

Saturday, September 17, 2022 Representative Assembly Meeting

Nicholas Ohanesian, Chair -

This meeting of the Representative Assembly will now come to order.

A few introductory matters. For those of you who are attending virtually, your microphone will be muted throughout the meeting so that we will be able to hear whoever is presenting to the body. If you want to speak on any item that is open for discussion, please raise your virtual hand by clicking the raise hand button in the participant panel. You need to open the participant panel and click the button that says raise hand at the bottom of the participant panel. People with raised hands will be recognized in the order that they raise their hands, and you will be unmuted by Bar staff. Please note Zoom now prompts you to unmute, and you'll need to click OK when the appropriate prompt appears. You can see the chat function is set so that you can always send chat messages to state Bar staff we're hosting the meeting if you experience any technical difficulties during the meeting, please send a message to the "vote and tech help"; Nicole Beagle will then be able to assist you. Voting on procedural matters that will be carried out by voice vote where we will unmute everyone to allow for voting; again, Zoom will prompt you to unmute, you'll need to click okay when the appropriate prompt appears before you can speak. There'll be a brief pause while we wait for everyone to unmute. On substantive matters, we will be using the polling feature within the Zoom application. We will let you know when you should see a poll on your screen to vote. If you do not see the poll after a few moments, please send a chat message to "vote and tech help"; Nicole Beagle will then be able to assist you. We've used this method for previous meetings, and it's worked well. However, if we do run into widespread technical difficulties, we have backup methods: don't worry. As a note for those of you who are with us in person, we'll be using voting clickers. And you'll need you'll need a little extra time between votes to add the voting clickers together and the polling together. For those you are attending in person, when you have a comment, please come to the single microphone in the aisle there and there's a camera that's trained on that spot and that's the reason we're using that specific spot so we can make sure that everyone is able to see you as you're speaking. Please state your name and circuit clearly before commenting. One more additional observation for us to make if you are attending virtually and you are being unmuted after you clicked the box to unmute, take a pregnant pause before you go ahead and proceed simply because it takes a second for the telecommunications to pick up everybody and for the unmuting to actually happen. All right. So with that initial matter out of out of the way, now turn to our clerk for the certification of a quorum. Miss Bennett...

Yolanda Bennett, Clerk -

We have quorum.

Nicholas Ohanesian, Chair -

Very good. Okay, now we need to move on to the adoption of the proposed calendar. And so in order to do that, I present that Mary Alexis, chair of the Rules and Calendar Committee.

Mary Alexis Bowen, 30th Circuit -

Good morning, members of the Representative Assembly. Mary Alexis Bowen representing the 30th circuit. And at this time I move to move for the adoption of the proposed 2023 calendar included in our packet.

Nicholas Ohanesian, Chair -

Any discussion? All those in favor?

Various -

Aye. Aye. Aye. Aye. Aye. Aye.

Nicholas Ohanesian, Chair -

Any opposed? Okay, Any abstentions? All right, very good. The calendar is adopted. Okay, next we're going to move on to filling vacancies and for that would invite Mr. Mark Jane, the chair of the Nominating & Awards Committee appearing virtually.

Mark Jane, 22nd Circuit -

Good morning, everybody. You have received a memo of the filling of the vacancies, an updated memo yesterday via email...you have received a memo of the from the Nominating & Awards Committee which worked hard to find candidates to fill the vacancies in the various circuits. At this time, I move to approve the candidates for the vacancies.

Nicholas Ohanesian, Chair -

Discussion? All those in favor say aye.

Various -

Aye. Aye.

Nicholas Ohanesian, Chair -

Any opposed? Abstentions? Okay, the nominations for vacancies are filled. Those of you who are in here in person can now take your seats and those who are virtually can take your seats virtually. Thank you, Mr. Jane. Thank you. Okay, now move on to the presentation of the Unsung Hero award to Miss Angela Cole. Our presenter is Christopher G. Komara. It's my understanding that award statement has been pre-recorded. You can now proceed with that...

Christopher Komara, 42nd Circuit -

My name is Christopher Komara, and it is my pleasure to introduce this year's Unsung Hero Award. The Unsung Hero Award is given annually by the State Bar of Michigan Representative Assembly to a lawyer with exhibited the highest standards of practice and commitment for the benefit of others. This year's recipient is a hero to countless people. Her heroism is quiet and personal. She is a bridge builder, a facilitator, and a coordinator in many ways, including the services she offers to the clients through a nonprofit she founded. Her child advocate advocacy efforts and the work she has done for the Sanford Michigan community since dam failures in 2020 that affected so many in Central Michigan. In her nearly 20-year legal career, she has worked in the court system, served in private practice and as a corporate attorney for a fortune 500 company. During that time, she witnessed firsthand the effects on people and their children who needed but cannot afford legal assistance. She saw numerous people go unrepresented in the courts because they earn too much to qualify for legal assistance provided by government programs, but too little to afford the full price of a traditional attorney. Always generous with pro bono services, she searched for a way to increase her ability to help. After some research to determine the full scope of the need and securing donor support, she created the nonprofit Affordable Legal Care. The organization allows attorneys to provide services on a sliding scale based on income and family size to individuals, families, seniors, and children who fall just above the federal poverty level. Today, Affordable Legal Care continues to thrive with strong donor support. And now people have access to legal services they would have otherwise gone without representation. In 2020, the village of Sanford, Michigan and the surrounding Midland area was

devastated when two dams failed in the region. Hundreds of homes and businesses were destroyed and 1000s of people were left homeless. She immediately stepped in to assess victims needs and search for ways to help them. You know, the COVID-19 pandemic was just coming into full swing at this time and increased the challenges of the unknown at the time people were facing during lockdown, social distancing, and mask requirements. The easy choice would have been for her to stay home where it was safe, warm, and dry. But she chose to abandon caution while providing assistance to those in need. She did what was needed to help with cleanup and restoration, while also following all the COVID-19 and safety protocols. She hit the ground running on day one, and her efforts still continue today. She assists victims with their legal needs, connecting them to social agencies and businesses who can help and works to provide over 10,000 meals to those who would struggle to feed themselves. You would be hard-pressed to find anyone in the community who has not been touched by her efforts. She is often the quiet catalyst that creates possibilities and solutions. Now when you ask her about her child advocacy involvement, she is quick to tell you it's what she lives for. She has worked hard to change legislation in regards to children, but it is what she does every day that makes a continual impact whether she is representing each I or their parents, her goal is to make sure that children's voices get heard and sure they get what they need, and are safe and warm. She fulfills many roles in regards to children. But no matter their role, her focus is on the best interests of the child. She says one of the most rewarding things in her life are the changes she witnesses when working with the children and their families. She was one of the forces behind the raise the age legislation that went into effect in October 2021. Ladies and gentlemen, it is my honor to present to you this year's recipient of the unsung hero award, Angela Cole.

Angela Cole, 42nd Circuit -

Thank you very much, Chris. Thank you to the Representative Assembly, State Bar of Michigan. And thank you to the Nominating & Awards Committee for this Unsung Hero Award. Now Chris and I both grew up in Midland, although we didn't actually meet until we were both in an elevator at law school. Now in law school, there are two topics that come up in that short, awkward elevator ride when we didn't know anyone, right? It was always a discussion about the weather or where we were from. Imagine my surprise when Chris said he was from Midland, which was my county. Well, that common connection that we made, turned into a deep 20-year friendship. Chris, I am so proud to serve my community with you. And until people that I know you, oh, thank you so much for nominating me for this award. As selected on this award the last few days, I reflected a lot on my career. Up until this point, I have been incredibly blessed to have a supportive family, community mentors and friends. I remember early on in my career when I was a law clerk for judges, Paul Clulo and Thomas Ludington, I would find myself alone in the courtroom sometimes and I'd stop and I look around, and I would literally pinch myself, I could not believe I was getting paid to have so much fun. And that fun has never stopped. I love the law. I love being an attorney every single day. I would be remiss if I didn't mention Judge Dorene Allen as one of my many mentors: she stands out among them because she had one of the biggest impacts and who I am today, one of the most significant turning points, she saw my passion for the law and my passion for children. And she gave me the opportunity to learn what I love to do most, to use my legal skills to protect the best interests of some of our most vulnerable community members, our children. It's because of Judge Allen that I get to do what I love every day. Now, if you happen to read the packet that Chris submitted, it will be clear to you that I could not have done all those things by myself. I am so blessed with a supportive family, especially my three adult sons who are our absolute rock stars. I am so thankful to them. My friends and community who are stepping in support me, this award is for them. More importantly, this award is for all the people who accept our help as attorneys, who let us in who trust us who let us use our skills to make their lives and their children's lives a little better. It's for the residents and business

owners of Sanford and Gladwin in Midland County and surrounding communities who live with the aftermath of the dam failures every day, who allowed us to help. It's for the people who live on limited incomes who seek to improve the living situations for themselves and their children. It's for our most vulnerable children who need adults to intervene and protect them from child abuse and neglect sometimes in their very own homes. I am accepting this award today on behalf of everyone I've mentioned so far. They are truly the unsung heroes. Justice Ruth Bader Ginsburg once said, lawyers have a license to practice law, a monopoly on certain services, but for that privilege and status lawyers have an obligation to provide legal services to those without their wherewithal to pay to respond to needs outside themselves, and to help repair tears in their communities. I agree. For me though, helping repair the chairs of my community has become so much more than an obligation as a lawyer. It's the ultimate honor and privilege of being a lawyer. Thank you.

Nicholas Ohanesian, Chair -

Now, we're going to move on to the presentation of the shooting the Michael J. Franck award to Mr. George W. Gregory. We have Mr. Eric Gregory who will be making the presentation.

