

PROPOSED AMENDMENT TO THE REPRESENTATIVE ASSEMBLY PERMANENT RULES OF PROCEDURE 7.3 – HEARINGS.

Issue

Should the Representative Assembly support an amendment to the Permanent Rules of Procedure of the Representative Assembly Section 7.3 regarding Hearings?

RESOLVED, that the Representative Assembly proposes an amendment to the Permanent Rules of Procedure of the Representative Assembly Section 7.3 as follows:

7.3 Outreach and Hearings. ~~Upon reference to the referral from the Representative Assembly or its Chairperson, the Committee on Hearings, consisting of seven (7) members, consisting of twelve (12) members, not more than two (2) of whom shall be members from the same judicial circuit, shall hold hearings on any matter referred and shall report any outreach matters to the Assembly on which non-members of the Assembly ask for an opportunity to present their views. The Committee may hold such a hearing at any time during the year, if reasonable notice is given to the person requesting the hearing. It may invite any person to attend. It shall report as soon as possible and make appropriate recommendations to the Assembly at its next meeting on the hearings so held. The report shall be calendared to permit prompt consideration. Upon referral of a matter to the Committee or as a part of outreach activities, each Committee member shall be assigned one or more judicial circuits or a geographic region near their judicial circuit.~~

REGULAR MEETINGS: The Committee shall meet no less than twice per calendar year. Meetings shall be scheduled during the April and September Representative Assembly meetings. A Regular Meeting may be dispensed with if, in the judgment and agreement of a majority of the Committee, there is no need for the meeting. No Regular Meeting may be dispensed with if a non-member has requested an opportunity to present his or her views to the Committee. The Chair of the Hearings Committee shall notify each member of the Committee of the purpose and agenda of the meeting at least 48 hours in advance of the Regular Meeting.

SPECIAL MEETINGS and HEARINGS: The Committee shall call Special Meetings or schedule and assign a Committee member or members to conduct a hearing upon the referral of a matter to the Committee or upon the request of a non-member of the Representative Assembly after review and recommendation by a Committee member of the same judicial circuit or assigned region (the "Assigned Committee Member"). A Special Meeting or hearing may be held only after reasonable notice is provided to the Committee members. If it is decided by the Committee that a hearing on a matter of complexity or controversy may be benefited by assigning multiple members to a hearing panel, three (3) Committee members shall make themselves available for such a hearing: Chair of the Committee, the Assigned Committee Member, and an additional Committee member. Any Special Meeting or hearing may be attended by teleconference via telephone or video if convenient to the parties and will be facilitated by the State Bar of Michigan. The Committee may invite any person to attend. It shall report as soon as possible and make appropriate recommendations to the Assembly at

its next meeting on the hearings so held. The report shall be calendared to permit prompt consideration.

Synopsis

The proposed resolution supports an amendment to the Representative Assembly's Permanent Rules of Procedure to better define the scope of the Hearings Committee of the Representative Assembly and outline procedures for the operation of the Hearings Committee when issues are brought before it for review and recommendation.

Background

Given the limited role the Hearings Committee has played in the past, a review of the current rule regarding the Committee was sought. A review of the current Rule 7.3 leaves significant ambiguity in the operations of the Hearing Committee, the tasks that are to be directed to the Committee, and how they are to be handled from both a procedural and technical perspective. A discussion among the Hearing Committee members led to a review of the previous procedures, which were found in a transcript of a February 22, 2003, Representative Assembly meeting. The transcript showed that limited policies and procedures were used. The proposed rule should allow the Hearings Committee to expand its reach into assignments from local and special purpose bar associations; hence, the proposal changes the description to "*Outreach* and Hearings."

Hearings Committee members would be assigned to a geographic region and would be available to report on any emerging issues and then disseminate information to the Representative Assembly. Having the Committee assigned to assist in handling matters originating from non-members should encourage dialogue and Representative Assembly proposals.

Opposition

None known.

Prior Action by Representative Assembly

Rule 7.3 was amended last on April 24, 1993 to require that not more than two members be from the same judicial circuit, down from the initial three.

Fiscal and Staffing Impact on State Bar of Michigan

None known.

STATE BAR OF MICHIGAN POSITION
By vote of the Representative Assembly on September 27, 2018

Should the Representative Assembly support an amendment to the Permanent Rules of Procedure of the Representative Assembly Section 7.3 regarding Hearings?

- (a) Yes
- or
- (b) No