

Order

Michigan Supreme Court
Lansing, Michigan

April 14, 2021

Bridget M. McCormack,
Chief Justice

ADM File No. 2021-15

Addition of Rule 8.128
of the Michigan Court
Rules

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

On order of the Court, this is to advise that the addition of Rule 8.128 of the Michigan Court Rules is adopted, effectively immediately. Concurrently, individuals are invited to comment on the form or the merits of the amendment during the usual public comment period. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at [Administrative Matters & Court Rules page](#).

[NEW] Rule 8.128 Michigan Judicial Council

- (A) Duties. There shall be a Judicial Council to plan strategically for the Michigan judicial branch, to enhance the work of the courts, and to make recommendations to the Supreme Court on matters pertinent to the administration of justice.
- (B) Diversity and Inclusion. The Judicial Council shall be representative of Michigan's diverse population and regions, ensuring and advancing diversity, equity, and inclusion.
- (C) Membership
 - (1) The membership of the Judicial Council shall consist of 29 members as follows:
 - (a) The Chief Justice of the Michigan Supreme Court, who shall preside over the council as chairperson;
 - (b) A Justice of the Michigan Supreme Court, nominated by the Chief Justice;
 - (c) The State Court Administrator;
 - (d) The Chief Judge of the Court of Appeals or designee;
 - (e) Two judges nominated by the Michigan Judges Association;

- (f) Two judges nominated by the Michigan Probate Judges Association;
 - (g) Two judges nominated by the Michigan District Judges Association;
 - (h) Two judges nominated by the Association of Black Judges of Michigan;
 - (i) A judge nominated by the Michigan Tribal State Federal Judicial Forum;
 - (j) Four at-large judges;
 - (k) Four trial court administrators, probate or juvenile registers;
 - (l) Two county clerks;
 - (m) Three attorneys licensed to practice law in the State of Michigan;
 - (n) A member of the Michigan Justice for All Commission;
 - (o) Two members of the public who are not attorneys.
- (2) All members shall be appointed by the Supreme Court. Members serving on the Judicial Council by nature of their positions designated in subparagraphs (C)(1)(a), (c) and (d) shall serve on the Judicial Council so long as they hold that position. Of the remaining members appointed by the Supreme Court, one-third shall initially be appointed to a two-year term, one-third appointed to a three-year term and one-third appointed to a four-year term. All members appointed or reappointed following these inaugural terms shall serve three-year terms. Terms commence January 1st of each calendar year. No member may serve more than two consecutive terms.
- (D) Other Committees, Task Forces, and Work Groups. The Judicial Council will establish such other committees, task forces, and work groups as are necessary to further the work of the Judicial Council.
- (E) Meetings of Council. The Judicial Council shall meet regularly as needed to accomplish its work, but at least quarterly, at a place and on a date designated by the Chief Justice.
- (F) Administration. The State Court Administrative Office shall staff the Judicial Council.

- (G) Deliberations. In all of their deliberations and decisions, members of the Judicial Council shall place the welfare of the public and the judicial branch as a whole above the individual interests of a judicial district, court organization, or class of judge or employee.
- (H) Vacancies. In the event of a vacancy on the Judicial Council, a replacement member shall be appointed by the Supreme Court for the remainder of the term of the former incumbent. After serving the remainder of the term, the new member may be reappointed to two full consecutive terms.
- (I) Annual Report. The Judicial Council shall prepare an annual report on the status of judicial administration in the courts and the work of the Judicial Council.
- (J) Compensation. Judicial Council members shall serve without compensation.
- (K) Removal of a Member. The Supreme Court has authority to remove a Judicial Council member. The vacancy created when a member is removed shall be filled in accordance with subrule (H).

Staff comment: The addition of MCR 8.128 establishes the Michigan Judicial Council to strategically plan for Michigan's Judiciary.

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.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be sent to the Supreme Court Clerk in writing or electronically by August 1, 2021, at P.O. Box 30052, Lansing, MI 48909, or ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2021-15. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



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.

April 14, 2021

Clerk