Eric W. Gregory -

Good morning, everyone. On behalf of my family, it's an honor and a privilege to accept the Michael Franck award on behalf of my late father, George Gregory. I'm Eric Gregory, and I'm his son. My dad would have been really honored to have received this award here today. But I'm going to be honest, he also probably would have made some kind of self-effacing joke about how he wasn't deserving because he kind of shied away from recognitions or awards; he would have been quick to point out all of the people that mentored and supported him in particular, my mom who is here today, who helped support my dad through 50 years together as a wife, as a law school classmate, and as a fellow estate planning attorney. I nominated my dad for the Michael Franck award because I had the privilege of witnessing his impact on the legal profession for my entire life from multiple perspectives. As a young kid with two parents who were lawyers, I attended mostly unwillingly many conferences, estate planning and tax law conferences. Now luckily, they usually chose nice locations like Traverse City and Mackinac Island, so there was a chance to get some fudge and some cherries along the way to keep me occupied. But when I was a kid, I did not want to be a lawyer because it seemed like you had to sit through boring conferences and long speeches yet, here I am today. It seemed like my parents had conversations sitting at the dinner table that consisted of citations to the tax code and IRS Form numbers just seem totally crazy to me. But amazingly enough for my dad, his interest in becoming a tax lawyer started at a young age. My understanding is that when he was young, he had seen a movie, I think it was called The Philadelphia Story from 1940, where at some point in the plot, there is a tax lawyer that comes in and saves the day, save some people a bunch of money. And so even though my dad had superhero comics growing up, he wanted to be a tax law hero because of that movie. And what I've heard from my dad's clients, since he passed, and over the years, they've spoken to me about times when he was able to successfully emulate the role of that tax law hero in real life. He helped clients navigate business succession issues, estate, planning, contentious administrations and resolving thorny tax issues for businesses and individuals. But I think in a way that he may never have expected my dad also became a tax law hero through his dedication to the profession. He served in through all of the executive roles of two different state Bars, to two different State Bar sections, the taxation section and the probate section. He wrote more than 100 articles that were published on tax and estate planning topics, gave more than 100 presentations, including more than 75 for the Institute for continuing legal education. He cared a lot about helping others to become the best lawyer that they could be. One of the most common comments I heard about my dad was that he always made the time to answer the phone to help lawyers with minor or major questions,

whether they were a preeminent attorney or someone that was just starting out in practice. And I know something about what it's like to be an attorney just starting out in the profession because I was there about 10 years ago, and I spent a lot of time on the phone with my dad asking him about tax rules and concepts that I would run into in my Employee Benefits practice. So I was lucky enough to have developed a relationship with my dad, not only as a dad, but as a colleague in the taxation section. I feel blessed that I got to be one of those young attorneys to rely on his expertise and counsel, and I got to see him in an entirely new light through that experience. So my dad was my hero in a lot of ways. And I'm lucky to be one of the people who learned from him. I want to thank the Representative Assembly for recognizing him with the Michael Franck award, and for allowing me to be here to accept it on his behalf. I know he's looking down with a sheepish smile, eager for these accolades to end, but don't be embarrassed and you deserve it. Thank you.

Nicholas Ohanesian, Chair -

Well now, in the waning hours of my chair, this body, I know, I'd like to make a few more remarks. So this is the 50th...we are in the middle of the 50th anniversary of this Representative Assembly. As with any golden anniversary, it's the opportunity to reflect upon where we've come from, and where we're going. This body was conceived with the concept of policymaking functions at this Bar would be better served by a robust, more representative group of lawyers. We are honored to have members of this body whose experiences covered much of this history and I'm grateful for the opportunity for us to hear from one of those voices shortly. As with any anniversary it's also the opportunity to look at where we are and where we should go. During my tenure as chair, a taskforce was established, composed of members of the Board of Commissioners and Representative Assembly to study governance issues for the Bar. Out of these meetings, I tasked several of our committees of the RA with looking at possible reforms to the Bar and the Representative Assembly and how they operate. We'll hear from several of those chairs as well. I suspect these reform efforts in one form or another shall outlast my tenure as chair; whether I'm present or not, I ask each of you to consider carefully our successes and our challenges and to work with one another to improve the functioning of this great body, this great Bar and ultimately to better serve the citizens of the state. Thank you.

We are now moving and moving along. I'd like to invite Mr. Haroutunian, who is appearing virtually to give some remarks about on our 50th anniversary, and Mr. Haroutunian, I'll yield the floor to you.

Edward Haroutunian, 6th Circuit -

Thank you, Nick. My name is Ed Haroutunian from the Sixth Judicial District. The year 2022 marks the 50th anniversary of the Representative Assembly of the State Bar of Michigan, the final policymaking body of the Bar. Over the past 50 years, the Representative Assembly has evolved starting in 1972, with about 12,000 lawyers, we now have about 47,000 lawyers statewide. The RA has been moving with the times based on changing legal issues in the State of Michigan. But what hasn't changed is the camaraderie, the collegiality, and passionate discussions at any RA meeting regarding public policy, statutes and court rules, and their effect on the profession and the public, always recognizing that the RA is the final policymaking body of the Bar. And what has not changed also over the past 50 years is the hard work and effort that the executive director of the Bar and the staff of the State Bar of Michigan puts in to make all of us involved in the process look good. So thank you to the staff of the State Bar on this 50th anniversary of the RA. In these past 50 years the RA has studied and made suggestions concerning the Rules of Professional Conduct, the sanctions associated with the rules, the increases of Bar dues, the consideration and approval of the strategic plan of the State Bar, resolutions from sections and committees of the Bar, including bringing experts together with differing points of view in panel discussions, enabling the assembly to always be well informed

before taking votes on the issues presented. The positions of the RA and more importantly, the rationale for those positions, have been forwarded to the Supreme Court for its ultimate consideration and on pending legislation our lobbyists have espoused the RA positions to the legislature. As we celebrate our 50th anniversary, we look forward to a better line of communication between the members of the Bar and the current RA members, its officers, and all future RA members. I have been privileged to serve on the RA and the Board of Commissioners and to be chair of the RA about 15 years ago. What I've enjoyed the most over these many years is sharing ideas with lawyers of all ages and viewpoints and reaching a shared resolution to issues always being aware that the RA is the final policymaking body of the State Bar of Michigan. Thank you, Mr. Chairman.

Nicholas Ohanesian, Chair -

Thank you, Ed. We're going to move on now to our panel discussion. This involved several of our chairs Mr. Patrick Crandell, Nicole Evans, Mark Jane and Michael Hanrahan; as I understand it, I believe Mr. Jane will be virtual and everyone else will be in person. So I'd invite those chairs at this point, come up to the come up and take a seat up here on the up on the dais. And I would just...this presentation and this discussion, I see as a just a starting point for larger efforts, I think to look at governance issues and look at how we do things, and grateful for all their advance, I'm grateful for all their hard work this year. And at this point, I'll turn it over, I'll turn it over to them, and go ahead.

Patrick Crandell, 6th Circuit -

Patrick Crandall with the Sixth Circuit. I chaired the Assembly Review Committee this year, after the last Representative Assembly meeting Nick Ohanesian tasked our committee amongst others with evaluating the current status and challenges of the Representative Assembly and making recommendations. My committee's report is with your materials. Before I jump into it, I do want to thank my committee members, John Blakeslee, Robin Dillard, Jason Johnson, and Rudy Perhalla for their participation in the committee discussions in the report. Our committee focused in part on a memo or report that the State Bar's Operation Structure & Governance Special Committee put together in September of 2021, which focused a lot on these issues and made recommendations, one of which was dissolving the Representative Assembly altogether. Following those meetings and discussions, there was not support for dissolving the RA but the group involved in that really recommended structural changes. And so our committee used that report and those discussions as a starting point. I'll just briefly highlight our recommendations and concerns. The first is communication. We noted an overall lack of communication between RA members and their constituents. Many State Bar members aren't even aware that the Representative Assembly exists what it does, and they have limited too no communication with their elected representatives. We also noted that the Board of Commissioners regularly sends eblasts out to his members and stays in touch with those members. So we recommended consideration of the State Bar creating an email list of all SBM members divided equally between RA members in each circuit and having each RA member reach out to their assigned to lists in advance of an upcoming Representative Assembly meeting. It allows those members to introduce themselves to their constituents and to it gives them an opportunity to talk about what's coming up and to garner feedback. Meetings and committees: the State Bar's report, along with what we noted is a tension between the Representative Assembly's stated purpose of being the final policymaking body and the fact that we only meet twice a year versus the Board of Commissioners which meets regularly. What that ends up meaning is the Board of Commissioners tends to move more quickly and addresses more of the time sensitive issues, whereas the Representative Assembly only meeting twice a year does not have that opportunity, can't move as quickly. So the committee recommends consideration of moving from two meetings a year to meeting quarterly. There was widespread support for the hybrid meetings. I think about two thirds of the

members are appearing virtually today, so it allows broader participation. And we also think there should be a mechanism for the RA chair to call special meetings for time-sensitive issues. We also recommend further consideration to how outside groups submit and have their issues heard before the Representative Assembly at this point, it seems to be a confusing process. Whereas outside groups, Bar associations can't submit directly. Any proposals for consideration they have to find an RA member, so we recommend review of that process and potentially the creation of special issue committees, special committees that can hear particular issues. Membership: I'm sure you all have gotten the emails from your groups around vacancies and filling vacancies in your particular circuits. That's always been a challenging process even more so since COVID: filling seats. So the committee recommended a few changes in order to maximize participation and not lose institutional knowledge. We recommend the elimination of RA term limits to allow members that regularly contribute and that have contributed for years not to lose that that institutional knowledge, and it should reduce the number of RA vacancies. We also recommend a consideration of combining circuits to reduce the total number of members that would be a part of the Representative Assembly. In conclusion, every one of our committee members strongly recommends continuation of the RA. We all really enjoy participating in it. But we recommended a number of structural changes in order to make the Assembly more effective going forward.

Michael Hanrahan, 17th Circuit -

Thank you, Patrick. I think this is a good segue into what my committee has reviewed. My name is Mike Hanrahan from the 17th circuit. I'm the chair of the Outreach & Hearings Committee. Our committee was tasked with brainstorming how and if newsletters should be utilized within the RA to help effective communication. Discussions began by reviewing with the community, excuse me, with the committee viewed as successful communications dissemination of information from the RA in the past. We live in an age where information is widely available, so it was well accepted that more information instead of less would be useful for future participation membership. This then led to the question of whether newsletters would be an effective method of communication. While newsletters would be useful to provide a summary of events from past and future meetings, unfortunate reality is that they lose their luster, and more often than not, they end up discarded in your trash, inboxes, caught in spam filters or just unread. However, technology has developed alternatives that do allow for easy access to a greater number of people at a much cheaper cost. Websites such as Reddit and Hive allow or restrict user comments on topics that are posted. Users can be accepted or limited by an admin. Similar apps programs like Discord and Slack also allow for segmented topics and conversation. Real time discussions and feedback can be immensely useful to boost RA participation and communication. And the alternative and admin can simply post information through the sites apps or programs and turn off comments that they're not seeking any feedback, just allowing for simple communication to the members. Providing information is undoubtedly an important and necessary element to engaging members and colleagues. Doing so through a newsletter, however, may be an outdated model. Viable alternatives like websites, apps and programs may allow for greater participation and outreach. Thank you.

Nicholas Ohanesian, Chair -

I invite our other panel members who are appearing by virtual to offer up some commentary also.

