

**ANNUAL REPORT
JUDICIAL COUNCIL
2011-2012**

SECTION NAME: Judicial Council. The name was changed from Judicial Conference due to confusion with other judicial meetings, associations and conferences. The name was amended and is set forth in the By-Laws.

SECTION MISSION STATEMENT: The purpose of this organization is to join all judges of courts of record into one group to improve the efficient administration of justice in the various courts of this state and to further the relationship between the Bench and State Bar.

OFFICERS AND COUNCIL MEMBERS: All judges of courts of record of this state who are active members of the State Bar are automatically members of the Judicial Council. The officers of the Judicial Council are:

Chair	Hon. Fred L. Borchard P11003
Chair Elect	Hon. Terry L. Clark P32605
Vice Chair	Hon. Fred Mulhauser P28895
Secretary	Hon. Annette Berry P42275
Treasurer	Hon. Lita Popke P35686

SECTION COMMITTEES:

(1) **Legislative:** This group reports on the legislation affecting the judges or members of the Bar as it relates to the judiciary.

(2) **Association Reports:** The council members of the associations report quarterly on the active business for each of the respective three judicial associations.

(3) **Judicial Council** has a sub-committee known as the Court Visioning Committee. Its mission is to serve as a resource for the legislature, governor and Supreme Court on proposals that would transform the delivery of judicial services in Michigan.

SECTION MEMBERSHIP: There are twenty-seven judicial council members in all, together with the five officers. Each association has nine members. Of the nine members, three terms expire each year with the respective associations nominating their replacements.

SECTION BY-LAWS: There were recently section by-law changes. This change pertained primarily to one in name only. A copy of the old by-laws and the changed sections are included with this report.

MEETINGS, ACTIVITIES AND SEMINARS: This section meets quarterly in the months of September, December, March and June. The annual meeting of this section is

held during the annual meeting of the State Bar in the same city or place as the annual meeting of the State Bar. The next meeting for Judicial Council will be held at 10:00 a.m., Friday, September 21, 2012, at the Amway Grand Plaza in Grand Rapids. This meeting will be held in conjunction with the State Bar Conference.

SECTION LEGISLATURE AND POLICY: The Judicial Council adopted the following policy in response to the legislature's efforts to encourage expansion of the use of concurrent jurisdiction and performance measures by trial courts:

"The trial courts of the State of Michigan are committed to the efficient and fair administration of justice, and we welcome the legislature's efforts to encourage us to publicize our successes in that regard. We support the concept and goals of House Bill 5112 and House Bill 5124. We believe, however, that the Supreme Court, consistent with its constitutional authority should design the manner and method of measuring trial court performance, as well as concurrent jurisdiction plans, to the extent authorized by the legislature.

It would be appropriate for the legislature to encourage SCAO to assist the trial courts in establishing performance measures and as well as authorizing expansion of the use of concurrent jurisdiction. In order to provide maximum flexibility and be consistent with the constitution, the Supreme Court, through SCAO, should determine the processes for adopting concurrent jurisdiction plans, as well as implementing performance measures. Art 6, Sec 5 explicitly provides that the Supreme Court determines the practice and procedure in the courts while the legislature makes substantive decisions, like expanding or restricting jurisdiction.

It would not be appropriate to attempt to financially reward or punish the judiciary for its performance. The judiciary delivers justice, not revenue. While the judiciary is accountable for its use of public funds, creating fiscal consequences for judicial decision making is inconsistent with judicial independence. It is in everyone's best interest that the judiciary acts without fear or favor."

The Judicial Council opposed rate increase for private agencies supervising foster care. It is noted, many courts and counties are paying for multiple children and that many courts and counties are at a breaking point with the current fee of \$37.00.

The Judicial Council heard a report presented by Judge Alfred Butzbaugh and Linda Rexler (SOS) on Solutions on Self-Help. Council approved support for the Self-Help Solutions Program. Council support was in line with the State Bar.

Council heard a presentation on two proposals involving the change in the ethics as affecting judicial involvement in fund raising and a vote is expected on those two proposals following review of the State Bar position.

