



THE SUMMONS

Saginaw County Bar Association



HONORABLE
JULIE A. GAFKAY
10TH CIRCUIT COURT
MAY 2023



HONORABLE
BRITTANY A. DICKEN
SCBA PRESIDENT
2023-2024

MEETING DATES FOR 2023

(Go to www.saginawbar.org for meeting updates)

Board Meeting

(All Board Meetings will be held the 1st Wednesday of every month at 12:00 PM at the Saginaw Club.)

Pro Bono Committee Meeting

(All PB Meetings held via RING the 3rd Tuesday of every month at 12:00 PM.)

2nd Annual SCBA Memorial

Thursday, September 21, 2023
4:00 PM
Saginaw Club

36th Annual Red Mass for the Catholic Diocese of Saginaw

Thursday, October 12, 2023
6:00 PM
Cathedral of Mary of the Assumption
Reception to follow.

Pro Bono Week

October 22 – 28, 2023

Pro Bono Luncheon

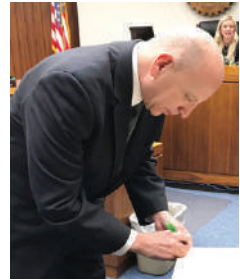
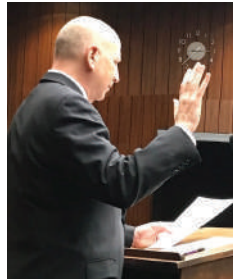
Thursday, October 26, 2023
12:00 PM
Saginaw Club
Speaker: Justice Kyra Harris Bolden

SCBA Christmas Party

Friday, December 1, 2023
Baynes Apple Valley

(If you want your committee meeting dates listed here send them to Executive Director Kelli Scorsone)

CONGRATULATIONS LOCAL PASSERS OF THE FEBRUARY 2023 BAR EXAM



Makenzie Paige Schaub
Smith Bovill PC

SPONSOR: Katelyn A. Sweeney
SCBA BOARD: Adam Flory
JUDGE: Hon. Brittany Dicken

Dr. Martin Lloyd Blank

SPONSOR: Alexander E. Blank
SCBA BOARD: William Cowdry
JUDGE: Hon. Brittany Dicken

THE SUMMONS

SAGINAW COUNTY BAR ASSOCIATION

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pending

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pending

pending

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www.saginawbar.org

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The articles in THE SUMMONS unless clearly designated otherwise, are those of the author. They do not necessarily represent the opinion of the Saginaw County Bar Association or its members. Please direct your comments on THE SUMMONS to its Assistant Editor, Ann R. Van Haute, 4301 Fashion Square Boulevard, Saginaw, Michigan 48603 • (989) 498-2100.



PRESIDENT'S MESSAGE

By: Hon. Brittany A. Dicken

It is my honor to serve as the 2023-2024 Saginaw County Bar Association President. I have been a proud member of this association since 2013, previously serving as Secretary and Vice President, and an active member of the Domestic Relations Committee. While it is somewhat unusual to have a Judge as the President of the Bar, I am excited to use this opportunity to improve communication between the bench and the Bar to best serve the citizens of Saginaw. A bench and Bar that works together equates to efficient court proceedings and expeditious resolution of our cases. Your 2022-2023 board has already begun planning some exciting new things this year, including a talent show and a new venue for our Christmas Party. More details to come!

I want to take a minute this month to highlight the implementation of Rule 21 which takes effect along with your 2023-2024 State Bar renewals beginning in September. Rule 21 requires all active private practice attorneys to: 1) name a person with knowledge ("PWK") of their practice, and 2) designate an interim administrator ("IA") to complete certain duties if the attorney is temporarily or permanently unable to practice law. The most likely examples of temporary or permanent inability to practice law include death, disability, discipline, disappearance, or incarceration. IA

duties consist of securing privileged documents, notifying clients, returning funds and files, and notifying courts on pending matters. The IA must be a licensed attorney in the State of Michigan that is active and in good standing, or a law firm with at least one active Michigan attorney in good standing. The PWK is not required to be a licensed attorney but must know the location of the attorney's professional paper and electronic files and other security protocols required to access the attorney's professional records and files. The IA and PWK may be the same individual. There is no additional fee associated with designating an IA and PWK.

In lieu of designating an IA, attorneys may opt to enroll in the State Bar of Michigan Interim Administrator Program for a \$60.00 fee payable with your annual dues. If the attorney elects this option, the attorney is still responsible for designating a PWK along with their license renewal. In the event an IA is needed, the state will assign one to the attorney through the Interim Administrator Program.

