

# Civil Discovery Rules and Beyond: Reimagining the Representative Assembly



Joseph P. McGill

**M**y first six months as chair of the Representative Assembly have been professionally and personally challenging and rewarding. The Assembly undertook numerous initiatives at its April meeting, including consideration of proposals related to:

- Payee notification legislation, which would require notifying payees when a claim settlement is paid with insurance funds.
- Amendment of MCR 2.002, a comprehensive revision of treatment of indigent fee waivers to provide a consistent, expeditious, and humane process for waiver requests made by indigent litigants.
- Approval of the Civil Discovery Rules Report, which recommends extensive changes to the civil discovery rules to improve cost efficiency, increase access to courts, and improve judicial case management. The report also addresses the need to encourage parties and lawyers to cooperate and act reasonably during the discovery process.

The Assembly engaged in a vigorous discussion regarding these proposals. The aim of each proposal is to improve the administration of justice and access to courts throughout Michigan.

In the longer term, the Assembly will perform a comprehensive review of the manner in which it conducts business to comply with the State Bar of Michigan's newly adopted Strategic Plan and recommendations of the 21st Century Practice Task Force Report. Working through the Assembly's five standing subcommittees and the members who serve in and lead those groups, we have specific goals in mind.

Our overriding objective is to make the Assembly "more representative" by improving

the manner in which members interact with each other and the attorney constituents they represent. We also seek to modify and streamline the processes the Assembly uses to fulfill its mission as the final public policy-making body of the State Bar, in addition to its other charges.

We have set goals for each Assembly subcommittee with this objective in mind. The leadership has committed to coordinating this project while completing its other work. During this process, we expect to solicit input from stakeholders outside the Assembly and will include an analysis of each subcommittee's duties with recommendations for changes to facilitate better interaction between our members and the attorneys in their circuits.

Secondly, we have initiated a governance retreat/workgroup with the Board of Commissioners to improve communication and delineate lines of authority on public policy issues. This workgroup will focus on governance and effective procedure, not only for the Representative Assembly but also in its interactions with the Board of Commissioners. This process may include:

- Greater involvement of SBM sections and local and affinity bar associations;

- More reliance on and integration of technology to facilitate virtual interaction by Assembly members; and
- Revisions to the Permanent Rules of Procedure to accomplish these objectives.

We will consider these issues and more in great detail before and during our next meeting in September. We will also discuss how to implement these reforms and "re-brand" the Representative Assembly. We also expect meaningful input from the Board of Commissioners and the Michigan Supreme Court to bring this project to fruition.

Having attained the midway point of my term as chair, I can attest that we are working hard to achieve the multiple initiatives outlined above. In seeking to make the Assembly more representative, a rebranding process will take place; we believe it will reinvigorate the Assembly and make it more nimble and responsive to the 45,000-plus State Bar members.

Feel free to reach out to your local assemblyperson or me if you have questions or would like to provide input. Please also consider joining the Representative Assembly and representing the attorneys in your circuit. ■

Our overriding objective is to make the Assembly "more representative" by improving the manner in which members interact with each other and the attorney constituents they represent.