AWARDS: The out-going president of the Judicial Council, the Honorable John Hohman, was presented with a gavel in recognition of his years of service to council and as its out-going president.

FINANCIAL REPORT: A most recent report of the Treasurer would indicate that the Judicial Council section funds are in appropriate order with a year-to-date balance of \$12,782.91. Typically, these funds are used to assist the thirty-two members with travel expenses and for expenses at the State Bar Conference.

FUTURE GOALS AND ACTIVITIES: Judicial Council as a section of the State Bar will continue with its communication through judicial leadership with the Supreme Court, State Court Administrator's Office and the State Bar of Michigan. This section is a very important vehicle in the exchange of information involving the Legislature, Senate, Supreme Court, State Court Administrator's Office and State Bar of Michigan.

**BYLAWS OF THE
JUDICIAL SECTION
OF THE STATE BAR OF MICHIGAN**

**ARTICLE I
NAME AND PURPOSE**

SECTION 1. This organization shall be known as the Judicial Section of the State Bar of Michigan.

SECTION 2. The purpose of this organization shall be to join all judges of courts of record into one group to improve the efficient administration of justice in the various courts of this State and to further the relationship between the Bench and the State Bar.

**ARTICLE II
MEMBERSHIP**

SECTION 1. All judges of courts of records in this State, who are active members of the State Bar, shall automatically become members of the Judicial Section.

SECTION 2. Any judge desiring to withdraw from membership in the Section may do so by request in writing to the Secretary.

SECTION 3. All retired judges of courts of record in this State who are members of the State Bar shall be included as life members upon written request made to the Secretary. Life members shall not have the right to vote.

SECTION 4. Members of the Section shall not be required to pay dues. The Section shall be funded by appropriation authorized by the Board of Commissioners from the funds of the State Bar of Michigan.

**ARTICLE III
JUDICIAL COUNCIL**

SECTION 1. There shall be a Judicial Council of this Section consisting of 27 members, nine of who shall be District Court Judges, nine of who shall be Probate Judges, and nine of who shall be Circuit Court, or Court of Appeals Judges.

SECTION 2. All Judicial Council members shall be elected at the Annual Meeting in accordance with Rules and Regulations adopted by this Section and shall serve three-year terms to commence on October 1 following such Annual Meeting.

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SECTION 3. The Judicial Council members holding office upon the date of adoption of these Bylaws shall continue to hold office until October 1, 1984.

SECTION 4. At the Annual Meeting held in September of 1984, three District Court Judges shall be elected for a three-year term, three for a two-year term, and three for a one-year term; three Probate Judges shall be elected for a three-year term, three for a two-year term, and three for a one-year term; three judges from the Circuit Court, Recorder's Court, or Court of Appeals shall be elected for a three-year term, three for a two-year term, and three for a one-year term. Thereafter, three Judicial Council members from each of the three respective judicial categories shall be elected at each Annual Meeting for three-year terms.

ARTICLE IV ELECTION OF OFFICERS

SECTION 1. Immediately following the Annual Meeting of the State Bar, the newly elected Judicial Council shall, by call of the President, meet for the purpose of election of officers, for a one-year term of office beginning October 1, next. The Judicial Council shall, by a majority vote of those members present, elect a Chairperson, Chairperson-Elect, Vice Chairperson, Secretary and Treasurer. Said officers shall be members of the Judicial Council.

SECTION 2. There shall be three Nominating Committees, one for each division. The Nominating Committees shall consist of three Judicial Council members selected by the Chairperson for each division.

SECTION 3. The executive leadership of said Section, consisting of the Chairperson, Chairperson-Elect, and the Vice-Chairperson, commencing January 1, 1984, shall be elected as follows: Chairperson from the membership of the Circuit Court, Recorder's Court, and Court of Appeals; The Chairperson-Elect from the membership of the District Court; and the Vice Chairperson from the membership of the Probate Court. The aforementioned executive leadership rotation shall be continued thereafter, with automatic succession of office. A Chairperson may be elected to serve no more than two consecutive terms of office. There shall be no automatic succession from the office of Secretary and Treasurer to the executive leadership.

