

MICHIGAN SUPREME COURT



Office of Public Information

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FOR IMMEDIATE RELEASE

PROPOSED JUDICIAL CONDUCT RULES CHANGES ON AGENDA FOR MICHIGAN SUPREME COURT MARCH 28 PUBLIC ADMINISTRATIVE HEARING

Proposal specifies appropriate roles for judges at charity fundraisers and similar events

LANSING, MI, March 27, 2012 – A proposed clarification of ethics rules that prevent judges from soliciting donations for charities and similar organizations is on the agenda for the [Michigan Supreme Court's](#) public hearing tomorrow.

Canon 5 of the Code of Judicial Conduct allows judges to participate in “civic and charitable activities” that do not put a judge’s impartiality in doubt or interfere with the judge’s duties. But, while allowing a judge to “join a general appeal on behalf of an educational, religious, charitable, or fraternal organization,” ethics rules bar judges from individually soliciting donations for such groups. The proposed changes would clarify that “[a] judge may speak on behalf of such an organization and may speak at or receive an award or other recognition in connection with an event of such an organization.” The proposals would allow a judge to participate in the same ways at a law-related organization’s fundraiser. But the amendments would also prohibit a judge from allowing his or her name to be used in fundraiser advertising, unless the judge was simply a member of an honorary committee or participating in a general appeal. ([ADM File No. 2005-11](#)).

The proposals for all public hearing items and their related comments are available online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#proposed>.

The public hearing, which begins at 9:30 a.m., will take place in the Supreme Court courtroom on the sixth floor of the [Michigan Hall of Justice](#) in Lansing.

Also on the Supreme Court’s agenda:

- [ADM File No. 2010-22](#), proposed amendment of Michigan Rule of Professional Conduct 7.3, “Direct Contact with Prospective Clients.” The rule prevents attorneys from soliciting “professional employment from a prospective client with whom the lawyer has no family or prior professional relationship ...” The proposed amendment would add that, in family law cases, “a lawyer shall not initiate contact or solicit a party to establish a client-lawyer relationship until the initiating documents have been served upon that party or 14 days have passed since the document was filed, whichever action occurs first.” The State Bar of Michigan’s Representative Assembly suggested the service/14-day restriction to reduce the risk that a defendant in a family law case would assault the other partner, abscond with children, or commit “other illegal actions” before the papers can be served.

- **ADM File No. 2010-25**, proposed amendment of Michigan Court Rule 7.210. This proposed change would make “the trial court or tribunal” the repository for “all documentary, photographic, video, or audio” trial exhibits in a case, regardless of whether those exhibits had been admitted into evidence, until after the time for appeal expires. Under the current practice, exhibits are typically returned to parties after the proceeding ends. If a claim of appeal is filed, the parties then file the exhibits with the trial court for compilation and submission to the Court of Appeals.
- **ADM File No. 2010-26**, proposed amendment of Michigan Court Rules 7.210 and 7.212. The proposed changes to these appellate rules would clarify the procedure for parties to an appeal when they cannot obtain a transcript of trial proceedings. The rules provide that parties can ask the trial court to “settle the record” and file a statement of facts as a substitute for the transcript. Among other provisions, parties would have 56 days to ask the trial court to settle the record after filing other transcripts with the Court of Appeals, as opposed to the current time period of 14 days after the claim of appeal is filed.

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