

Order

Michigan Supreme Court
Lansing, Michigan

December 18, 2019

Bridget M. McCormack,
Chief Justice

ADM File No. 2019-03

David F. Viviano,
Chief Justice Pro Tem

Amendment of Rule
8.110 of the Michigan
Court Rules

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

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 8.110 of the Michigan Court Rules is adopted, effective January 1, 2020.

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

Rule 8.110 Chief Judge Rule

- (A) [Unchanged.]
- (B) Chief Judge, Chief Judge Pro Tempore, and Presiding Judges of Divisions.
 - (1) The Supreme Court shall select a judge to serve as chief judge of each trial court. Any judge seeking appointment as chief judge shall complete and submit an application for chief judge on the form available on SCAO's website. The application will describe the criteria for selection of chief judges. SCAO will also provide an opportunity for any judge or judges to provide information to the Court (which will be kept confidential) regarding the selection of a particular person as chief judge. When SCAO is considering ~~whether to consolidate~~recommending appointment of a chief judge of a specific group of courts under the supervision of a single chief judge, SCAO shall inform and seek input from those courts. SCAO may seek additional information as needed from any court or judge during the appointment process, and will give respectful consideration to all applicants and to any information it receives. ~~Any judge of a court or group of courts may submit an application or recommendation to SCAO regarding the selection of a chief judge for that court or group of courts.~~

(2) [Unchanged.]

(3) The chief judge, chief judge pro tempore, and any presiding judges shall serve a two-year term beginning on January 1 of each even-numbered year, provided that the chief judge serves at the pleasure of the Supreme Court and the chief judge pro tempore and any presiding judges serve at the pleasure of the chief judge. A chief judge shall attend training as required by the State Court Administrator.

(4) [Unchanged.]

(C) Duties and Powers of Chief Judge.

(1)-(8) [Unchanged.]

(9) The delegation of such authority to a chief judge does not in any way limit the Supreme Court's authority to exercise "general superintending control over all courts" under Const 1963, art 6, § 4.

(D) Court Hours; Court Holidays; Judicial Absences.

(1)-(2) [Unchanged.]

(3) Judicial Vacation Standard. A judge ~~mayis expected to~~ take an annual vacation leave of 20 days with the approval of the chief judge to ensure docket coordination and coverage. A judge may take an additional 10 days of annual vacation leave with the approval of the chief judge. A maximum of ~~1530~~ 1530 days of annual vacation unused due to workload constraints may be carried ~~from one calendar year into the first quarter of the next calendar year and used during that quarter,~~ if approved by the chief judge. Vacation days do not include:

(a)-(e) [Unchanged.]

(4)-(6) [Unchanged.]

Staff comment: The amendments of this rule expand and clarify the chief judge selection process, modify the judicial vacation standard as it relates to the number of carryover days and when they may be used, and allow the State Court Administrator to require a chief judge to attend training.

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.

December 18, 2019

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

Clerk