

REVISED JUDICATURE ACT OF 1961 (EXCERPT)

Act 236 of 1961

CHAPTER 9

ATTORNEYS AND COUNSELORS

600.901 State bar; membership; public body corporate.

Sec. 901. The state bar of Michigan is a public body corporate, the membership of which consists of all persons who are now and hereafter licensed to practice law in this state. The members of the state bar of Michigan are officers of the courts of this state, and have the exclusive right to designate themselves as "attorneys and counselors," or "attorneys at law," or "lawyers." No person is authorized to practice law in this state unless he complies with the requirements of the supreme court with regard thereto.

History: 1961, Act 236, Eff. Jan. 1, 1963.

Constitutionality: The State of Michigan, through the combined actions of the Supreme Court, the Legislature, and the State Bar, may compulsorily exact dues, and require association of attorneys, to support only those duties and functions of the State Bar which serve a compelling state interest and which cannot be accomplished by means less intrusive upon the First Amendment rights of objecting attorneys. Falk v State Bar, 418 Mich 270; 342 NW2d 504 (1983).

The 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 purposes in which the State of Michigan has a compelling interest justifying unavoidable intrusions on the First Amendment rights of attorneys; on the other hand, political and legislative activities are impermissible intrusions, as are activities designed to further commercial and economic interests of the members of the bar. Falk v State Bar, 418 Mich 270; 342 NW2d 504 (1983).

600.904 State bar; regulation by supreme court.

Sec. 904. The supreme court has the power to provide for the organization, government, and membership of the state bar of Michigan, and to adopt rules and regulations concerning the conduct and activities of the state bar of Michigan and its members, the schedule of membership dues therein, the discipline, suspension, and disbarment of its members for misconduct, and the investigation and examination of applicants for admission to the bar.

History: 1961, Act 236, Eff. Jan. 1, 1963.

Constitutionality: The State of Michigan, through the combined actions of the Supreme Court, the Legislature, and the State Bar, may compulsorily exact dues, and require association of attorneys, to support only those duties and functions of the State Bar which serve a compelling state interest and which cannot be accomplished by means less intrusive upon the First Amendment rights of objecting attorneys. Falk v State Bar, 418 Mich 270; 342 NW2d 504 (1983).

The 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 purposes in which the State of Michigan has a compelling interest justifying unavoidable intrusions on the First Amendment rights of attorneys; on the other hand, political and legislative activities are impermissible intrusions, as are activities designed to further commercial and economic interests of the members of the bar. Falk v State Bar, 418 Mich 270; 342 NW2d 504 (1983).

600.907 State bar; subpoena, administration of oaths.

Sec. 907. The state bar of Michigan has the power of subpoena, and the authority to take testimony under oath, which may be exercised by its officers, boards and committees for the purpose of aiding in cases of discipline, suspension, and disbarment of its members, and in cases of applicants for admission to the bar, under such regulations and restrictions as the supreme court may prescribe. The persons exercising the power granted by this section have the power to administer the necessary oaths.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.908 Granting immunity to witness in lawyer disciplinary proceeding.

Sec. 908. (1) Upon application filed by the attorney grievance commission, and after affording the witness, the attorney general, and the prosecuting attorney of the county where the alleged violation occurred the opportunity to be heard regarding any objections which any may have, the supreme court may grant immunity to a witness in a lawyer disciplinary proceeding in a manner described in this section.

(2) An order granting immunity shall not be issued if the supreme court determines, based on information supplied by the attorney general or the prosecuting attorney of the county where the alleged violation occurred, that an order of immunity would interfere with an ongoing criminal investigation.

(3) The application shall set forth the proposed questions to be asked and shall be served on the witness, the attorney general, and the prosecuting attorney of the county where the alleged violation occurred.

(4) An order granting immunity shall not extend beyond answers reasonably encompassed within the questions set forth in the application or beyond the scope of the disciplinary proceeding.

(5) A true copy of the order granting immunity shall be delivered to the witness before he or she answers a question which is the subject of the grant of immunity.

