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Date: 6/5/2014 4:22 PM
Subject: Comment on Report of Task Force

To the Supreme Court and Office of Administrative Counsel:

I have never felt a concern that any advocacy by the State Bar was an unconstitutional use of my dues, even when I disagreed with it, because there has generally been an open and democratic (or at least representational) process for input of all viewpoints. I do not share the concern that "Keller" be interpreted in its most restrictive way. I also disagree with the emphasis on the State Bar being first and foremost a regulatory agency with an apparent de-emphasis of its role as a professional organization with broad concern for the administration of justice and the learning and competency of lawyers.

I wish to specifically comment on two recommendations:

GOVERNMENTAL RELATIONS PROGRAM RECOMMENDATIONS, paragraph 4 b) v: I assume that this refers primarily to matters that affect fees charged or earned by lawyers. We have numerous ethics rules and opinions dealing with fees, advertising, etc. and the State Bar should have the right to represent the opinion and interest of lawyers with regard to those matters and to advocate them wherever necessary. This recommendation should be rewritten much more narrowly.

REGULATORY ROLE OF THE STATE BAR, RECOMMENDATION 3, paragraph 10: "The selection, evaluation, and retention of the Executive Director of the State Bar should continue to be under the authority of the Board of Commissioners, but the appointment of the Executive Director should be subject to confidential review and approval of the Supreme Court."

I strongly disagree with this proposal. The Supreme Court already controls the appointment of the Attorney Grievance Commission and the Attorney Discipline Board, as well as the writing of Court Rules and many other aspects of the justice system. The State Bar is not and should not be merely a subservient organization to the Supreme Court. The vast majority of members of the State Bar are in private practice or work as in-house counsel for businesses. Their interests, experiences and viewpoints will often differ from those of judges and governmental agencies. The Board of Commissioners should be able to choose its executive director without influence by the Supreme Court so that it can be assured that when it is necessary for that person to represent the State Bar in advocacy to the Supreme Court he or she is not beholden to the court in any way for his or her appointment; and, so that the Board of Commissioners does not have to compromise its choice for Executive Director by concern for the opinion of the court or any of its members.

Thank you for the opportunity to comment,

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