Nicole Evans, 30th Circuit -

First, I want to apologize to my committee and to the chair. My name is Nicole Evans, I am chair of the Special Issues Committee and we were tasked with providing comment or brainstorming on the lack of participation in the Representative Assembly and why issues were not brought before the

assembly. Not long after we've seen the task, I had a personal death in the family which required me to be out of state for the portion of the time. And so I just want to offer my apology for this short but important report; as our committee members which to thank: Colleen Burke, Mark Koroj, Jason Rozencweig, Elizabeth Kitchen-Troop for their comments and their participation. So the one time that we were able to meet, we discussed the status of the Representative Assembly and what came out of that discussion was that the State Bar Representative Assembly seems to be the best kept secret of the State Bar. And depending on the location, State Bar members are either not aware of the Representative Assembly or for those who are aware, they're not really clear on what it is that we do. This came up when one of our committee members went out soliciting signatures. And for the Representative Assembly, there's only a requirement of five signatures where for the Board of Commissioners 50. And so there may be some sense of there's more importance in the work that is done by the Board of Commissioners than the heavy lifting that we do as Representative Assembly members. So the Assembly seems to be a know most by word of mouth; I know myself, I was solicited by a sitting representative and assembly member, so even though I had been a licensed member of the Bar for many years, I just I did not know, I wasn't aware. So another issue is that the opportunity to participate is subject to a geographic location. And also while there are term limits, an assembly member who may be interested could possibly wait up to six years to get a seat on that assembly if they're not appointed. And also because there are areas where there is no representation, you know, that also needs to be looked at. So suggestions for improvement for that area or for that particular issue is to plant the seed with our newer attorneys. When that first Bar card is mailed out, it should also come with information on joining the Assembly. We also need to create opportunities for interested attorneys to view an Assembly session. So maybe like the session today, if there is someone who was interested in seeing the work of the committee, this would be a good opportunity for observers. We should also consider merging areas where there's traditionally little to no representation. This can be a temporary option until we see that the representation is more consistent in a particular area. I'm continued to allow for the Zoom participation for members who reside and practice in the UP; they seem to be left out a lot and I don't think there's any intent, I just think that because of the geographical barrier is just not conducive for them to participate physically, be able to participate in meetings. Engage the judiciary in areas where there is little to no representation to solicit attorney representatives for the Assembly. Also, there was a comment that attorney or Assembly input should be sought when making recommendations to the budget. I don't believe that's an area where we've been asked for input. We can recruit the private Bar associations, the Detroit Bar, affinity Bar, or even organizations or associations like CDAM. Another issue where we talked about duplicate coverage from the Board of Commissioners because it does not seem to be clear where our work starts and their work begins. The board of commissioner work is more prominent because they have the ability to eblasts and so we'll see an email blast to the constituents from our commissioners and you know their picture's there, so you know who your representatives are, and sometimes they were pointed out on the work of this committee. Good example of that would have been the recent petition to increase our licenses, our license fee, the bulk of our work was done in the Assembly before, you know, before it got to the Supreme Court, and so while this was a high-profile issue, they utilized a lot of resources. I don't think that it was really known that that work started in the Assembly. So suggestions for improvement there were to, you know, the RA is the policy making body and so we should be treated similar to legislators, and have, when there's issues that are coming up for before the Assembly -- although I know we have, we keep an archive of the meetings that maybe that during our time -- when it's time for us to meet, have that displayed in a more prominent area of the State Bar website so that the legal community is aware of what's coming before the assembly, and also to provide opportunities for our assembly members to communicate with our constituents. I don't think as representatives that we should be required to call our own constituent lists, you know, going

through the State Bar and figuring out where everyone is, it's a lot of work. And so that that same list that's provided to the commissioners should be provided to the assembly members. Another area that was discussed was travel as a barrier to participation; travel can be cost prohibitive. The fact that we're holding a hybrid meeting now, even while we're in post pandemic shows that there are people who if there is an opportunity, they will take advantage of that opportunity. And so again, speaking for our legal community, our attorneys that are living in the Upper Peninsula, or even those who live outside of the main meeting locations of Lansing, Grand Rapids and Detroit, those attorneys would need to take the day off of work to be able to physically participate in meetings. While we want the representation, we do need to realize that attorneys are working, you know, we are working, we're public servants, right. So this, this can also account for why there's a lack of representation in certain geographical areas. For the suggestions for improvement, we've said to continue to hybrid meetings allows them for attorneys that are living in the Upper Peninsula, and you know, all others can be by request. Mark and I are reporting virtually and I'm actually in Lansing, but you know, there's still there's an issue why cannot be with you physically, but because I wanted to participate in that and did want to be able to represent for the hard work that our committee, I am here, thankfully, by Zoom. Also consider moving meetings north or including a northern location as one of the main locations for where we meet for our Assembly meetings. That is my report. Thank you, Mr. Chair.

Mark Jane, 22nd Circuit -

And I'm Mark Jane. I'm the chair of the Nominating & Awards Committee. And first I'd like to thank the members of a of the committee, Deborah Blair of the Third Circuit, Cassandra Green of the 29th, Chad Peltier of the 11th, and Phillip Strom of the 17th. I really appreciated all the hard work that everyone on the committee put in this year, and we were tasked with essentially brainstorming recommendations to enhance or increase recruiting of members of the Rep Assembly. And right now, the Nominating & Awards Committee is...there's rules that we have to follow according to the bylaws and the rules of the Rep Assembly in order to recruit members to fill vacancies. And it is...and it's dependent on members of each Judicial Circuit. For example, in a circuit like Washtenaw County, the 22nd, there are existing members, so if a vacancy were to occur in Washtenaw County, which is my county, then the outstanding members get first crack at filling that vacancy. We'd submit nominations of people that we would like to fill the vacancy and then we'd select amongst ourselves who, if there is somebody, if there are multiple people put forward, then we'll have a vote amongst those candidates. It's a little more constrained when those circuits don't come forward with a member, or you're looking at what we refer to as single person or vacant rep circuits. And in those instances, then if a name's not put forward, we have to find those people. And we have rules to find, according to the rules of the State Bar, our first contact is the local Bar association, and they get the next bite of the apple; so we reach out to the local Bar association and ask them if they have anybody that they would like to put forward. Sometimes that we're able to find a candidate that way, sometimes we're not. And if we don't, then we have to basically come up with, I want to say, clever tricks to be able to find people to fill the vacancy, whether it's reaching out to a contact we might know in the area, a lot of the times, we'll reach out to the courthouse in that vacant circuit and ask the courthouse, whether it be the clerk or get in touch with the judge, if they know anybody that might be interested in doing the circuit. So those are the ways that we currently try to recruit members. So with that being said, we, my committee met and we tried, we were asked to brainstorm new ways to be able to try to recruit members to fill the vacancies, to try to fill the vacancies because as you as you see, in the in the memo of our vacancies, there are, usually we bat about a 500 when it comes to fill in vacancies, which is usually considered to be a good result. If we can fill half the vacancies, that's usually a pretty, pretty successful campaign to try to find people. And a lot of the vacancies tend to be in circuits that have long been vacant. And it's tough to find an attorney that is willing to participate. So what we tried to think of is what are ways

that we can...it's not so much the circuits that always will have representation. It's trying to find how do you encourage participation in the circuits that it's tough to find somebody. So I'd like to refer to the written report that are included in the materials on some of the brainstorming that the committee came up with. I do want to highlight one of the things was maybe permitting adjacent representation because right now we are limited to whether or not the address of record on the State Bar is located in that county. But that might not that might not be the whole story, because you might have an attorney that their address of record is in that county, but maybe they live outside the county. And or maybe if you're looking for representation on locality, maybe not necessarily the county, or the circuit itself, but in it, and a circuit that touches that county, you're opening up the pool of participants that might want to be able to participate. And then the other thing that pretty much every committee member mentioned when we met and when we were starting to brainstorm was I think if you're able to clarify and refine the role of the Representative Assembly, we have a mission that everybody understands what our policies are, how we vote, what we're voting on, instead of some confusion between what is it the Board of Commissioners does and what is it that we do? It would help the Nominating & Awards Committee being able to spread that message in bringing in recruits but other than that, I'd like to thank everyone for their time.

Nicholas Ohanesian, Chair -

Before we go further, I do, I wish to also thank our chairs and their committees for all their hard work on these on these matters and their thoughtful consideration. At this point, what I'm going to do is I'm going to open this up to comments from the floor, I do have one person who has been patiently waiting. Kevin Klevorn, and if I'm mispronouncing that name, please forgive me, who has their hand virtually raised and would like I'd like the opportunity to address the assembly. Mr. Klevorn, if you can please state your name, as well as your circuit and you can proceed as your comments.

Kevin Klevorn, 33rd Circuit -

Thank you, Kevin Klevorn and it is the 33rd circuit I'm sitting in, Charlevoix County, and I do appreciate appearing by Zoom and the hopes that we can get done in time for a noon kickoff would be appreciated. I guess my thought is because I sit in one of the smallest geographical counties in the north -- I'm not quite a Yooper, but I'm close -- and I just wonder how any kind of change when I hear the lower the number of representative members is not going to be based on population, and how we in the North would not be eventually curtailed or have less of a voice. If we're going to be reducing numbers doing adjacent counties, I need to be persuaded that we in the North are going to still be able to be heard, and it's not going to be based on population. Thanks.

Nicholas Ohanesian, Chair -

Anyone else who wishes to offer comments, I do have some other hands raised. And now my vision is being tested here. First person in line, of course, would be Mr. Haroutunian, go ahead, state your name and circuit please.

Edward Haroutunian, 6th Circuit -

Sure. Ed Haroutunian, in the sixth Judicial Circuit. There was a reference with regard to an eblast to members of the Bar, and then the very various RA members would touch base with, you know, regular Bar members. I would like to suggest instead that it kind of go the other way around: that is that the eblasts go out to all the members of the Bar from a particular circuit with the names and email addresses of all of the RA members from that circuit, so that all members can see all the members of the RA from that circuit, not just the RA members assigned to a specific group of Bar members. I think in that manner, in effect, if a lawyer sees five names, and says, I know one of those names, and

I'm going to call that person and discuss something with them, I think that goes a long way as opposed to an RA member calling a set group of lawyers and in effect, introducing themselves and looking for feedback. I think to go the other way would be more productive and one more thing: it would not be as burdensome, frankly, on the RA member themselves. Thank you.

Nicholas Ohanesian, Chair -

Oh, we can go next to Marla Richelew and if I mispronounced your name, please forgive me.

