Order

Michigan Supreme Court
Lansing, Michigan

October 2, 2013

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2012-06

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

Amendment of Rule 9.221
of the Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 9.221 of the Michigan Court Rules is adopted, effective January 1, 2014.

[The present language is amended as indicated below by underlining for new text and strikeover for text that has been deleted.]

Rule 9.221 Confidentiality; Disclosure

(A)-(H) [Unchanged.]

(I) Disclosure to Chief Judge. Notwithstanding the prohibition against disclosure in this rule, and except for those situations that involve a dismissal with explanation, the commission shall notify the chief judge of a court when the commission has taken action under MCR 9.207(B)(2)-(5) involving a magistrate or referee of that court. Upon the chief judge's request, the referee or magistrate shall provide the chief judge with a copy of the commission's written notice of disposition.

Staff Comment: The amendment of MCR 9.221 adds a new subrule (I) that requires the Judicial Tenure Commission to notify a court's chief judge if a referee or magistrate is subject to a corrective action that does not rise to the level of a formal complaint, including a letter of caution, a conditional dismissal, an admonishment, or a recommendation for private censure. The new requirement does not apply to a dismissal with explanation.

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.

October 2, 2013

Clerk