

MICHIGAN SUPREME COURT



Office of Public Information

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FOR IMMEDIATE RELEASE

JUSTICE RECUSAL PROCEDURE ON AGENDA FOR MICHIGAN SUPREME COURT'S MARCH 5 PUBLIC ADMINISTRATIVE CONFERENCE

LANSING, MI, March 4, 2009 – The process for recusing a Michigan Supreme Court justice from participating in a case will be on the agenda for the Court's public administrative conference tomorrow.

Under the Court's current practice, if a party moves for a justice's recusal, that justice decides whether he or she can participate in the case and is not required to explain the decision in writing. The Court is contemplating possible rules which would change that procedure. The Court's seven justices will consider tomorrow whether to publish those draft rules for public review and comment.

Included on the Court's agenda are possible court rules changes, budget issues, and other matters. The conference is open to the public.

The conference, which will begin at 9:30 a.m., will take place in the Court's courtroom on the 6th floor of the [Michigan Hall of Justice](#) in Lansing.

The agenda for this and future conferences may be viewed online at <http://courts.michigan.gov/supremecourt/Resources/Administrative/AdminConf.htm>.

Agenda items, March 5 public conference

Chief Justice Update

Approval of the rules for administrative conferences as recommended by the Court's committee on open administrative conferences

Approval of the Minutes

Appointments

1. 2009-01 **Subject:** Appointment of Chief Judge in the Genesee County Probate Court.
Issue: *Whether to appoint Judge Jennie E. Barkey as Chief Judge of the Genesee County Probate Court.*

Status: Awaiting conference consideration.

2. 2009-04 **Subject:** Proposed court rule regarding recusal of a Supreme Court Justice.
Issue: *Whether to publish for comment a proposal or several proposals regarding procedures for disqualification of a Supreme Court Justice.*
3. 2008-29 **Subject:** Proposed Adoption of the Amendment of Rules 3.901, 3.903, 3.921, 3.965, 3.975, 3.976, 3.977, and 3.978, and Adoption of New Rule 3.979 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendments of MCR 3.901, 3.903, 3.921, 3.965, 3.975, 3.976, 3.977, and 3.978, and new rule MCR 3.979 to reflect the recent enactment of 2008 PA 199-203 regarding creation of juvenile guardianships and other revisions of statutory permanency provisions for children.*
4. 2007-40 **Subject:** Proposed Adoption of an Amendment of Rule 7.205 of the Michigan Court Rules.
Issue: *Whether to adopt one of the two proposed alternative amendments of MCR 7.205, or another alternative. Alternative A would adopt the principle that the period in which to file an application for delayed appeal pursuant to MCR 7.205(F) is tolled while a claim of appeal is pending. Alternative B would explicitly state that the period in which to file an application for delayed appeal pursuant to MCR 7.205(F) is not tolled while a claim of appeal is pending, except as allowed by the rule.*
5. 2005-32 **Subject:** Proposed Pilot Project of the 46th District Court to Operate Under Revised Provisions of Rules 2.112, 2.114, 3.101, and 8.119 of the Michigan Court Rules. The 46th District Court has amended its request to seek various rule amendments instead of approval of a pilot project.
Issue: *Whether to publish for comment proposed amendments of MCR 2.112, 2.114, 3.101, and 8.119 that would expand a court clerk's ability to reject pleadings.*
6. 2009-08 **Subject:** Proposed Amendment of Rule 3.936(D)(1) of the Michigan Court Rules.
Issue: *Whether to publish for comment a proposed amendment of MCR 3.936(D)(1) to remove the language that states "remove the fingerprints . . ." and replace it with "destroy the fingerprints . . .," which would be more consistent with the statutory language in MCL 28.243.*
7. 2009-06 **Subject:** How to proceed on various proposed amendments

of the Michigan Rules of Professional Conduct.

Issue: *How to proceed in the discussion of various amendments of MRPCs identified by the Justices as needing further review and possible amendment.*

8. 2004-04 **Subject:** Concurrent Jurisdiction Plan for the 53rd Circuit and Presque Isle County Probate Courts.
Issue: *Whether to approve the concurrent jurisdiction plan for the 53rd Circuit Court and Presque Isle County Probate Court.*
9. 2008-09 **Subject:** Proposed Amendment of MCR 3.210 (default judgments in domestic relations cases).
Issue: *Whether to publish for comment a proposed amendment of MCR 3.210 as supported by the Michigan Judges Association.*
10. Discussion Regarding Auxiliary Offices for Supreme Court Justices.
11. Discussion Regarding the Court's Budget for Fiscal Year 2010.
12. Discussion Regarding the Scheduling of Meeting Dates for Future Administrative Conferences.

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