The purpose of Rule 21 is to ensure that clients' and attorneys' interests are protected, even upon an unforeseen event. It is the first step in creating a succession plan and safeguards clients from missing important filing deadlines, court hearings, appeal

CONTINUED ON PAGE 4



We wake up every morning thinking about the things that keep your clients up at night.

BUSINESS VALUATION

Analysis of factors that value your business or one in which you have interest. A third party with true perspective.

ESTATE PLANNING

Wealth building advisement with a full range of estate planning strategies and solutions. Matching your purpose with your legacy.

EXPERT WITNESS TESTIMONY

Our expertise brings reliable and relevant support for your cases. We're with you every step of the way.

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deadlines, being unable to recover funds or property entrusted to their attorney or render them unable to locate vital documents and pleadings for their case.

You can read more about Rule 21 in the Michigan Supreme Court order (ADM File No. 2020-15). Also, further in this issue are Frequently Asked Questions about Rule 21.

IN MEMORIAM



James R. Meyer
P17664

*Died March 30, 2023.
He was born August 1,
1933, and was admitted
to the State Bar of
Michigan January 6, 1970.*



George C. Bush
P11465

*Died at the age of 82.
He was born April 10,
1941, and was admitted
to the State Bar of
Michigan June 10, 1968.*



Ferris Arnold
P36142

*Died May 1, 2023.
He was born August 16,
1946, and was admitted
to the State Bar of
Michigan June 24, 1982.*



William Frank Allen
P24035

*Died May 22, 2023.
He was born February 24,
1941, and was admitted to
the State Bar of Michigan
October 28, 1974.*



Alexander D. Bommarito
P62704

*Died May 23, 2023.
He was born July 19,
1973, and was admitted
to the State Bar of
Michigan June 25, 2001.*

*Please help the Memorial Committee make sure no member is forgotten.
Contact SCBA office at 989-790-5285 regarding the passing of any Saginaw County Attorney.*



PORTRAIT OF A LAWYER – HON. JULIE A. GAFKAY

By: Willie P. Beck, Judge Gafkay's Husband

Julie's journey to becoming a judge in the 10th Circuit is a testament to her work ethic, grit, determination, and dedication to hard work, has been nothing short of remarkable. As her husband, I've had the privilege of witnessing Julie put her all into providing the best representation possible for her clients. Julie will undoubtedly serve the Court with the same level of tenacity and fairness she displayed in her law practice.



time there, Julie was exposed to less sun in southern California than growing up in Michigan. I thought law school must be the hardest thing there is – extremely long hours, multiple study groups, moot court, student government, etc. It was Julie's mission to conquer law school, which she did, making Dean's list and graduating with honors. As a high school counselor I

CONTINUED ON PAGE 8

Readers of this may believe I am exaggerating Julie's work ethic, but allow me to provide some examples. Exhibit A: Julie graduated as a double major from MSU's James Madison College, in three years, at times taking more than 20 credits per semester – while working full-time as a manager at Little Caesar's. Had the Izzone existed while she was there, Julie would have had no idea what it was.

Exhibit B: Julie attended Whittier College of Law in Los Angeles while I served in the U.S. Coast Guard. We lived in Long Beach in an apartment on the beach. I was perpetually tan from cycling, running, inline skating (yes, I just admitted that), beach volleyball, and any excuse to enjoy the year-round, incredible weather. During our



SAGINAW COUNTY LAWYERS' AUXILIARY

The Auxiliary was founded in 1955. Its purpose is to promote the interests of the Saginaw County Bar Association and to encourage law-related activities that contribute to community progress and improvements.

Service Projects

Courthouse Tours, Law Day, SCLA Scholarship, A Constitution in Every 5th Grader's Pocket.

Membership \$25



SAGINAW COUNTY LAWYERS' AUXILIARY

By: Claudia J. Wallace

April and May were busy months for many of the members of the SCBA and SCLA. I feel that after recovering from Covid-19, events are coming back to life. Law Day 2023 can attest to that fact, as it was a huge success. The word out there is that the students, advisers, lawyers, judges, and raters all were excited to be back in the saddle. The SCLA was happy and proud to be a part of this exciting day.

Law Day, May 4th at Timbers, was exciting. Kelli Scorsone did a fantastic job once again. The guest speaker was Dr. Craig Douglas. Dr. Douglas talked to us about his life accomplishments, where he has been professionally and where he continues to keep actively going. He is like that Energizer Bunny. I do not know when or if he sleeps. It was nice hearing his life's story. I was lucky enough to have worked with him through the Carrollton Public Schools when he was Superintendent.

Kathryn Houck received the FH Martin award this year. Congratulations, Kathryn!



Our own SCLA member, Susan Smith received the Liberty Bell award at the luncheon and I was honored to be the one to award it to her.



This year's Poster Contest recipient was Madison Morgan from Swan Valley High School.



Our Spring luncheon was held at The Saginaw Club in the ballroom. There were 18 attendees. We tried to top the ladies' Fall luncheon, but could not do it.

We voted in Carrie Burns at the luncheon as President. She declined the position as she said she is our Sergeant of Arms. Well, in my book it is one and the same. Per its definition, it means being responsible of maintaining order in the house. Carrie does a very good job at that. Go Girl!

The SCLA sends our deepest sympathy to Lori Bommarito and her girls, Julia and Ashlee. We have heavy hearts for your loss.



SCBA EXECUTIVE DIRECTOR'S REPORT

By: Kelli Scorsone, Executive Director

2023 SCBA COMPOSITE PHOTO AND DIRECTORY

Call Raynemaker Studio directly to set up an appointment – (989) 792-4971.

All SCBA members are welcome. Including emeritus and retirees. We will soon be announcing a deadline date.

COMMUNITY SERVICE

The strength of any organization is in its membership and how the members integrate into the community. SCBA has always been proud of its members, as they have always displayed tremendous community service.

It is up to the current members to continue being active in the community, the organization as a whole and you, individually. Let's keep this organization going strong. Let's participate! New attorneys, retired attorneys, civil and criminal attorneys, we need you all. As organizations around us disband, let us prove we will stay strong.

Hopefully you attended the Annual Meeting and know who the SCBA Community Service Award went to. Congratulations, Joe Albosta! You held SCBA together as the community tried to recover from Covid. SCBA is so fortunate to have such leaders willing to serve and volunteer their time to maintain and improve this Association.

THANK YOU DEPARTING OFFICERS AND BOARD MEMBERS

Your years of service are much appreciated. It is so important for Board Members to be active members; it encourages other members to participate more.

Thank you, President Joseph Albosta. I look forward to another year with you on the Board as Immediate Past President.

And thank you Board Members continuing and those just beginning your term on the Board. I look forward to the newly elected Board Members joining this great group. I know you will continue the strong leadership we have seen in prior years.

Thank you to the Nomination Committee for presenting a great list of candidates for the 2023-24 year.

SCBA COMMITTEES

Please evaluate your goals for SCBA! The new Board wants to hear from you. Let us know if your committees need new leadership, have new ideas, or just want to vent! We want to hear from you, and you are welcome to address the Board at a meeting, just call me to get on the agenda.

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remind students not everyone is cut out for the academic ‘Hunger Games’, but, like Julie, there’s no stopping those few who possess high levels of intrinsic motivation.

Julie’s Exhibit C is a 27-year long career as an attorney specializing in employment discrimination. One of Julie’s career highlights was her representation of 20-year neonatal nurse who was told she could not care for her newborn patient based solely on her race. The lawsuit brought nationwide attention, inspiring a New York Times bestselling book (Small Great Things, by Jodi Picoult) and a segment on the Katie Couric Show.

Along with our kids, Julie and I make

a great team. Our family includes our son, Wesley, who is currently pursuing his graduate studies in engineering at Michigan Tech University. Our fearless, creative daughter, Maggie, attends Heritage High School. We all do our best to appease Calvin, our 10-pound Pomeranian, who is a heavyweight at heart.

Throughout her career as an attorney, Julie has showcased an unwavering commitment to justice. Now, as Julie takes on her new role, I couldn’t be prouder of her accomplishments. Julie’s support team of Wesley, Maggie, Calvin, and I are excited to continue on this journey with Judge Gafkay.

THE INVESTITURE OF

Julie A. Gafkay

Castle Museum of Saginaw County
500 Federal Avenue
Saginaw, Michigan 48607

as
10th Circuit Court Judge
Tuesday, May 30, 2023
5:30 p.m.