(6) A witness granted immunity as provided by this section has the right to be represented by counsel at all times at his or her request.

(7) A person required to answer the questions pursuant to an order granting immunity shall not be prosecuted thereafter for an offense concerning which an answer may have tended to incriminate that person.

(8) A witness who wilfully swears falsely under oath in regard to any matter upon which he or she is being examined under a grant of immunity commits perjury and is guilty of a felony, punishable by imprisonment for not more than 15 years.

(9) The refusal of a witness to answer a question which is the subject of a grant of immunity shall constitute a contempt punishable by the circuit court of the county in which the refusal occurred or by the supreme court.

(10) A copy of the transcript of the questions and answers subject to the grant of immunity shall be delivered to the witness as soon as practicable. The copy of the transcript shall be certified as true by a person authorized to administer oaths in the proceeding.

History: Add. 1982, Act 166, Imd. Eff. May 31, 1982.

600.909 License to practice law subject to support and visitation enforcement act.

Sec. 909. A license to practice law in this state is subject to suspension as provided in the support and visitation enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws, and the regulated occupation support enforcement act.

History: Add. 1996, Act 238, Eff. Jan. 1, 1997.

600.910 Admission to bar; discipline; venue.

Sec. 910. The supreme court and each circuit court has jurisdiction to admit individuals who possess the required qualifications to the bar of this state, to disbar or suspend members of the bar for misconduct, and to reinstate licenses to practice law. Each court of appeals judicial district has jurisdiction to admit individuals who possess the required qualifications to the bar of this state. All of the matters and proceedings described in this section are civil in nature, and the venue of the matters and proceedings is subject to regulation by the supreme court.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 2024, Act 217, Eff. Apr. 2, 2025.

600.913 Admission of person to bar; oath; fee; certificate of admission; record of admission; transmitting certified copies of orders of admission, suspension, disbarment, contempt, or reinstatement.

Sec. 913. (1) The clerk of the supreme court, the chief clerk of the court of appeals, and the clerk of each circuit court shall, when an individual is admitted to the bar by that court, do all of the following:

(a) Administer to the individual the oath prescribed by the supreme court for members of the bar.

(b) Upon payment of \$25.00, issue to the individual a certificate of admission.

(c) Keep a record of the admission in the roll of attorneys and the journal of that court.

(d) Promptly transmit to the clerk of the supreme court and to the State Bar of Michigan without charge certified copies of the orders of admission.

(2) If a member of the bar is suspended, disbarred, or held in contempt, or if an individual is reinstated as a member of the bar, the clerk of the court so doing shall transmit to the clerk of the supreme court and to the State Bar of Michigan without charge certified copies of those orders.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1977, Act 112, Imd. Eff. Oct. 12, 1977;—Am. 2024, Act 217, Eff. Apr. 2, 2025.

600.916 Unauthorized practice of law.

Sec. 916. (1) A person shall not practice law or engage in the law business, shall not in any manner whatsoever lead others to believe that he or she is authorized to practice law or to engage in the law business, and shall not in any manner whatsoever represent or designate himself or herself as an attorney and counselor, attorney at law, or lawyer, unless the person is regularly licensed and authorized to practice law in this state. A person who violates this section is guilty of contempt of the supreme court and of the circuit court of the county in which the violation occurred, and upon conviction is punishable as provided by law. This section does not apply to a person who is duly licensed and authorized to practice law in another state while temporarily in this state and engaged in a particular matter.

(2) A domestic violence victim advocate's assistance that is provided in accordance with section 2950c does not violate this section.

(3) An application assistant's or victim advocate's assistance that is provided in accordance with the address confidentiality program act does not violate this section.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 2000, Act 112, Eff. July 1, 2000;—Am. 2020, Act 307, Eff. June 27, 2021.

600.919 Fees; solicitation.

Sec. 919. (1) The measure of the compensation of members of the bar is left to the express or implied agreement of the parties subject to the regulation of the supreme court.

