

PROPOSAL TO DISCOURAGE POLITICAL AND JUDICIAL ENDORSEMENTS BY REPRESENTATIVE ASSEMBLY OFFICERS

Issue

Should the State Bar of Michigan amend Article VIII of its Bylaws so as to discourage officers of the Representative Assembly (the Chair, Chair-elect and Clerk) from personally endorsing candidates for political and judicial office, which might be construed as being an endorsement of the Representative Assembly or the State Bar of Michigan, during their terms as officers of the Representative Assembly?

Synopsis

Because officers of the Representative Assembly have substantial public visibility and association with the State Bar, their personal endorsements of political and judicial candidates run the risk of being misinterpreted or misused as endorsements of the State Bar.

Background

As a unified bar, the State Bar of Michigan may not engage in partisan politics, make endorsements of candidates, or take positions on issues other than those issues permitted by Administrative Order 2004-1 of the Michigan Supreme Court.

Art. VIII of the State Bar Bylaws further provides:

A Section or State Bar entity or its members, individually or collectively, shall not represent the State Bar of Michigan before any legislative body, in any court or before any other tribunal, in any other forum, or to the public, unless authorized to do so by the Board of Commissioners. State Bar policy may be adopted and declared only by the Board or the Representative Assembly.

Such restrictions protect the integrity of the State Bar and the effectiveness of its public policy program. The proposal would create another layer of protection for the State Bar's actual and perceived neutrality in partisan and judicial contests.

Further, the Board of Commissioners considered a parallel prohibition at its June Board meeting. SBM Executive Director Janet Welch provided the board members with a proposal regarding political endorsements by the officers and executive director of the SBM. The proposed policy is that State Bar officers are *discouraged* from making personal political endorsements during their term of office that might be construed as being an endorsement of the SBM, and that the Executive Director is *prohibited* from making political endorsements and contributions. A motion was offered, supported, and adopted.

Opposition

None known.

Prior Action by Representative Assembly

None.

Fiscal and Staffing Impact on State Bar of Michigan

None.

**STATE BAR OF MICHIGAN POSITION
By vote of the Representative Assembly on September 18, 2008**

Should the State Bar of Michigan amend Article VIII of its Bylaws so as to discourage officers of the Representative Assembly (the Chair, Chair-elect and Clerk) from personally endorsing candidates for political and judicial office, which might be construed as being and endorsement of the Representative Assembly or the State Bar of Michigan, during their terms as officers of the Representative Assembly?

(a) Yes

or

(b) No