

# Order

Michigan Supreme Court  
Lansing, Michigan

May 22, 2024

Elizabeth T. Clement,  
Chief Justice

ADM File No. 2022-54

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Megan K. Cavanagh  
Elizabeth M. Welch  
Kyra H. Bolden,  
Justices

Amendments of Canon 7 of  
the Michigan Code of Judicial  
Conduct and Rule 9.301 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 amendments of Canon 7 of the Michigan Code of Judicial Conduct and Rule 9.301 of the Michigan Court Rules are adopted, effective September 1, 2024.

[Additions to the text are indicated in underlining and  
deleted text is shown by strikeover.]

Canon 7. A Judge or a Candidate for Judicial Office Should Refrain From Political Activity Inappropriate to Judicial Office.

A.-B. [Unchanged.]

C. Wind up of law practice.

- (1) A successful elected candidate who was not an incumbent has until midnight December 31 following the election to wind up the candidate's law practice, and has until June 30 following the election to resign from organizations and activities, and divest interests that do not qualify under Canon 4. If a successful elected candidate has remaining funds in a trust account after June 30 following the election and the funds remain unclaimed, the candidate must promptly transfer control of the funds to the elected candidate's interim administrator in accordance with subchapter 9.300 of the Michigan Court Rules and Rule 21 of the Rules Concerning the State Bar of Michigan. The interim administrator must make reasonable efforts to locate the owner of the property and continue to hold said funds in a trust account for the required statutory period in accordance with the Uniform Unclaimed Property Act, MCL 567.221 et seq. This transfer of control to the interim administrator does not create a client-lawyer relationship.

- (2) Upon notice of appointment to judicial office, a candidate shall wind up the candidate’s law practice prior to taking office, and has six months from the date of taking office to resign from organizations and activities and divest interests that do not qualify under Canon 4. If an appointee has remaining funds in a trust account six months after taking office and the funds remain unclaimed, the appointee must promptly transfer control of the funds to the appointed candidate’s interim administrator in accordance with subchapter 9.300 of the Michigan Court Rules and Rule 21 of the Rules Concerning the State Bar of Michigan. The interim administrator must make reasonable efforts to locate the owner of the property and continue to hold said funds in a trust account for the required statutory period in accordance with the Uniform Unclaimed Property Act, MCL 567.221 et seq. This transfer of control to the interim administrator does not create a client-lawyer relationship.

#### Rule 9.301 Definitions

- (A) “Affected Attorney” means an attorney who is either temporarily or permanently unable to practice law because the attorney has:

- (1) become a successful elected candidate or an appointee who is subject to Canon 7C of the Michigan Code of Judicial Conduct;

(1)-(8) [Renumbered (2)-(9) but otherwise unchanged.]

(B)-(G) [Unchanged.]

*Staff Comment (ADM File No. 2022-54):* The amendments of MCJC 7C and MCR 9.301(A) provide a procedure for handling remaining funds in an attorney’s trust account if the attorney is elected or appointed to a judicial office.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this 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.

May 22, 2024

Clerk