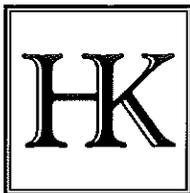


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State Court Administrative Office

Re: Comments with Respect to Report by Task Force on the Role of the State Bar of Michigan

To Whom It May Concern:

Please accept the following comment with respect to the report submitted by the Task Force on the Role of the State Bar of Michigan.

The report of the Task Force concludes that the State Bar should continue as an integrated bar. With respect to the function of the State Bar the language cited at page 6 of the report specifically deletes the clause "and in promoting the interest of the legal profession in this State".

Therefore, the Task Force report seeks to maintain a mandatory bar, the activities of which must specifically refrain from promoting the interests of its members.

The report goes on to refer to the fact that the bar is subject to and must operate under administrative orders of the Supreme Court. The Supreme Court is governed by its majority. The Supreme Court is an elected body. The elected body of the Supreme is nominated and runs on a partisan basis. Frequently, its orders reflect partisan considerations.

The stated reason that the report removes language from the mission statement which permits the bar to promote the interest of the legal profession is in an effort to make certain that the State Bar's actions are compatible with Keller.

Compatibility with Keller is not a priori inconsistent with promotion of the interests of the legal profession.

Conversely, adherence to administrative orders issued by the Supreme Court which is by definition a partisan authority is in fact antithetical to Keller.

There are many actions which could be undertaken or supported by the State Bar of Michigan which promote the interests of the legal profession but which do not violate Keller. For instance, funding for indigent criminal defense, setting standards for the draftsmanship of documents of conveyance by an attorney or at least approved by competent counsel, review of documents of title, standards for the foreclosure process, and many others, advance the interests of the legal profession without violating Keller and without being addressed by a partisan governing body. Such actions also promote public good.

By requiring a mandatory bar subject to a partisan governing body an internal contradiction is created. Conversely, allowing the State Bar to advance interests of the legal profession is not in its nature Keller impermissible.

The activities of the State Bar are expensive. Under the report, the State Bar would continue to have its generous budget while failing completely to advance the interests of its members. In this way dues become an excise tax.

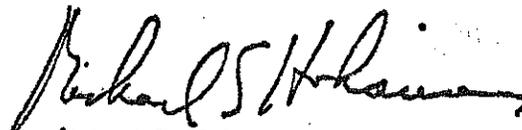
If the State Bar of Michigan is to be a mandatory organization receiving funds from its membership but wholly removed from promoting the interests of the membership while correspondingly required to promote administrative orders issued by a partisan body, the inconsistency is quite clear.

It must be remembered that rules are intended to work over time. Temporal considerations are always important. While administrative orders can lean to one side of the political spectrum at any given time, they can lean the other way at another time. The makeup of the Supreme Court changes. The State Bar should in part promote the interests of its paying members without partisanship. That is the reason for Keller.

Thank you.

Very Truly Yours,

HOHAUSER KUCHON



Michael S. Hohausser