

THE STATE BAR OF MICHIGAN REPRESENTATIVE ASSEMBLY

SUBMITTING A PROPOSAL FOR REPRESENTATIVE ASSEMBLY ACTION

I. INTRODUCTION

The State Bar of Michigan Representative Assembly is final policy-making body of the State Bar. Composed of 150 lawyers who are either elected or appointed from throughout the State, the Representative 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.

II. THE PROPOSED ACTION

What is the Format Used for Submitting a Proposal?

- Proposals should follow the format found at www.michbar.org/generalinfo/handbook.cfm
- This website also contains examples of actual proposals that were considered by the Representative Assembly.

Who May Submit and Sponsor a Proposal for Representative 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 Type of Proposals for Action May You Submit?

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

Where is the Proposal Submitted?

- To the Representative Assembly Clerk, c/o the State Bar of Michigan, Michael Franck Building, 306 Townsend Street, Lansing, MI 48933-2012.

When Should the Proposal be Submitted?

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

How is the Proposal Submitted?

- The eligible sponsor submits the proposal to the chair of the Representative Assembly.

THE PROPOSAL CHECKLIST

- Date of the proposal.
- The name and signature of an official spokesperson of the sponsor. [Example: “John Doe, Chair, Standing Committee on Professionalism.”]
- Describe the process by which the sponsor prepared and approved the report. [Example: “This report was approved at a meeting on November –, 2010.”]
- The proposal:
 - 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 website or by contacting an Assembly member, Assembly officer, or the State Bar of Michigan executive director.]

III. HOW THE REPRESENTATIVE ASSEMBLY RESPONDS

Representative Assembly Committee Reviews

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

Circulation for Comments

- All interested State Bar sections and committees receive the Representative Assembly’s agenda and materials about 30 days before the scheduled Representative Assembly session, and have the opportunity to comment. Both the sponsor and the Representative Assembly members will receive copies of any comments.

IV. SPEAKING BEFORE THE REPRESENTATIVE ASSEMBLY

Who Can Speak?

- The sponsor of a calendared item attends the Representative Assembly session to present the proposal, answer questions, and motion the Representative Assembly to adopt a particular recommendation. When the item is called by the chair, the sponsor must identify his/her capacity (e.g. “On behalf of the Board of Commissioners . . .”, “As chair of the Standing Committee on . . .”) and present the information or argument that the proponent(s) deem necessary.
- Persons who are not Representative 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 to Improve Chances of a Favorable Representative Assembly Vote?

- Simple: Lobbying. It is prudent for a sponsor to contact persons or entities who have expressed objections to all or a portion of a proposal 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 Representative Assembly members in advance of the meeting.

What Can Be Discussed at the Representative Assembly Session?

- Oral presentations 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 Representative Assembly before the presentation. Written reports may not be read orally.

Where are Representative Assembly Sessions Held?

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

How to Make a Motion?

- At the conclusion of his or her presentation, the sponsor moves for the adoption of the sponsored proposal [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.

V. FOLLOWING THE REPRESENTATIVE ASSEMBLY VOTE

The State Bar of Michigan executive director is responsible for implementing actions of the Representative Assembly.

FOR MORE INFORMATION

- Contact any of the 2011-2012 Representative Assembly officers:
 - Chair Stephen J. Gobbo, (517) 241-9267, sjgobbo@gobbolaw.com
 - Vice-Chair Dana M Warnez, (586) 757-0733, attydmw@wowway.com
 - Clerk Kathleen M. Allen, (616) 774-0672, kallen@legalaidwestmich.net
 - Administrative support: Anne M. Smith, (517) 346-6374, asmith@mail.michbar.org
- Visit the State Bar of Michigan website 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 at (800) 968-1442, www.michbar.org