The Circuit Court

for the Tenth Judicial Circuit of Michigan

DARNELL JACKSON

CHIEF JUDGE, SAGINAW COUNTY

TO: MEMBERS OF THE SAGINAW COUNTY BAR ASSOCIATION

I want to inform you all that the state has recently awarded Saginaw County Trial Courts a one-year Virtual Backlog Reduction Docket grant to assist in clearing up the backlog of criminal cases we now face. As the name implies cases are to be primarily handled virtually via ZOOM. There should be very limited or no in person hearings.

Ideally judges, assistant prosecutors and defense counsel will only need to appear twice in most instances. At the pretrial/plea hearing and for the subsequent sentencing hearing. There may occasionally need to be more involvement than this based upon unforeseen motions etc., but even those should be at a minimum.

Defendants will be required to appear at all pretrial/plea hearings in order to cut down on unnecessary delays in the resolution of cases. So counsel will need to plan for the client to be present with you in your office or at some other location on ZOOM during the pretrial/plea. If a case is not resolved at the pretrial/plea hearing then it will be referred back to the judge who was originally assigned the case for further disposition.

I have appointed retired Judges Janet Boes, James Borchard and Harry Gill under the grant. They will be assigned to preside over non-capital felony cases and attendant misdemeanors through the pretrial/plea and sentencing hearings. The judges will not be conducting any trials.

I anticipate a potential start-up date being sometime during the first two weeks of June. That of course is subject to change depending upon circumstances. Should you have any questions please feel free to email them to me. Thanx.

Darnell Jackson

Darnell Jackson

Chief Judge, Saginaw County Trial Courts

May 23, 2023

Governmental Center
111 S. Michigan Ave.
Saginaw, MI 48602-2086

Telephone
(989) 790-5488

LAW DAY MEMBERSHIP MEETING

Thank you to all that attended. Both our guest speaker and Apple Award winner reminded attendees how important our Law Day Program is to the area schools. The students that participate in the Mock Trials prepare for months.



GUEST SPEAKER

Dr. Craig
Douglas



LIBERTY BELL AWARD WINNER

Susan Smith,
Drug Court
Coordinator



APPLE AWARD WINNER

Pete Bartels,
Nouvel Catholic
Central



F H MARTIN AWARD WINNER

Katheryn A.
Houck, Referee



WOMEN LAWYERS ASSOCIATION

By: Rikki Mays-Reak, Secretary
Great Lakes Bay Region



What an amazing end to an amazing year! Thank you to everyone who came out to support WLAM GLBR on June 20, 2023, for

our annual meeting. We were honored to have Judge Brittany Dicken as our keynote speaker. We also are thankful that we had the opportunity to give the Regional Leadership Margaret Louise Rorke award to Judge Janet M. Boes and our Liberty Bell award to Saginaw County Lieutenant Ebony Rasco.

At the annual meeting we swore in our new board: Chelsea Brown as President, McKenzie Stone as Vice President, Rikki Mays-Reak as Secretary, Nancy Derleth as Treasurer, and Makenzie Schaub as Membership Chair. Our outgoing president Emilie Lyday will continue to guide us as we navigate this next year.

WLAM GLBR would like to thank everyone for the overwhelming amount of support the Association received on June 20, 2023. It is always nice to see our members and we are committed to having more events in 2023 where we can continue to build those relationships. Please follow our Facebook Page to stay tuned for future events. We hope to see you all there!



WOMEN LAWYERS Association of Michigan

GREAT LAKES BAY REGION 2023 HONORIES



KEYNOTE SPEAKER

Judge
Brittany
Dicken



THE LIBERTY BELL

Lieutenant
Ebony
Rasco



LEADERSHIP MARGARET LOUISE RORKE

Judge
Janet
Boes

CONGRATS LADIES!

Meet Your New Board



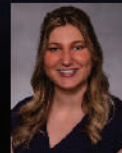
Chelsea Brown
President



McKenzie Stone
Vice President



Emilie Lyday
Outgoing President



Rikki Mays-Reak
Secretary



Makenzie Schaub
Membership Chair



Nancy Derleth
Treasurer



COMMUNITY RESOLUTION PROGRAMS AND LOCAL MEDIATION

By Gary D. Pattersonⁱ Mediator

Alternative Dispute Resolution (referred to as “ADR”) is available throughout Michigan and locally as part of the Community Dispute Resolution Program (CDRP) administered by the State Court Administrative office (SCAO). According to the Community Dispute Resolution Program (CDRP) Policy and Procedures Manual (February 2023) (hereafter referred to as the “Manual”), “[t]he Community Dispute Resolution Program (CDRP) was established by 1988 PA 260 [MCL 691.1551 et seq; MSA 27.15(51) et seq] to help fund community dispute resolution centers which provide conciliation, mediation, or other forms and techniques of voluntary dispute resolution to persons as an alternative to the judicial process.” The Manual goes on to quote the Senate Fiscal Agency Bill Analysis of the original legislation and succinctly stated the rationale for the program:

Community dispute resolution centers provide a nonadversarial option for disagreeing parties for whom formal litigation may be unnecessary, inappropriate, or unaffordable. Voluntary participation with an emphasis on finding solutions where nobody ‘loses’ contributes to the success of these programs in such matters as landlord-tenant disputes, arguments between neighbors, small claims, and personal disagreements. Local

court dockets are relieved, and disputants benefit from the personal attention and mutually acceptable solutions provided through the community centers, which stress conciliation rather than confrontation. The public benefits of alternative dispute resolution were recognized by the Citizens’ Commission to Improve Michigan Courts, which recommended that the Supreme Court direct courts to cooperate with local organizations that provide dispute resolution.

**Senate Fiscal Analysis,
SB 816, HB 4823, 1988
Revised Second Analysis**

The Manual also quotes from the Citizens’ Commission to Improve Michigan Courts, who concluded that negotiated settlements and processes promoting conciliation - not confrontation - would benefit Michigan communities:

We have seen that an overwhelming majority of Michigan citizens agree that litigation is expensive and time-consuming. They are right. Litigation should be the forum of last resort. Quicker and less costly means should be

CONTINUED ON PAGE 13

ⁱGary Patterson retired in 2016 after practicing labor and employment law and workers compensation defense with the Masud Labor Law Group for 25 years. Since 2017 Gary has been a volunteer mediator with the Community Resolution Center.



BANKRUPTCY CASE NOTES

By: Jack Weinstein

Continued from last month...

Limits of new student loan bankruptcy policies.

While the bankruptcy policy changes are potentially significant for borrowers experiencing true hardships, there are ultimately some limits to the scope of relief. Only federal student loans are eligible for relief under the new process. Private student loans are not covered.

After DOJ reviews the Attestation, the AUSA assigned to the case will consult with the Department of Education and will make a recommendation to the Bankruptcy Court as to the dischargeability. The recommendations will be one of the following: the total debt is discharged, none of it is discharged or part of the debt is discharged.

A total discharge will be recommended in instances where the Debtor meets all three elements. In instances where the Debtor's present ability to pay reflects that the Debtor may be able to pay part of the student loans back, the DOJ may recommend a partial discharge. Bear in mind, however, that the stipulation for a partial discharge includes a repayment plan that fits within the Debtor's budget at the time of the stipulation and cannot be altered in the future for any reason. So, if the Debtor's circumstances change in the future, the Debtor will be bound to that agreement and the Debtor's subsequent default may wipe out the partial discharge.

The new Guidance gives the Debtor an easier, less expensive means to request discharge. However, will this mean that more Debtors will qualify for discharge

than under Bunner? That remains to be seen. As stated in the Guidance itself, all recommendations will be made in accordance with current case law, and undue hardship will still need to be proven.

The new guidance does streamline the information gathering process and provides for a less expensive means to obtain a discharge for the truly needy Debtor. It also provides a more consistent approach to settlement across districts. Nevertheless, the case law remains the same, the test used by the DOJ is nearly identical to Brunner and the Courts can still disregard.

The reforms do not ultimately change the undue hardship standard or eliminate the need for borrowers to file an adversary proceeding. More fundamental changes to the Bankruptcy Code would require an act of Congress. While some bankruptcy reform legislation has gained some bipartisan traction in the last couple of years, so far, nothing appears likely to imminently pass Congress.

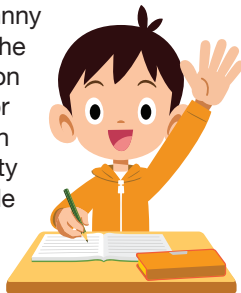
Ultimately, time will tell whether the new bankruptcy policies will have a real, tangible impact. Federal student loan borrowers wishing to consult with a bankruptcy attorney regarding their rights and options can find a local consumer bankruptcy lawyer via the National Association of Consumer Bankruptcy Attorneys (NACBA) (<https://nacba.org/>), or they can contact their state or local bar association for a referral.

readily available for the resolution of disputes which can be handled without recourse to litigation. The Michigan Supreme Court should play a leadership role in the efficient delivery of justice and should therefore maintain a continuing research effort into alternative means of dispute resolution.