Marla Linderman Richelew, 22nd Circuit -

Can you hear me? Yes. Okay, good, because it kept saying that the host will not let me. Hi, Marla Linderman Richelew; sorry that my name's so long. A lot of people just call me MLR at this point. I love these changes. I really do. I think that we need to be more communicated, communicate more with the people that we represent. I always make sure before the meetings that I do outreach. And I think I'm lucky that because in Washtenaw County, I think we have very active Bar. But one of the things I think we need to do with communication is have it both ways. I think we should be communicating with the people that we represent. But I think we should also be telling the RA about things that are going on in our in our circuit, right? So that way, we're stronger together. If we're doing something awesome in Washtenaw County, and we're not communicating that here, then we're not letting other people know what we're doing. And I'm sure you know, there's places around Michigan that are also doing amazing things. So I think it should be both ways. My other thing I want to talk about is just making sure that we're increasing diversity. There's diversity in viewpoints, there's diversity in representation, we really need to make sure that that is a focus. You know, if we're talking about adding members, I think we should think about having some affiliate groups be able to have representatives or at least liaisons who are coming to our meetings, so that we're communicating with those affiliates of our Bar. And I think it's just really important that we make sure that everyone feels like they're included. And I don't know that we have done that successfully in the past. So that would be my two cents. Thank you.

Nicholas Ohanesian, Chair -

Thank you. Mr. Rotenberg. I believe I have you up next. Go ahead when you're unmuted...

Steven Rotenberg, 6th Circuit -

Steven Rotenberg, Sixth Circuit, a couple things. Sixth Circuit has traditionally never really had problems with representation. In fact, a couple of times I've run for election I've actually lost but then I wound up being put in as a replacement years after the fact. And I know Mr. Klevorn, who I've known for many, many years inside, none of this has seen that happen. I was recruited originally by Sheldon Larky, who's my officemate. And James Weiner is also my office mate. And we had a cluster in the Bingham center, at one point, also with Mr. Haroutunian. As a whole, basically, we used to joke that we will violate Open Meetings rules, if we met each other in the hallway. Some circuits do have a really easy time, filling the posts, there are other ones that don't, and I'm concerned, similarly to Mr. Klevorn and comments about outstate, outside of southeastern in Southern Michigan, where it's fairly easy to join these meetings, that actually might recreate a reduction in representation and one of the great things about this organization is I've met practitioners from all over the state, so I know pretty much if I have a problem pretty much anywhere in the state, or I need to refer something I know people who I've actually spoken to and dealt with, maybe not as a professional, but within this body: that's important. The other comment that I have is that I have offices in two counties. My main office has always been an Oakland County. But I have a second office in Monroe County. And when I've been term limited out, there's been a couple of times where I've toyed with the idea of running in 38th,

just to stay on, even though I would actually prefer to, to represent people in Oakland, where traditionally, I have my thing, although proportionately I know more of the Bar members in 38th, just because it's a smaller Bar. So those are things that I'm concerned about, as well. Another thing that we should also remember is up until, I don't know, I've been doing this for about 20 years, but up until a few years ago, we used to meet three times here, in person and that did make us a little bit more agile. I'm not saying that we should go back to three or four meetings like that, but that might be something that we might want to consider is just basically going back to something like that, because I actually enjoy these meetups, I feel like I'm doing something for the community of lawyers for my community in in the Sixth Circuit, and to a certain extent in the 38th. And I think a lot of us also feel that way, so I would like to encourage as much membership and as much representation as possible because even though there's a sort of a pain in the neck issue of meetings, there's also the benefit of it, because I think some of us truly enjoy it on some level. I certainly do. And that's all I have to say. So I would just want to do, I would be oppose, in some ways to merging some of the counties, because counties are pretty large, you might not ever have the opportunity to meet somebody who lives 70 miles away, if we have two or three counties done like that. And the purpose of this organization is to represent attorneys in the Bar, and if people aren't being represented, we're just by definition, not doing our job and fulfilling our purpose and those are concerns that I have. Other than that, I think a lot of those suggestions were actually pretty good and would be for the betterment of the organization and for the health of the Bar. And that's all I have to say. Thank you.

Nicholas Ohanesian, Chair -

I believe Mr. Larky is next please

Sheldon Larky, 6th Circuit -

Sheldon Larky Sixth Circuit. I appreciate the comments. When I first started, there were four meetings during the year and I felt I feel that the recommendation of the of the committee is a smart one, that we should return back to the four meetings a year; it gave us a greater influence with each other and we were more relevant at the time. I don't believe that we were as relevant as we were then. Thank you.

Nicholas Ohanesian, Chair -

Please proceed. Thank you, Shel. Go ahead.

Mary Alexis Bowen, 30th Circuit -

Thank you. Good morning. Again, Mary Bowen, representing the 30th circuit, in just reviewing some of the reports and also listening to some of the additional explanations coinciding with the reports. One thing I will say, in terms of permitting adjacent representation, I definitely second in support that idea because I know that there are some adjacent counties, because 29th circuit is adjacent to the 30th. Because 30th circuit includes Ingham County and 29th circuit includes Clinton County. And I know for at least a short period of time, maybe a year or two ago Clinton County was struggling to find attorneys that were interested in serving on the Representative Assembly. So what I'm hoping, at least with that particular proposal or idea, maybe that will alleviate some of those smaller circuits that are really struggling to find individuals to participate. I'm just really hoping that that would increase it. But that's all I have to say. Thank you.

Mark Koroi, 3rd Circuit -

Mark Koroi, Third Circuit. Just going to add some hasn't been mentioned yet, was mentioned materials presented today. That is the issue of term limitations. Initially, the term dates were actually placed in

the rules for the purpose of allowing more people to serve in the assembly, much like the state legislature does, that that particular policy consideration is no longer present, given all the vacancies, I feel there's a lot many, many people who get term limited out, who actually have a lot of experience like Mr. Larky for example, who get...who can't join the assembly because of term limitations, have to come back, you know, a couple years later, and I think that particular restriction needs to be lifted. Thank you.

Nicholas Ohanesian, Chair -

We have Mr. Blakeslee. Mr. Blakeslee, he has his hand up. He's still muted. One second. Right now, okay.

John Blakeslee, 13th Circuit -

I have been involved with the Representative Assembly since its beginning. I have practiced law almost my entire life in Traverse City. When I came here, there were 25 lawyers. Today, we probably have 600-650 lawyers. All of the issues that you have talked about today are true. I'm not at the meeting today because unfortunately, my wife happens to be in hospital and so I need to stay close. She's fine. I mean, she's not dying, but things are being taken care of. Otherwise, I would be at the meeting again today. I have served since 1972 and I was on and off because of the term limitations. I have found that I really enjoyed going to the meetings. It's helped me meet and become friends with and have professional associations with multiple lawyers from all over the state. I've always thought that it was beneficial. And I'm talking about when I was driving in a lot of snow and we didn't have the expressways that we have today. It is and I think four meetings a year would be much better. I know it's a large group. I know it's a monumental job to get everyone together. And I know that everyone finds simply flicking on their resume and doing a quick thing, us waste less time of their life. But they're...this is a great Bar association. When I started there were 12,000 lawyers, so there's been a huge increase in the state of Michigan the number of lawyers and this has been the body that I have always highly respected. You have people who are interested in being good professionals, and they need to meet and they need to be together and they need to socialize and you don't get the socialization on Zoom that you do with having a live meeting. And frankly I have felt that sometimes reports are made about what our state Bar is doing, and frankly I think our State Bar has done a very good job, the staff over the years, has done a very good job of supporting us. But this is about our practice what we're doing about justice, about the law about being lawyers, and I fully recommend that you go to that you try to have live meetings as much as possible and that you have three or four meetings a year. I've been very honored. And this is the last time that I will be attending the Representative Assembly as a member. But I thank all of you for the opportunities I've had with this body.

Nicholas Ohanesian, Chair -

Okay, are there any other comments? Okay, having heard none, we'll be moving on. Thank you

Onto our first substantive voting matter today, which is consideration of the advocacy position set forth by the Family Law Section in your materials. I want to as we go forward, and I invite people for discussion on this, I do want to point out something: that the way this is proposed, this is proposed as a permission for the Family Law Section to engage in inconsistent advocacy for positions at the that the Representative Assembly has previously taken. We're not in a position on voting on whether to change the underlying position itself. That would be a separate proposal. I'm certainly that would be something that this body could be taking up in a subsequent session. I just sort of want to frame that as we go ahead with and debate and then; so at this point, I will open the matter up for discussion, see if anyone has any comments or questions that they like to make in support or consideration for

this for the proposed for the request to take an inconsistent advocacy position? It's always fun trying to guess whether there's going to be a large amount of comments or not many comments? Do I have any virtual or in person comments to be made? Okay. First, I first have Mathew Kobliska, who wishes to offer up some comments. Mr. Kobliska. Go ahead and state your name and circuit.

Mathew Kobliska, 6th Circuit -

Mathew Kobliska, Sixth Circuit. Good morning, everyone. What I think the Family Law Section attempted to do was address what's called the birthday lottery problem. And that is that if the maximum age is going to be based upon the date of appointment, then we have a situation where, as we have now, where a judge who is at one end of the scale, 69, for example, would not be able to run again and be prohibited from taking a seat on the bench where someone else could serve until 76 years of age. And so I think the Family Law Section has put forth a proposal, which basically sets the cutoff at age 76, regardless of the date of appointment. 76 would be a maximum retirement age. But I don't know that the merits of the proposal are, I guess it's not even up for discussion today. The question is, should the Family Law Section be permitted to take a separate position and my belief is that I don't think we need to be a monolithic organization. And in fact, the State Bar is not monolithic on this issue. The State Bar took two positions back in 2015, one of which was to simply remove any age limit at all. And the second position was to support an increase from the current age 70 to 75. And those were two, I think, pretty hotly debated issues and the vote I think was relatively close. I think the Family Law Section's position is a reasonable one, and I think they should be permitted to advocate their position going forward. I don't think that harms the State Bar in any way or renew is in any way or influence with the powers that be. So thank you so much.

Nicholas Ohanesian, Chair -

Thank you. Do I have additional comments? Anything else anyone would like to offer up?
(inaudible)

That would be a pretty good procedural question to have. With respect to the proposal, is there a second on the floor right now? Don't have a second yet for a move for a vote yet, but I do I have Marla Linderman does have a question, she's appearing virtually.

Marla Linderman Richelew, 22nd Circuit -

My question...And I'll probably be abstaining on this if it does come to vote. But is this something we have done before? Or would this be something we had this that would be new? Like have we let other sections take positions that were different than ours? Because I don't want to dilute our responsibility and our voice. But if it's something we've done before, I'm going to feel much better about it. I just I apologize that I don't know the history, but I'm still relatively new to this body.

Nicholas Ohanesian, Chair -

Short answer from the chair, drawing upon the collective wisdom of our staff: this has happened in the past. This is not the first time some of this has been asked and we have voted on these things. We have voted to do this from time to time before.

