

# 2026 March Board of Commissioners Meeting

**Schedule** Friday, March 6, 2026 9:30 AM — 1:00 PM EST  
**Venue** State Bar of Michigan  
**Organizer** Amy Owens

## Agenda

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<p>Any member of the public who wishes to address the commissioners during public comment must sign up before 9:30 a.m. on the date of the meeting using the “Public Comment Sign Up” sheet available at the front desk of the State Bar Building.</p>	
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# 1. Call to Order

Presented by Lisa J. Hamameh

## 2. Consent Agenda

Presented by Lisa J. Hamameh

## 2.1. Minutes

2.1.1. January 23, 2026, Board Meeting\*

**STATE BAR OF MICHIGAN  
BOARD OF COMMISSIONERS MEETING MINUTES**

President Hamameh called the meeting to order at 9:42 a.m. on Friday, January 23, 2026, in the Boardroom at the Michael Franck building in Lansing, Michigan.

Commissioners present:

David C. Anderson, Treasurer  
Hon. Karl A. Barr  
Erika L. Bryant, President-Elect  
Aaron V. Burrell  
Alena Clark  
Hon. Ponce Clay  
Patrick J. Crowley  
Sherrie L. Detzler  
Robert A. Easterly  
Jacob G. Eccleston  
Nicole A. Evans  
Lisa J. Hamameh, President  
Claudnyse D. Holloman  
Thomas H. Howlett, Vice-President

Elizabeth A. Kitchen-Troop  
Suzanne C. Larsen, Secretary  
Joshua A. Lerner  
James W. Low  
Ashley E. Lowe  
Elizabeth L. Luckenbach  
Silvia A. Mansoor  
Gerrow D. "Gerry" Mason  
Thomas P. Murray, III  
Nicholas M. Ohanesian  
Hon. David A. Perkins  
Douglas B. Shapiro  
Hon. Kristen D. Simmons  
Lisa W. Timmons

Commissioners absent:

Darnell Barton  
Hon. B. Chris Christenson  
Tanisha Davis

James L. Liggins, Jr.  
Gerard V. Mantese

Consent Agenda

The Board received the minutes from the November 21, 2025, Board meeting.  
The Board received the minutes from the November 5, 2025, Executive Committee meeting.  
The Board received the minutes from the December 10, 2025, Executive Committee meeting.  
The Board received the recent activities of the president.  
The Board received the recent activities of the executive director.  
The Board received the FY 2026 financial reports through November 2025.  
The Board received a memo regarding a request for MSUFCU Credit Card Limit Increase.  
The Board received Client Protection Fund Claims.  
The Board received Unauthorized Practice of Law Claims.  
The Board received Military & Veterans Law Section Proposed Bylaw Revisions.

President Hamameh asked if any items needed to be removed from the consent agenda. There were none.

A motion was offered to approve the consent agenda. The motion was seconded and approved.

**Report from Auditors**

Treasurer Anderson introduced Greg Soule from Andrews Hooper Pavlik (AHP). Mr. Soule reviewed the FY 2025 Audit Report with the Board, which was also included in the materials provided to the Board.

Mr. Soule met with the Finance and Audit Committee in December to review the results of the audit. AHP conducted a clean and unmodified audit, which required no audit adjustments and had

no major issues. He extended his gratitude to the finance department at the State Bar who made the audit process smooth.

**President and Executive Director's Report:** Lisa Hamameh, President and Peter Cunningham, Executive Director

#### President's Report

President Hamameh highlighted many recent events, which included several holiday parties. She shared that she was warmly welcomed by all groups and all were thankful for her attendance.

President Hamameh shared that she attended the We the People Competition Finals in Lansing earlier this month. The event was great and well put together.

#### Board Vacancy Appointment

President Hamameh informed the Board that Danielle Walton recently changed jobs and is now working in Genesee County. As she is no longer working in Oakland County, she cannot continue to represent Oakland County as a Commissioner.

