

# Michigan Judges Association

## Founded 1927

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July 1, 2020

**VIA EMAIL TO**

**ADMcomment@courts.mi.gov**

Mr. Larry Royster  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, Michigan 48909

**Re: Proposed Adoption of a Mandatory Continuing Judicial Education Program  
ADM File 2019-33**

Dear Mr. Royster:

I am writing on behalf of the Michigan Judges Association (“MJA”). While our Executive Committee has voted to support the concept of mandatory continuing judicial education as proposed in ADM File No. 2019-33 (the “Proposed AO”), MJA offers the following recommendations with the intention of improving the proposed program.

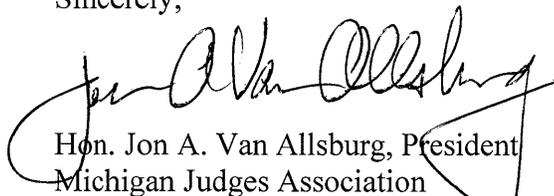
These recommendations are as follows:

- Reduce the annual number of hours required, or extend them over a longer period. Proposed AO Section 4(A) requires 12 hours of continuing judicial education annually, essentially the equivalent of two days of class or seminar sessions. Current Michigan Court Rule 8.110(D)(4) encourages, but does not require, judges to participate in two weeks of continuing legal education every three years. MJA encourages allowing judges to accrue required judicial education hours over the course of two or three years to provide greater flexibility in scheduling (as there are excellent judicial education programs that extend for an entire week or more).
- Proposed AO Section 4(B) requires that at least one-half of the required hours of education be earned through courses offered by the Michigan Judicial Institute, that distance learning courses be capped at four hours annually, and that board-approved teaching or alternative education activities be capped at four hours annually. These caps are too restrictive. MJA recommends that the minimum number of hours in MJI-offered programs be reduced, that the maximum number of distance learning hours be increased, and that the maximum hours of alternative teaching or education activities be increased, to provide greater flexibility to Michigan judges throughout the state.

- Many Michigan judges have pursued annual educational opportunities from a variety of alternative providers, including among them the American Bar Association and its various practice sections, the State Bar of Michigan and its various practice sections, the Institute for Continuing Legal Education, the National Judicial College, the American College of Business Court Judges, and the Association of Family and Conciliation Courts, among others. MJA recommends that the two-year accreditation in Proposed AO Section 8(C) be extended and simplified with respect to longstanding judicial education providers.
- Proposed AO Section 12 contains compliance and enforcement measures to assure that mandatory judicial education takes place. However, the enforcement measures in Proposed AO Section 12(C), subsection (v) and (vi), purport to grant unspecified sanctioning authority to the State Court Administrator which is inappropriate, as it duplicates the disciplinary authority already granted to the Judicial Tenure Commission and creates double jeopardy concerns. MJA supports the position of Hon. Monte Burmeister, chairperson of the Judicial Tenure Commission (see his letter of June 24, 2020), and recommends that Section 12(C)(vi) be eliminated.

Thank you for consideration of these proposals to improve Proposed Administrative Order 2019-33.

Sincerely,



Hon. Jon A. Van Allsburg, President  
Michigan Judges Association