

Order

Michigan Supreme Court
Lansing, Michigan

July 13, 2022

Bridget M. McCormack,
Chief Justice

ADM File No. 2019-28

ADM File No. 2021-36

Amendment of Rule
9.202 of the Michigan
Court Rules

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

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 9.202 of the Michigan Court Rules is adopted, effective September 1, 2022.

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

Rule 9.202 Standards of Judicial Conduct

- (A) [Unchanged.]
- (B) Grounds for Action. A judge is subject to censure, suspension with or without pay, retirement, or removal for conviction of a felony, physical or mental disability that prevents the performance of judicial duties, misconduct in office, persistent failure to perform judicial duties, habitual intemperance, or conduct that is clearly prejudicial to the administration of justice. ~~In addition to any other sanction imposed, a~~A judge may not be ordered to pay the costs, fees, and expenses incurred by the commission in prosecuting the complaint only if the judge engaged in conduct involving fraud, deceit, or intentional misrepresentation, or if the judge made misleading statements to the commission, the commission's investigators, the master, or the Supreme Court.
- (1)-(3) [Unchanged.]

Staff Comment: The amendment of MCR 9.202 clarifies that a judge who is the subject of judicial disciplinary proceedings may not be ordered to pay the costs, fees, and expenses incurred by the Judicial Tenure Commission in prosecuting the complaint.

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.

July 13, 2022

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk