MSBA Policymaking Process

Policy proposals are usually generated by one of the MSBA's sections or committees. After a section or committee decides to support a position, the proposal will travel different paths depending on what type of proposal it is and whether the section or committee wants to advance it in their own name or seek an official MSBA position.

Proposed Amicus Briefs Proposed Legislative Positions Other Proposed Positions

Amicus briefs may be filed in the name of the MSBA upon approval by the MSBA Council.

Amicus briefs may be filed in the name of a section or committee if the MSBA president is notified and does not stop the action.

Legislative positions may be taken in the name of a section or committee if the MSBA president is notified and does not stop the action.

Legislative positions to be taken in the name of the MSBA are evaluated by the MSBA's Legislative Committee, which makes recommendations to the MSBA Assembly. Non-legislative positions may be taken in the name of a section or committee if the MSBA president is notified and does not stop the action.

Non-legislative positions to be taken in the name of the MSBA are evaluated by the MSBA's General Policy Committee or Judiciary Committee, which make recommendations to the MSBA Assembly.

The MSBA Council must approve an amicus brief proposal before it can be taken in the name of the MSBA. Additionally, the Council can reverse or modify the president's decision to preempt section-only or committee-only action related to an amicus brief, legislative position, or other policy position. The Council also has the power, acting under its own initiative, to take official MSBA positions on amicus briefs or matters of public policy. In addition, if there is inadequate time for Assembly action and a need to establish an MSBA legislative position, the Council may do so in a manner not inconsistent with Assembly action.

The MSBA President can preempt action on a section or committee position at any time, but the president's decision is subject to reversal or modification by majority vote of the MSBA Council. Only the president or the president's designee can present the MSBA's position on an amicus brief or a legislative or non-legislative policy position approved by the Council or the Assembly.

The MSBA Assembly can, by a majority vote, approve requests to take official MSBA positions on proposed legislation and establish final MSBA positions on other policy matters. The Assembly can also act under its own initiative to take a legislative or non-legislative position.