# Order

Entered: May 12, 2004

**Michigan Supreme Court**
**Lansing, Michigan**

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ADM File No. 2004-16

Proposed Amendment of Rules 3 and 4 of the Rules Concerning the State Bar of Michigan

---

In July 2003, the Court adopted amendments of Rule 3 of the State Bar of Michigan concerning membership dues, including the elimination of an exemption from dues for members who are 70 years old or older. After the adoption of this change, the Supreme Court and the State Bar of Michigan have received comments from many attorneys who are retired from the practice of law but would like the option of maintaining their association with the State Bar. The Court is considering a possible amendment of State Bar Rules 3 and 4 to create an emeritus membership class available to senior members of the State Bar who no longer practice law. Under the proposal, members of the class would not be required to pay dues.

Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. Given the need for the State Bar to print its dues notices, this matter is being expedited and will be considered at the May 27, 2004, public hearing. Comments will be accepted until the date of the hearing. The notices and agendas for public hearings are posted at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 3 Membership Classes

(A)-(E)[Unchanged.]

(F) <u>Emeritus Membership. Effective October 1, 2004, an active or inactive member who is 70 years of age or older or has been a member of the State Bar for at least 30 years, and who is not subject to pending disciplinary action in this state or any other jurisdiction, may elect emeritus status by notifying the secretary of the State Bar in writing. The secretary shall notify the member when the request is</u>

accepted, whereupon the member no longer will be qualified to practice law in Michigan, but will be eligible to receive other member benefits as directed by the Board of Commissioners of the State Bar. T he secretary of the State Bar also shall notify the clerk of the Supreme Court when a member is given emeritus status. Members who were age 70 or older as of October 1, 2003, who resigned or were suspended from membership after October 1, 2003, but before September 30, 2004, for nonpayment of dues are to be automatically reinstated as emeritus members, effective October 1, 2004, unless they notify the secretary of the State Bar that they do not wish to be reinstated.

(1) *Grievances and Discipline.* Emeritus status does not deprive the Attorney Grievance Commission or the Attorney Discipline Board of jurisdiction over the emeritus member.

(2) *Readmission.* To be readmitted as an active member of the State Bar, an emeritus member must reapply for admission, satisfy the Board of Law Examiners that the person possesses the requisite character and fitness to practice law, obtain a passing score on the Michigan Bar Examination, and pay applicable fees and dues.

Rule 4 Membership Dues

(A)-(C) [Unchanged.]

(D) A person who has been a member of the State Bar for at least 50 years shall not be assessed general expenses, but shall pay the full amount assessed other members for t he c lient s ecurity fund a nd t he d iscipline a gencies. A member w ho e lects emeritus status pursuant to Rule 3(F) is exempt from paying dues.

(E)-(F) [Unchanged.]

Staff Comment: The proposed addition of subrule 3(F) of the Rules Concerning the State Bar of Michigan would create an emeritus membership status for State Bar members who are 70 years old or older or have been State Bar members for at least 30 years, as long as there are no pending disciplinary actions against the applicant in any state. The proposed amendment of Rule 4 would exempt emeritus members from paying State Bar dues.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by May 27, 2004, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2004-16. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm.

I, CORBIN R. DAVIS, 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.

May 12, 2004 Corbin R Davis

Clerk