I did have a second from the gentleman in the 22nd Circuit. Mr. Larky, go ahead.

Sheldon Larky, 6th Circuit -

Sheldon Larky, Sixth Circuit, I'm going to ask that the Assembly vote this down. For a couple reasons. Number one, I served as co-chair of the legislative committee for the Oakland County Bar Association and I'm intimate with the lobbyists and with members of the legislature. Members of the legislature when they sit and they sit on legislation through committees, they really don't distinguish between a

committee or an organization and one of the difficulties is if a committee of the Bar Association takes a position, they don't know that the next question should be "Has the State Bar in fact taken this position?" either. As a result of it there is discrepancies and I feel that we should not allow the committees to do this so I'm going to vote no, thank you.

Nicholas Ohanesian, Chair -

Thank you, Mr. Larky. Those of you who keep wondering why I'm checking my phone, I'm communicating with bar staff with regards to virtual members, so you don't think I'm...Reh Starks, okay. Ms. Starks, go ahead.

Reh Starks-Harling, 9th Circuit -

Hi there. This is Reh Starks from the Ninth Circuit and I am going to second what Mr. Larky said but for slightly different reasons. I do know that just this week, I received notification that our Chief Justice McCormack is stepping down. And a part of her reasoning, at what I believe to be relatively young age of 56, is that we need to have new young, fresh blood and experiences coming in to take those positions helping keep our judicial system up to date, if you will. And so that is something that I would like to encourage the rest of our Assembly to consider. Thank you.

Nicholas Ohanesian, Chair -

We also have Steve Gobbo for comments. Go ahead.

Steve Gobbo, 30th Circuit -

Good morning to you all. Stephen Gobbo from the 30th circuit. I am speaking in concert with the two last speakers. Indeed, this morning's newsletter MIRS has reported that the Chief Justice, one of the reasons for resigning is to permit new people to come in for different ideas. I would add that it might add to collegiality on the Court so you don't have individuals that are entrenched in decision making. She actually offers up a flat term of either 10 years or thereabouts where you will not be able to be reelected. The current proposal by the Family Law Section is not necessarily surprising. The Family Law Section in the past on grandparents rights issues, actually took two opposing viewpoints that was finally allowed to move forward to the legislature for consideration. However, I strongly feel that it dilutes the power of as well as the purpose of the Representative Assembly when you do so. And along with my colleague, Sheldon Larky, it can be confusing with the legislature, and is the reason why you have a very strict process for the sections, committees and like in order to comment on legislation.

Nicholas Ohanesian, Chair -

State your name and circuit.

Alena Clark, 7th Circuit -

Morning, everyone. My name is Alena Clark. I'm from the seventh circuit. I also am against letting affinity bars have a separate voice than ours, and the reason is because I think that we all need to come together and speak about it. If you'll remember, a couple of years ago I presented about a modification to Judicial Canon 2F and there was an opportunity for everyone to speak together, and all be heard, and not have fragmented voices. But additionally, it didn't mean that everybody had to be on board with that. We also submitted a minority opinion, the Representative Assembly did at that time, that allowed people that disagreed with it to still have a voice. So I want to be cautious that we're not saying that other people shouldn't have opinions. It's okay that we disagree. But we need to speak with one, a voice and make sure that it's organized together so that it can be clear.

Nicholas Ohanesian, Chair -

You're next in line. This virtually is Rita White.

Rita White, 3rd Circuit -

Yes, good morning, Rita White from the third circuit. I agree to not proceed with this request. What I look at it is at the last meeting...I'm new to the Representative Assembly, but I know at the last meeting there was an actual issue in terms of that was brought to the Board brought to the Representative Assembly about compensating clients, indigent clients for rise for assistance into getting to court, and that was from a separate organization that they came to actually provide their opinions, but they brought it to the floor. So I look at this is that we're a Representative Assembly, so if there's issues in terms of family law issues, such as the raising the age, or reducing the age of in terms of the age out of judicial officers I look at it as a situation that should be brought to this body, and then we as Attorney Clark indicated that we, as the Assembly, should just put together a discussion as opposed to a separate organization, trying to intercede with what the purpose of this assembly is, so I do also decline to proceed with that vote.

Nicholas Ohanesian, Chair -

Chair next to recognizes Jonathan Paasch. I apologize as I mispronounce people's names.

Jonathan Paasch, 17th Circuit -

That's fine. Not sure if I came across: motion to call the vote.

Nicholas Ohanesian, Chair -

Is there a second?

Inaudible -

Second!

Nicholas Ohanesian, Chair -

Any further discussion? Okay, we'll now move to call this and call the vote. For those of you in person, we'll be using clickers. One is...

Oh, yeah, we should do a voice from the...Let's do a voice for motion. Thank you.

All those in favor of calling the question

Any opposed, any abstentions? Ok, we're now going to move to the vote.

Thank you so for those of you in person and voting with the clickers: one, yes; two, no; three, abstain.

And for those of you who are voting online, you'll be using the polling feature that's popping up momentarily and voting it is now open.

When you pushed your button if you didn't see an A or a B or a C, that's how you know the vote registered. So even if you push it a second time, it's okay. It's only going to count once, just to make sure that...no jokes. The polls are about to close, so everyone needs to get their vote in. Yes, It's okay to push it multiple times. It only counts once. But just let's make sure that we've all got our votes. The voting is now closed. Because we have to tabulate virtual votes as well as in-person notes, it just takes a few more moments, folks. Just give us a second here.

Okay, it's been it. Please announce the results.

Yolanda Bennett, Clerk -

On the vote for consideration of advocacy position set forth by the Family Law Section, we have twenty-three yes, seventy-one no, six abstentions. The motion fails.

Nicholas Ohanesian, Chair -

We'll now move on to consideration of the proposal to amend Michigan Rule of Professional Conduct 6.1, the voluntary pro bono standards. I understand the proponents are Miss Jamie Herz of the Justice Initiatives Committee, Ms. Ashley Lowe, Chair of the Justice and Issues Committee, and Miss Heidi Naasko.

Ashley Lowe, Consideration of Proposal to Amend MRPC 6.1 -

Good morning, I'm Ashley Lowe. I'm the chief executive officer at Lakeshore Legal Aid. We're the legal aid provider for the Metro Detroit region, and we have a statewide hotline. I'm also as you mentioned the chair of the Justice Initiative Committee of the State Bar, and we are the group that proposed the amendment to Michigan Rules of Professional Conduct 6.1 that is before this body today. And so I appreciate the opportunity to speak to you about it. The goal behind this amendment is to modernize our current rule regarding pro bono and donations. It is designed to modernize and be consistent with the ABA and consistent with many other States; to put all of our rules about pro bono service into one spot, essentially emerging our voluntary standard along with the current rule; to highlight that legal services should be provided to low-income people and agencies that serve low-income people primarily, but providing some other options for folks who can't do that work; to clarify that lawyers should both give of their time and of their money to support legal services, and to set a floor for the amount of donations that lawyers should get, and to be clear, this is a should, not a must rule, and to end clarification. The Justice Initiatives Committee put together a work group that consisted of Pro Bono folks from large firms, small firms, and legal aid programs. We looked at other rules across the country. We looked at how their rules were being implemented, and the impact it had, and came together with this proposal and all stand behind it, and are fully in support of this rule. We believe it will help increase access to justice for those who can't afford it. And to be clear that need is great. The Federal Legal Services Corporation just released a report on the Justice Gap this past summer and that report showed that for low-income people 93% of the significant legal problems that they face they handle alone, and I don't have to tell anyone in this room how important it is to have a lawyer to assist somebody in their problems, not to mention their significant legal problems. I know this is true. In Michigan, at Lakeshore we turn away probably a third of the clients who seek our services because we don't have resources, and so we hope this rule will help improve our resources to low income people and urge you to vote in favor of this proposed amendment.

Nicholas Ohanesian, Chair -

Do you have any of the proponents which to be heard at this point?

Jamie Hochman Herz, Consideration of Proposal to Amend MRPC 6.1 -

Hi, yes, I do. I'm on Zoom. Hi! Everyone, I'm Jamie Hochman Herz. I'm the Pro Bono Counsel at Bodman Law Firm in Detroit. I just wanted to start with the caveat that I am representing my views as Pro Bono Counsel, and not necessary the views of my firm as a whole. Some things I wanted to add to what Ashley had said is this proposed rule is very much in line with what the Representative Assembly had already passed in 2010, and then it was sent to this Michigan Supreme Court. One of the things I wanted to also mention is from 2006 to 2012, I was a senior policy analyst for the ABA Standing Committee on Pro Bono and Public Service, and we provided technical assistance to many states who were passing variations of the ABA model rule. This particular iteration of the rule that we're proposing comes from the ABA version of the model rule in 1993. So this rule has actually been

around for almost forty years, and really the purpose of changing the rule in 1993 was to expand the definition of pro bono, so that it was more clear for attorneys to really understand what counted as pro bono work. It also allows attorneys who may be precluded in their particular position from being able to do, for example, one on one pro bono, and be able to have other options for fulfilling the aspirational rule. Also, as pro bono counsel at a firm, I will just say that policies and definitions really matter. We have policies in our firm about the number of hours that count as billable pro bono, and we provide awards based on the number of hours, and a change in this rule will definitely encourage lawyers to do more. Again, it's still voluntary in nature. It is aspirational, and it also encourages our lawyers to donate. We ask our partners to donate to access to justice, and with passage of this rule, this will only increase the amount that our lawyers donate to that cause. So I urge the committee to also adopt the new Michigan Rule of Professional Responsibility 6.1.

Nicholas Ohanesian, Chair -

Do you have any motions with respect to the proposal? Second: Ok. Debate. I do have Ms. Richelew.

Marla Linderman Richelew, 22nd Circuit -

I apologize that I'm, speaking again, but as one of the co-chairs for the Federal Bar Association Pro Bono Project, I really want to make sure that we are going to support this. You know, as you look at me on this camera, this is my law firm, you are seeing every little bit of it, including all the people who work, and despite that I've been able to co-chair that committee for several years, and provide hundreds of hours every year for pro bono work. During Covid, for example, I helped every YMCA reopen safely. These are really doable goals. This is not a lot of work, and when you actually think about what you do, and who you know, I think that it will help you connect more to the community and actually help, you know, improve the way that lawyers are seen and improve access to justice. I don't see a downside to this. So I really hope that people will understand how important it is that we make sure that people are getting representation, that we are sharing our knowledge that we are helping our courts be more efficient because we're there to fill the gaps. So I really hope that we're all going to vote in favor of this. Thank you.

Nicholas Ohanesian, Chair -

The hand for a Tracy Lee. Go ahead.

