

Checklist for Summary Punishment of Direct Contempt of Court¹

When all of the facts necessary to establish contempt of court are within the personal knowledge of the judge, he or she may punish it summarily. See [MCL 600.1711\(1\)](#).

In most cases, the judge who witnessed the contumacious conduct may conduct the summary proceedings. If the proceedings are deferred, another judge must conduct the contempt proceedings. See *Cross Co v UAW Local No 155 (AFL-CIO)*, 377 Mich 202, 212 (1966).

1. Determine whether summary proceedings are appropriate. See [MCL 600.1701\(a\)](#); [MCL 600.1711\(1\)](#).

the misconduct occurred in the judge's "immediate view and presence."

immediate corrective action is necessary to restore order and maintain the dignity and authority of the court.

Note: If contempt proceedings are deferred, the contemnor is entitled to all of the procedural protections afforded during civil or criminal indirect contempt proceedings. See *In re Oliver*, 333 US 257, 275-276 (1948).

2. Determine whether the misconduct constitutes civil or criminal contempt of court. See [MCL 600.1715](#).

3. If necessary, excuse the jury. See *People v Williams*, 162 Mich App 542, 547 (1987).

4. Inform the contemnor that he or she is being charged with contempt of court.

describe in detail the misconduct.

state whether the contempt is civil or criminal.

¹ See the Michigan Judicial Institute's [Contempt of Court Benchbook](#) for more information on contempt proceedings.

allow the contemnor an opportunity to orally answer the charge.

5. State your factual findings and conclusions of law on the record. Include the following:

facts that occurred in the immediate view and presence of the court and that constitute contempt.

whether the contempt was civil or criminal.

a conclusion as to how the contumacious conduct impaired the authority or impeded the functioning of the court.

the sanctions imposed.

the reasons for imposing the sanctions. See [MCR 2.517](#); *In re Contempt of Calcutt*, 184 Mich App 749, 758 (1990).

6. Immediately impose sanctions. See [MCL 600.1715](#); [MCL 600.1721](#).

For civil contempt:

conditional jail sentence.

fine of not more than \$7,500.

costs and expenses of the proceedings.

damages to injured party, including attorney fees.

For criminal contempt:

fixed jail sentence of up to 93 days.

fine of not more than \$7,500.

probation.

costs and expenses of the proceedings.

damages to injured party, including attorney fees.

7. Sign and enter an order adjudging the contemnor guilty of contempt. In cases of civil contempt, the order of commitment must specify that the jail term must end when the person performs the required act or duty, or no longer has the power to perform the act or duty, and pays the fine, costs, and expenses of the proceeding. See [MCL 600.1715\(2\)](#).