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July 15, 2014

Brian D. Einhorn, President
State Bar of Michigan
c/o Collins Einhorn Farrell PC
4000 Town Center, #909
Southfield, MI 48075

**Re: Report of the Task Force on the Role of the
State Bar of Michigan**

Dear Mr. Einhorn:

I have several comments regarding the Report of the Task Force.

1. The limitations on advocacy are cumbersome and appear to be fear-driven. There is no good reason stated for requiring the Commissioners and the Representative Assembly to self-limit themselves, e.g., observe limitations on advocacy. Why the need for a review panel? The clear purpose appears to be a lack of trust in the Commissioners and Representative Assembly in observing *Keller* requirements.
2. Why the striking of "and in promoting the interests of the legal profession in this state?" Who but the State Bar can promote the interests of the profession? The idea of an association of lawyers is as guardians of the interests of the profession. If the State Bar cannot act in the self-interests of its members, it becomes little more than a licensing authority. WHAT ARE WE AFRAID OF?
3. Limiting the Representative Assembly to the decision-maker on dues recommendations [etc], denigrates its status. I was around when the Assembly was created, and was instrumental in taking an issue from the Commissioners to the Assembly "as the final policy-making body of the State Bar." This proposal effectively takes us back to the pre-Assembly days.

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4. If the Sections are given advocacy authority, how are their actions coordinated to assure consistency? Why is the State Bar running away from the Sections?
5. As to justice initiatives, the view that such programs "can involve ideological content" is tendentious. It is akin to suggesting that walking across a street against a yellow light might engender an ideological debate.
6. Attached is a letter I wrote to Janet Welch which describes my initial reactions to the Task Force Report.

Sincerely,


Avern Cohn

AC:lvh
Enclosure

COPY

e-mail: avern_cohn@mied.uscourts.gov

June 12, 2014

Janet K. Welch
Executive Director
State Bar of Michigan
306 Townsend Street
Lansing, MI 48933

Dear Janet:

Notwithstanding my distance from the Task Force Report on the State Bar, I made an effort to understand what the task force recommends. I have several comments.

1. The task force seems overly concerned with protecting the First Amendment rights of dissidents, whatever those rights may be.
2. A series of case studies should be developed, illustrating what is and is not permissible advocacy.
3. Who better than the organized Bar can protect lawyers' economic interests?
4. It is not clear if all of the recommendations are adopted, whether or not the content of the Journal will be affected, or whether the editor of the Journal, in selecting articles to publish, must be concerned with "crossing the line."
5. Leaving a good part of advocacy to the sections suggests the need for the sections to develop an organizational structure to assure they are all heading in the same direction, and not get themselves into a situation where they may be working at cross-purposes.

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6. Would not a service charge to the sections allow the State Bar office to coordinate their advocacy efforts, etc?

In an Orthodox Jewish home strictly observing dietary laws, great effort is expended to separate cooking utensils, etc., for meat-based meals from coming into contact with milk-based meals. It seems to me that this is a good analogy of what the organized Bar in its working will have to do.

Best regards,



Avern Cohn

AC:lvh