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To: ADMcomment
Cc: Lawless, Hon. Janelle
Subject: ADM File No. 2014-03--Antinepotism Policy

We acknowledge the amplified potential for favoritism or conflicts of interest inherent in the employment situations described in 1(a) and 1(b) of the proposed Administrative Order No. 2016-XX, so the comments which follow do not apply to those situations.

Alternative Additional Provision 1(c) must not be adopted if the Court's intent is to support both concepts expressed in the policy statement in proposed Administrative Order No. 2016-XX of:

"All courts in Michigan are committed to make all business decisions - including decisions regarding employment...on the basis of qualification and merit, and to avoid circumstances in which the appearance or possibility of favoritism or conflicts of interest exist."

Adoption of Additional Provision 1(c) would exclude a class of people from being considered for employment based on their qualifications and merit solely because they are related to another class of people - judges.

If Additional Provision 1(c) is being considered as a means of ensuring that potential employment relationships avoid the appearance or possibility of favoritism or display conflicts of interest, the Court could address this by adding language to the Order which creates selection standards for positions applied for by relatives of court personnel. The standards could consist of the following safeguards which are recognized in various advisory opinions:

1. Positions must be announced or advertised to the public in the same manner other vacancies within the court are announced or advertised.
2. The prospective employee's relative cannot participate in any way in the selection process.
3. Other qualified applicants must be considered.
4. Selection of a candidate who is related to any court employee must be based on merit and qualifications and a record demonstrating that result must be preserved.

We support language that recognizes our Court's ability to make employment decision based on a potential employee's qualification and merit and therefore do not support adoption of Additional Provision 1(c).

Respectfully submitted on behalf of Chief Judge Lawless and the 30th Circuit Court.