There are 16 CDRP Centers throughout Michigan. The Community Resolution Center (CRC) in Flint and Saginaw is part of this statewide program of community resolution centers. CRC serves Genesee, Arenac, Bay, Clare, Gladwin, Midland, Ogemaw, Roscommon, and Saginaw counties. All of CRC's mediators meet all of the requirements of the court rules. CRC offers General Civil Mediation, Domestic Relations Mediation, Special Education Mediation, Agricultural Mediation, and Restorative Practices. Learn more about CRC at www.mediation-crc.org.

SUMMER CHUCKLES

Mrs. Applebee, the 6th-grade teacher, posed the following problem to one of the classes: "A wealthy man dies and leaves ten million dollars. One-fifth is to go to his wife; one-fifth is to go to his son, one-sixth to his butler, and the rest to charity. Now, what does each get?" after a very long silence in the classroom, Little Johnny raised his hand. The teacher called on Little Johnny for his answer. With complete sincerity in his voice, Little Johnny answered, "A Lawyer!"



10TH JUDICIAL CIRCUIT COURT ROSTER OF CIVIL MEDIATORS

Hon. Fred L. Borchard P11003

606 Summergreen Dr., Frankenmuth
P:989.245.8583 • sagjudgefb@gmail.com
\$280/hr approved 4/12/2023

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P:801.232.3141 • nchinonis@ccglawyers.com
\$300/hr approved 4/20/2023

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P:989.245.3142 • harrypatrickgill@gmail.com
\$200/hr approved 3/9/2023

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\$250/hr approved 4/12/2023

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\$250/hr approved 2/27/2023

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Donald A. Gilbert P37421

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\$200/hr approved 4/20/2023

Community Resolution Center

111 S. Michigan Ave., Saginaw
P:989.799.5949 • crc@mediation-crc.org

RULE 21

Frequently Asked Questions For Private Practice Attorneys

Am I considered a private practice attorney in Michigan?

A private practice attorney is an attorney who has one or more clients for whom they provide legal services that require a Michigan law license. For purposes of mandatory interim administrator planning only:

For example, you ARE considered a “private practice attorney” if

- ▶ You only represent debtors in bankruptcy cases, and you represent clients in Eastern or Western District of Michigan Bankruptcy Court.
- ▶ You only practice immigration law and at least one of your clients is a Michigan resident.
- ▶ You are retired, but active, and represent one or more clients per year on matters that require a Michigan law license.

For example, you are NOT considered a “private practice attorney” if

- ▶ You are licensed in Michigan and Florida, but only represent Florida clients on non-Michigan law issues.
- ▶ You are active, but retired, and do not represent clients.
- ▶ You are active, but solely act as an intermediary in alternative dispute resolution matters as a mediator, arbitrator, or otherwise. (You are strongly encouraged, but not required, to have a plan in place.)
- ▶ You practice a very specified area of federal law, in which no representation involves your Michigan law license or clients based in Michigan. For example, you practice federal aviation law and represent large corporations across the world, but none

require your Michigan law license per se.

- ▶ You are in-house counsel, a judicial officer, or employed by a governmental agency.

I am retired and still an active attorney, but I only take on a few cases per year. Do I need to designate someone to be my interim administrator?

Yes. The rules require every private practice attorney in Michigan to designate an interim administrator and name a person with knowledge of the practice.

I work in multiple practice areas. Do I need to designate more than one interim administrator?

No. You can only designate one attorney who would serve as your interim administrator.

Does an interim administrator take on my law cases?

Interim administrators do not automatically assume the practice or become your clients' attorney. Under MCR 9.303 and 9.305, interim administrators will assist in obtaining coverage for clients or refer cases to other attorneys as needed. However, a private practice attorney and their designated interim administrator may develop an agreement for outlining additional rights and responsibilities of each party.

My long-term assistant is not an attorney, but knows everything about the office. May I designate my assistant as my interim administrator?

No. Interim administrators must be an attorney or law firm. However, your assistant is the perfect example of a “person with knowledge” who would work with the interim administrator to effectively administer the duties required of the interim administrator.

Videoconferencing Available & Complimentary Conference Rooms:



Detroit Bloomfield
Mt. Clemens Hills
Ann Arbor Livonia
Troy Novi
Southfield

& Throughout Michigan

**Contact us for all you Court Reporting and Conference Rooms Needs.
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How long do I have to get this done?

