

From: [Art Cotter](#)
To: [ADMcomment](#)
Subject: RE: ADM File No. 2019-03, Proposed Amendment of Rule 8.110 concerning judicial vacation time
Date: Tuesday, July 30, 2019 3:41:11 PM

Chief Justice McCormack and Justices of the Supreme Court
Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48909

RE: ADM File No. 2019-03
Proposed Amendment of Rule 8.110 concerning judicial vacation time

Dear Chief Justice McCormack and Justices of the Supreme Court:

I am writing you to comment on the Proposed Amendment of Rule 8.110 (D) concerning judicial vacation time. The current version of the rule provides 20 days (4 weeks) of annual vacation time for a judge, with an additional 10 days (2 weeks) of vacation leave possible with the approval of the chief judge. As reflected in Judge Warren's published comments from Oakland County on this proposed rule amendment, in many counties this rule has morphed into a blanket approval of 6 weeks of vacation for judges depending on the county. Berrien County has never had that blanket approval of 6 weeks of annual vacation time for its judges. Either by tradition or the chief judge's personal issue on the matter, 6 weeks of vacation time has never been the standard here in Berrien County.

Because of this proposed amendment, I asked several judges from other counties what their counties' practice was concerning vacation time and was somewhat surprised to learn the 6 week standard was more prevalent than I expected. Given that fact, I do not see how it is fair or equitable that state judges from some counties should receive 6 weeks of annual vacation leave and others receive less depending on who your chief judge happens to be. The proposed amendment to the rule would standardized the vacation time for all judges across the state and eliminate the disparity between counties and individual chief judges. This proposal would simply make it fair for all judges across the state.

As Judge Warren indicated in his comment, sufficient vacation time is important for the mental health, energy, enthusiasm, and stress reduction of judges. Six weeks of annual vacation leave is not unreasonable given the demands and pressure of this job. In Berrien County, a significant number of our older jurists have been forced out of service for months at a time due to serious health conditions. This has required other judges to cover additional dockets while they are still handling their own docket. I am certain this problem is common in other counties as well. Fortunately, I have not been one of the judges who has had to take such medical leave, but at 59 years old my batteries do not recharge as fast as they once did. The additional workload and pressure does not help. I know that an extra week or two of vacation time would make a difference to me as I am sure it would make a difference to my colleagues across the state who do not get the full 6 weeks of vacation that other judges are routinely given.

I want to thank you for giving me and others an opportunity to give input on this issue.

Very truly Yours,

Hon. Arthur J. Cotter
Berrien County Trial Court Judge