Tracey Lee, 6th Circuit -

I'm Tracy Lee with the Sixth Circuit. And I'm definitely in favor of pro bono services that attorney...that we should be offering that to the community. But when I read the language of the proposal....to me...I didn't have an issue with the way it was written before, but with this language to me, it looks like this is going to lead to something mandatory; mandatory, both in terms of what you do. I do tons of pro bono already per year. I don't need language that's going to be the sliding that's going to make this leading towards mandatory and definitely not mandatory monetary contribution to the access of justice, which is a group, that we may not agree with everything that particular group espouses. So the...I don't agree with the language that is being proposed. So I that's all I have to say.

Jamie Hochman Herz, Consideration of Proposal to Amend MRPC 6.1 -

Can I speak to that?

Nicholas Ohanesian, Chair -

Please, go ahead.

Jamie Hochman Herz, Consideration of Proposal to Amend MRPC 6.1 -

So I just wanted to point out that in the proposed rule the rule is intentionally aspirational. That was also how the ABA rule in 1993 was defined. I will say that the majority of states have already adopted this expanded definition of pro bono in this way and have framed it as an aspirational rule. So the intent of the rule was never to be mandatory. It's basically just saying that as lawyers we should aspire to do this: It is not required. You know, it's a professional responsibility. But it is not something that we, you know, should feel is mandatory which is why the language is, was crafted the way that it was.

Sheldon Larky, 6th Circuit -

Sheldon Larky, Sixth circuit. Jamie, when you've looked and reviewed for the other states, did the other states use the word, "and," in other words, the fifty hours and five hundred dollars, or the number of states adopted as "or."

Jamie Hochman Herz, Consideration of Proposal to Amend MRPC 6.1 -

Yeah, you know, I believe that many of the states have adopted it as "and" because the goal of the rule is really to aspire to both support access to justice financially, and also through pro bono, you know, direct number of hours. So you know, what it basically says as a caveat in this rule is that for some reason, you know, you're unable to do a pro bono, you can donate. It's also not mandatory. You should aspire to do this. It's not requiring that you do this, but I think I'm speaking to Ashley's point about how the need has increased so greatly, both in terms of client need over the years, but also in terms of what the infrastructure needs are for civil legal services in terms of being able to set up pro bono programs, manage pro bono programs. The need is definitely there. So there is language that as part of the professional responsibility, a lawyer should be doing both, in answer to your question.

Sheldon Larky, 6th Circuit -

Can you then indicate to us about how many states have used the word "or"?

Jamie Hochman Herz, Consideration of Proposal to Amend MRPC 6.1 -

I don't know that off the top of my head. I can't...

Sheldon Larky, 6th Circuit -

Thank you.

Nicholas Ohanesian, Chair -

Mr. Crowley, I believe, 20...Mr. Crowley, go ahead.

Patrick Crowley, 25th Circuit -

Thank you, Patrick Crowley, from the twenty fifth circuit. I believe Ms. Lee had a very good point just a couple of speakers ago, you know. I give an analogy here in that, you know, a couple of weeks from now I have to go to a wedding for a second cousin of mine that, you know, I'd really like to go to the wedding, and if that wedding was local and kind of, you know, not particularly painful for me to do, I would do that, I would go. It's a relatively low burden for me. However, it's a destination wedding, it's a longways away, and it's going to cost a lot of money, and my initial reaction in that regard is, you know what: I'm just not going to do it, I'm just not going to go. And that's kind of how I see this rule. You know, when you give me a rule that says something along the lines of which I think quite frankly, the first sentence is perfect: every lawyer has a professional responsibility to provide legal services to those unable pay. That's perfect. Everything beyond that should just be deleted, and the reason for it is everyone should give something, and everyone should do what they can. But when you start giving

me aspirational goals it starts to look like, wow! That's more than I, that's a lot, that's a lot more than I can do, or I they should do it. And then it's easy to just say you know what I'm just forget it. I'm just not going to, especially for those of us who are not making, you know, huge money, and who have, you know, pretty significant time obligation already with the stuff we do. So I would just say, you know, I'm going to vote against this. I think the rule should simply be aspirational to say such that we should be doing whatever we can, and I think that's enough. Thanks.

Nicholas Ohanesian, Chair -

Any further discussion. Go up. I apologize. Bad peripheral vision. Go ahead.

Dan Korobkin, 3rd Circuit -

Thank you, Dan Korobkin from the 3rd circuit. For those don't know me, I'm the legal director at the ACLU of Michigan. I wanted to rise in strong support of this proposal. I think that this is a fundamental feature of our profession is to provide pro bono services for those who need it, and I think that the rules of our profession are expressed, they express our values, and I think failing to express aspirational values can send the wrong message to the public, can send the wrong message to younger attorneys. I'd also say that the ACLU, we, you know, we try to encourage private practice attorneys to help us with our cases on a pro bono basis, and sometimes the, you know, what we hear is, you know, well, I'd love to, but you know I'm under all this pressure for my firm or my colleagues to you know to do billable work, and I think it would be very helpful for us, and I assume for legal services and legal aid organizations to be able to say, well, why don't you point to this aspirational figure for, you know, for your colleagues for the partners, or the management of your firm to help, you know, provide a little bit of cover to do what we all know is right. So I really, I really strongly support this proposal and encourage us all to vote. Yes, thank you.

Nicholas Ohanesian, Chair -

Any further discussion? Okay, at this point I'm going to call the question. Voting once again same procedures before. Polls are now open. Ok. The clerk announced the results on the motion.

Yolanda Bennett, Clerk -

On the motion for consideration of proposal to amend MRPC 6.1 voluntary pro bono standard. There were fifty yeses, fifty-four nos, three abstentions. The motion fails.

Nicholas Ohanesian, Chair -

I'll move onto consideration of a proposal to amend MCR 8.120, expanding supervised practice to individuals already licensed in other states for civil legal services and program. Proponents include Ms. Elisa Gomez, of the Civil Procedure and Courts Committee and Ms. Lore Rogers co-chair of the Access to Justice Policy Committee.

Lore Rogers, Consideration of Proposal to Amend MCR 8.120 -

I think it's still morning. So good morning, all. I'm Lore Rogers, I'm a staff attorney, with the division of victim services for the State of Michigan Department of Health and Human Services, and I am the co-chair, with Katherine Marcuz of the Access to Justice Policy Committee. I'm here today to ask you to support a proposed amendment to 8.120, and my colleague, who was extensively involved in preparation of these proposed amendments, Elisa Gomez is online and available to answer questions and to speak in more detail about the reasons why this is so important. I just want to echo what Ashley Lowe said earlier. There is a huge unmet need for assistance to indigenous low-income persons in the civil and criminal courts. And this is one very important way that that can be met. And I want to say,

I think it's especially important in light of the fact that the proposal just preceding this was not passed. We need to find a way to support and increase access, and this is one of those ways. Thank you.

Nicholas Ohanesian, Chair -

At this point I'll entertain a motion. Do we have a motion with respect to the amendment? Okay. Second? Do I have a second? Okay. I see that Tracey Lee has a raised hand, but is that a second...Okay, very good. Open debate, any discussion. Okay, I believe Tracy Lee was just about to make a comment. Go ahead, Miss Lee.

Tracey Lee, 6th Circuit -

Mine is a question: I'm trying to figure out what's the difference between this and then somebody already...they're licensed in another state, and then they apply to get licensed in this state. Is this just shortening the process, or saying that they don't have to do it? What is this? What's the difference when they already have a procedure to do to become a licensed attorney in Michigan?

Nicholas Ohanesian, Chair -

Ms. Gomez, if you'd like to answer that, go ahead.

Elisa Gomez, Consideration of Proposal to Amend MCR 8.120 -

Yes, good morning, everyone. I'm sorry I have not presented for the Representative Assembly before; I didn't know if I needed to be recognized before I could speak. The answer to that question is that the current reciprocity rules for the State of Michigan are that an individual needs to be barred in another jurisdiction for the preceding five years, and has to have practice law for three of those five years in that jurisdiction. So the concern or not the concern, but the whole, that this remedies is that for individuals who have been barred for less than five years in a different jurisdiction are not eligible for Michigan reciprocity, so they would have to take the bar exam completely again in Michigan, in order to practice, and for those individuals who have been barred for less than five years, but it has been more than one year since they graduated from law school, they're not eligible to practice as a recent law graduate under the existing 8.120.

Tracey Lee, 6th Circuit -

So basically, what you're saying is, we're going to get less experienced attorneys and then they're going to be supervised by more experienced attorneys, where a more experience attorney could just do it themselves in that case, if they've got to watch over everything, the less experienced attorney. That doesn't seem like it's solving the problem of time for the more experienced attorney.

Elisa Gomez, Consideration of Proposal to Amend MCR 8.120 -

Well, respectfully, if our, if the legal services or organizations were funded sufficiently, maybe a licensed Michigan attorney currently working for those programs could handle all of the cases. But as previous comment, as I understand it, noted there's a tremendous need for civil legal assistance all across the United States, including in Michigan, and I think that legal services attorneys often are newer attorneys. It is often something that people out of law school are very passionate about wanting to assist low individuals. I don't know that this is somehow going to result in a lower quality of service, for the individuals. It is instead going to allow civil legal providers to hire extremely motivated and qualified individuals. I mean the content of the rule requires the person to have either be a current employee or have accepted an offer from an organization which implies they've already gone through a hiring process, a reference process, and that organization wants to hire them, but for the fact that they don't need reciprocity for the State of Michigan.

Nicholas Ohanesian, Chair -

I believe Mr. Rotenberg was next. Go ahead. Wait till you're unmuted. I can't hear you yet.

Steven Rotenberg, 6th Circuit -

Okay, I'm concerned about this changing this reciprocity rule. Every couple of weeks I get a phone call or a resume from some...from a young attorney looking for employment, so there's plenty of attorneys out there who are licensed by Michigan who are available for these positions. I think this is a matter of the organizations not having the ability or the desire to pay for them or pay enough for them. I get plenty of requests all the time for people on the phone, people calling me up, who do require a lower, no payment type legal services. So yes, I agree that there's a demand. But I do not think that reducing reciprocity requirements and basically flooding the Bar with more members is a great idea. In fact, a lot of States try to restrict reciprocity in order to reduce the number of lawyers, because you can have too many. So I'm just concerned about (A) quality control and (B) about the actual need for the lack and (C) if really is a problem, perhaps what we should do is approach the State of Michigan and the taxpayers, and say, let's socialize this and have the taxpayers. Those are my concerns and that's my comment.

Elisa Gomez, Consideration of Proposal to Amend MCR 8.120 -

So can I respond to those concerns?

Nicholas Ohanesian, Chair -

Go ahead.

