

THE ETHICAL STANDARDS FOR BECOMING A JUDGE

“All the rights secured to the citizens under the Constitution are worth nothing, and a mere bubble, except guaranteed to them by an independent and virtuous judiciary.”

— PRESIDENT ANDREW JACKSON



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INTRODUCTION

Judicial ethics provides standards for judges to ensure an independent and impartial bench. Ethics strengthens and reinforces these tenets by promoting the implementation of a culture of excellence for which every judge strives. While there is much ethical guidance for judges once they assume their judicial duties following their successful election or appointment to the bench, there is little guidance for the period once a lawyer becomes a judicial candidate or appointee and until their candidacy ends unsuccessfully or they take the bench. This guidebook is written to provide ethical¹ assistance to those campaigning or within the transition period prior to assuming their judicial positions.^{2,3}

In addition to this guide, judicial candidates may review the [Michigan Judicial Institute's Avoiding Ethical Mistakes in Campaign Activities](#) and contact the [Ethics Helpline](#), a confidential resource for lawyers seeking judicial office.

APPLICABLE ETHICS RULES

In accordance with MRPC 8.2(b), “[a] lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct as provided under Canon 5.”

Michigan Code of Judicial Conduct Canon 5 states:

All judicial candidates are subject to Canon 1, Canon 2, Canon 4A-4D and Canon 7 of the Code of Judicial Conduct as applicable during a judicial campaign. A successful candidate, whether or not an incumbent, and an unsuccessful candidate who is a judge, are subject to judicial discipline for campaign misconduct. An unsuccessful candidate who is a lawyer is subject to lawyer discipline for judicial campaign misconduct.

The referenced Canons in MCJC 5 are as follows:

- Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary.
- Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities.
- Canon 4A-D: A Judge May Engage in Extrajudicial Activities. (Subject to limitations, most notably a judge should not individually solicit funds.)
- Canon 7: A Judge or Judicial Candidate Should Refrain from Political Activity Inappropriate to Judicial Office.

CANDIDATE ELIGIBILITY AND FILING

A person may become a judge by means of a successful election or appointment by the governor to a vacant judicial office.⁴ To be eligible for the office of a judge, a person must meet the following criteria:

- Admitted to practice law for at least 5 years.⁵
- Be less than 70 years of age.⁵
- Not hold any office in a political party (or resign the position upon appointment or presentation of signatures for an elected position).⁶
- Be a qualified elector of the applicable jurisdiction in which the election is sought.⁷

1. This guidebook does not provide the process for campaigning or being appointed, as those are state functions. Furthermore, this guidebook is non-binding and provides the general responsibilities of a lawyer seeking judicial office, but additional ethical responsibilities and legal requirements may be required of the lawyer that are not included in this guidebook.

2. Additional guidance may be found in the State Bar of Michigan's [Judicial Campaign Ethics FAQs](#).

3. The references provided give guidance on the general topics discussed in each section. “MCJC” refers to the Michigan Code of Judicial Conduct in effect as of the date of publication. “MRPC” refers to the Michigan Rules of Professional Conduct. “C,” “Cl,” “J,” “JI,” “R,” and “RI” refer to formal and informal opinions of the State Bar of Michigan Standing Committees on Judicial Ethics and Professional Ethics. Ethics guidebooks and advisory opinions do not have the force and effect of law and may not be relied upon as an absolute defense against charges of misconduct.

4. [Const 1963, art 6, §23](#).

5. [Const 1963, art 6, §19](#).

6. MCJC 7(A)(1)(a).

7. [MCL 168.391](#), [MCL 168.409](#), [MCL 168.411](#), [MCL 168.431](#), [MCL 168.467](#), MCJC 7(C)(2).

A person interested in filing for judicial office may find instructional information in the [Judicial Elective Office Manual](#) drafted by the State of Michigan's Secretary of State Office. Information and application requirements for judicial appointments may be found on the Michigan Governor's Appointments [website](#). Questions regarding campaign finance requirements may be found within the [Michigan Campaign Finance Act](#).

CAMPAIGN COMMITTEES

There are two types of committees for judicial candidates: the planning committee and the campaign committee. The planning committee must be separate and distinct from the candidate's campaign committee, and, as ethics opinion [JI-14](#) provides, the judicial candidate "must only be involved in planning strategies for a proposed campaign."

Ethics opinion [JI-81](#) provides the differentiation and timelines between the committees, as "[i]t follows that the work of a planning committee ceases when a campaign committee is established, since the campaign committee is the only entity authorized to conduct campaign activities and accept and spend campaign funds."

