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Corbin Davis
Clerk of the Court
Michigan Supreme Court
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Lansing, MI 48909

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Lansing, MI

48933-2012

RE: ADM File No. 2010-31 – Proposed Amendment of Rule 5 of the Rules for the Board of Law Examiners

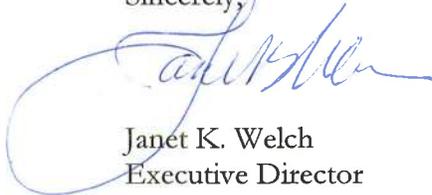
Dear Clerk Davis:

At its March 27 meeting, the Executive Committee of the State Bar of Michigan considered this rule amendment published for comment. The Committee reviewed recommendations from the Civil Procedure & Courts Committee and SBM member Brad Groom, and voted to support the amendment. The Committee requests that the Court adopt the amendment with an effective date of January 1, 2013, to allow the Legislature to act on a corresponding statutory change consistent with the proposed amendment.

We believe that proposed change is supported by federal case law. In *Frazier v. Heebe*, a 1987 U.S. Supreme Court case struck down a U.S. District Court local rule requiring either residency in the state where the court sat or the maintenance of an office in the state without reaching any of the constitutional questions, by concluding that the residency requirement was "unnecessary and arbitrarily discriminates against out-of-state lawyers" and that the in-state office requirement is "unnecessary and irrational." In September 2011, New York's in-state office requirement was ruled unconstitutional in *Schoenefeld v. New York*. The opinion held that the rule was a violation of the privileges and immunities clause.

We thank the Court for the opportunity to comment on the proposed amendments.

Sincerely,



Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Julie I. Fershtman, President