clients by attorneys. After a motion was made, seconded, and discussion, the Assembly approved the amendment.

The following with a friendly amendment is what was approved:

“In any matter involving a family law case in a Michigan trial court, a lawyer may not initiate contact or solicit a party for purposes of establishing a client-lawyer relationship, where the party and lawyer had no pre-existing family or client-lawyer relationship, until the first to occur of the following: service of process upon the party or fourteen (14) days has elapsed from the date of filing of the particular case.”

18. Krista Licata Haroutunian member of the Representative Assembly and Chair of the Special Issues Committee reported on the Revised Uniform Arbitration Act that was tabled at the September 17, 2009 meeting. The Special Issues Committee received comments from the Consumer Law Section, Family Law Section and the Alternative Dispute Section. The committee unanimously voted to collect more information from sections and bar associations to bring to the September 30, 2010 meeting.

19. Adjournment