

**JUDICIAL SECTION  
STATE BAR OF MICHIGAN**

**MINUTES**

**December 13, 2019, 10:00 am  
Lansing, Michigan**

**1. Call to Order**

The meeting was called to order by Section Chairperson Sullivan at 10:09 a.m.

**PRESENT:** Judges Lisa Sullivan, David Murkowski, Darlene O'Brien, Christopher Murray, Julie Reincke, Carrie Fuca, Michael Carpenter, John Tomlinson, Pam Lightvoet, Jon Van Allsburg, Paul Stutesman, Susan Dobrich, Monte Burmeister, Dorene Allen. Also present: guests Milton Mack, Janet Welch, Katie Hennessey, Cami Pendell.

**2. Approval of Minutes**

Motion to approve minutes was made by Judge Darlene O'Brien, supported by Judge Van Allsburg. The motion carried.

**3. Treasurer's Report**

Judge Tomlinson presented the Treasurer's Report. A grant of \$10,450 was received by the State Bar of Michigan. Judge Tomlinson stated he would watch expenditures to calculate reimbursement amounts for section travel. Motion to approve the Treasurer's Report by Judge Darlene O'Brien. Motion supported by Judge Van Allsburg. Motion to approve Treasurer's Report carried.

**4. Michigan Supreme Court**

Ms. Cami Pendell, general counsel for the Supreme Court, addressed the Judicial Council. As judicial compensation is now tied to state NERE employees, the following pay increases will occur for the Michigan judiciary: 2% in October of 2020, 1% in April of 2021, 2% in October of 2021, and 1% in April of 2022.

With an agreement between the executive branch and the legislature, a supplemental bill reinstating \$400,000 for funding of problem-solving courts will be introduced.

**5. State Court Administrative Report**

Milton Mack presented the report from SCAO. Judge Mack reported that amendments to the chief-judge rule remain under consideration by the Supreme Court. The JRR report is expected to be released in the near future. Under the e-filing system, Judge Mack reported that 1.9 million filings have occurred through the e-filing system, and three more counties have gone live with the e-filing initiative. Judge Mack discussed at great length the Trial Court Funding Commission Report. The legislature wishes to move forward with legislation to address Proposals 1 and 3 of the Commission's report. Those recommendations include creating a fund for distribution for trial court operations and to establish a system of uniform collection and assessment. The goal is to raise revenue and reduce contempt citations and to remove courts from having a direct hand in court funding. Judge Mack expressed a preference to proceed with Recommendation 5 of the Commission Report which involved initial planning and organization for this funding restructuring.

**6. State Bar Report**

Janet Welch delivered the report from the State Bar. A lawsuit regarding a determination of a mandatory state bar is in its early stages. The State Bar is looking to the judicial council for support for a mandatory bar. Lastly, Ms. Welch reported they are in the process of hiring a new communications director.

State Bar of Michigan representative, Katie Hennessey, discussed the proposed amendment to the Michigan Code of Judicial Conduct 2(F) prohibit membership in organizations that practice "invidious" discrimination. Judge Christopher Murray pointed out that judges are already subject to a number of regulations and rules which currently address this issue. Judge Sullivan noted that comments, opinions or proposals need to be submitted regarding the proposed amendment by February of 2020.

Ms. Hennessey discussed the discovery rule changes effective January 1, 2020, and reminded that a comprehensive guide to the changes in discovery is available through the State Bar of Michigan. The State Bar has also provided, along with local bar associations, instructive seminars regarding the implemented discovery changes. Discussion was also provided regarding a partnership between the American Bar Association (ABA) and the State Bar regarding survival guides.

**7. Association Reports**

**MJA**

**Judge Van Allsburg**

Judge Van Allsburg stated that the association's focus this year will be on collegiality and judicial education. He reported that the annual conference was a success, and the association budget is in order. The MJA Annual Conference will be held August 23-25, 2020, on Mackinac Island. The association supports the increase in Supreme Court compensation and specifically supports House Resolution 10.

**MPJA**

**Darlene O'Brien**

Judge O'Brien stated the focus of MPJA will be managing the legislation stemming from the Elder Abuse Task Force. Judge O'Brien announced the MPJA Annual Conference will be held on June 28 through July 1, 2020, at the Homestead Resort. Judge O'Brien reported that the Association opposed at administrative hearing the proposed cell phone policy for courthouse use.

**MDJA**

**Judge Fuca**

Judge Fuca urged the council and judicial associations to address pay parity between the district court and other trial courts. Her position was supported by Judge Carpenter.

**8. President's Report/MPJA**

**Judge Sullivan**

Judge Sullivan announced the following 2020 Judicial Council membership meetings: March 13, 2020, at 10:00 a.m., at the State Bar Building; June 28, 2020, at noon, at the Homestead Resort; and September 25, 2020, at 10:00 a.m., at the State Bar Conference.

Judge Sullivan also informed the Council that, through her conversations with Chief Justice McCormack, mandatory judicial education is on the horizon with a proposed order forthcoming.

Judge Sullivan also announced that a traveling exhibit commemorating the passage of the 19th Amendment is available for display by courts. Interested judges should contact their regional administrator for scheduling use of the display.

9. **New Business**

Judge Murray discussed the amendment to internal policy at the Court of Appeals regarding the naming of judges in opinions, utilizing names if multiple judges are involved in the case or if addressing the judge in positive terms. Judge Murray also discussed returning the Court of Claims docket to the trial court. HB 5304 provides for the appointment of four circuit judges by the Supreme Court to serve as Court of Claims judges with the appointments spread geographically across the state.

10. **Adjournment of Meeting**

Motion by Judge Lightvoet, supported by Judge O'Brien, meeting adjourned.

**NEXT MEETING DATE: MARCH 13, 2020, AT 10:00 AM, AT THE STATE BAR OF MICHIGAN OFFICES IN LANSING, MICHIGAN.**

Respectfully submitted,



Honorable David M. Murkowski, Secretary  
Judicial Council of the State Bar of Michigan  
Chief Judge, Kent County Probate Court