



Michigan Probate Judges Association

June 30, 2020

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Mr. Larry S. Royster
Clerk, Michigan Supreme Court
P.O. Box 30052
Lansing MI 48909

Re: Proposed Mandatory Judicial Education ADM File # 2019-33

Dear Mr. Royster:

On June 29, 2020, The Board of Directors of the Michigan Probate Judges Association voted to oppose adoption of the proposed administrative order mandating the continuing judicial education program described in ADM File No. 2019-33 for a variety of reasons. Although MPJA supports the concept of continuing legal education for all judges and judicial officers, we do not believe that the program proposed is necessary and it adds an additional layer of discipline that may be constitutionally infirm (see, 6.24.20 correspondence filed by the Judicial Tenure Commission).

MCR 8.110(D)(4) sets forth the expectation that all judges participate in continuing legal education and training. Currently judges participate in statewide mandatory conferences, conferences of their judicial associations that include legal education, regional judicial conferences with educational components as well as other excellent programs presented by the Michigan Judicial Institute, American Bar Association, National Judicial College, etc. The time spent in judicial education is already reported annually to the State Court Administrative Office. Presumably SCAO follows-up as needed if the judge is deficient in meeting the expectation. Since education is widely accepted as beneficial and the expectation is already stated, it is unnecessary to create a new level of bureaucracy requiring remedial education for which a judge may be sanctioned for non-participation. Currently mechanisms already exist to address a judge's performance if deficient.

The COVID-19 pandemic has placed additional burdens on the judiciary who will be facing a mounting backlog when courts fully resume operations such as jury trials. The timing of this proposal is particularly unfortunate.

Consideration of our position will be sincerely appreciated.

Very truly yours,

Hon. Darlene A. O'Brien
President, Michigan Probate Judges Association

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