Private practice attorneys are encouraged to begin the process of identifying an attorney to be their designated interim administrator as soon as possible so that they will have all agreements in place prior to the launch of license renewal in September 2023.

Attorneys will be required to nominate an interim administrator or enroll in the State Bar's Interim Administrator Program when they renew their license for the 2023-2024 Bar year, which begins October 1. License renewals will begin in September, and the deadline to complete license renewals is November 30.

Who can serve as an interim administrator?

An interim administrator must be an active Michigan attorney in good standing or a law firm with at least one active Michigan attorney in good standing (other than the attorney nominating the firm as the interim administrator). An interim administrator must be a Michigan attorney in good standing and must have professional liability insurance that covers conduct performed as an interim administrator. See SBR 21(D) and MCR 9.315.

Once a private practice attorney nominates an attorney or firm to serve as interim administrator if needed, that nominated attorney or firm must confirm their willingness to be the private practice attorney's designated interim administrator. The State Bar of Michigan is required under Rule 21 to verify the willingness of designated interim administrators to serve.

Instead of designating an interim administrator, private practice attorneys can participate in the State Bar of Michigan's Interim Administrator Program. For an annual fee of \$60, the State Bar of Michigan will match an interim administrator to the participating attorney if an interim administrator is needed.

What is the fee?

If a private practice attorney designates a law firm or another active Michigan attorney in good standing to serve as their interim administrator, there is no fee.

If a private practice attorney is enrolled in the State Bar of Michigan's Interim Administrator Program, instead of designating their own interim administrator, the cost is \$60 annually. This fee is set by the Michigan Supreme Court. The fee will be payable during the attorney's annual license renewal.

What happens if the attorney I nominated declines to be my designated interim administrator?

If a nominated interim administrator declines the designation, the private practice attorney who nominated them will be notified via e-mail and will have the ability to nominate a different interim administrator. The newly nominated interim administrator will be sent an email to confirm their willingness to be designated interim administrator.

How often do I need to designate an interim administrator?

Once you nominate an interim administrator and they accept the designation, you will be asked to simply confirm your previous designation as part of your annual license renewal. So long as neither the private practice attorney nor the designated interim administrator ends the relationship, it can continue indefinitely.

You have the ability to update your designated interim administrator at any time. A designated interim administrator also has the ability to no longer serve as an attorney's designated interim administrator.

I don't know whom to nominate as my designated interim attorney. Can you help?

The State Bar of Michigan will maintain a



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list of attorneys who are willing to serve as interim administrators and accept nominations as designated interim attorneys. This list will become available prior to the start of license renewal in September 2023. See also: **I am open to accepting more nominations as designated interim administrator. How do I add my name to the list that will be maintained by the State Bar of Michigan?**

For Designated Interim Administrators

An attorney has asked to designate me as their interim administrator. What are my responsibilities if I agree to serve?

Designated interim administrators have no official duties unless the private practice attorney becomes unable to practice and they are called into service as interim administrator. An interim administrator must be a Michigan attorney in good standing and must have professional liability insurance that covers conduct performed as an interim administrator.

Under MCR 9.307: Duties and Powers of the Interim Administrator, the general duties of an interim administrator are:

1. Take custody of the files and records.
2. Take control of accounts, including lawyer trust accounts and operating accounts.
3. Review the files and other papers to identify any pending matters.
4. Promptly notify all clients represented by the affected attorney in pending matters of the appointment of the interim administrator. Notification shall be made in writing, where practicable.
5. Promptly notify all courts and counsel involved in any pending matters, to the extent they can be reasonably identified, of the appointment of an interim administrator for the affected attorney. Notification shall be made in writing, where practicable.
6. Deliver the files, funds, and other property belonging to the affected attorney's clients pursuant to the clients' directions, subject to the right to retain copies of such files or

assert a retaining or charging lien against such files, money, or other property to the extent permitted by law.

7. Take steps to protect the interests of the clients, the public, and, to the extent possible and not inconsistent with the protection of the affected attorney's clients, to protect the interests of the affected attorney.
8. Comply with the terms of the agreement between the affected attorney and the interim administrator.

Private practice attorneys and their designated interim administrator also may develop their own agreements regarding the duties and expectations of their interim administrator. For more information, read the Michigan Supreme Court order (ADM File No. 2020-15) creating Rule 21.

