

**State Bar of Michigan
Marijuana Law Section
Council and Committee Chairpersons Meeting
March 15, 2016**

The meeting was called to order at 8:38 a.m.

Those in attendance were the following:

Bernard Jocuns
Daniel Grow
Bruce Block
Barton Morris
Ben Wrigley
Denise Pollicella
Bob Hendricks
Lance Boldrey
Doug Mains
Brandon Gardner
Allison Arnold
Stephanie Fakih
Michael Komorn
Allen Peisner
Mary Chartier

Matt Newburg, Bruce Leach, and Robert Hinojosa participated via telephone.

Peter Cunningham, Director of Governmental Relations at the State Bar of Michigan (SBM), spoke to the section about what we can and cannot do as a section.

Administrative Order 2004-1 governs how sections may engage in advocacy. Sections have fewer restrictions than the SBM in general. *Keller v State Bar of California* also governs how advocacy may be conducted.

Keller permissible areas for the SBM are:

1. Regulation and discipline of attorneys
2. Improvement and functioning of the courts
3. Availability of legal services to society
4. Regulation of attorney trust accounts
5. Regulation of the legal profession, including education and competency

Sections, because voluntarily funded, are exempt from the *Keller* restrictions.

A few key items to note:

Sections cannot take positions that are counter to the SBM.

Sections cannot engage in public policy, which entails taking a position on court rules, rules of professional conduct, legislation, amicus briefs, or writing a letter to the editor as a representative of the section, without reporting its position to the SBM. If the SBM has already taken a position, then the Section must get approval from the SBM to take a position. The notification must be within 10 days. Note that the deadlines for court rules is much sooner than the court deadlines. For briefs, the cover sheet and the amicus brief must be filed with the SBM.

Here is a link to information about what a section must do when engaging in advocacy.

http://www.michbar.org/sections/chair_handbook

Note that the same information conveyed in writing when engaged in public policy advocacy must be conveyed verbally if a person is engaged in oral advocacy.

One limitation is that the Section must only take a position that is consistent with the mission of the Section's bylaws.

There is only one person who submits the positions of the Section. Currently, this person is Mary Chartier.

Contact information for Peter Cunningham is pcunningham@mail.michbar.org at 517-346-6325. Another person to contact is Carrie Sharlow at csharlow@mail.michbar.org.

There was a discussion of legislation that is pending, as well as a process to adapt to changing legislation and take nuanced positions.

Committees are encouraged to suggest positions and language for positions.

A letter to the legislators letting them know that the MLS has been formed and is available as a resource will be drafted by Doug Mains.

Suggestions were for a luncheon for staff, broader public press coverage of the MLS, guiding principles for considering legislation, and being more proactive on legislation.

Real property and zoning is looking at all the ordinances around the state and will post these on the MLS website.

Criminal law and practice suggested possibly a defense forum only.

Mary Chartier will draft a letter to section chairs on the MLS and speaker's bureau. The section is a cross-section of the members of the SBM, who are leaders in many areas of the law, including business, property, tax, health care, and employment.

Adjournment at 10:30 a.m.

Respectfully Submitted,

/s/MARY CHARTIER

Mary Chartier, Alane & Chartier, P.L.C., Secretary/Treasurer