

Public Policy Position**ADM File No. 2023-35: Proposed Amendments of MCJC 3 and MRPC 6.5**

The LGBTQ+ Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 265 members. The LGBTQ+ Law Section is not the State Bar of Michigan and the position expressed herein is that of the LGBTQ+ Law Section only and not the State Bar of Michigan. The State Bar's position is to support ADM File No. 2023-35 with further amendments retaining the existing "courtesy and respect" language in both Canon 3 and Rule 6.5 and adding a reference to the Professionalism Principles to the comment on Rule 6.5. The State Bar has authorized the Section to submit its position.

The LGBTQ+ Law Section has a public policy decision-making body with 14 members. On June 12, 2025, the Section adopted its position after an electronic discussion and vote. 10 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 4 members did not vote.

Support with Amendments**Explanation**

The State Bar of Michigan LGBTQ+ Law Section supports the proposed amendments to the MCJC and MRPR to the extent that it adds language to define protected classes, however, it strongly recommends the retention of any language that provides for individuals to treat each other with "respect" and "courtesy."

1. Professionalism in the courtroom and legal practice is paramount. The LGBTQ+ Law Section appreciates the need for rules to be clear and concise, however, any amendment that suggests less than respectful and courteous treatment of others shocks the conscience and degrades the level of professionalism the legal community should expect from one another. Disrespectful and discourteous behavior can occur without necessarily rising to the level of, or even being within the same vein, as bias or prejudice, and now is not the time to provide space to allow poor treatment of others, particularly the practice of law and in the judiciary. By maintaining clear expectations for respect and courtesy, we foster a culture that promotes collaboration and understanding, which is essential to a diverse legal environment. The proposed changes risk sending a detrimental message that disrespectful and discourteous treatment of others may be tolerated.

2. Of particular concern for the LGBTQ+ community, is a repeated attack and attempt to isolate and separate this community from that of the general public and further marginalize it. The proposed removal of language that ensures protection for any litigant and lawyer by requiring that “respect” and “courtesy” disproportionately affects marginalized communities. These defined expectations for professionalism signify a commitment to equal access to justice because individuals will know they may have their voices heard without fear of facing inappropriate, or disrespectful and discourteous, treatment while participating in the judicial process.
3. The absence of defined expectations for professionalism leaves the Michigan Attorney Grievance Commission, the courts, and the Judicial Tenure Commission without the ability to investigate and assist in the monitoring of professionalism in the practice of law. Additionally, the removal of this language, increases uncertainty and may lead the courts and commissions to need to relitigate behaviors it had determined to be unprofessional in the past, under the standard of “courtesy and respect,” because such language would be absent from the new rule.
4. The negative collateral consequence following removal of “courtesy” and “respectful” certainly outweigh any perceived benefit. It is unclear to the LGBTQ+ Law Section what present need exists to support the removal of the language that would clearly outweigh the benefit of encouraging professional behavior to include courtesy and respect. Given statements recently issued by the SBM regarding the attack on judges and lawyers, it is evident to the LGBTQ+ Law Section, these are not the times to provide space for people to treat each other poorly in any manner, particularly the practice of law and in the judiciary.

Simply stated, any amendment to the MCJC and MRPC should uphold the standards of respect and courtesy in the legal profession, not retract from them. To remove or modify the aforementioned provisions would open the door to unprofessional conduct, marginalize vulnerable populations, and weaken the authority of those responsible for monitoring professional conduct. Accordingly, the LGBTQ+ Law Section supports the proposed amendments to the MCJC and MRPC in part, while strongly urging the retention of the defined expectations for treating each other with courtesy and respect.

Position Vote:

Voted for position: 16

Voted against position: 0

Abstained from vote: 0

Did not vote: 5

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