President Hamameh reported that the Executive Committee voted to recommend Moheeb H. Murray to be appointed to fill the remainder of the term vacated by former Commissioner Walton. She shared Mr. Murray's qualifications with the Board and reported that all the current District I Commissioners were consulted and voiced no opposition to Mr. Murray's appointment.

President Hamameh made a motion that the Board approve the appointment of Moheeb H. Murray to fill the current vacancy in District I. The motion was seconded. After a brief discussion, the motion passed unanimously.

#### Supreme Court Commissions Update

##### Justice For All (JFA) Commission

Mr. Cunningham provided an update of the proposed licensed paralegal pilot program. He shared that, in consultation with the Institute for the Advancement of the American Legal System (IAALS), the Steering Committee has determined that these new licensees will be referred to as "legal practitioners."

The Steering Committee is expected to submit their final recommendations later this month for the Court's consideration, with potential adoption by the Court coming later this spring. The current goal is for the exams for the new legal practitioner licenses to be held in September of 2026. State Bar staff will be conducting the character & fitness review, and our IT department will build the online application. The new legal practitioners will go to a sub-Committee of the Board of Law Examiners, instead of SBM Character & Fitness Committees. To ensure that this pilot program is not funded by attorney license fees, the JFA Commission, through the State Court Administrative Office, will grant the State Bar funds to cover the State Bar's costs to build the application portal and compile the character and fitness files for applicants. The estimated cost for the initial phase is \$71,900.

#### Commission on Fairness and Public Trust

President-Elect Bryant shared that the DEI Commission has been renamed to the Commission on Fairness and Public Trust, per Administrative Order 2022-01. The strategic plan for the Commission has been updated, as well as the webpage, which can be found by accessing the Michigan Supreme

Court's website. The next meeting is scheduled for March 6, 2026. Additional updates are expected in late spring, which will likely include programming.

#### Staff Updates

Ms. Thrush introduced Mr. Brian Burgess, Director of Research and Analytics. Mr. Burgess has relocated and is now working full-time in Michigan. Mr. Cunningham introduced Amy Owens, Senior Executive Assistant, who began in December. Ms. Owens will be assistant Mr. Cunningham and the Board of Commissioners. Lastly, Mr. Cunningham introduced Ms. Felicia Thomas, Assistant Executive Director, who was hired to fill the vacancy created by the retirement of Kathy Gardner. All three new employees are attending their first Board meeting today.

Mr. Cunningham announced that SBM has hired a fractional Chief Informational Officer (CIO) to help implement the recommendations in last year's audit of SBM's IT services.

#### SBM Program Presentation – Lawyer Services

Ms. Robin Eagleson, Director of Lawyer Services, reviewed the work of the Lawyer Services team and the SBM staff members who make this team. Ms. Eagleson described the numerous programs that the Lawyer Services department handles, such as the call center, planning and executing events, and preferred partner programs.

#### Closed Session

A motion was offered and seconded that the Board enter into a closed discussion to receive and discuss privileged attorney-client communication. The motion was approved.

The Board went into closed session at 11:16 a.m.

The Board returned to open session at 1:10 p.m.

#### **Representative Assembly (RA) Report:** Nicole A. Evans, Chairperson

Chair Evans shared that the RA is working hard to fill vacancies around the state. There were 38 vacancies, and 18 vacancies have been filled. The next meeting is scheduled for Saturday, April 25, 2026, in Lansing. Chair Evans provided a reminder that the comment period for Administrative Order 2024, Rule 7 regarding how vacancies are addressed ends February 1, 2026.

#### **Young Lawyers Section (YLS) Report:** Jacob Eccleston, Chairperson

Commissioner Eccleston provided the report for the Young Lawyers Section. Mr. Eccleston shared that the section will host their Annual Summit event on March 27, 2026. Several Commissioners will be speaking at this event where the section will present their annual awards. Additional information will be placed on social media.

The Annual BOC/YLS retreat will take place on May 16, 2026, at High Kaliber in Okemos. The annual ZooLAWgical event will be held at the Detroit Zoo on July 25, 2026.