Therefore, a sitting judge or a judicial candidate may be a member of their own planning committee for judicial office or that of another judicial candidate's nonpartisan planning committee provided that it is separate and apart from their campaign committee and the distinction is clearly delineated and that the sole function of the planning committee is to plan the strategies for the campaign for the judicial office. A judge may not be a member of their own campaign committee for judicial office.⁸ In addition to the candidate's not being a member of their own campaign committee, a sitting judge also may not serve on the campaign committee of any candidate for judicial office.⁹

CAMPAIGN FUNDING

Fundraising efforts may begin on February 15 of the year of the election and must cease after the day of the general election.¹⁰ A candidate may not personally solicit or accept funds¹¹ but may raise and accept funds through a campaign committee after the person becomes a candidate.¹² A member of the candidate's immediate family may not serve as campaign treasurer since the candidate must be separated and insulated from the fund solicitation process.¹³

Allowable fundraising that is permitted for judicial campaigning may be found within the [Michigan Campaign Finance Act](#). No candidate, campaign committee, or other group may accept any contribution for a judge's benefit except as provided in the campaign funding rules.¹⁴ Before accepting moneys from any source, such as fundraisers held by individuals or groups other than the candidate's campaign committee, the candidate must ensure that the event was held in accordance with campaign fundraising rules and that all moneys collected comply with those rules.

Note that the campaign committee should be registered with the Department of State in accordance with the [Michigan Campaign Finance Act](#).

CONTRIBUTIONS

The definitions of contributions, contribution limits, and regulations regarding contributions may be found in the [Michigan Campaign Finance Act](#).

A judicial campaign committee may not accept a campaign loan from anyone except (a) the candidate,¹⁵ (b) a

8. [JI-152](#).

9. [JI-14](#).

10. MCJC 7(B)(2)(d).

11. MCJC 7(B)(2)(a), [JI-17](#).

12. [Michigan Campaign Finance Act](#).

13. [JI-14](#), [JI-90](#).

14. MCJC 2(G).

15. [CI-987](#).

lending institution in its regular course of business on the same terms generally available to persons not candidates for judicial office,¹⁶ or (c) someone whose interests have not and are not likely in the future to come before the successful candidate.¹⁷

UNSOLICITED CONTRIBUTIONS

A committee may accept unsolicited contributions¹⁸ or in-kind contributions,¹⁹ provided that the contribution is not so large as to give an appearance of attempting to bias the candidate in the contributor's favor.²⁰ An unsolicited contribution received by the campaign committee prior to the fundraising period may be retained but may be expended only within the fundraising period.²¹

SOLICITATION OF CONTRIBUTIONS

A judicial candidate may not personally solicit or accept funds.²² A campaign committee may solicit and accept campaign contributions from the public, including lawyers, as permitted by law.²³ A judge may, however, personally send a thank-you note to a contributor.²⁰

A sitting judge may make public statements in support of the candidate and may personally contribute to the campaign²⁴ but may not solicit contributions for the candidate.

A committee may not solicit or accept funds after the date of the general election.⁶ Contributions dated and post-marked during the fundraising period but received in the mail following the close of the election may be retained to pay legitimate campaign expenses.²⁵

PROHIBITED CONTRIBUTIONS

A prohibited contribution must be returned as soon as the committee discovers the nature of the contribution. If the contribution has been deposited into the committee's account, an expenditure from the account must be made to return the prohibited contribution. If, however, the prohibited contribution has not been deposited, the actual contribution must be returned. Prohibited contributions may be found within the [Michigan Campaign Finance Act](#).

A candidate's committee may not directly or indirectly accept funds from any committee that was established in connection with the candidate's attempt to secure any other judicial or nonjudicial office.⁶

A candidate and the candidate's family should maintain the dignity appropriate to judicial office and should encourage family members to adhere to the same standards of political conduct that apply to the judge.²⁶ This includes ensuring that prohibited contributions are not accepted.

EXPENDITURES

Information regarding expenditures may be found within the [Michigan Campaign Finance Act](#).

16. MCJC 4(E)(4)(b).

17. MCR 2.003(B).

18. [CI-531](#).

19. [JI-2](#).

20. [JI-92](#).

21. [JI-17](#).

22. MCJC 7(B)(2)(a).

23. MCJC 7(B)(2)(c).

24. MCJC 7(A)(2)(b) and (c).

25. [JI-5](#).