(2) Any agreement for such compensation, or for reimbursement of any expenses, incident to the prosecution or defense of any claim by any party is wholly void if such professional employment was solicited by the member of the bar, or by any other person acting on his behalf or at his request, unless the services of such member of the bar were first requested by such party.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.922 Board of law examiners; membership, vacancies, officers.

Sec. 922. There is hereby constituted a board of law examiners consisting of 5 active members of the bar each of whom shall hold office for 5 years and 1 of whom shall be appointed by the governor on nomination by the supreme court on the first day of July in each year. Vacancies on the board shall be filled in like manner for the unexpired term. The president of the board is the member of the board whose term first expires. The board shall elect a secretary annually from its own membership. The clerk of the supreme court ex-officio is the assistant secretary and treasurer of the board. If a vacancy occurs in the office of president, the board may elect a president for the unexpired term from its own membership.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.925 Board of law examiners; applicants for admission; rules and regulations.

Sec. 925. The board of law examiners has charge of the investigation and examination of all persons who initially apply for admission to the bar of this state. The board may adopt suitable regulations, subject to approval by the supreme court, concerning the performance of its functions and duties. Regulations adopted pursuant to this section need not be published pursuant to Act No. 88 of the Public Acts of 1943, being sections 24.71 to 24.82, inclusive, of the Compiled Laws of 1948, as amended. The board has the power of subpoena, and the authority to administer oaths, and to take testimony under oath, which may be exercised by any member of the board in cases of applicants for admission to the bar.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.928 Board of law examiners; meetings, quorum.

Sec. 928. The board of law examiners shall meet at least once in each year at such times and places as the chairman shall determine for the purpose of investigating, examining, hearing, and passing upon the qualifications of applicants for admission to the bar, and to transact such other business as may come before the board. Three members of the board shall constitute a quorum. The action of a majority of the members present at a meeting at which a quorum is present shall be the action of the board.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.931 Fees for admission to bar; uniform bar examination; compensation and expenses of board of law examiners; definitions.

Sec. 931. (1) The fees required to be paid by each applicant for admission to the bar must be paid to the board of law examiners, and must be deposited in the general fund for the restricted purpose of expenditures of the supreme court related to the administration of the board of law examiners.

(2) Subject to subsection (3), the fees described in this section are as follows:

- (a) The fee for applying for examination is \$300.00.
- (b) The fee for applying for reexamination or recertification is \$200.00.
- (c) The fee for admission without examination is \$600.00.
- (d) The additional fee for late filing of an application or transfer of an application is \$100.00.
- (e) The fee for admission by uniform bar examination score transfer is \$400.00.

(3) The supreme court, by administrative order or rule, may increase the amounts prescribed in subsection (2)(a), (b), or (c) within the following limits:

- (a) The fee for applying for an examination may be increased to not more than \$400.00.
- (b) The fee for applying for a reexamination or recertification may be increased to not more than \$300.00.
- (c) The fee for admission without examination may be increased to not more than \$800.00.

(4) Each member of the board is entitled to receive compensation for his or her services as are authorized by the supreme court and appropriated by the legislature, and in addition the actual and necessary expenses incurred in the discharge of his or her duties as a member of the board. The expenses of the board must be paid upon certification by the supreme court pursuant to the procedures established by the supreme court.

(5) As used in this section:

(a) "Uniform bar examination" means the examination as defined and administered by the National Conference of Bar Examiners.

(b) "Uniform bar examination score transfer" means the transfer to this state of a uniform bar examination score achieved in another jurisdiction for purposes of admission to the state bar.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1976, Act 57, Imd. Eff. Mar. 24, 1976;—Am. 1980, Act 408, Imd. Eff. Jan. 8, 1981;—Am. 1989, Act 100, Imd. Eff. June 21, 1989;—Am. 2000, Act 86, Imd. Eff. May 1, 2000;—Am. 2022, Act 59, Imd. Eff. Apr. 7, 2022.