Elisa Gomez, Consideration of Proposal to Amend MCR 8.120 -

Sure. So to your first point about flooding the market, I think that, again, this is not losing reciprocity rules for all individuals. It is only loosening reciprocity related to individuals who want to work at specific types of nonprofit organizations. So relative to the potential for competition that I guess that might be incur if the market were flooded, it's not what this rule, I think, is written to accomplish. The second point whether there are people who are seeking work who are currently barred in Michigan; of course, people are seeking work who are currently barred in Michigan. But I think that individuals have to have a desire to want to provide civil legal assistance for low income individuals. It's a very difficult job, and it requires a particular skill set, personality, and temperament, and that that is not something that everyone it wants to do. And yes, it requires that you are taking pay that is below market of what you could make as a private attorney. And individuals are not willing to do that. I also think that, you know, the last year and a half there's been a lot of difficulty in hiring and if those folks were applying to our organizations, we would be interviewing them and hiring them if they were qualified. But instead, we had people who are in this circumstance that we had to not hire, because they just weren't eligible for reciprocity. I think that was those were your main points, and if I missed on then I apologize.

Unknown Speaker -

[Inaudible] and people from other licensed in other states could come in and work here under the supervision of an attorney like a law student would be able to or a recent graduate would be able to, would the time that they would practice here count towards the five years in order to get reciprocity?

Elisa Gomez, Consideration of Proposal to Amend MCR 8.120 -

It would, so in the attachment to the proposal at the very end it is subsection 6. It would be a subsection E (6): “time in the practice of law in Michigan under this limited license may be counted towards the applicant's eligibility for admission without an examination administered by the Board of Law Examiners.”

Nicholas Ohanesian, Chair -

Steven Gobbo, I believe, is recognized next. Go ahead.

Stephen Gobbo, 30th Circuit -

Thank you, Mr. Chair. Stephen Gobbo, from the thirtieth Circuit. These are probably more points of information than taking a position, but one thing is that we have a pro hac vice role where somebody who is licensed in another state can be admitted for limited purposes in trials and the like; the other, is that the Michigan Legislature has moved to somewhat bypass the reciprocity and admission rules granting special dispensation for the spouses of military members. All of these potential exceptions have merits. We are certainly faced with a situation with people representing the under a lawyered population. The individual that would be permitted to function as an attorney is going to be under the oversight of another attorney who is licensed in Michigan. That's all I have to say, Thank you.

Elisa Gomez, Consideration of Proposal to Amend MCR 8.120 -

Thank you for that. I do want to just say one thing regarding your comment about pro hac vice. There's a limited number of cases...that was a discussion that occurred in the Courts and Civil Procedure Committee. Several members in that committee had that exact point: Isn't there is already a mechanism for that? That rule, though, is limited to individual cases and there's a limited number of cases in any given year that one attorney can handle and it's like five. So maybe that's helpful for, I don't know, pro bono attorneys who want to pick up a few cases, but for someone who is trying to be a staff attorney out of the legal aid provider you're handling many more than five cases in a year, but I appreciate your comment very much. Thank you.

William Renner, 15th Circuit -

Yes, William Renner, fifteenth circuit, which includes the Branch County, which abuts Indiana, and is relatively close to the State of Ohio much of the chagrin of the Ann Arbor people here. I would just sort of rise in oppose. I would also concur with the suggestion that the State take this over just as they did the public defender system here in the State of Michigan a few years ago. I've been a public defender for more than forty years. I'm not opposed to, you know, free legal care or anything of that nature but if there, if I'm gonna have to deal with an Indiana attorney who hasn't quite figured out Indiana comes into Michigan, I'm in a way of looking at the person who is being represented. I might look at it as positively. I've got somebody doesn't know what they're doing opposing me. That would be advantageous for my client. But how are we taking care of the person that this Indiana or Ohio attorney in Branch County, who might not know everything in Michigan, and if we start in and I reading this, if we get part way into the trial, and the judge determines that that out of state Attorney doesn't know what they're doing, we stop the trial and start all over. My client's not going to really want to pay me a whole lot to do this all over again, and they'll look at it, I think, is how come the system seems to favor those who aren't paying for their attorney rather than those that are, and I would just point that out. Thank you.

Nicholas Ohanesian, Chair -

Next we have...I'm going to recognize Marla Richelew again. Go ahead.

Marla Linderman Richelew, 22nd Circuit -

Hi, Marla Linderman Richelew, 22nd circuit. So I'm a little confused by some of these comments, because when there was the flooding comment. But this is not flooding, because it will be a distinct group of people who are brought in by public defenders and nonprofit offices, and they're willing to take on the burden to help them. Second comment that you know you're going, that someone may think less of an attorney who is not fully barred in Michigan. I think you're going to think less of the person who has no representation, and I can't imagine that the court would ever go and stop a trial, because an attorney is not doing a hundred percent rate, so that someone is going to now be without an attorney and pro se. I also don't think people understand the gravity of what is happening, the reality of the situation in Michigan. Landlord tenant cases are going to be starting, and they...I have been backed up for so long people are going to lose their home unless we go and pass these kinds of changes. I am working with unemployment. I have been begged, and I had to spend my last year helping thousands of Michiganans not pay back tens of thousands of dollars that they do not owe, so that we do not have a whole new level of poverty in Michigan. Five hundred thousand people are estimated to be in that situation. Most people can't do what I'm doing. They can't go and take these reduced rates so that we can help these people. All they're asking for in this change to be able to bring people in, to help access to justice, to make people sure people are not losing their homes, that they are not losing their, you know, having to pay back money they don't owe. And they are saying they will take on this burden. They're not asking you to worry about losing cases. These are not cases you take. They're asking you to help the courts, because the courts always are better when there's an attorney involved than a pro se. Well, not always. I'm going to say there's some pro se that have blow me out of the water that when I've seen their work but very rare. I want you to really think about what a no means here.

Nicholas Ohanesian, Chair -

Thank you. Second...I'm going back and forth because we have people...I'm trying to keep these people in order...I have Kara Hart-Negrich. Go ahead.

Kara Hart-Negrich, 30th Circuit -

I'm Kara Hart-Negrich, thirtieth. I wanted to state that I am fully in favor of this, and I wanted to thank Elisa and Marla and everyone else who does pro bono work, and who is fighting for those people who can't afford to hire representations for themselves. So thank you.

Nicholas Ohanesian, Chair -

Go ahead. State your name and circuit.

Alena Clark, 7th Circuit -

Turning again, Alena Clark, on behalf of the seventh Circuit. I am a criminal practitioner, specifically a prosecutor, and I will tell you that dealing with any attorney as opposed to an im pro person is one million times better and easier just for the whole criminal process. Now a lot of the people I deal with unfortunately, both on both the defendant side and the victim side are indigent, and any body that we can get into these organizations that do representation of indigent people is necessary. I cannot tell you how many times I have cases where there's a criminal component, and then there's a family component or a landlord tenant, like Marla mentioned, component, and they cannot afford an attorney. If we have somebody who is a licensed attorney, I don't care where they're from. We need to give them a job and let them help these people. I don't know that the people that are against this rule, if you really understand the large proportion of Michiganans who cannot afford an attorney, and

if somebody is willing to work at these organizations, then we need to let them do it. They're licensed, and they're under supervision. And I one hundred percent support this rule.

Nicholas Ohanesian, Chair -

I do have. I have a motion to...I have a motion to call the question at this point. Actually, that would be a motion to end debate. Do I have a second on that motion? Okay, we'll need to do we'll need to do the voice vote: all in favor of ending debate and calling the question signify by saying, aye.

Various -

Aye.

Nicholas Ohanesian, Chair -

I messed that up slightly. In the opinion of the chair there are insufficient votes to close debate. I'm going to continue with...We're going to do this one more time. And I apologize because part of the problem I'm running into is I'm getting lag time between in person and the people who are appearing online. So we're going to do this one more time. And I apologize. First, the question is, we have a motion that has been seconded to close debate and call the question, so those people in favor of that motion, say 'aye.' Now those in opposition to the motion. The votes close enough in my votes close enough in the opinion of the chair that we're going to actually need to do a vote on this one. So we'll do this by...We're going to proceed the same way we do normally, so we'll be using clickers. Okay, Now, as a person, we'll use the clickers; for those online, you'll get a poll, you'll get a poll question. Polls are now open.

Those in favor of closing debate and calling the question, those in favor of the motion will be pushing number one. Those who opposed and wish to continue debate, push two. And those who wish to abstain, push three. Polls are now open. I would note, as in the prize or in the process the rules require a two-thirds vote to go...to this to proceed. Madam Clerk.

Yolanda Bennett, Clerk -

On the motion to close debate, and call the question. We have seventy-three votes in support, twenty-nine votes opposed, three abstain. We are over seventy percent.

Nicholas Ohanesian, Chair -

So the motion carries debate ends. I'll call the question just as we did a moment ago. Question on the question before us is whether to vote on the approval of the amendment as proposed one for yes, for opposed two, for no three for abstain Polls are now open. At this point the polls are now closed. We now have the results.

Yolanda Bennett, Clerk -

On the motion of consideration of proposal to amend MCR 8.120 expanding supervised practice to individuals already licensed in other states to civil legal services and programs. We have sixty-nine votes in support, thirty-nine, I'm sorry, thirty-six votes opposed, two abstain. Motion carries.

Nicholas Ohanesian, Chair -

Moving along. Now we'll move on to the nomination and election of clerk, and so I understand we do have a nomination to be made from this...will be open to nominations from the floor. I do believe we have a nomination at this point from Miss Elizabeth Kitchen Troop on this twenty second circuit, maybe.

Elizabeth Kitchen-Troop, 22nd Circuit -

Good morning, Elizabeth Kitchen Troop on behalf of the twenty second circuit. I'd like to nominate John Reiser to the position of RA clerk. John has spent his career in service, service to the people of the State of Michigan, and to the city of Ann Arbor, and also in service to our profession through his active engagement with his numerous board positions in nonprofits. In his career John has previously worked as the assistant prosecuting attorney in both Wayne and Oakland counties. Currently he works as a senior assistant city attorney for the city of Ann Arbor, a position that he's held for over twenty years. I first met John through our board positions on the Washington County Bar Association, a board that John spent many years on, and that he would eventually lead as president in 2007-2008. My experience in working with John over the years has been that John will be an enthusiastically and actively engaged participant in any role he undertakes. He'll be prepared, he'll take the time to see and assess issues from many vantage points and perspectives, and he'll do all of these things respectfully, and with a keen sense of humor. In addition to the Washtenaw County Bar Association, John is also served, or is currently serving on the following boards: the Women Lawyers Association of Michigan, the Washtenaw chapter; the Council Member for the State Bar Cannabis section; as a former co-chair of the WCBA Criminal and Marijuana law sections; as a treasurer of the home of new vision, a drug and alcohol treatment facility in Washtenaw County just to name a few. John has also been active in the Representative Assembly for several years, including serving as chair of several committees. In addition to these many great attributes, John also happens to be a very good musician, who shares his talents throughout the State, and as all lawyer, band, Solitivity performing at fundraisers, including the Humane Society, toys for tots, food, gatherers, and the State Bar of Michigan among others. Please join me in supporting John for the position of RA clerk. Thanks.