Will I be paid when acting as an interim administrator?

Interim administrators, unless otherwise determined by an agreement between the private practice attorney and their designated interim administrator, are entitled to reasonable compensation for the performance of their duties and reimbursement for actual and reasonable costs incurred in connection with performing their duties. See MCR 9.313.

Can I be the designated interim administrator for more than one attorney?

Yes. You may serve as more than one attorney's designated interim administrator. Keep in mind that you will only need to serve as interim administrator if the private practice attorney becomes unable to practice law. You will be able to update and change your agreement to be designated interim administrator at any time.

I am retired/semi-retired, but still an active attorney. Can I serve as an interim administrator?

YES! Any active Michigan attorney in good standing may serve as interim administrator, though insurance is required. See MCR 9.315.

How do I confirm my willingness to be an attorney's designated interim administrator?



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When an attorney nominates you as their interim administrator, you will receive an e-mail from the State Bar of Michigan notifying you and giving you the option to accept or decline to be the attorney's designated interim administrator. Notification will be sent to the State Bar and to the nominating attorney when you accept or decline. **Until a nominated attorney confirms their willingness to be the private practice attorney's designated interim administrator, the private practice attorney has NOT fulfilled the requirements of Rule 21.**

NOTE: Only accept if you are willing to act as interim administrator for the private practice attorney who nominated you or if you are authorized to accept the designation on behalf of the law firm. If you are not authorized to accept the designation on behalf of the law firm, you must decline. When you respond, you will have the opportunity to identify the appropriate authorized attorney for your firm.

How long do I have to accept serving as an attorney's designated interim administrator?

Ideally, you should accept or decline as quickly as possible. Courtesy reminders will be e-mailed to the private practice attorney and the attorney they nominated as their designated interim administrator until the nomination is accepted or declined.

How long will I serve as an attorney's designated interim administrator?

So long as neither the private practice attorney nor the designated interim administrator ends the relationship, it can continue indefinitely. Designated interim administrators can update their status and end the relationship at any time.

I am open to accepting more nominations as designated interim administrator: How do I add my name to the list that will be maintained by the State Bar of Michigan?

You may submit your name, address, judicial circuit(s), and practice area(s) in which you are willing to serve as an interim administrator. Sign-ups will begin in 2023. You will also be asked if you are willing to serve as an interim administrator

as part of the State Bar of Michigan's Interim Administrator Program.

Recruiting Attorneys For SBM's Interim Administrator Program

What is the State Bar of Michigan's Interim Administrator Program?

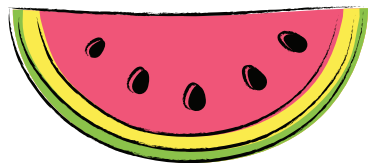
As required by Rule 21, the State Bar of Michigan has created a safety net program for attorneys who do not designate their own interim administrator. Instead of designating an interim administrator, private practice attorneys can participate in the State Bar of Michigan's Interim Administrator Program. For an annual fee of \$60, the State Bar of Michigan will match an interim administrator to the participating attorney if an interim administrator is needed.

How can I be considered for appointment as an interim administrator as part of the State Bar of Michigan's Interim Administrator Program?

You may submit your name, address, judicial circuit(s), and practice area(s) in which you are willing to serve as an interim administrator. Sign-ups will begin in 2023. You will also be asked if you wish to add your name to a list of attorneys willing to accept more nominations as designated interim administrator.

If I express interest in being appointed an interim administrator as part of the State Bar of Michigan's Interim Administrator Program, will I be required to serve if I am called?

No. The State Bar of Michigan will work with interested attorneys to match one who is able and willing to serve as interim administrator with the affected private practice attorney. Attorneys are not required to accept a State Bar of Michigan appointment of interim administrator.



An advertisement for Jolt Credit Union. On the left, there is a circular inset photograph showing a group of people, including children and adults, playing soccer on a field. The background of the ad is orange. The text "LET'S KICK IT UP A NOTCH." is written in white, bold, sans-serif font. Below this, the phone number "1-989-799-8744" and the website "www.joltcu.com" are listed in white. On the right side, the "jolt CREDIT UNION" logo is displayed, with "jolt" in a large, lowercase, orange font and "CREDIT UNION" in a smaller, blue, uppercase font below it. A blue arrow points upwards and to the right from the top of the "t" in "jolt".

Saginaw County Bar Association
Saginaw County Bar Association
Executive Director Kelli Scorsone
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