SECTION 4. Vacancies in the executive leadership shall be filled by succession to office in rotation set forth in Section 2, with election of a Vice Chairperson by the Judicial Council from the membership of the appropriate bench. Vacancies in

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the offices of Secretary and Treasurer shall be filled by election of the Judicial Council.

ARTICLE V DUTIES OF OFFICERS

SECTION 1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Judicial Council of the Judicial Section. The Chairperson shall formulate and present at each annual meeting of the Section a report of the work of the Section for the past year; shall perform such other duties and acts as usually pertain to that office; shall have the power to appoint and remove the chairperson and members of all committees of the Section who are to hold office during that term and shall remove any chairperson or member of any committee when directed to do so by the Judicial Council; shall plan and superintend the programs of the Section at annual meetings during that term, subject to the direction and approval of the Judicial Council; and shall perform such other duties and acts as may be designed by the Judicial Council.

SECTION 2. CHAIRPERSON-ELECT. The Chairperson-Elect shall aid and assist the Chairperson in the performance of his responsibilities in such manner and to such an extent as the Chairperson may request. Upon the death, resignation or during the disability or absence of the Chairperson, the Chairperson-Elect shall perform the duties of the Chairperson.

SECTION 3. VICE CHAIRPERSON. The Vice Chairperson shall assume the duties and responsibilities of the Chairperson and Chairperson-Elect in the event of their absence or inability to act and shall further be responsible for maintaining close and direct contact with the members of the Section.

SECTION 4. SECRETARY. The Secretary shall be custodian of all papers, documents and other property of the Section except money and financial records, and shall keep a true record of the proceedings of all meetings of the Section and the Judicial Council; shall prepare summaries or digests as directed by the Judicial Council; and shall preside at meetings of the Judicial Council in the absence of the Chairperson, Chairperson-Elect and Vice Chairperson.

SECTION 5. TREASURER. The Treasurer shall keep a true record of all money received and disbursed and report thereon to the Judicial Council whenever requested; shall submit a financial report for presentation to the members of the Section at the Annual Meeting; and shall also prepare the budget request for submission to the Fiscal Committee of the Board of Commissioners.

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Of the State Bar of Michigan
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ARTICLE VI DUTIES AND POWERS OF THE JUDICIAL COUNCIL

SECTION 1. The Judicial Council shall have the general supervision and control of the affairs of the Section, subject to the Michigan Court Rules, Code of Judicial Conduct, the Bylaws and resolutions adopted by the Judicial Council and the Bylaws of the State Bar of Michigan.

SECTION 2. The Chairperson shall appoint such standing committee members as the Chairperson and the Judicial Council shall authorize. Committee chairpersons shall be members of the Judicial Council.

SECTION 3. The Judicial Council may request the Chairperson of each of the Section's committees to present to the Judicial Council, prior to the Annual Meeting of the State Bar of Michigan, a complete report of each committee's activities as these activities pertain to this Section. The Judicial Council may request to be advised throughout the year of the activities of the various committees of this Section.

SECTION 4. Ten of the members of the Judicial Council shall constitute a quorum for the transaction of business. In the event that less than ten members of the Judicial Council attend a meeting, those present shall have the right to adjourn the meeting to a later time, and if a majority is present at the adjourned time, the Judicial Council may proceed with action at such time without further call or notice.

SECTION 5. The Judicial Council's action shall be by majority vote of those present.

SECTION 6. The Judicial Council shall designate the time and place of its regular meetings. Special meetings shall be called by the Chairperson or upon written request to the Secretary of any five (5) members of the Judicial Council. Seven (7) days notice of special meetings shall be given.

ARTICLE VIII ANNUAL MEETINGS

SECTION 1. The Annual Meeting of this Section unless otherwise ordered by the Judicial Council, shall be held during the Annual Meeting of the State Bar of Michigan in the same city or place as such Annual Meeting of the State Bar of Michigan, with such program and order of business as may be arranged by the Judicial Council.

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SECTION 2. Special meetings of the Section may be called by the Chairperson upon approval of the Judicial Council at such time and place as the Judicial Council may determine.

