



REFEREE'S ASSOCIATION
of MICHIGAN

www.referees-association.org

July 29, 2013

LARRY ROYSTER
CLERK OF THE COURT
MICHIGAN SUPREME COURT
PO BOX 30052
LANSING MI 48909

RE: 2012-06-Proposed Amendment of MCR 9..221

Dear Clerk and members of the Court:

On May 1, 2013 the Court published notice that it was considering amendment of MCR 9.221. This new provision would amend the current confidentiality and disclosure rules in disciplinary proceedings as applied to magistrates or referees by providing notice to the Chief Judge of a court when a referee or magistrate was subject to a corrective action that did not rise to the level of a formal complaint.

The Referees Association of Michigan Executive Board voted on 7/25/13 unanimously to oppose this amendment. In support of our opposition we would state the following:

- (1) Most of the grievances filed against referees are result oriented complaints which seek to use the JTC as a form of appellate relief.
- (2) Referees and magistrates are the only judicial officers being subjected to this new requirement.
- (3) The imposition of additional disclosure requirements on Referees and magistrates is unnecessary since there are already several disciplinary safeguards in place to take corrective action against a Referee or magistrate.
- (4) Referees work under the supervision of either the Friend of the Court or Chief Judge in their respective counties and are also subject to the FOC grievance procedure available to the public pursuant to statute.

We respectfully request and recommend that the Court not adopt this amendment.

Respectfully submitted,

Shelley Spivack, Presiden
Arthur R. Spears Jr., Executive Board Member
Referees Association of Michigan
ARS/pjc

Cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court