## COMMISSIONER COMMITTEES

**Public Policy:** Erika L. Bryant, Chairperson

President-Elect Bryant provided the report for the Public Policy committee.

### Court Rules

#### **1. ADM File No. 2025-03: Proposed Amendments of MCR 1.111**

The proposed amendment of MCR 1.111 would expand free foreign language interpretation services to civil cases as suggested by several commenters on the Court's initial proposal in this ADM file, which was adopted by the Court with some revisions. The initial proposal only contemplated free interpretation services in criminal cases. The Court is now interested in receiving additional comments regarding its proposal to expand free interpretation services to civil cases. Please note that subrule (F)(5), which would be struck under this proposal, reflects the version of subrule (F)(5) adopted by the Court in its initial proposal that becomes effective on January 1, 2026.

A motion was offered and seconded to support ADM File No. 2025-03. The motion was approved.

#### **2. ADM File No. 2022-31: Proposed Amendment of MCR 2.106**

The proposed amendment of MCR 2.106 would update the definition of "newspaper" for notice by publication. See MCL 691.1051.

A motion was offered and seconded to support ADM File 2022-31. The motion was approved.

#### **3. ADM File No. 2022-34: Proposed Amendment of MCR 3.992**

The proposed amendment of MCR 3.992 would require courts to consider a motion for postjudgment relief when the underlying order was entered following a referee's recommendation and before the time for filing for judicial review under MCR 3.991 has elapsed. See MCR 3.991(A)(3).

A motion was offered and seconded to support ADM File 2022-34 and recommend that the Court give consideration to the concerns raised by the Children's Law Section. The motion was approved.

#### **4. ADM File No. 2023-09: Proposed Amendment of MCR 6.106**

The proposed amendment of MCR 6.106 would align the rule with MCL 780.66(6), which addresses the return of deposited percent bonds.

A motion was offered and seconded to support ADM File 2023-09 with the amendments proposed by the Criminal Jurisprudence & Practice Committee. The motion was approved.

#### **5. ADM File No. 2024-10: Proposed Amendment of MCR 6.429**

The proposed amendment of MCR 6.429 would reorganize and update the rule to clarify that a court must afford parties an opportunity to object to its sua sponte correction of a Judgment of Sentence and that the parties must raise any objections when that opportunity is provided.

A motion was offered and seconded to support ADM File 2024-10 with further amendments to MCR 6.429(A) to read: An objection to the corrected sentence may, but need not, be presented to the court at the time that the court provides an opportunity to be heard. The motion was approved.

6. **ADM File No. 2024-02: Proposed Amendment of MCR 7.215**

The proposed amendment of MCR 7.215 would clarify that in cases where the Court of Appeals remands a case to the trial court, the Court of Appeals will review the decisions made on remand, and in criminal and termination of parental rights cases, the parties are afforded the right to supplemental briefing.

A motion was offered and seconded to support ADM File 2024-02 with the following amendments:

- (1) Amend MCR 7.215(H)(2)(b) to read: “file with the Court of Appeals all orders entered on remand within seven days of ~~entry by the trial court~~ receipt by the party.”
- (2) Amend MCR 7.215(H)(2)(c) to read: “ensure the transcripts of all proceedings on remand are filed in the trial court and the Court of Appeals within ~~21~~ seven days of the receipt of the transcript by the party after completion of the proceedings.”
- (3) Amend the proposed third paragraph of MCR 7.215(H)(2) to allow all appellants to file supplemental briefs.

The motion was approved.

7. **ADM File No. 2024-30/2024-39: Proposed Amendment of MCR 7.306**

The proposed amendment of MCR 7.306 would clarify some previously-adopted amendments and would allow new original actions relating to recounts or proposed recounts of the ballots cast in a presidential election to be filed in this Court as a means of reducing any judicial-related barriers that may interfere with the outcome of such a recount or proposed recount.