SECTION 3. Those attending any regularly called meeting shall constitute a quorum for the transaction of business.

ARTICLE VIII MISCELLANEOUS PROVISIONS

SECTION 1. These Bylaws may be amended at any Annual Meeting of this Section.

Any proposed amendments shall be submitted in writing or electronically to the Judicial Council in the form of a petition signed or affirmed electronically by at least ten (10) members of this Section at least ninety (90) days before the Annual Meeting of this Section at which it is to be voted upon. The Judicial Council shall consider the proposed amendment and shall prepare the recommendations thereon, which recommendations together with a complete and accurate text of said proposed amendments, shall be published in the Michigan Bar Journal or by such written communication as the Judicial Council may direct at least fifteen (15) days prior to the annual meeting of this Section at which it is to be voted upon.

Any amendment of the Section's Bylaws is subject to approval of the Board of Commissioners.

SECTION 2. No public or private position may be taken by the Judicial Council or the Section unless agreed to by the majority of the judge members present representing each of the three particular jurisdictions, i.e., a majority of the District Judges, a majority of the Probate Judges, and a majority of Circuit, Recorder's and Appellate Judges.

7/98

Current as of 12/16/99

**BYLAWS OF THE
JUDICIAL CONFERENCE SECTION
OF THE STATE BAR OF MICHIGAN**

**ARTICLE I
NAME AND PURPOSE**

SECTION 1. This organization shall be known as the ~~Judicial Conference~~ Section of the State Bar of Michigan. ~~The Section is comprised of three divisions: one consisting of the judges of Circuit Court, Court of Appeals, and Supreme Court; one consisting of judges of the Probate Court; and one consisting of the judges of the District Court and municipal courts.~~

SECTION 2. The purpose of this organization shall be to join all judges of courts of record into one group to improve the efficient administration of justice in the various courts of this State and to further the relationship between the Bench and the State Bar.

**ARTICLE II
MEMBERSHIP**

SECTION 1. All judges of courts of records in this State, who are active members of the State Bar, shall automatically become members of the ~~Judicial Conference~~ Section.

SECTION 2. Any judge desiring to withdraw from membership in the ~~Conference~~ Section may do so by request in writing to the Secretary.

SECTION 3. All ~~retired~~ former judges of courts of record in this State who are members of the State Bar shall be included as life members upon written request made to the Secretary. Life members shall not have the right to vote.

SECTION 4. Members of the ~~Conference~~ Section shall not be required to pay dues. The ~~Conference~~ Section shall be funded by appropriation authorized by the Board of Commissioners from the funds of the State Bar of Michigan and from other sources such as grants that may become available from time to time.

**ARTICLE III
~~EXECUTIVE COMMITTEE~~ JUDICIAL COUNCIL**

SECTION 1. There shall be an ~~Executive Committee~~ a Judicial Council of this ~~Conference~~ Section consisting of 27 members, ~~nine of who shall be District Court Judges, nine of who shall be Probate Judges and nine of who shall be Circuit Court, Recorder's Court or Court of Appeals Judges from each division.~~

SECTION 2. All ~~Executive Committee~~ Judicial Council members shall be elected at the Annual Meeting in accordance with Rules and Regulations adopted by this Conference Section and shall serve three-year terms to commence on October 1 following such Annual Meeting.

~~SECTION 3. The Executive Committee members holding office upon the date of adoption of these Bylaws shall continue to hold office until October 1, 1984.~~

~~SECTION 4. At the Annual Meeting held in September of 1984, three District Court Judges shall be elected for a three year term, three for a two year term, and three for a one year term; three Probate Judges shall be elected for a three year term, three for a two year term and three for a one year term; three Judges from the Circuit Court, Recorder's Court or Court of Appeals shall be elected for a three year term, three for a two year term, and three for a one year term. Thereafter, three Executive Committee members from each of the three respective judicial categories shall be elected at each Annual Meeting for three year terms.~~

ARTICLE IV ELECTION OF OFFICERS

SECTION 1. Immediately following the Annual Meeting of the State Bar At the Annual Meeting of the Judicial Section, the newly elected ~~Executive Committee~~ Judicial Council shall, by call of the President, meet for the purpose of election of officers. ~~for a one year term of office beginning October 1, next.~~ The ~~Executive Committee~~ Judicial Council shall, by a majority vote of those members present, elect a Chairperson, Chairperson-Elect, Vice Chairperson, Secretary and Treasurer from among the members of the Judicial Council. ~~Said officers shall be members of the Executive Committee.~~ Each officer serves for a one year term of office beginning October 1 following the election.

