

# Order

Michigan Supreme Court  
Lansing, Michigan

May 23, 2018

Stephen J. Markman,  
Chief Justice

ADM File No. 2016-30

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Kurtis T. Wilder  
Elizabeth T. Clement,  
Justices

Amendments of Rules 9.112 and  
9.131 of the Michigan Court Rules

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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 Rules 9.112 and 9.131 of the Michigan Court Rules are adopted, effective September 1, 2018.

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

## Rule 9.112 Requests for Investigation

(A)-(B) [Unchanged.]

(C) Handling by Administrator.

(1)-(2) [Unchanged.]

(3) Request for Investigation of Member or Employee of Commission or Board, or the Relative of Member or Employee of Commission or Board. Except as modified by MCR 9.131, MCR 9.104-9.130 apply to a request for investigation of an attorney who is a member of or is employed by the board or the commission, or who is a relative of a member or employee of the board or commission.

“Relative” includes spouse, child, parent, brother, sister, grandparent, grandchild, first cousin, uncle, aunt, niece, nephew, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, and father-in-law, whether natural, adopted, step or foster. The term also includes same-sex or different-sex individuals who have a relationship of a romantic, intimate, committed, or dating nature.

(D) [Unchanged.]

Rule 9.131 Investigation of Member or Employee of Board or Commission, or Relative of Member or Employee of Board or Commission; Investigation of Attorney Representing Respondent or Witness; Representation by Member or Employee of Board or Commission.

- (A) Investigation of Commission Member or Employee, or Relative of Member or Employee of Commission. If the request is for investigation of an attorney who is a member or employee of the commission, or a relative of a member or employee of the commission, the following provisions apply:

(1)-(6) [Unchanged.]

If the request is for investigation of the administrator, the term “administrator” in this rule means a member of the commission or some other employee of the commission designated by the chairperson.

“Relative” includes spouse, child, parent, brother, sister, grandparent, grandchild, first cousin, uncle, aunt, niece, nephew, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, and father-in-law, whether natural, adopted, step or foster. The term also includes same-sex or different-sex individuals who have a relationship of a romantic, intimate, committed, or dating nature.

- (B) Investigation of Board Member or Employee or Relative of Board Member or Employee. Before the filing of a formal complaint, the procedures regarding a request for investigation of a member or employee of the board or relative of a member or employee of the board, are the same as in other cases. Thereafter, the following provisions apply:

(1)-(4) [Unchanged.]

“Relative” includes spouse, child, parent, brother, sister, grandparent, grandchild, first cousin, uncle, aunt, niece, nephew, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, and father-in-law, whether natural, adopted, step or foster. The term also includes same-sex or different-sex individuals who have a relationship of a romantic, intimate, committed, or dating nature.

- (C)-(D) [Unchanged.]

*Staff Comment:* The amendments of MCR 9.112 and MCR 9.131 provide that relatives of AGC or ADB members or employees are subject to the same procedure for review of allegations of misconduct as the Board or Commission member or employee. This change comports with recent Supreme Court practice. These amendments are intended to address any perceived conflict of interest that may exist if the procedures in MCR 9.112 were to be used to review a request for investigation of the relative of a member or employee of the Attorney Grievance Commission or Attorney Discipline Board.

The staff comment is not an authoritative construction by the Court. In addition, adoption of an 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 23, 2018

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

Clerk