

# Order

**Michigan Supreme Court  
Lansing, Michigan**

October 14, 2020

Bridget M. McCormack,  
Chief Justice

ADM File No. 2020-25

David F. Viviano,  
Chief Justice Pro Tem

Proposed Rescission of  
Administrative Order No.  
1997-9 and Proposed  
Addition of Administrative  
Order No. 2020-X

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

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On order of the Court, this is to advise that the Court is considering a proposed rescission of Administrative Order No. 1997-9 to be replaced with Administrative Order No. 2020-X. 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.

Administrative Order No. 2020-X – Allocation of Funds from Lawyer Trust Account Program

On order of the Court, effective immediately, Administrative Order No. 1997-9 is rescinded and replaced with Administrative Order No. 2020-X to provide that funds to be distributed by the Board of Trustees of the Michigan State Bar Foundation shall be disbursed as follows:

1. Seventy percent of the net proceeds of the Lawyer Trust Account Program to support the delivery of civil legal services to the poor;
2. Fifteen percent of the net proceeds of the Lawyer Trust Account Program to support programs to promote improvements in the administration of justice;
3. Ten percent of the net proceeds of the Lawyer Trust Account Program to support increased access to justice, including matters relating to gender, racial, and ethnic equality, to be implemented at the direction of the State Court Administrator;

4. Five percent of the net proceeds of the Lawyer Trust Account Program, not to exceed a maximum of \$XX,XXX, to support the activities of the Michigan Supreme Court Historical Society. Any funds in excess of the maximum amount shall be divided evenly among the recipients in paragraph 1 through 3.

*Staff Comment:* The proposed administrative order would replace the current administrative order regarding distribution of funds from the Lawyer Trust Account Program that was adopted more than 20 years ago. The distribution would remain largely the same as it is now: 70 percent to support delivery of civil legal services to the poor, 15 percent to promote improvements in the administration of justice, 10 percent to support increased access to justice (including racial, gender, and ethnic equality), and 5 percent for support of the activities of the Michigan Supreme Court Historical Society. What would be different is that in paragraph three, funds would be used to support increased access to justice generally with specific reference to racial, gender, and ethnic equality, instead of reference to the long-defunct task forces on Gender Issues in the Courts and Racial/Ethnic Issues in the Court. Those issues will continue to be a focus of the money to be spent, but will be able to include additional recommendations. Further, the money could be spent as directed by the State Court Administrator, instead of being spent “within the judiciary,” which unnecessarily restricts the ability to fund programs that exist outside the judiciary but fit within the funding parameters. Finally, the proposed AO would establish a cap on funding for the Michigan State Historical Society to reflect what are likely largely fixed costs for operational expenses; the remainder would be split among the remaining recipients.

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 February 1, 2021, at P.O. Box 30052, Lansing, MI 48909, or [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When filing a comment, please refer to ADM File No. 2020-25. 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.

October 14, 2020

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk