

PROPOSED AMENDMENT TO THE REPRESENTATIVE ASSEMBLY PERMANENT RULES OF PROCEDURE OF 4.4 MINORITY REPORTS

Issue

Should the Representative Assembly support an amendment to the Permanent Rules of Procedure of the Representative Assembly Section 4.4 Minority Reports that would allow members of the Representative Assembly to provide a minority report to accompany recommendations to the Michigan Supreme Court?

RESOLVED, that the Representative Assembly of the State Bar of Michigan supports amendment of the Permanent Rules of Procedure of the Representative Assembly Section 4.4 Minority Reports to allow members of the Representative Assembly to provide a minority report to accompany recommendations to the Michigan Supreme Court; and

FURTHER RESOLVED, that the Representative Assembly proposes its amendment to the Permanent Rules of Procedure of the Representative Assembly Section 4.4 Minority Reports as follows:

4.4 Minority Reports. A minority report is a written report stating the views of less than half the members of a section, section council or a committee on a recommendation of the majority report. Minority views must have been presented to the section, section council or committee orally or in writing at the time it acted on the matter unless the section, section council or committee did not notify its members in advance that the matter would be considered. The report must be printed at the request of its proponents over their signatures and appealed to the report to which it relates.

Members of the Representative Assembly may also submit a minority report to accompany State Bar recommendations to the Michigan Supreme Court. This minority report will be a written report stating the dissenting views of a minority of the Representative Assembly on a recommendation that passes with support of less than 75% of the members of the Representative Assembly present. Minority views must have been presented on the floor of the Assembly meeting during the debate on the merits of the proposal to make the applicable recommendation or in writing and distributed with such proposal pursuant to Section 2.5 of these Rules. A member of the Assembly must make a request from the floor to include a minority report and must identify the author(s) of the minority report. The report shall be limited to 500 words and shall be submitted to the Clerk within 14 days of the conclusion of the meeting during which the motion passed. The Clerk will review the report with the drafting committee and State Bar Staff to ensure compliance with the word limitations and reasonable consistency with the minority opinions expressed during the debate on the recommendations and largely reflected in the transcript of the proceedings. The Clerk, drafting committee and the State Bar Staff shall have the final decision on the draft of the minority report submitted.

Synopsis

The amendment is intended to allow members of the Representative Assembly to provide a minority report to accompany recommendations to the Michigan Supreme Court.

Background

In furtherance of a desire to promote transparency in the deliberations of the Representative Assembly and present to the Michigan Supreme Court a full view of the opinions of the body regarding recommendations the Representative Assembly should allow its members to author minority reports. Currently the Representative Assembly provides a mechanism for Section members and Councils to offer minority reports to accompany their proposals to the Representative Assembly. The completeness of the deliberations contemplated by Section 4.4 of the Permanent Rules of Procedure of the Representative Assembly would be applicable in the context of Assembly recommendations to the Michigan Supreme Court.

Opposition

None known.

Prior Action by Representative Assembly

None known.

Fiscal and Staffing Impact on State Bar of Michigan

None known.

STATE BAR OF MICHIGAN POSITION By vote of the Representative Assembly on April 25, 2015

Should the Representative Assembly adopt the above resolution to amend the Permanent Rules of Procedure of the Representative Assembly Section 4.4 Minority Reports to allow members of the Representative Assembly to provide a minority report to accompany recommendations to the Michigan Supreme Court?

(a) Yes

or

(b) No