Nicholas Ohanesian, Chair -

Do I have a second with respect to the nomination?

Gerrow Mason, 31st Circuit -

Mr. Chair. I'd like to second John Reiser's nomination as clerk and I won't go long. I've known John since 1994 when we served in the Student Bar Association together, so he's got going on thirty years of Bar service. He has about twenty years of service with the Representative Assembly, because the term limits he's been on and off. And when we face some real challenges on the Representative Assembly and at the Bar over these past few years, John played a leadership role and served on the Dues Committee and was just a source of reason and someone we could go to for his leadership. I think he'll be a fantastic clerk and a Bar leader, and I would urge you to support him.

Nicholas Ohanesian, Chair -

Do I have additional nominations from the floor? Okay, nominations are now closed. Okay, we'll now proceed to...we'll now proceed at the vote. The one choice of Mr. Reiser. We'll be doing the poll...we'll be doing the polling. One for yes, two for no, three for abstain. Polls are now open. Let's look for the simpler way, you know. Here I am trying to make this all formal and stuff. So here's what we're going to do: all those in favor of Mr. John Reiser serve as clerk, say "aye." Any opposed?

Any abstentions? In the opinion of the chair, the "ayes" have it. Congratulations, Mr. Reiser.

Okay, at this point I wish to recognize members of the Assembly who are being termed out, and I wish to thank all them for their service. I wish to encourage everyone who is termed off, please do not take this as a as goodbye; simply take this as I'll be back as soon as I'm able to run again. We desperately need everyone who's willing to serve the please serve and to consider doing that again. I would also want to recognize that we have -- and those certificates with those certificates, by the way, will be in the mail to you -- also want to recognize that we've lost two of our members who passed

away during their terms, the Honorable Thomas Evans, the Fifty Fifth Circuit, and Clarence Dass, who also passed away during the term this...of during the term of this assembly.

It's now time. It's almost done, and it's now my opportunity. But in all serious, and so I do now have the opportunity to introduce...it's time to swear in our new RA chair, and to do that I first need to introduce our person who will be administering the oath. And with that I do have the privilege of introducing Justice Zahra of the Michigan Supreme Court. Justice Zahra received his undergraduate degree in 1984 from Wayne State University, in 1987 graduated with honors from the University of Detroit College of Law, where he served as a member of the law review and as articles editor of the the State Bar Michigan's Corporation and Finance Business Law Journal. Upon graduation he served as law clerk to the Honorable Lawrence P. Zatkoff the United States District Court for Eastern District from Michigan, for joining, eventually becoming a partner in the law firm at Dickinson Wright. In 1994, Governor Engler pointed to him as the...

Justice Zahra -

The introduction should never be longer than the appearance of.

Nicholas Ohanesian, Chair -

And with that, ladies and gentlemen: Justice Zahra.

Justice Zahra -

Thank you. Thank you. It's really my honor to be here to administer the oath to Gerry. I have been the liaison to the Bar as long as I've been on the Court. I think in my tenure we've really improved the relationship between them...in the Bar. I worked regularly and met regularly with Janet Welch. Got a great relationship with Peter and I'm available if anybody needs anything. But one of the greatest things I think we're doing is the Justice for All Commission. I chair that. Every other week I'm talking with Peter about what we're doing in that regard and address many of the needs to fill the Justice Gap. I would talk longer except I understand Justice Bernstein used up all the time allotted for justices for the next five years, so I will just stop and administer the oath. Thank you all. It's nice to see you all. And, Gerry, are you ready to proceed? Please raise your right hand and repeat after me.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of this state and the Supreme Court Rules concerning the State Bar of Michigan and that I will faithfully discharge the duties of Chair of the Representative Assembly of the State Bar of Michigan according to the best of my ability.

Congratulations, sir. Thank you for the honor of allowing me to swear you in.

Gerrow Mason, Chair -

My remarks will take about three minutes. I timed it. I just...you know everybody's busy, and I don't want to belabor you. Today the Representative Assembly is in its fiftieth year of serving the State Bar of Michigan, its members, and our stakeholders. It is most appropriate today that we have our liaison Justice Brian Zahra here as we're celebrating our fiftieth anniversary. Thank you, Justice Zahra for all that you do for being here for your service to the State Bar of Michigan. Let's give him a round of applause. It's really an honor to have him. My goals as our chair are really quite simple. I would like to help minority and first-generation lawyers learn how to succeed. I would like to increase participation in the Representative Assembly and encourage all lawyers to do charity work and give back; thus by approving, by improving the way that we help those in need, we will improve the entire practice of law. This agenda is not a top-down initiative. The State Bar of Michigan is by its nature meant to be collaborative. First, an invitation to you. I'm asking you to learn, participate, and lead. Please reach out to me anytime. Please get to know the State Bar staff. They are wonderful. Secondly,

I have a challenge to you. I would like each member to bring a guest to a meeting. Ideally, I would like each of you to seek out your replacement in advance as your time on the RA comes to a close. But really what we're doing is educating our circuits and others about the Representative Assembly while strengthening it. Thirdly, I encourage each RA member here to join a local service organization, such as Rotary Club, International, the Salvation Army, or do some kind of community work of your choice. I'll give you an example: today's Constitution Day. I've gotten in the habit of giving out pocket constitutions to Saint Clair High School; that's just something that I do. And this is another way that we represent our Bar, and we represent lawyers as professionals in our community. Now, finally, I'm going to tell you the most important thing and the fun thing about Representative Assembly: you are going to meet and work with the best people; reach out, get to know them. Get to know your RA colleagues or to commissioner members and get to know the Bar staff. Get to know Justice Zahra. Now, James Heath, our Bar president, is here, and I'm going to ask James to come up so you can see him because he's important, and you need to get to know him, and I don't know if we have any other Board of Commissioner members, but if they're here, come on up, James, come up. I've got something...We do have some occasional fun when we have these meetings, and I...He was complaining yesterday at the Board of Commissioners meeting because I was showing everybody pictures of my cigar order, and he said, oh, you only have cigars on pictures.

James Heath, SBM President -

Oh, wow! Well, thank you so much, Gerry, for the cigars. Don't take a picture of this, Peter. Listen, I'm not going to give you away, but I just want to congratulate you, Gerry, as incoming chair. Nick, congratulations a wonderful year, and so happy that you're going to continue on the Board of Commissioners. This has been a pleasure to serve. Wonderful meeting. I'm a big supporter of the Representative Assembly, and I look forward to working with you. Continuing over the next year and beyond. So congratulations and thank you very much.

Gerrow Mason, Chair -

Thank you. State Bar staff, can you come down front where they can see if that's possible? You need to get to know your State Bar staff. I know it's hard because some of you are manning your posts, but if whoever can come...here comes Peter Cunningham, our executive director, come up here, please, and introduce yourself. They can see you. No, he did. I sent him a text of my remarks that we should know. Here, come here it goes, Marge.

Peter Cunningham, Executive Director -

I'm just Peter Cunningham. I'm the executive director. Come on up here. Come up here. The staff here I'm just going to very quickly introduce all of the staff that we have here. Jeanette Socia, who's our director of HR. Marge Bossenbery, who, I don't know what Marge does...actually total joke. Marge actually is my boss, Janna Sheppard and Meng Xiong, and then over here we have Nathan Triplett, and you all should get to know if you don't already Carrie Sharlow, who is in charge of everything. So thank you very much. Although I don't have a list of names. There are a lot of staff right now that are helping with the hybrid technology, and I'm not going to try to say their names, because I will forget somebody, although I see Michelle Erksine's face there right now on the Zoom. So hi, Michelle. Thank you.

Gerrow Mason, Chair -

Okay. We're going to have fun. There's going to be some surprises along the way, and with your help the fiftieth is going to be the best year ever for the Representative Assembly. Alright, let's do it. Let's welcome Nick Ohanesian in here because we're going to make a presentation to him. I just called

them Nick for the past three or four years Now I want to say something that's exciting. We heard the presentation about how to improve and rejuvenate the Representative Assembly. And I've asked net to continue to lead that effort so that we have continuity and so we can keep right on going with some of the suggestions that were made today, and Nick has agreed. So thank you. Now, when I came on, I got elected in 2020 as clerk in the midst of the pandemic on a Zoom meeting, and we really went through some hard time some tough times, and I worked side by side with Nick for the past three years, and he was great. He was a steady hand at the wheel. He was always positive, he was always willing to accept challenges, and he was also fun in case the State Bar of Michigan doesn't know it when we were in some of those really serious meetings, Nick would text me things like my outfit, what I was wearing, my hair standing up, why are you? You know, just those kinds of things. He's very, very funny. And sometimes, when you're in a real serious situation or tough situation, a little bit of laughter is good. I jokingly told him on a Zoom call the other day that even though you're no longer going to be an RA chair, I'll always look up to you, and that's because he's six foot ten, so we will always look up to him. So thank you for all that you do. You're going to be on the Board of Commissioners, and you're going to keep helping us. You deserve that, you're fabulous, and I'm proud to have you as my friend, too.

Nicholas Ohanesian, Past Chair -

Wow! I'm gone as chair for five minutes. I didn't get to make a remarks. So this will be even faster than Gerry, I promise. Here's the thing: I'm really appreciative. Thank you, Gerry, for your kind words. I'm incredibly honored to have had the chance to serve amongst this amazing group of lawyers united by common purpose and service to the Bar and the public. I'd like to extend my thank you to Gerry and to Yolanda for to their wise counsel, their patience, and most of all at this point their good humor for putting up with me. I'm also...I'm not going to...I promise I'm not going to do what Gerry did to the State Bar staff other just to echo what he said because the State Bar staff makes this makes this whole thing work, and to the to the extent that anyone is mistaken me for being knowing what I'm doing it's because the State Bar staff is done in a monumental job in doing that, and I'm very grateful. Thank you.

Gerrow Mason, Chair -

We're going to...We're going to bring this to a close now. I'm going to ask Justice Zara and James to stick around. I'd like to get some pictures because my wife just really wants to know what in the world I'm doing on a Saturday morning, so we'll have some pictures and look forward to working with you, going forward for the next year. I need a motion to adjourn: all those in favor.