600.934 Qualifications for admission to bar; "good moral character" defined; election to use multistate bar examination scaled score; disclosure of score.

Sec. 934. (1) An individual is qualified for admission to the bar of this state if he or she proves to the satisfaction of the board of law examiners that he or she is an individual of good moral character, is 18 years of age or older, has the required general education, learning in the law, and fitness and ability to enable him or her to practice law in the courts of record of this state, and that he or she intends in good faith to practice or teach law in this state. Additional requirements concerning the qualifications for admission are contained in subsequent sections of this chapter. For purposes of this subsection, good moral character is determined by the board of law examiners and 1974 PA 381, MCL 338.41 to 338.47, does not apply to that determination.

(2) An individual may elect to use the multistate bar examination scaled score that he or she achieved on a multistate bar examination administered in another state or territory when applying for admission to the bar of this state, but only if all of the following are met:

(a) The score that the individual elects to use was achieved on a multistate examination administered within the 3 years immediately preceding the multistate bar examination in this state for which the individual would otherwise sit.

(b) The individual achieved a passing grade on the bar examination of which the multistate examination the score of which the individual elects to use was a part.

(c) The multistate examination the score of which the individual elects to use was administered in a state or territory that provides a reciprocal right to elect to use the score achieved on the multistate examination administered in this state to Michigan residents who are seeking admission to the bar of that state or territory.

(d) The individual earns a grade on the essay portion of the bar examination that when combined with the transferred multistate scaled score constitutes a passing grade for that bar examination.

(e) The individual otherwise meets all requirements for admission to the bar of this state.

(3) The state board of law examiners shall disclose to an individual who elects under subsection (2) to transfer the multistate bar examination scaled score achieved on an examination administered in another state or territory the score the individual achieved as soon as that score is received by the board regardless of whether the individual could have obtained that score in the jurisdiction in which the examination was administered. This subsection does not require disclosure by the board of the score achieved on a multistate bar examination administered in another state or territory until the scores achieved on that examination administered in Michigan are released.

(4) An individual who elects to use a multistate bar examination scaled score as described in subsection (2) shall not receive a portable uniform bar examination score.

(5) As used in this section:

(a) "Portable uniform bar examination score" means a uniform bar examination score achieved in another jurisdiction for purposes of admission to the bar that meets this state's multistate bar examination minimum passing score as established by the board of law examiners.

(b) "Uniform bar examination" means the examination as defined and administered by the National Conference of Bar Examiners.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1972, Act 87, Imd. Eff. Mar. 20, 1972;—Am. 1978, Act 289, Eff. July 10, 1978;—Am. 1980, Act 271, Imd. Eff. Oct. 6, 1980;—Am. 2000, Act 112, Imd. Eff. May 24, 2000;—Am. 2004, Act 558, Imd. Eff. Jan. 3, 2005;—Am. 2020, Act 369, Eff. Apr. 4, 2021;—Am. 2022, Act 59, Imd. Eff. Apr. 7, 2022.

Constitutionality: Requirement of United States citizenship as a necessary prerequisite for the admission to the practice of law constitutes denial of equal protection of the law under Const 1963, art I, § 2, and US Const, am XIV, § 1. In re Houlahan, 389 Mich 665; 209 NW2d 250 (1973), decided prior to the 1978 amendment.

600.935 Uniform bar examination; requirements; alternate examination; "uniform bar examination" defined.

Sec. 935. (1) An individual may elect to use the uniform bar examination score that the individual achieved on a uniform bar examination administered in another state or territory when applying for admission to the bar of this state, if all of the following occur:

(a) The score that the individual elects to use was achieved on a uniform bar examination administered within the 3 years immediately preceding the uniform bar examination in this state for which the individual would otherwise sit.

(b) The score that the individual elects to use meets the passing uniform bar examination score for this state set by the board of law examiners.

(c) The individual otherwise meets all requirements for admission to the bar of this state.

(2) The board of law examiners, in its discretion, may administer in conjunction with the uniform bar examination a Michigan-law-specific component as part of the requirements for admission to the bar of this state.

