

p 517-346-6300 February 6, 2014
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Hon. Robert P. Young, Jr., Chief Justice
Michigan Supreme Court
3034 West Grand Boulevard, Suite 8-500
Detroit, MI 48202

306 Townsend Street
Michael Franck Building
Lansing, MI
48933-2012

Dear Chief Justice Young,

Today the State Bar's Board of Commissioners voted unanimously to oppose SB 743, a bill to make membership in the State Bar of Michigan voluntary. The bill raises questions about the operation of the State Bar as a mandatory organization that are most appropriately addressed within the judicial branch pursuant to the Supreme Court's exclusive constitutional authority to establish practice and procedure, Const Art VI, Sec 5. For that reason, we write to request that the Supreme Court initiate a review of how the State Bar operates within the framework of *Keller v State Bar of California*, 496 US 1 (1990).

The rules of the Supreme Court direct the State Bar to aid in promoting improvements in the administration of justice and advancements in jurisprudence, in improving relations between the legal profession and the public, and in promoting the interests of the legal profession in Michigan. We value the reputation the State Bar has established as a national leader in pursuing these purposes for nearly eight decades. We know that our continued effectiveness depends on the confidence of this Court and our membership in our adherence to our core mission and to the constitutional boundaries defined by *Keller* and this Court. Our decision making in carrying out our duties to our members and the public is grounded in such adherence, and we believe that a structured conversation on this subject undertaken under the auspices of the Supreme Court will fully address the questions raised by SB 743. At the same time, such a review has the potential to strengthen and clarify the capacity of the State Bar to fulfill its mission in the coming decades.

We offer the State Bar's full resources and cooperation toward a meaningful review, and thank you for your consideration of our request.

Sincerely,



Brian Einhorn, President



Janet Welch, Executive Director

cc: Justice Michael F. Cavanagh
Justice Stephen J. Markman
Justice Mary Beth Kelly
Justice Brian K. Zahra
Justice Bridget Mary McCormack
Justice David F. Viviano