



Report on Public Policy Position

Name of Section:

General Practice Section

Contact Person:

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Proposed Court Rule or Administrative Order Number:

ADM File No. 2004-53 - Amendment of Rules 9.124 and 9.126 of the Michigan Court Rules

Date position was adopted:

12/16/04

Process used to take the ideological position:

Council meeting and vote

Number of members in the decision-making body:

9

Number who voted in favor and opposed to the position:

9 in favor, 0 opposed

FOR SECTIONS ONLY:

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

The State Bar requested comment on the proposed changes to these rules to be considered by the BOC. The GPC supports the proposed changes to the two rules. The council believes that the personal history affidavit should be filed only with the administrator and should be kept confidential. Additionally, the applicant should pay all costs up front.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://courts.michigan.gov/supremecourt/Resources/Administrative/ADM2004-53.pdf>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:

Arguments for the position:

The applicant has a certain right to privacy. There are numerous perils related to disclosure of personal information such as identity theft, which could befall the applicant, which council believes outweigh the public's right to know.

Arguments against the position (if any):

After incurring discipline, the public has an interest in insuring its safety. However, council believes that the administrator and the hearing panel are well equipped to insure the public's safety without the applicant having to make a public disclosure of personal facts.

If the State Bar currently has a position on this subject matter, state the position, and an analysis of whether the recommended position and the current State Bar position are in conflict.

As of January 4, 2005, the State Bar does not have a position on this matter.

Fiscal implications of the recommended policy to the State Bar of Michigan:

No fiscal implications were reported.