

**PROPOSED AMENDMENT TO THE MICHIGAN COURT RULES
CONCERNING THE STATE BAR OF MICHIGAN RULE 6, SECTION 4**

Issue

Should the Representative Assembly support amendments to the Michigan Court Rules to permit attorneys to serve in the Representative Assembly where they reside, where their principal office is located, or where they regularly practice law?

**Michigan Supreme Court Rules Concerning the State Bar of Michigan,
Rule 6, Section 4. Nomination and Election of Representatives.**

A representative is elected by the active members having their principal offices in a judicial circuit. To be nominated, a member must have his or her principal office or residence, or regularly practice law in the judicial circuit and file a petition signed ~~[by the nominee at least 5 persons entitled to vote for the nominee]~~¹ with the secretary at the principal office of the State Bar between April 1 and April 30. Voting eligibility is determined annually on May 1. Before June 2, the secretary shall mail or electronically deliver a ballot to everyone entitled to vote. When an assembly member seeks reelection, the election notification must disclose his or her incumbency and the number of meetings of the assembly that the incumbent has attended in the following form: "has attended ____ of ____ meetings during the period of [his or her] incumbency." A ballot may not be counted unless marked and returned to the secretary at the principal office of the State Bar in a sealed envelope bearing a postmark date not later than June 15, or returned electronically or telephonically in conformity with State Bar election procedure not later than June 15. A board of tellers appointed by the president shall canvass the ballots and the secretary shall certify the count to the supreme court clerk. A member of or candidate for the assembly may not be a teller. The candidate receiving the highest number of votes will be declared elected. In the case of a tie vote, the tellers shall determine the successful candidate by lot. An election will occur in each judicial circuit every 3 years, except that in a judicial circuit entitled to 3 or more representatives, one-third will be elected each year. If a short-term representative is to be elected at the same election as a full-term one, the member with the higher vote total is elected to the longer term.

Proponent

Nicholas M. Ohanesian, Commissioner, District C
Hearing Office Chief Administrative Law Judge
Social Security Administration, Office of Hearings Operations
1925 Breton Road, SE, Suite 200
Grand Rapids, MI 49506-4810
(616) 920-3589

¹ The bracketed portion is subject to a separate proposal to remove the requirement to have signatures from five attorneys to be nominated to the Representative Assembly (Calendar Item 7.).

nickohanesian@yahoo.com

Background

The proposed amendment to the Representative Assembly Permanent Rules of Procedure arises out of continued discussions of reforms to the RA at the request of RA Chair Gerrow D. Mason. Members of this committee include Yolanda M. Bennett, Patrick D. Crandell, Nicole A. Evans, Michael P. Hanrahan, Mark W. Jane, Nicholas M. Ohanesian, Dennis L. Perkins, and John W. Reiser.

This proposal only expands eligibility to serve in the Representative Assembly. It does not alter voter eligibility. Thus, under this amendment, a member may choose to stand for election in the circuit where their principal office is located, where they reside, or where they regularly transact business.

Opposition

None known.

Prior Action by Representative Assembly

None known.

Fiscal and Staffing Impact on State Bar of Michigan

None known.

STATE BAR OF MICHIGAN POSITION By vote of the Representative Assembly on September 21, 2023

Should the Representative Assembly support amendments to the Michigan Court Rules to permit attorneys to serve in the Representative Assembly where they reside, where their principal office is located, or where they regularly practice law?

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