

Order

Michigan Supreme Court
Lansing, Michigan

June 13, 2018

Stephen J. Markman,
Chief Justice

ADM File No. 2017-15

Proposed Amendment of
Canon 7 of the Michigan
Code of Judicial Conduct

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
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Elizabeth T. Clement,
Justices

On order of the Court, this is to advise that the Court is considering an amendment of Canon 7 of the Michigan Code of Judicial Conduct. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. 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](#).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

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

Canon 7.

A Judge or a Candidate for Judicial Office Should Refrain From Political Activity
Inappropriate to Judicial Office

A. [Unchanged.]

B. Campaign Conduct:

(1) [Unchanged.]

(2) These provisions govern a candidate, including an incumbent judge, for a
judicial office:

(a) [Unchanged.]

(b) A candidate may establish committees of responsible persons to
secure and manage the expenditure of funds for the campaign and to
obtain public statements of support (including support from lawyers)
for the candidacy.

- (c) Such committees ~~may solicit and acceptare prohibited from solieiting~~ campaign contributions from the public, including lawyers, as permitted by law, ~~in excess of \$100 per lawyer, but may solicit public support from lawyers.~~ It is not a violation of this provision for a committee, in undertaking solicitations that are not directed exclusively to lawyers but may in fact go to lawyers who are members of a group or found on a mailing list, to solicit more than \$100 per person, provided that the following disclaimer appears on the letter or on a response card, in print that is at least the same size as the remainder of the print in the letter or the response card:

~~“Canon 7 of the Michigan Code of Judicial Conduct prohibits a judicial campaign committee from solieiting more than \$100 per lawyer. If you are a lawyer, please regard this as informative and not a solieitation for more than \$100.”~~

- (d) [Unchanged.]

Staff comment: The proposed amendment of Canon 7 of the Code of Judicial Conduct would explicitly allow judicial campaign solicitation as permitted by law, eliminate the \$100 per lawyer limitation, and remove the disclaimer requirement. This change would bring Michigan’s canons into conformity with the majority of states that have moved away from solicitation restrictions and instead opted to refer to statutory campaign provisions.

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 October 1, 2018, at P.O. Box 30052, Lansing, MI 48909, or ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2017-15. 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.

June 13, 2018

Clerk