SECTION 2. There shall be three Nominating Committees, one for each division. The Nominating Committees shall consist of three ~~Executive Committee~~ Judicial Council members selected by the Chairperson for each division.

~~SECTION 3. The executive leadership of said Conference, consisting of the Chairperson, Chairperson-Elect and the Vice Chairperson, commencing January 1, 1984, shall be elected as follows: Chairperson from the membership of the Circuit Court, Recorder's Court and Court of Appeals; the Chairperson-Elect from the membership of the District Court; and the Vice Chairperson from the membership of the Probate Court. The aforementioned executive leadership rotation shall be continued thereafter, with automatic succession of office. A Chairperson may be elected to serve no more than two consecutive terms of~~

~~office. There shall be no automatic succession from the office of Secretary and Treasurer to the executive leadership.~~

SECTION 3. Vacancies in the executive leadership shall be filled by succession to office in rotation (Circuit et al, District, Probate), with election of a Vice Chairperson by the Judicial Council from the membership of the appropriate bench. Vacancies in the offices of Secretary and Treasurer shall be filled by election of the Judicial Council.

~~SECTION 4. Vacancies in the executive leadership shall be filled by succession to office in rotation set forth in Section 2, with election of a Vice Chairperson by the Executive Committee from the membership of the appropriate bench. Vacancies in the offices of Secretary and Treasurer shall be filled by election of the Executive Committee.~~

ARTICLE V DUTIES OF OFFICERS

SECTION 1. CHAIRPERSON. The Chairperson shall preside at all meetings of the ~~Executive Committee~~ Judicial Council of the ~~Judicial Conference~~ Section. The Chairperson shall formulate and present at each Annual Meeting of the ~~Conference~~ Section a report of the work of the ~~Conference~~ Section for the past year; shall perform such other duties and acts as usually pertain to that office; shall have the power to appoint and remove the chairperson and members of all committees of the ~~Conference~~ Section who are to hold office during that term and shall remove any chairperson or member of any committee when directed to do so by the ~~Executive Committee~~ Judicial Council; shall plan and superintend the programs of the ~~Conference~~ Section at Annual Meetings during that term, subject to the direction and approval of the ~~Executive Committee~~ Judicial Council; and shall perform such other duties and acts as may be ~~designed~~ assigned by the ~~Executive Committee~~ Judicial Council.

SECTION 2. CHAIRPERSON-ELECT. The Chairperson-Elect shall aid and assist the Chairperson in the performance of his or her responsibilities in such manner and to such an extent as the Chairperson may request. Upon the death, resignation or during the disability or absence of the Chairperson, the Chairperson-Elect shall perform the duties of the Chairperson.

SECTION 3. VICE CHAIRPERSON. The Vice Chairperson shall assume the duties and responsibilities of the Chairperson and Chairperson-Elect in the event of their absence or inability to act and shall further be responsible for maintaining close and direct contact with the members of the ~~Conference~~ Section.

SECTION 4. SECRETARY. The Secretary shall be custodian of all papers, documents and other property of the ~~Conference~~ Section except money and financial records, and shall keep a true record of the proceedings of all meetings

of the Conference Section and the Executive-Committee Judicial Council; shall prepare summaries or digests as directed by the Executive-Committee Judicial Council; and shall preside at meetings of the Executive-Committee Judicial Council in the absence of the Chairperson, Chairperson-Elect and Vice Chairperson.

SECTION 5. TREASURER. The Treasurer shall keep a true record of all money received and disbursed and report thereon to the Executive-Committee Judicial Council whenever requested; shall submit a financial report for presentation to the members of the Conference Section at the Annual Meeting; and shall prepare the budget request for submission to the Fiscal-Committee Treasurer of the Board of Commissioners.