Recommendation was made to take no position on ADM File 2024-30/2024-39.

8. **ADM File No. 2025-37: Proposed Amendment of MCR 7.312**

The proposed amendment of MCR 7.312 would establish rule-based briefing deadlines in leave granted and MOAA cases where it appears necessary to appoint counsel for the indigent defendant.

A motion was offered and seconded to support ADM File 2025-37. The motion was approved.

9. **ADM File No. 2022-49 - Proposed Amendments of MCR 8.120 and BLE Rule 5**

The proposed amendment of MCR 8.120 would allow law students and recent law graduates to: (1) staff certain legal programs that provide assistance to indigent persons in civil matters under the supervision by a member of the state bar, and (2) appear on behalf of indigent persons in all Michigan courts. The proposal would also expand the definition of a “recent law graduate” from one year to 15 months. The proposed amendment of BLE Rule 5 would expand the qualifications for a special certificate of qualification to practice law.

A motion was offered and seconded to support ADM File 2022-49 with two amendments:

- (1) striking “Individuals Already Barred” from the title of MCR 8.120; and
- (2) amending the definition of “recent law graduate” from a person who graduated from an ABA-accredited law school within the last 15 months to within the last 18 months

The motion was approved.

10. **ADM File No. 2024-19 - Proposed Amendments of MCR 9.108 and 9.110**

The proposed amendments of MCR 9.108 and 9.110 would address mid-term member vacancies and would eliminate the 2-full term officer limit for the Attorney Grievance Commission and the Attorney Discipline Board.

Recommendation was made to take no position on ADM File 2024-19.

11. **Legal Services Corporation Non-Fee Generating Cases Letter**

A motion was offered and seconded that this letter is *Keller*-permissible. The motion was approved.

A motion was offered and seconded to support renewing the terms as proposed in the memo included with the Board materials. The motion was approved.

Legislation

1. **HB 5452** Criminal procedure; sentencing; sunset on certain costs that may be imposed upon criminal conviction; modify.

A motion was offered and seconded that this legislation is *Keller*-permissible. The motion was approved.

An electronic vote will be conducted by the Board on January 30, 2026.

**Strategic Planning and Engagement Committee (SPEC):** Thomas H. Howlett, Chairperson Vice-President Howlett presented two preferred partner programs: File Vine is a case management software program, and Incogni allows a user to search for personal data on the Internet and then helps to remove the data from the web.

A motion was offered and seconded to support the preferred partner programs as presented in the Board materials. The motion was approved.

Vice President Howlett provided an update on the Great Lakes Legal Conference (GLLC), which has been held on Mackinac Island at The Grand Hotel for the past 20 years. He shared that the workgroup has met many times over the past year to discuss the future of the conference. Commissioner Lowe explained that the workgroup reviewed the three components of the GLLC and how each could look in the future.

Mr. Howlett made a motion, which was seconded, that included:

1. The creation of a Board retreat in the Fall of 2026
2. Consideration of BLF options (which would likely include a one-day summit, but details are unknown at this time.)
3. Cancellation of the contract with the Grand Hotel (before the 2026 event begins)

The motion was approved.

Mr. Cunningham stated that Commissioners should look for an email from Ms. Owens which will include a survey of potential dates for the fall.

Marjory Raymer, Director of Communications, summarized the recent work of rebuilding the website. The deadline for proposals was earlier this month. SBM received bids from 35 vendors from across the country. SPEC has completed the triage phase of the project and there are currently 12 proposals being reviewed more thoroughly. The proposals range from \$57,000 to \$470,000, with an average of around \$370,000. The committee anticipates bringing a budget amendment for consideration to the Board in April along with a possible contract for approval.

**Finance and Audit:** David C. Anderson, Chairperson

**Financial Report**

Treasurer Anderson shared that revenue and expenses are favorable to budget at this time. The number of Emeritus members continues to decline, and the number of new members is ahead of last year.

