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BILL ANALYSIS

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Senate Bill 1366 (as enrolled)
Sponsor: Senator Alan L. Cropsey
Committee: Judiciary

Date Completed: 10-12-04

RATIONALE

Under the Revised Judicature Act (RJA), in order to qualify for admission to the State Bar, a person must be of good moral character, be at least 18 years old, be a resident of one of the U.S. states or territories or the District of Columbia, have the required general education, learning in the law, and fitness and ability to enable him or her to practice law in Michigan courts, and intend in good faith to practice or teach law in Michigan. The requirement that a person be a U.S. resident to qualify for the State Bar apparently is unusual and can cause difficulty for foreign law students who wish to take the bar exam and practice law in Michigan. Some people, including State Bar officials and law school deans, believe that the residency requirement should be deleted from the bar qualifications.

CONTENT

The bill would amend the Revised Judicature Act to remove the requirement that a person qualified for admission to the State Bar be a resident of one of the states or territories or the District of Columbia.

The Act defines "resident" as including, but not limited to, a member of the military service of the United States or its allies who holds a temporary visa or permanent resident visa issued by the U.S. Immigration and Naturalization Service. The bill would delete the definition.

MCL 600.934

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate

Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The residency requirement for admission to the State Bar makes it difficult, if not impossible, for foreign law students to qualify to practice law in this State. Reportedly, some Michigan law schools offer joint-degree programs with Canadian law schools. For instance, the University of Detroit Mercy evidently has a joint program with the University of Windsor School of Law. Students who graduate from that program but live in Canada are ineligible for admission to the State Bar, however, because they do not meet the RJA's residency requirement. By deleting that requirement, the bill would allow graduates of these programs to be admitted to the practice of law in Michigan if they met the other qualifying requirements.

In addition, foreign students who travel to Michigan and study at Michigan law schools under a student visa may not be able to take the bar exam and qualify for residency in order to meet the RJA's bar admission requirements. According to published comments by the State Bar president, student visas typically expire upon graduation, leaving those students without the time necessary to study for and take the bar exam, and Federal rules prohibit issuing a work visa to engage in the practice of law until a person is admitted to the bar. Thus, a foreign student's U.S. residency may end upon graduation and cannot begin again until he or she is admitted to the bar, but the person may not be admitted to the bar in Michigan if he or she is not a U.S. resident. Eliminating the residency

requirement would allow these Michigan-educated law school graduates to avoid this Catch-22 situation and be admitted to the practice of law in this State.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The Supreme Court receives approximately \$500,000 annually from State Bar examination fees to support administration of the State Bar exam. Revenue from fees would increase depending on the number of additional applicants.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.