

Order

Michigan Supreme Court
Lansing, Michigan

February 13, 2014

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2014-07

Michael F. Cavanagh
Stephen J. Markman

Administrative Order No. 2014-5

Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

Order Creating the Task Force on the
Role of the State Bar of Michigan

[T]he regulation of the practice of law, the maintenance of high standards in the legal profession, and the discharge of the profession's duty to protect and inform the public are, in the context of the present challenge, purposes in which the State of Michigan has a compelling interest. . . . [*Falk v State Bar of Michigan*, 411 Mich 63, 114; 305 NW2d 201 (1981) (opinion of RYAN, J.).]

[T]he compelled association and integrated bar are justified by the State's interest in regulating the legal profession and improving the quality of legal services. The State Bar may therefore constitutionally fund activities germane to those goals out of the mandatory dues of all members. It may not, however, in such manner fund activities of an ideological nature which fall outside of those areas of activity. [*Keller v State Bar of California*, 496 US 1, 13-14; 110 S Ct 2228; 110 L Ed 2d 1 (1990).]

The question having been raised about the appropriateness of the mandatory nature of the State Bar of Michigan, and the State Bar having requested that the Michigan Supreme Court facilitate this important discussion, pursuant to its exclusive constitutional authority to establish "practice and procedure," Const 1963, art 6, § 5, the Court establishes the Task Force on the Role of the State Bar of Michigan to address whether the State Bar's current programs and activities support its status as a mandatory bar.

The task force is charged with determining whether the State Bar's duties and functions "can[] be accomplished by means less intrusive upon the First Amendment rights of objecting individual attorneys" (*Falk*, 411 Mich at 112 [opinion of RYAN, J.]) under the First Amendment principles articulated in *Keller* and *Falk*. At the same time, the task force should keep in mind the importance of protecting the public through

regulating the legal profession, and how this goal can be balanced with attorneys' First Amendment rights.

The task force shall examine existing State Bar programs and activities that are germane to the compelling state interests recognized in *Falk* and *Keller* to justify a mandatory bar. In addition, the task force shall examine what other programs the State Bar of Michigan ought to undertake to enhance its constitutionally-compelled mission. The task force is invited to examine how other mandatory bars satisfy their constitutionally-permitted mission and shall make its report and recommendations to the Court by June 2, 2014. The task force's report may also include proposed revisions of administrative orders and court rules governing the State Bar of Michigan in order to improve the governance and operation of the State Bar.

The members appointed to the task force are as follows:

Danielle Michelle Brown
Hon. Alfred M. Butzbaugh (Ret.)
Thomas W. Cranmer
Peter H. Ellsworth
John E. McSorley
Colleen A. Pero
John W. Reed
Hon. Michael J. Riordan
Thomas C. Rombach
Hon. John J. Walsh
Janet K. Welch
Vanessa Peterson Williams

Hon. Alfred M. Butzbaugh is appointed as chairperson of the task force.

Nelson Leavitt shall serve as the reporter of the task force.

Justice McCormack shall serve as the Court's liaison to the task force.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 13, 2014

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk