

## THE STATE BAR OF MICHIGAN REPRESENTATIVE ASSEMBLY

### HOW YOU CAN SUBMIT AN ITEM FOR ACTION

*Introduction*      *The State Bar of Michigan Representative Assembly is final policy-making body of the Bar. Composed of 150 lawyers from throughout the State, the Assembly considers matters of policy. Examples include:*

- *Judicial campaign solicitation limits*
- *Fee-sharing issues between lawyers and non-lawyers*
- *First Amendment – permissible lawyer speech issues*
- *Appointment/election of appellate judge issues*
- *Court rule and ethics rules changes*

*Chances are good that you, or your section or committee, may have a matter suitable for submission.*

### WHAT YOU MAY SEND TO THE ASSEMBLY

#### WHO CAN SUBMIT AN ITEM FOR ASSEMBLY ACTION?

- Any Representative Assembly delegate
- State Bar of Michigan Board of Commissioners
- State Bar Section (1/3 vote of section council members, for matters within its jurisdiction)
- State Bar Committees (1/3 vote of committee members, for matters within its jurisdiction)
- Local bar associations

#### WHAT CAN YOU SUBMIT?

- Matters within the jurisdiction of the Representative Assembly to consider.
- Matters within the jurisdiction of the sponsor to present.

#### WHERE DO YOU SUBMIT?

- To the Assembly Clerk c/o the State Bar of Michigan, Michael Franck Building, 306 Townsend Street, Lansing, MI 48933-2083.

#### WHEN DO YOU SUBMIT?

*Watch the deadlines!*

- Matters to be considered for the Assembly calendar must be postmarked no later than 42 days before the Assembly's next scheduled meeting.

#### HOW DO YOU SUBMIT?

##### Format & Mechanics

- The eligible sponsor submits the Report. (See "WHO," above, for list of eligible sponsors.)
- Submit all matters for Assembly consideration *in writing*. Send either: (a) an Informational Report or (b) a Report with Recommendation(s).

Your Recommendation(s) to the Assembly is essentially your motion for which you seek a vote.

### Checklist Of Mechanics For The Report You Submit:

- Date of the Report or Report with Recommendation(s).
- Include and display the signature of an official spokesperson of the sponsor. [Example: “John Doe, Chairperson, Standing Committee on Professionalism.”]
- Specify or describe the process by which the sponsor prepared and approved the Report. [Example: “This Report was approved at a meeting on November –, 2002.”]
- If you submit a Report with Recommendation(s), set forth the Recommendation(s) at the beginning of the document so as to distinguish it from the body of the Report.
- The Recommendation(s) must be stated in the form of a motion and in the exact words of the motion the sponsor will make as he or she presents the matter at the Assembly meeting.
- A Recommendation which amends existing rules or law must show the full text of the existing rule or law proposed for amendment; the proposed added language in **boldface and underlined** and the proposed deleted language ~~struck through~~.

### Your Report accompanying a Recommendation

- May not exceed five (5) pages, unless the Assembly Rules and Calendar Committee grants an enlargement;
- Must contain a statement of the reasons for the proposal;
- Must contain a statement of the fiscal impact of the proposal;
- Must contain a statement of the staffing impact of the proposal;
- Must state prior Assembly action, if any, which addressed the same subject matter. [To evaluate prior action, the Assembly maintains a complete list of its actions. This list is available on the Assembly’s Web site or by contacting an Assembly member, Assembly officer, or the State Bar of Michigan Executive Director.]

## **HOW THE REPRESENTATIVE ASSEMBLY RESPONDS TO YOU**

### **ASSEMBLY COMMITTEE REVIEW**

- The Representative Assembly’s Rules and Calendar and Drafting Committees review timely submissions for completeness, format, and jurisdiction.

### **CIRCULATION FOR COMMENTS**

- All interested State Bar sections and committees receive the Assembly agenda and materials and have the opportunity to comment. Assembly members will receive copies of any comments received. As sponsor of a Report or Recommendation(s), you will receive comments submitted.

## **SPEAKING BEFORE THE REPRESENTATIVE ASSEMBLY**

### **WHO CAN SPEAK?**

- The sponsor of a calendared item attends the Assembly session to present the Report, answer questions, and make a motion to adopt a particular Recommendation. When the item is called by the Assembly Chairperson, the sponsor needs to identify his/her capacity (e.g. “On behalf of the Board of Commissioners . . .”, “As Chairperson of the Standing Committee on . . .”) and present whatever initial information or argument the proponent(s) deem necessary.

- Persons who are not Assembly members who wish to be heard on a particular calendar item should notify the Assembly Clerk before debate begins on an item, so that proper motions can be made to allow floor privileges.

### **HOW CAN WE IMPROVE OUR CHANCES OF SUCCESS ON OUR MATTER?**

- Simple: Lobbying. It is prudent for a sponsor to contact persons or entities who have expressed objections to all or a portion of a Report with Recommendation(s), and attempt to explain the proposal, negotiate a compromise, or determine whether withdrawal of the proposal is appropriate.
- Also, proponents and opponents may, at their own expense, contact Assembly members in advance of the meeting regarding a particular calendared item.

### **WHAT CAN WE DISCUSS?**

- Oral Information Reports are limited to five (5) minutes, unless, upon the recommendation of the Assembly’s Rules and Calendar Committee, an extension of time has been granted by unanimous consent of the Assembly before the presentation. Written reports may not be read orally.

### **WHERE DO WE SPEAK?**

- At the designated Representative Assembly meeting. Except for the September meeting, which takes place at the State Bar Annual Meeting location, the Assembly meets in Lansing.

### **WHY DO YOU SPEAK? TO MAKE A MOTION.**

- When the sponsor’s presentation concludes, he or she moves for the adoption of the sponsored Recommendation(s). [e.g. “On behalf of the Section on –, I move the adoption of the proposal.”] Before any debate begins, the sponsor’s motion must be seconded. After that, members may speak to the issue. Any motion to withdraw an item need not be seconded and is not debatable.
- When debate concludes, the sponsor has the privilege of speaking last.

### **YOUR PROPOSAL PASSED – NOW WHAT?**

The State Bar of Michigan Executive Director is responsible for implementing actions of the Representative Assembly.

### **FOR MORE INFORMATION**

- Contact any of the 2021-2022 Representative Assembly Officers:
  - Chair, Nicholas M. Ohanesian: (616) 920-3589, [nickohanesian@yahoo.com](mailto:nickohanesian@yahoo.com)
  - Vice-Chair, Gerrow D. Mason: (810) 989-0057, [gdblues@yahoo.com](mailto:gdblues@yahoo.com)
  - Clerk, Yolanda M. Bennett: (517) 702-7056, [yolanda.bennett@lbwl.com](mailto:yolanda.bennett@lbwl.com)
  - Administrative Assistant, Carrie Sharlow: (517) 346-6317, [repassembly@michbar.org](mailto:repassembly@michbar.org)
- Visit the State Bar of Michigan Web site and click on the “Representative Assembly” section.
- Contact your regional commissioner on the State Bar Board of Commissioners.
- Contact your circuit’s Representative Assembly delegate(s).
- Contact the State Bar of Michigan: (800) 968-1442, [www.michbar.org](http://www.michbar.org)