Treasurer Anderson provided an update on the Cannabis Law Section. The Section has requested a loan of \$11,089.24 to satisfy their current debt. This will cover their outstanding debt to the venue of their annual section meeting, as well as \$1,250 in administrator fees.

A motion was made and seconded to loan the Section this amount. The motion was approved.

Mr. Cunningham, Treasurer Anderson, and Mr. Day, Director of Outreach, will be meeting with leaders of the section about the section's ability to repay.

**Professional Standards:** Suzanne C. Larsen, Chairperson

Secretary Larsen thanked the Commissioners for approving the Consent Agenda for CPF and UPL. She also encouraged members to review the materials more closely and bring up any questions.

**FOR THE GOOD OF THE PUBLIC AND THE PROFESSION**

**Comments or questions from Commissioners**

Commissioner Ohanesian offered a template for others to write/support the Representative Assembly reforms and rule amendments which are open for comments.

**Comments or questions from the public**

None.

**Adjournment**

The meeting was adjourned at 2:34 p.m.

2.1.2. January 7, 2026, Executive  
Committee Meeting\*

**State Bar of Michigan**  
**Executive Committee Virtual Meeting**  
**Wednesday, January 7, 2026**  
**4:00 p.m.**

President Hamameh called the meeting to order at 4:01 p.m.

**Members Present:** President Lisa J. Hamameh, President Elect Erika L. Bryant, Vice-President Thomas H. Howlett, Treasurer David C. Anderson, Secretary Suzanne C. Larsen, Representative Assembly Chair Nicole A. Evans, and Commissioner, Sherrie L. Detzler

**State Bar Staff Present:** Peter Cunningham, Executive Director; Drew Baker, General Counsel; Amy Owens, Senior Executive Assistant; Felicia Thomas, Assistant Executive Director; Kari Thrush, Assistant Executive Director, Nancy Brown, Senior Management Advisor

**Minutes:**

A motion was offered and supported to approve December 10, 2025, EC meeting minutes. The motion was approved.

**President and Executive Director's Report**

President Hamameh gave the committee an update on the events she has been attending. Mr. Cunningham provided a membership update indicating we are still on track with where we were last year at this time.

**Representative Assembly (RA) Report**

Chair Evans provided an update on RA activities and noted that the public comment period on the RA-proposed rule amendments remains open through February 1 on the Michigan Supreme Court website.

**BOC Vacancy District I**

President Hamameh informed the committee that Commissioner Danielle Walton is beginning employment in a different commissioner district. Under the State Bar Rules, the Board of Commissioners must declare a vacancy in her district and appoint a commissioner to serve the remainder of the term. President Hamameh presented her recommendation to fill the vacancy with Moheeb Murray and noted that she had consulted all commissioners in District I, with no objections raised. Following discussion, a motion was made, supported, and approved to forward the recommendation of Moheeb Murray to the Board of Commissioners for consideration at its January 23, 2026, meeting.

**January 23, 2026, Board Agenda**

With some suggested adjustments to the agenda, a motion was offered and supported to approve the January 23, 2026, BOC agenda. The motion was approved.

**Adjournment**

The meeting was adjourned at 4:48 p.m.

## 2.2. President's Activities\*

Presented by Lisa J. Hamameh

**President Lisa J. Hamameh**  
**President's Activities**  
**January 24 through March 6, 2026**

Date	Event	Location
February 4-10	National Conference of Bar Presidents ABA Midyear/House of Delegates	Texas
February 11	SMB Executive Meeting	Virtual
February 18	Professionalism in Action – Wayne State	WSU Law School
February 21	Michigan Asian Pacific American Lunar New Year Dinner	Farmington Hills
February 26	Calhoun County Bar Association Evening	Marshall
March 4	WLAM: Remarkable Leaders: Women Presidents of SBM	Virtual
March 6	Board of Commissioners Meeting	Lansing

