

Order

**Michigan Supreme Court
Lansing, Michigan**

June 4, 2014

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2013-41

Michael F. Cavanagh
Stephen J. Markman

Retention of the Amendments of
Administrative Order No. 1998-5
(Regarding Court Funding Disputes)

Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

By order dated January 29, 2014, the Court adopted amendments of Administrative Order No. 1998-5, effective immediately, but pending public comment and a public hearing. Notice and an opportunity for comment at a public hearing having been provided, the amendments of Administrative Order No. 1998-5 are retained, with additional revisions indicated below, effective immediately.

[Additions to the text of Administrative Order No. 1998-5
are indicated in underlining and deleted text
is shown by strikeover.]

Chief Judge Responsibilities; Local Intergovernmental Relations

I.-II. [Unchanged.]

III. Funding Disputes; Mediation and Legal Action

If, after the local funding unit has made its appropriations (including, for purposes of this section, amendments of existing appropriations or enforcement of existing appropriations), a court concludes that the funds provided for its operations by its local funding unit are insufficient to enable the court to properly perform its duties and that legal action is necessary, the procedures set forth in this order must be followed.

1. The chief judge of the court shall notify the State Court Administrator that a dispute exists regarding court funding that the court and the local funding unit have been unable to resolve. The notice must be accompanied by a written communication indicating that the chief judge of the court has approved the commencement of legal proceedings. With the notice, the court must supply the State Court Administrator with all facts relevant to the funding dispute. The State Court Administrator must attempt to aid the court and the local funding unit to

resolve the dispute. If requested by the court and the local funding unit, the State Court Administrator must appoint a person or entity to serve as mediator within five business days. Any mediation that occurs as a result of the appointment of a mediator under this paragraph is intended to be the mediation referred to in MCL 141.438(6) and (8) and MCL 141.436(9).

2. If the court concludes that a civil action to compel funding is necessary, a civil action may be commenced by the chief judge, consistent with MCL 141.436 and MCL 141.438, if applicable.¹ If not applicable, a civil action may be commenced by the ~~chief judge~~ court, and the State Court Administrator is authorized to ~~must~~ assign a disinterested judge to preside over the action.
3. Chief judges or representatives of funding units may request the assistance of the State Court Administrative Office to mediate situations involving potential disputes at any time, before differences escalate to the level of a formal funding dispute.

IV.-X. [Unchanged.]

¹ The statutory provisions referred to in this paragraph relate to funding disputes between courts and their county funding unit(s). Third class district courts and municipal courts are not subject to the referenced statutory provisions.

Staff Comment: The amendments of Administrative Order No. 1998-5 modify the way courts pursue disputes over court funding. These modifications were adopted following enactment of 2013 PA 172.

The staff comment is not an authoritative construction by the Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 4, 2014

Clerk