

Legislative Analysis



ALLOW COURT OF APPEALS TO SWEAR IN NEW LAWYERS

Phone: (517) 373-8080
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House Bill 5204 as reported from committee

Sponsor: Rep. Kelly Breen

Committee: Judiciary

Complete to 9-24-24

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 217 of 2024)

SUMMARY:

House Bill 5204 would amend the Revised Judicature Act to provide that each judicial district of the Court of Appeals has jurisdiction to admit to the state bar individuals who are qualified to practice law. Currently, circuit courts and the Michigan Supreme Court have that authority. The bill would require the chief clerk of the Court of Appeals to do all of the following when an individual is admitted to the bar by that court:¹

- Administer to the individual the oath for members of the bar, as prescribed by the supreme court.
- Issue a certificate of admission upon payment of \$25.
- Keep a record of the admission in the roll of attorneys and the journal of the court.
- Promptly transmit certified copies of the orders of admission to the State Bar of Michigan and the clerk of the supreme court.

MCL 600.910 and 600.913

BRIEF DISCUSSION:

To be admitted to the state bar to practice law in Michigan, a new attorney must first pass the bar exam and then be sworn in by a circuit court judge or justice of the Michigan Supreme Court, with a filing fee paid to the clerk.²

In 1961, when these provisions were enacted, Michigan did not have a Court of Appeals. The Court of Appeals was created by the state constitution of 1963; its enabling legislation was passed in 1964; and its first cases were heard in January 1965. The legislature did not at that time also amend the Revised Judicature Act to add Court of Appeals judges to its swearing-in provisions.

According to committee testimony, if a Court of Appeals judge now wishes to swear in new attorneys, they must request a special assignment from the Michigan Supreme Court to act as a circuit judge before they can do so. This can be an inefficient process that involves a lot of paperwork and staff time.

The bill would eliminate the need for those special assignment requests—and undo what (from the timing of the relevant legislation) appears to be a 60-year-old oversight—by allowing Court of Appeals judges to admit qualified individuals to the state bar in the same way as circuit court judges and Supreme Court justices now do.

¹ These procedures are the same as those followed by the clerks of the supreme court and each circuit court.

² See <https://www.michbar.org/professional/step6>

FISCAL IMPACT:

House Bill 5204 would have no fiscal impact on the state or on local court systems.

POSITIONS:

A representative of the State Court Administrative Office testified in support of the bill.
(1-17-24)

The following entities indicated support for the bill (1-17-24):

- Michigan Judges Association
- State Bar of Michigan

Legislative Analyst: Rick Yuille
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.