

TASK FORCE ON STATE BAR OPERATION, STRUCTURE, AND GOVERNANCE

Issue

Should the Representative Assembly support the State Bar of Michigan creating a Task Force to examine whether, in light of changes in the delivery of legal services and jurisprudence concerning the mandatory bar, changes in the structure, governance, and scope of operation of the State Bar of Michigan are advisable, and to make recommendations concerning specific changes?

RESOLVED, the Representative Assembly supports the creation of a Task Force to examine whether changes in the structure, governance, and scope of operation of the State Bar of Michigan are advisable, and to make recommendations concerning specific changes.

Proponents

Joseph P. McGill, RA Chair
Richard L. Cunningham, RA Vice Chair
Aaron V. Burrell, RA Clerk

Donald G. Rockwell, SBM President
Jennifer M. Grieco, SBM President-Elect
Dennis M. Barnes, SBM Vice President

Background

- The accelerating pace of change in the delivery of legal services and its regulation require that the State Bar of Michigan develop faster and more effective ways to carry out its mandate 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 this state. See [State Bar of Michigan 21st Century Practice Task Force Report](#) and [Task Force documents](#).
- The ways in which the State Bar of Michigan carries out and funds its mandate must be reexamined in light of recent developments in First Amendment jurisprudence. See [Janus v. American Federation of State, County, and Municipal Employees Council 31](#), No. 16-1466, 585 U.S. ____ (2018) (holding that requiring public sector employees to pay union dues violates the First Amendment, overturning [Abood v. Detroit Federation of Teachers](#), 431 U.S. 209 (1977)); [Keller v. State Bar of California](#), 496 US 1 (1990) (relying on [Abood](#) and holding that it is permissible under the first amendment for state bar associations to use mandatory member dues to engage in limited areas of public policy).
- Technology and greater access to relevant data together offer new and potentially beneficial ways to carry out the mandate of the State Bar of Michigan.

Opposition

None known.

Prior Action by Representative Assembly

None in the recorded records.

Fiscal and Staffing Impact on the State Bar of Michigan

The work of the Task Force will be supported by existing staff resources and budgeted expenditures for consulting fees.

STATE BAR OF MICHIGAN POSITION

By vote of the Representative Assembly on September 27, 2018

Should the Representative Assembly support creating a Task Force to examine whether, in light of changes in the delivery of legal services and jurisprudence concerning the mandatory bar, changes in the structure, governance, and scope of operation of the State Bar of Michigan are advisable, and to make recommendations concerning specific changes?

(a) Yes

or

(b) No