(3) In the event of a national or state emergency, the board of law examiners, in its discretion, may administer an alternate examination consistent with the standards for entry into the bar of this state. If the alternate examination does not meet the portability requirements of the uniform bar examination, the board of law examiners may enter into reciprocal agreements with other uniform bar examination states to provide for agreed-upon score portability between those states and this state.

(4) The requirement that the board of law examiners accept a uniform bar examination score from another state is not effective until this state first administers the uniform bar examination.

(5) As used in this section, "uniform bar examination" means the examination as defined and administered by the National Conference of Bar Examiners.

History: Add. 2022, Act 59, Imd. Eff. Apr. 7, 2022.

600.937 General education requirements.

Sec. 937. Every applicant for admission to the bar is required to have completed successfully prior to commencement of his legal education at least 2 years of study, consisting of not less than 60 "semester hours" or 90 "quarter hours" of study in courses for which credit towards a collegiate degree is given, either in an accredited college authorized under the laws of the state in which the college is located to grant collegiate degrees, or in a junior college or other school from which students who have successfully completed such 2 years of study are accepted as regular third-year students by any accredited college in this state that is authorized by law to grant collegiate degrees.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.940 Legal education requirements; military service.

Sec. 940. (1) Every applicant for examination is required to be a graduate from a reputable and qualified law school duly incorporated under the laws of this state or another state or territory, or the District of Columbia, of the United States of America.

(2) If an applicant is called into or volunteers for the armed forces of the United States of America, and has completed successfully 2 1/2 years of the course of study as a full-time student, or 3 1/2 years of the course of study as a part-time student, in any such law school, the board of law examiners, in its discretion may allow such applicant to be examined for the bar prior to such graduation, but shall withhold certification until after his graduation.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.943 Examination of schools and colleges.

Sec. 943. The board of law examiners has the authority to examine, or to cause to be examined, any school, college, junior college, or law school for the purpose of determining whether the standards of education and training required for admission to the bar are being maintained, and to exclude from the bar examination any person who was a student therein at the time any such educational institution is found to have been disqualified or of questionable reputation. The board of law examiners may exclude from the bar examination any person who was a student in any such educational institution if such educational institution refuses to allow the examination.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.946 Foreign attorneys; admission to bar, qualifications, extension of term.

Sec. 946. (1) Any individual who is duly licensed to practice law in the court of last resort of any other state or territory of the United States or the District of Columbia and who applies for admission to the bar of this state without examination is required to prove all of the following to the satisfaction of the board of law examiners:

(a) He or she is a member in good standing of the bar of that other state, territory, or district and has the qualifications as to moral character, citizenship, age, general education, fitness, and ability required for

admission to the bar of this state.

(b) He or she intends in good faith to practice actively in this state or to engage in the teaching of law as a full-time instructor in a reputable and qualified law school located in this state.

(c) Subject to subsections (2) and (3), his or her principal business or occupation for at least 3 years of the 5 years immediately preceding his or her application was any of the following:

(i) The authorized active practice of law in that other state, territory, or district.

(ii) The teaching of law as a full-time instructor in a reputable and qualified law school located in this state, another state or territory of the United States, or the District of Columbia.

(iii) Active service, full-time as distinguished from active duty for training and reserve duty, in the Armed Forces of the United States, during which the applicant was assigned to and discharged the duties of a judge advocate, legal specialist, or legal officer by any other designation, if that assignment and the inclusive dates of that assignment are certified to by the judge advocate general or comparable officer of the Armed Forces of the United States concerned or by the principal assistant to whom this certification authority is delegated.

(iv) Any combination of time periods engaged in more than 1 of the principal businesses or occupations described in subparagraph (i), (ii), or (iii).

(2) The supreme court may, in its discretion, on special motion and for good cause shown, increase the 5-year period described in subsection (1)(c).

