

ADMINISTRATIVE ORDER NO.1997-11

Access to Judicial Branch Administrative Decision Making

On order of the Court, the following order is effective February 1, 1998. The Court invites public comment on ways in which the objectives of the policy expressed in this order|an informed public and an accountable judicial branch|might be achieved most effectively and efficiently, consistent with the exercise of the constitutional responsibilities of the judicial branch. Comments should be sent to the Supreme Court Clerk by January 31, 1998.

(A) Scope, Coverage, and Definitions.

This order neither broadens nor restricts the extent to which court proceedings are conducted in public.

(B) Supreme Court Administrative Public Hearings.

(1) At least three times annually the Supreme Court will conduct an administrative public hearing on rules or administrative orders significantly affecting the delivery of justice proposed for adoption or amendment. An agenda of an administrative public hearing will be published not less than 28 days before the hearing in the manner most likely to come to the attention of interested persons. Public notice of any amendments to the agenda after publication will be made in the most effective manner practicable under the circumstances. Persons who notify the clerk of the Supreme Court in writing not less than 7 days before the hearing of their desire to address the Court at the hearing will be afforded the opportunity to do so.

(2) Unless immediate action is required, the adoption or amendment of rules or administrative orders that will significantly affect the administration of justice will be preceded by an administrative public hearing under subsection (1). If no public hearing has been held before a rule is adopted or amended, the matter will be placed on the agenda of the next public hearing, at which time the Supreme Court will hear public comment regarding whether the rule should be retained or amended.

(3) The adoption or amendment of a court rule or administrative order by the Supreme Court shall be by a recorded vote, and shall be available upon request from the Supreme Court Clerk.

(C) State Court Administrative Office; Administrative Public Hearings.

(1) Task forces, commissions, and working groups created at the direction of the Supreme Court and convened to advise the State Court Administrative Office and the Michigan Supreme Court on matters significantly affecting the delivery of justice must provide an opportunity for public attendance at one or more meetings.

(2) Notice of a meeting that is open to the public pursuant to this order must be provided in a manner reasonably likely to come to the attention of interested persons.

(3) A meeting held pursuant to this section must be held at a reasonably convenient time and in a handicap accessible setting.

(4) Persons interested in making a public comment at a meeting held pursuant to this section must be afforded the opportunity for public comment to the extent practicable. If the business of the meeting precludes the opportunity for public comment by any person wishing to comment, the person must be allowed to speak at a subsequent meeting or, if no future meeting will be held, be given the opportunity to have a written public comment recorded in the minutes and distributed to members of the task force, commission, or working group.