26. MCJC 7(B)(1)(a).

CAMPAIGN ACTIVITIES

PLANNING ACTIVITIES

A candidate may organize a planning committee to plan the strategy of a campaign or to determine whether there is sufficient support for the candidate to pursue a campaign.²⁷ A planning committee may be organized prior to the fundraising period that begins on February 15 of the year of the election. A sitting judge may be a member of a nonpartisan planning committee of a candidate for judicial office.⁹

A judicial candidate may contribute their own funds to the campaign at any time and may need to expend funds for planning activities or to determine whether there is support for their candidacy prior to the fundraising period.¹⁸ For example, the planning committee may mail announcements of the candidacy to specific prospective supporters, but not to voters generally, indicating the candidate's interest in pursuing judicial office. That mailing may ask the prospective supporters whether they will participate in future campaign activities as long as the communication, when taken as a whole, does not solicit financial contributions from the prospective supporter or contain any false, fraudulent, deceptive, or misleading information.²⁸ The mailing may be financed by the candidate personally, and the candidate may be reimbursed from campaign funds collected later.²⁹ A planning committee may not solicit or accept funds. Since only a campaign committee may accept funds, unsolicited contributions received by a planning committee or candidate prior to the specified fundraising period must be refused until the campaign committee is formed.²²

FUNDRAISING

Fundraising efforts may begin on February 15 of the year of the election and must cease effective the day following the general election. Fundraising events may be planned prior to the fundraising period, but invitations that require the purchase of tickets or ask for contributions may not be sent prior to the fundraising period.²⁸ If the campaign committee has been formed prior to the fundraising period, the campaign committee may accept unsolicited contributions received prior to the fundraising period.¹⁸ Fundraising activities must comply with the ethical rules for advertising and solicitation of funds and the laws that regulate campaign fundraising activities and must meet [campaign finance disclosure requirements](#) as delineated by the Michigan Department of State, Bureau of Elections. The following are obligations regarding fundraising:

1. Fundraising efforts must be organized and run by the campaign committee, not by the individual candidate.^{20,25}
2. A candidate may not personally solicit funds.²⁰
3. Fundraising efforts should maintain the dignity and integrity of the judicial office.²⁴
4. A candidate may not engage in campaign activities for the impermissible solicitation of legal business.³⁰

PROMISES

A candidate may not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.³¹

ENDORSEMENTS

A judicial candidate may not "make speeches on behalf of a political party or nonjudicial candidate or publicly endorse a candidate for nonjudicial office."³² A judicial candidate may, however, speak on behalf of other judicial candidates, attend political gatherings, and contribute to a political party.³³ The term "endorsement"³⁴ includes

27. MCJC 7(B)(2)(b), [JI-17](#), and [JI-81](#).

28. MCJC 7(B)(1)(d).

29. [JI-78](#).

30. MCJC 7(B)(2)(c), MRPC 7.3.

31. MCJC 7(B)(1)(c), [JI-14](#).

32. MCJC 7(A)(1)(b).

33. MCJC 7(A)(2)(b), [JI-145](#).

34. [JI-95](#), [JI-11](#).

appearing on the same side of issues at debates, allowing the use of the judicial candidate's home for receptions,³⁵ making speeches on behalf of the candidate,³⁰ or purchasing advertising³⁶ that congratulates or supports a partisan candidate. It is not considered an "endorsement" for a judge to purchase fundraising tickets, make campaign contributions, build lawn signs, or sign nominating petitions for a candidate for nonjudicial office. For example, a judge may allow their name and judicial title to be used in a campaign brochure and a radio ad in which the judge is quoted as supporting a judicial candidate as long as the endorsement is not used for fundraising. This extends to the use of judicial imagery, including photos of a judicial officer in a robe.³⁷ A judge should not, however, solicit persons for the display of yard signs or place a bumper sticker on their vehicle. Judges should use caution when making endorsements and be mindful of what may be construed as "behind the scenes" activities versus "public" activities.³⁸

Lawyers practicing together may jointly endorse one or more judicial candidates. Lawyers practicing separately may also jointly endorse candidates but must ensure there is no miscommunication regarding the lawyers' services and the lawyers involved with the firm, in accordance with MRPC 7.1.³⁹

The inclusion of the name of a judicial candidate in a third party's communication with nonjudicial candidates does not constitute a public endorsement of the nonjudicial candidate by the judge and does not in itself constitute improper conduct by the judge.⁴⁰ Since the communication involved is done by someone other than the judge and has not been solicited by the judge, the judicial candidate is not required to attempt to have it retracted. A judicial candidate may, however, publicly correct misinformation on literature released by a third party as long as the candidate does not use the prestige of their office or their candidacy for judicial office to influence the conduct of third parties in violation of MCJC 7(B) and Canon 2(C). A judicial candidate may also send written correspondence to the third party and request the removal and/or retraction of said information. Should the third party not remove or retract the misinformation, the judicial candidate may wish to consult with legal counsel about additional steps that may be taken. Ethics opinion [JI-120](#) states that "[a]ll advertising generated by a candidate seeking judicial office must avoid misrepresenting the candidate's own qualifications and the qualifications of the candidate's opponent."

MJC 8 provides that the judicial campaign rules also apply to judges' associations or any other organization consisting exclusively of judges. Therefore, any endorsements by judges' associations must comply with all provisions of MCJC 5.

SPEECHES

A candidate may speak, lecture, teach, or appear at public hearings on subjects concerning the law, the legal system, and the administration of justice.⁴¹

A judge may speak to political gatherings on the judge's own behalf or that of another judicial candidate.⁴²

WRITINGS

A candidate may write on legal subjects and publish writings for lawyers and the public, within the parameters established by ethics rules.⁴³

SOCIAL CONTACTS

Judges and lawyers may exchange ordinary social hospitality.⁴⁴ A candidate may attend nonpartisan dinners or

35. [CI-778](#).

36. See "Campaign Advertising" section of this Guidebook.

37. [JI-95](#).

38. [JI-30](#), [JI-116](#).

39. [CI-565](#).

40. [JI-11](#).

41. MCJC 4(A)(1).

42. MCJC 7(A)(2)(b).

43. MCJC 4(A)(1).

44. [CI-533](#).

testimonials held in the candidate's honor.⁴⁵ A candidate may attend partisan events as long as the candidate is not an honoree, does not personally solicit funds, and does not allow their attendance or presence to be used to solicit partisan funds.⁴⁶

SOCIAL MEDIA

Judicial officers and judicial candidates are not limited to conducting campaign activity on only a judicial campaign's social-media account. Since all social-media platforms require a mutual consent or acknowledgement to follow personal or professional social-media accounts, there is a general understanding that those who do not want to see such material are able to easily block, hide, or ignore the postings by judicial officers and judicial candidates on those personal and professional accounts. For that reason, judicial officers and judicial candidates are expected to follow the rules for advertising and solicitation that would apply to in-person interactions, simply transferring these guidelines to social-media outlets. Mirroring in-person campaign rules, judicial officers and judicial candidates may use social media to notify and advertise their own campaigns on personal or professional accounts, but the solicitation and acceptance of campaign contributions are only allowed as previously described.⁴⁷

STATEMENTS OF POLITICAL PHILOSOPHY

A candidate may discuss general philosophy on legal issues,⁴⁸ as long as the candidate does not give the impression the candidate would not support the highest controlling legal authority governing the subject. Expression of a specific opinion on legal issues during a campaign or during the appointment process may require recusal or disqualification if the candidate is elected. Therefore, a candidate should use caution and avoid identification with any position that may lead the candidate to be required to recuse themselves or be disqualified due to their prior statements.⁴⁹ A judge may be less able to render a fair and unbiased decision on an issue that comes before the judge if, as a candidate, the judge has committed themselves to a course of conduct or policy on the issue.

A candidate may not knowingly, or with reckless disregard, use or participate in the use of any form of public communication that is false.⁵⁰ Some examples are making statements regarding an opponent that are untrue or without foundation or making an extrajudicial statement that may have a substantial likelihood of materially prejudicing a party in an adjudicative proceeding.

A candidate should abstain from public comment about a pending proceeding and require similar abstention by court personnel.⁵¹

CAMPAIGN ADVERTISING

A judicial candidate may use campaign funds for campaign advertisements after February 15 of the year of the general election. Candidates are discouraged from advertising before that date, but, if they do so, the advertisements must be paid for solely from funds contributed by the candidate.⁵² In accordance with MCJC 8, judges' associations or any other organization consisting exclusively of judges must also comply with the same judicial campaign rules that apply to the conduct of judicial candidates.

Requirements regarding what must be included within campaign communications may be found in the [Michigan Campaign Finance Act](#).

Judicial candidates may place campaign ads with radio and television stations⁵³ and may place advertisements in a political party's ad book so long as the content of the advertisement does not constitute a speech on behalf of a

45. [JI-9](#).

46. MCJC 7(B)(2), [JI-115](#).

47. [JI-147](#).

48. [JI-131](#), [JI-27](#).

49. [C-237](#), [JI-131](#).

50. MCJC 1, MCJC 3(A)(6), MCJC 7(B)(1)(d), MRPC 3.6.

51. MCJC 7(B)(1)(a) and (b).

52. MCJC 7(B)(2)(d), [CI-987](#), [JI-7](#), [JI-74](#).

53. [CI-545](#).

political party or nonjudicial candidate or an endorsement of a candidate for nonjudicial office.⁵⁴ Judicial candidates may not, however, send a joint mailing with nonjudicial candidates or organize a joint event with nonjudicial candidates.⁵⁵

Judicial candidates must ensure that they uphold the integrity and independence of the judiciary in accordance with Canon 1 and avoid impropriety and the appearance of impropriety in accordance with Canon 2. To accomplish this, judicial candidates must not campaign, including but not limited to advertising, within the courthouse or use court resources for campaign purposes. For example, a judge may not use jury records for the judge's personal election mailings or personally solicit public statements of support from persons who have served as jurors in the judge's court.⁵⁶

Advertisements should conform to the guidelines for other campaign conduct, including but not limited to those found in the Michigan Code of Judicial Conduct and the [Michigan Campaign Finance Act](#).

RESPONSIBILITY FOR THE CONDUCT OF FAMILY, EMPLOYEES, AND CAMPAIGN WORKERS

A candidate for judicial office should encourage members of their family to adhere to the same standards of political conduct that apply to them.²⁴

A person who works on a candidate's campaign, whether an employee, contractor, or volunteer, is bound by the same rules of campaign conduct as the candidate. Furthermore, a candidate should prohibit employees from engaging in activities that are improper for the candidate.⁵⁷ Candidates should not pressure individuals to participate in or support the candidacy. Judges should not personally sell, or allow court or public employees working for or assigned to any court to sell, fundraising tickets or accept contributions of any kind on the judge's behalf or on behalf of any other judicial candidate.⁵⁸ Additional engagement requirements by public employees may be found in the [Political Activities by Public Employees Act](#) and within case law.

In accordance with MRPC 8.2(a), a lawyer must not make statements that the lawyer knows to be false or make statements with reckless disregard of their truth or falsity concerning the qualifications or integrity of a judge, adjudicative officer, or public legal officer or of a candidate for election or appointment to judicial or legal office. Furthermore, in accordance with MRPC 8.4(e), a lawyer may not knowingly assist a judge or judicial officer in conduct that is a violation of the Michigan Code of Judicial Conduct. These requirements hold true for lawyers regardless of whether they officially work on a candidate's campaign. It is further best practice for judicial candidates to ensure that their family members and those working on the campaign, whether paid or unpaid, also make no false statements regarding any judicial candidate or potential appointee.

Judicial candidates should abstain from public comment about a pending proceeding and require similar abstention by campaign workers and other personnel they supervise.⁴⁴

DISPOSITION OF CAMPAIGN FUNDS

Campaign expenses and accounts should be settled promptly after the election and no later than January 1 following the election. Campaign funds raised in excess of the actual costs incurred must either be returned to the contributors or donated to the State Bar of Michigan Client Protection Fund by January 1 following the election. Furthermore, a candidate may not use contributed funds to repay personal loans from prior elections.⁵⁹

54. [JI-36](#).

55. MCJC 7(A)(1)(b), MCJC 7(B), [JI-145](#).

56. [JI-104](#).

57. MCJC 7(B)(1)(b).

58. MCJC 7(B)(3).

59. MCJC 7(B)(2)(f), [CI-664](#), [CI-1040](#).

If a candidate is unopposed, the candidate or candidate's committee must return any funds raised in excess of the actual costs incurred or donate those funds to the State Bar of Michigan Client Protection Fund no later than January 1 following the election. Furthermore, any funds remaining after payment of all campaign expenses must either be returned or donated to the State Bar of Michigan Client Protection Fund no later than January 1⁶⁰ following the election.⁶¹

Campaign contributions may not be used for the private benefit of the candidate or the candidate's family and may not be used for any post-election expenses: i.e., post-election parties or investiture celebrations.⁶² Additionally, a campaign may not solicit or accept contributions after the election.⁶³

CAMPAIGN REPORTS

The Department of State and state law require the filing of various campaign reports. There are penalties for the non-filing or late filing of required forms. A candidate may receive a packet of information containing approved forms and filing instructions from the Michigan Department of State, Bureau of Elections. Information regarding required campaign reports may be found in the [Michigan Campaign Finance Act](#).

DIVESTITURE AND PROHIBITED ACTIVITIES

A successful candidate or appointed judge must divest themselves of interests that do not qualify under Canon 4 in accordance with the timeline provided in MCJC 7(C).

A judge may serve as a fiduciary only for a member of the judge's immediate family and only if serving as a fiduciary will not interfere with the proper performance of the judge's judicial duties.⁶⁴

LETTERHEAD

As stated in the "Endorsements" section of this guidebook, lawyers practicing together may jointly endorse one or more judicial candidates by sending letters on firm letterhead to interested voters. Lawyers practicing separately may jointly endorse candidates but may not use firm letterhead in those communications.⁶⁵

A sitting judge may send a signed letter encouraging a vote for another judicial candidate as long as the letter is not on court letterhead and is not used for fundraising.³⁷ When signing the letter, a judge may reference their title but may not send the correspondence in their role as a judge: i.e., a judge may reference their role as "Judge of 00 Circuit Court" but may not sign the correspondence as "Judge John Smith." Judges should be aware that the correspondence must not be placed on court letterhead to avoid the appearance that the court is supporting the candidate or that the judicial officer is endorsing the candidate in their professional capacity, in accordance with Canon 2. Correspondence may only be sent on personal stationery.

DISQUALIFICATION

A lawyer who is a candidate for judicial office and is simultaneously representing a client in a matter pending before their judicial opponent must disclose this fact to their client at the earliest opportunity, including prior to retention, if possible. To continue the representation, the lawyer must determine whether their candidacy triggers any obligation under MRPC 1.7(b) and proceed accordingly.⁶⁶

60. Candidates should resolve all protracted campaign financial disputes as quickly as possible due to the January 1st deadline.

61. MCJC 7(B)(2)(f). Donations may be sent to the State Bar of Michigan, ATTN: Client Protection Fund with a cover letter indicating from which campaign the funds are being remitted.

62. MCJC 7(B)(2)(e), [JI-60](#).

63. MCJC 7(B)(2)(d), MCJC 2(G), [JI-5](#).

64. MCJC 4(F).

65. [JI-95](#), [JI-11](#), [CI-565](#).

66. MRPC 1.4(b), [RI-361](#).

A judge assigned to preside over a case in which one of the advocates is an announced candidate for the same seat for which that judge is also a candidate in the upcoming election is not *per se* disqualified from presiding over the case. Assuming that the judge ethically can discharge the duties required by the applicable Canons and finds no basis that requires disqualification, the judge should nonetheless disclose to the parties that the advocate is a candidate for the same seat as themselves and proceed, unless a timely motion to disqualify is granted. If an advocate is merely a rumored candidate for the judge's seat, it is not necessary for the judge to make the disclosure.⁶⁷

WINDING UP LAW PRACTICE

In accordance with MCJC 7(C), successful elected or appointed judges must consider how to ethically wind up their practices prior to taking the bench. Winding up the law practice in conformance with the candidate's obligations to clients or third persons should be completed diligently after election.⁶⁸

After election or appointment, judges may receive compensation for legal services performed prior to taking the bench, including reasonable compensation for the sale of their law practice with appropriate disclosures. Once the successful judicial candidate or appointee takes the bench, however, disqualification must be raised and considered on the record, and the offer of recusal must be provided unless all parties request that the judge proceed and the judge is willing to do so.⁶⁹ Additionally, a judge may accept a referral fee earned prior to assuming the bench provided that the judge disqualified themselves from all matters involving the law firm or lawyer to which the case was referred until final payment is made, with very limited exceptions.⁷⁰

CONCLUSION

Becoming a judge involves many ethical and practical considerations. A potential judicial officer must strive for impartiality, independence, and the avoidance of impropriety. Lawyers must exercise a high degree of professionalism and consult the Michigan Code of Judicial Conduct and the Michigan Rules of Professional Conduct to determine the best ethical course of action when attempting to become a member of the Michigan judiciary.

67. [JI-138](#).

68. MCJC 7(C), [Matter of Ryman](#), 394 Mich 637 (1975).

69. [JI-118](#).

70. [JI-150](#).