Order

Michigan Supreme Court
Lansing, Michigan

September 20, 2018

Stephen J. Markman,
Chief Justice

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

ADM File No. 2017-25

Amendment of Rule 7.1
of the Michigan Rules
of Professional Conduct

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 7.1 of the Michigan Rules of Professional Conduct is adopted, effective January 1, 2019.

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

Rule: 7.1 Communications Concerning a Lawyer's Services

A lawyer may, on the lawyer's own behalf, on behalf of a partner or associate, or on behalf of any other lawyer affiliated with the lawyer or the lawyer's law firm, use or participate in the use of any form of public communication that is not false, fraudulent, misleading, or deceptive. A communication shall not:

(a)-(c) [Unchanged.]

<u>Except as otherwise provided in this rule, a lawyer who is a retired or former justice, judge, referee, or magistrate may use the title ("justice," "judge," "referee," or "magistrate,") only when the title is preceded by the word "retired" or "former." A justice, judge, referee, or magistrate who is removed from office or terminated on grounds of misconduct is prohibited from using the title.</u>

Comment: [Unchanged.]

Staff Comment: The amendment of MRPC 7.1 restricts and regulates the use of the terms "retired" or "former" for a justice, judge, referee, or magistrate who returns to the practice of law. It applies only where a lawyer is communicating information about the lawyer's services, and thus, would not apply to a former judge who does not return to

the practice of law. This amendment is a narrower version than one submitted by the State Bar of Michigan Representative Assembly.

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.

September 20, 2018

Clerk