

Order

Michigan Supreme Court
Lansing, Michigan

October 23, 2024

Elizabeth T. Clement,
Chief Justice

ADM File No. 2024-03

Brian K. Zahra

David F. Viviano

Proposed Amendment of
Rule 2.003 of the Michigan
Court Rules

Richard H. Bernstein

Megan K. Cavanagh

Elizabeth M. Welch

Kyra H. Bolden,

Justices

On order of the Court, this is to advise that the Court is considering an amendment of Rule 2.003 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

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

Rule 2.003 Disqualification of Judge

(A)-(C) [Unchanged.]

(D) Procedure.

(1)-(3) [Unchanged.]

(4) If Disqualification Motion is Granted.

(a) For courts other than the Supreme Court, when a judge who is not a business court judge is disqualified, the action must be assigned to another judge of the same court, or, if one is not available, the state court administrator ~~must~~shall assign another judge.

(b) When a judge who is a business court judge is disqualified, the action must be assigned to another business court judge of the same circuit,

or if one is not available, the state court administrator must assign a business court judge from a different circuit.

(b) [Relettered as (c) but otherwise unchanged.]

(E) [Unchanged.]

Staff Comment (ADM File No. 2024-03): The proposed amendment of MCR 2.003 would clarify the assignment procedures when a business court judge has been disqualified from a case.

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.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by February 1, 2025 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2024-03. Your comments and the comments of others will be posted under the chapter affected by this proposal.



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.

October 23, 2024

Clerk