ARTICLE VI
DUTIES AND POWERS OF THE EXECUTIVE-COMMITTEE JUDICIAL COUNCIL

SECTION 1. The Executive-Committee Judicial Council shall have the general supervision and control of the affairs of the Conference Section, subject to the Michigan Court Rules, Code of Judicial Conduct, the Bylaws and resolutions adopted by the Executive-Committee Judicial Council and the Bylaws of the State Bar of Michigan.

SECTION 2. The Chairperson shall appoint such standing committee members as the Chairperson and the Executive-Committee Judicial Council shall authorize from among the membership of the Council. ~~Committee chairpersons shall be members of the Executive-Committee.~~

SECTION 3. The Executive-Committee Judicial Council may request the Chairperson of each of the Conference's Section's committees to present to the Executive-Committee Judicial Council, prior to the Annual Meeting of the State Bar of Michigan, a complete report of each committee's activities as these activities pertain to this Conference Section. The Executive-Committee Judicial Council may request to be advised throughout the year of the activities of the various committees of this Conference Section.

SECTION 4. Ten of the members of the Executive-Committee Judicial Council shall constitute a quorum for the transaction of business. In the event that less than ten members of the Executive-Committee Judicial Council attend a meeting, those present shall have the right to adjourn the meeting to a later time, and if a majority quorum is present at the adjourned time, the Executive-Committee Judicial Council may proceed with action at such time without further call or notice.

SECTION 5. The ~~Executive Committee's~~ Judicial Council's action shall be by majority vote of those present.

SECTION 6. The ~~Executive Committee~~ Judicial Council shall designate the time and place of its regular meetings. Special meetings shall be called by the Chairperson or upon written request to the Secretary of any five (5) members of the ~~Executive Committee~~ Judicial Council. Seven (7) days notice of special meetings shall be given.

ARTICLE VII ANNUAL MEETINGS

SECTION 1. The Annual Meeting of this ~~Conference~~ Section, unless otherwise ordered by the ~~Executive Committee~~ Judicial Council, shall be held during the Annual Meeting of the State Bar of Michigan in the same city or place as such Annual Meeting of the State Bar of Michigan, with such program and order of business as may be arranged by the ~~Executive Committee~~ Judicial Council.

SECTION 2. Special meetings of the ~~Conference~~ Section may be called by the Chairperson upon approval of the ~~Executive Committee~~ Judicial Council at such time and place as the ~~Executive Committee~~ Judicial Council may determine.

SECTION 3. Those attending any regularly called meeting shall constitute a quorum for the transaction of business.

ARTICLE VIII MISCELLANEOUS PROVISIONS

SECTION 1. These Bylaws may be amended at any Annual Meeting of this ~~Conference~~ by a two-thirds vote of the members of the Council from each division. Any proposed amendments shall be ~~submitted in writing and submitted, in hard copy or electronic form to the Executive Committee, to the Judicial Council~~ in the form of a petition signed, or affirmed electronically, by at least ten (10) members of this ~~Conference~~ Section at least ~~ninety (90)~~ sixty (60) days before the ~~Council or Annual Meeting of this Conference~~ at which it is to be voted upon on. The ~~Executive Committee~~ Judicial Council shall consider the proposed amendment and shall prepare the recommendations thereon, which recommendations together with a complete and accurate text of said proposed amendments shall be published in the ~~Michigan Bar Journal or by such written communication as the Executive Committee may direct to all Section members~~ at least fifteen (15) days prior to ~~the annual meeting of this Conference~~ the meeting at which it is to be voted upon.

Any amendment of the ~~Conferences's~~ Section's Bylaws is subject to approval of the Board of Commissioners.

SECTION 2. ~~No public or private position may be taken by the Executive Committee~~ Judicial Council or the ~~Conference Section~~ unless agreed to by the majority of the ~~judge members present representing each of the three particular jurisdictions, i.e. a majority of the District Judges, a majority of the Probate Judges, and a majority of Circuit, Recorder's and Appellate Judges.~~ voting members present from each division.

7/98

Current as of 12/16/99