

Policy Governing Access to Records of the State Bar of Michigan

The State Bar of Michigan is a public body corporate that serves as an arm of the Supreme Court, pursuant to the Supreme Court Rules Concerning the State Bar of Michigan. The State Bar does not receive tax dollars but, instead, is supported by dues payments from its members and from other non-public dollars. This policy is established to conform State Bar of Michigan record access policies to Administrative Order of the Supreme Court 1997-10.

The State Bar seeks to openly provide information to its members and to the public and to this end, it adopts the following procedures on access to records of the State Bar of Michigan.

(A) Definitions

(1) As used in this policy:

- (a) "Reviewable record" means an Administrative, Employee, Financial or Member record.
- (b) "Administrative record" means a normal business record of the State Bar of Michigan, other than an Employee record, Financial record or a Member record.
- (c) "Employee record" means the following information concerning an employee or past employee of the State Bar of Michigan:
 - (i) the full name of the employee.
 - (ii) the date of employment or last date of employment.
 - (iii) the current and previous job titles and descriptions within the State Bar of Michigan.
 - (iv) the name of the employee's current supervisor.
 - (v) any information authorized by the employee to be released to the public or to a named individual, unless otherwise prohibited by law.
- (d) "Financial record" means the proposed budget, enacted budget, budget summary, and annual revenues and expenditures of the State Bar of Michigan.
- (e) "Member record" means the following information concerning a member of the State Bar of Michigan if used for personal rather than for pecuniary purposes:
 - (i) Member name or names
 - (ii) Business address
 - (iii) Firm name
 - (iv) Business telephone number
 - (v) Fax number
 - (vi) Admit date
 - (vii) P number
 - (viii) Status (active, inactive, resigned or emeritus)
 - (ix) Committee and section memberships
 - (x) An e-mail address submitted by the member for publication

- (f) "Person" means an individual or a public, private or governmental entity. "Person" does not include an individual incarcerated in a local, state, or federal correctional facility of any kind.

(B) Access to Information Regarding the State Bar of Michigan.

(1) Upon a written request to the Executive Director of the State Bar of Michigan that describes a Reviewable record sufficiently to enable the State Bar to find the record, a person has a right to examine, copy, or receive copies of a Reviewable record, except as otherwise provided in this policy. The written request may be submitted by mail or transmitted by facsimile, electronic mail or other electronic means.

(2) A Reviewable record is available for examination during regular business hours.

(3) This policy does not require the State Bar of Michigan to create a new Reviewable record in response to a request for access to a Reviewable record.

(4) A reasonable fee may be charged for providing a copy of a Reviewable record. The fee shall be limited to the actual marginal cost of providing the copy, including materials and the time required to find the record and delete any exempt material. A person requesting voluminous Reviewable records may be required to submit a deposit representing up to one-half the estimated fee.

(5) A person's request to examine, copy, or receive copies of a Reviewable record must be granted, granted in part and denied in part, or denied, as promptly as reasonably practicable. Upon request, a partial or complete denial shall include a written explanation of the decision.

(6) A person who has requested a Reviewable record and who receives a partial or full denial of the request may appeal the partial or full denial in writing to the Board of Commissioners. The decision of the Board of Commissioners is final.

(7) A request for a Reviewable record may be denied if the custodian of the record determines that:

- (a) Compliance with the request would create an undue financial burden on State Bar operations because of the amount of equipment, materials, staff time, or other resources required to satisfy the request;
- (b) Compliance with the request would substantially interfere with the mandated functions of the State Bar of Michigan;
- (c) The request is made for the purpose of harassing or substantially interfering with the routine operations of the State Bar of Michigan; or
- (d) The request is submitted within one month following the date of the denial of a substantially identical request by the same requester, denied under substantially identical rules and circumstances.

(8) The State Bar of Michigan reserves the right to charge a commercial rate for Member records to be used for commercial purposes or pecuniary gain.

(C) Records That Are Exempt From Disclosure

(1) The following records are exempt from disclosure:

- (a) Records regarding an employee or past employee other than an Employee record.
- (b) Records of a financial nature regarding the State Bar of Michigan other than a Financial record.
- (c) Records regarding a member other than a Member record.
- (d) Records exempted from disclosure by statute, common law, privilege, or Supreme Court Rule or Administrative Order.
- (e) Information of a personal nature if public disclosure would be an unwarranted invasion of an individual's privacy.
- (f) Records that, if disclosed, would undermine the discharge of a constitutional, statutory, or Supreme Court rule-based responsibility or that might endanger the safety or well-being of an individual.
- (g) An Administrative, Employee, Financial or Member record that is to a substantial degree advisory in nature and preliminary to a final record.
- (h) An Administrative record relating to a recommendation for appointment to any State Bar standing or ad hoc committee or to an evaluation of any person for appointment to any State Bar standing or ad hoc committee.
- (i) Trade secrets, bids, or other commercial information if public disclosure would give or deny a commercial benefit to a person.
- (j) Correspondence with any entity or person within the judicial branch of government.
- (k) Any member dues invoice.
- (l) Files and records of the Practice Management Resource Center.
- (m) Records exempt from disclosure under MCL 15.243.