

# **PROPOSAL TO PROHIBIT POLITICAL AND JUDICIAL ENDORSEMENTS BY REPRESENTATIVE ASSEMBLY OFFICERS**

## **Issue**

Should the State Bar of Michigan amend Article VIII of its Bylaws so as to prohibit officers of the Representative Assembly (the Chair, Chair-elect, and Clerk) from endorsing candidates for political and judicial office 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.

The Board of Commissioners is considering a parallel prohibition at its April 11 Board meeting.

## **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 April 12, 2008**

Should the State Bar of Michigan amend Article VIII of its Bylaws so as to prohibit officers of the Representative Assembly (the Chair, Chair-elect, and Clerk) from endorsing candidates for political and judicial office during their terms as officers of the Representative Assembly?

(a) Yes

or

(b) No