

# ...CHIEF JUDGE DAVID MURKOWSKI .....

## ‘Beyond the Docket’: How Judge Murkowski Works on the Bench and in the Community to Help Build Paths for Individuals to Improve Their Lives

Kent County Probate Court Chief Judge David Murkowski is proud to have a direct and meaningful hand in the administration of justice.

For Chief Judge Murkowski, probate court has many rewarding aspects.

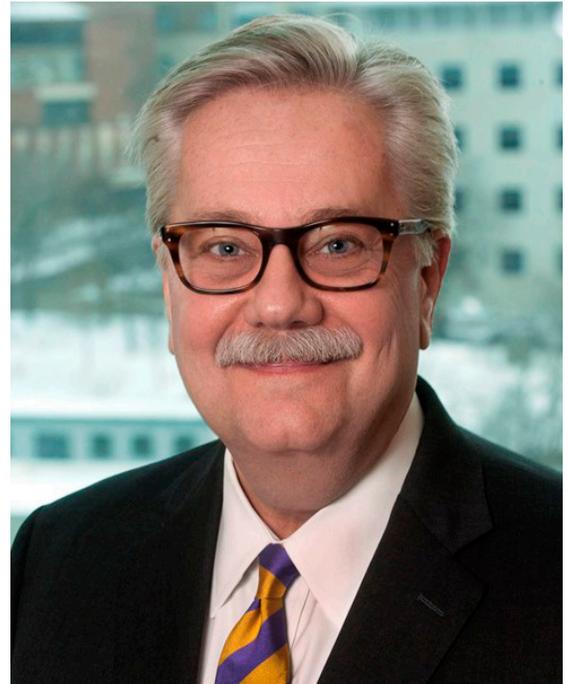
“We see individuals every day who are incapacitated, vulnerable, exploited, and mentally ill, or simply need some help,” he said. “To be able to provide a path to self-reliance, or safety, or stability is most rewarding to me.

However, Chief Judge Murkowski described that there are difficult aspects that come along with probate court work.

“Frustration comes from the failure to successfully reach these persons who are in need,” he said. “Specifically, great frustration comes with witnessing those who suffer with a mental illness and cycle through repeated hospitalizations.”

Chief Judge Murkowski shared a probate success story that has stuck with him throughout his time on the bench.

“A 60-year-old with a mental illness and a substantial substance abuse history is involved in a motor vehicle accident,” shared Chief Judge Murkowski. “He suffers bodily injuries, cardiac arrest, and a subdural hematoma. He demonstrates severe deficits in orientation, memory, attention, and executive functioning. Be



*Chief Judge Murkowski*

cause of this gentleman’s substance abuse history, the family is estranged and unwilling to serve as guardian, so a professional guardian is appointed.”

He continued, “Two years later, the guardian petitioned the court to dismiss the guardianship. The guardian has made surgical decisions, and post-operative decisions, orchestrated rehabilitation services including occupational and physical therapy, and secured alcohol and substance abuse treatment. The individual heals physically, engages in substance abuse treatment and Alcoholics Anonymous, and embraces sobriety. Independent housing is secured, sobriety continues, and his family rejoins his life. At the hearing to terminate the guardianship, the gentleman states: ‘I couldn’t have done this without my guardian.’ The guardianship is then terminated. That is a probate success story.”

Chief Judge Murkowski was appointed by the Governor to the probate court and the Michigan Supreme Court appointed him Chief Judge in 2008.



“My immediate goal on the first day I took the bench was not to embarrass myself,” joked Chief Judge Murkowski. “I was comfortable with the mechanics of courtroom procedure and litigation, but nothing can replace preparation. Before I took the bench, I read the Estate & Protected Individuals Code (EPIC) from cover to cover. You read and re-read every pleading, brief, and case citation. With varying degrees of success, my goal is to know the case before me as well as the attorney standing in front of me.”

Chief Judge Murkowski said that another short-term goal he had was to forge relationships with his court staff and have a real understanding of the internal workings of the court.

“To engage the staff, I asked every employee for three suggestions on how to improve our court’s performance. The response was positive and overwhelming.”

His time on the bench has made numerous positive changes to the probate court system.

“I am most proud of any case that I can amicably and successfully settle without the need for contested litigation,” he shared. “As a member of the Probate and Estate Planning Council, I initiated an effort to restructure the probate appellate process. Historically, the appellate process was splintered, inefficient, and uneconomical. Through a tremendous collaborative legislative effort of all stakeholders that spanned the course of several years, the appellate process has been restructured and streamlined to direct all probate appeals to the Court of Appeals.”

He has also been very active in the Michigan Probate

Judges Association (MPJA), serving as President in 2017. Chief Judge Murkowski has served on the MPJA board of directors and the executive committee for 10 years. He describes the association’s purpose as being the promotion of justice, professional excellence and respect for the law, fostering the dignity and integrity of the judiciary, and serving the needs of members and the legal community. Virtually every probate judge in the state of Michigan is a member of the organization, he says.

“We have a great focus on peer education and we work diligently to educate and share ideas, best practices, and questions among our members,” he said.

Chief Judge Murkowski’s efforts have set forth a lasting impact on the Michigan Probate Judges Association. For example, he and his Probate Register were among 15 teams selected by the Supreme Court to participate in a six-month Court Leadership Training Academy certification program, which recently concluded.

In addition to Chief Judge Murkowski’s longtime work in MPJA, he was also appointed to serve on the subcommittee of the Governor’s Mental Health Task Force to develop new mental health legislation, and he lectures routinely for both the State Bar of Michigan and Supreme Court’s Michigan Judicial Institute.

“The responsibilities of a judge extend beyond the docket,” remarked Chief Judge Murkowski. “I believe there is an obligation to serve your colleagues and the larger community—all of that takes time.”

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