(3) Any period of active service in the Armed Forces of the United States that does not meet the requirements of duty in the Armed Forces of the United States described in subsection (1)(c) may be excluded from the 5-year period described in subsection (1)(c) and the period extended accordingly.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1967, Act 118, Eff. Nov. 2, 1967;—Am. 2022, Act 59, Imd. Eff. Apr. 7, 2022.

600.947 Application to state bar by military spouse; requirements.

Sec. 947. Subject to section 947a, an individual may apply for admission to the bar in this state, without examination, if he or she meets, and proves to the satisfaction of the board of law examiners that he or she meets, all of the following:

(a) Is the spouse of an individual who is on active duty in the armed forces of the United States and assigned to a duty station in this state.

(b) Is licensed to practice law in the court of last resort, and in good standing at the bar, of another state of the United States, the District of Columbia, or a territory of the United States.

(c) Has the qualifications as to moral character, citizenship, age, general education, fitness, and ability required for admission to the bar of this state.

(d) Has not previously taken and failed the examination for admission to the bar of this state.

(e) Is a graduate of a law school that was approved and accredited by the Council and Accreditation Committee of the Section of Legal Education and Admissions of the American Bar Association at the time he or she graduated.

(f) Has successfully passed the bar examination in another state, a territory of the United States, or the District of Columbia.

(g) Has taken and obtained a passing score on the multistate professional responsibility examination developed by the National Conference of Bar Examiners.

History: Add. 2016, Act 424, Eff. Apr. 4, 2017.

600.947a Admission of military spouse to state bar; events requiring notice to board of law examiners.

Sec. 947a. (1) If a military spouse who meets the requirements of section 947 is admitted to the bar of this state, and is not subject to discipline, suspension, or disbarment for misconduct under section 904, his or her admission to the bar of this state is valid until the date the board of law examiners receives a notice under subsection (2).

(2) A military spouse described in section 947 who is admitted to the bar of this state shall notify the board of law examiners in writing if any of the following events occur:

(a) The service member to whom the military spouse is married is no longer an individual who is on active duty in the armed forces of the United States.

(b) The military spouse and service member are no longer married.

(c) The service member receives a permanent transfer to a duty station outside of this state. However, if the service member receives an unaccompanied or remote assignment with no dependents authorized, the military spouse may continue to practice law in this state until the service member is subsequently assigned to a duty station at which dependents are authorized, and the military spouse shall notify the board when that subsequent assignment occurs.

(3) A military spouse attorney must provide a notice to the board of law examiners required under subsection (2) within 30 days after an event described in subsection (2) first occurs. However, if the occurrence of that event is due to the death or disability of the service member, the military spouse attorney must provide the notice within 180 days of the death or disability of the service member.

History: Add. 2016, Act 423, Eff. Apr. 4, 2017.

600.949 Investigation of applicants to state bar of Michigan; duty of law enforcement officers; fingerprinting required; disposition of fingerprint records.

Sec. 949. (1) It is the duty of all state, county, and city law enforcement officers to aid the state bar of Michigan and the board of law examiners in any investigation of the conduct of members of the bar, and the character and fitness of persons who apply for admission or reinstatement to the bar, and to furnish all available information about the members or persons.

(2) The board of law examiners shall require that an applicant for admission to the state bar of Michigan be fingerprinted to determine whether the applicant has a record of criminal convictions in this state or in other states. The board of law examiners shall submit the fingerprints and the appropriate state and federal fees, which shall be borne by the applicant, to the department of state police for a criminal history check. The department of state police may then forward the fingerprints to the federal bureau of investigation for a criminal history check. The information obtained as a result of the fingerprinting of an applicant shall be limited to officially determining the character and fitness of the applicant for admission to the state bar of Michigan. After approval of the applicant by the board of law examiners, all fingerprint records shall be returned to the applicant or destroyed.

(3) All fingerprint records being held by the state bar of Michigan shall be destroyed.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1980, Act 69, Imd. Eff. Apr. 3, 1980;—Am. 2002, Act 459, Imd. Eff. June 21, 2002.