## 2.3. Executive Director's Activities\*

Presented by Peter Cunningham

**Executive Director Peter Cunningham Activities  
January 24 through March 6, 2026**

<b>Date</b>	<b>Event</b>
January 26	Diversity, Equity, and Inclusion (DEI) Commission Workgroup D Meeting
January 29	Meeting with David Anderson and Darin Day regarding Cannabis Law Section
January 30	Meeting with Cannabis Law Section Council
February 3	Meeting with SCAO on Legal Practitioner Pilot Program
February 5	JFA Executive Team Meeting
February 5-7	NCBP/ABA Midyear Meeting
February 9	Website Finalist Presentation
February 10	Website Finalist Presentation
February 11	Website Finalist Presentation
February 11	SPEC Website Subcommittee
February 11	SBM Executive Committee Meeting
February 12	Website Finalist Presentation
February 12	SPAR and Future Strategic Planning Subcommittee
February 13	SBM BOC Orientation with Moheeb Murray
February 17	JFA Resource Committee
February 17	Strategic Planning and Engagement Committee
February 19	JFA Executive Team Meeting
February 20	ICLE Executive Committee Meeting
February 23	Capitol Club Meeting
February 24	GLLC Workgroup Meeting
February 27	CFPT Executive Team Meeting
March 4	Public Policy Committee Meeting
March 5	JFA Executive Team Meeting
March 6	Board of Commissioners Meeting

### 3. President's and Executive Director's Report

Presented by Lisa J. Hamameh and Peter  
Cunningham

## 3.1. Staff Updates

## 4. Representative Assembly Report

Presented by Nicole A. Evans

# 5. Young Lawyers Section Report

Presented by Jacob G. Eccleston



# YOUNG LAWYERS **SUMMIT**



YOUNG LAWYERS SECTION

*Friday, March 27<sup>th</sup>, 2026*

***Don't miss the legal networking and professional development event of the spring!***

**Some Highlight Sessions Include:**

- *Interpersonal Communication & Conflict Tactics*
- *Professionalism for Lawyers*
- *Strengthening the Lawyer/ Legal Assistant Relationship*
- *Courtroom Practice Tips*

*Attendees will **benefit from resources for lawyers and law students** as they connect with the Leaders, Sections, and Staff of the State Bar of Michigan.*

*A **networking reception** will be held after the summit that all attendees are invited to attend.*

**Tickets for Attendees:**

- **\$50** for Young Lawyers Section Members
- **\$25** for Law Students
- **\$75** for all other Attorneys

the  
**Henry  
Ford**

Lovett Hall:

20900 Oakwood,  
Dearborn, MI 48124



Register Here

## 6. Public Policy

Presented by Erika L. Bryant

## 6.1. Court Rules\*

# Order

Michigan Supreme Court  
Lansing, Michigan

December 26, 2025

Megan K. Cavanagh,  
Chief Justice

ADM File No. 2019-40

Brian K. Zahra  
Richard H. Bernstein  
Elizabeth M. Welch  
Kyra H. Bolden  
Kimberly A. Thomas  
Noah P. Hood,  
Justices

Proposed Adoption of Administrative  
Order No. 2026-X, Proposed Rescission  
of Administrative Order No. 2012-7, and  
Proposed Amendments of Rules 2.407  
and 8.110 of the Michigan Court Rules

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The Court, having given an opportunity for comment in writing and at a public hearing, again seeks public comment regarding a proposal administrative order regarding a judicial officer's ability to appear remotely. The Court has revised the [original proposal](#) and is interested in receiving additional comments on this revised proposal.

On order of the Court, this is to advise that the Court is considering an adoption of Administrative Order No. 2026-X, rescission of Administrative Order No. 2012-7, and amendments of Rules 2.407 and 8.110 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

[Additions to the text are indicated in underlining and  
deleted text is shown by strikeover.]

Administrative Order No. 2026-X – Adoption of Administrative Order Regarding a  
Judicial Officer's Remote Appearance

In accordance with this administrative order, judicial officers may preside remotely, as provided by the applicable court rules governing the use of videoconferencing, in any proceeding that does not require the judicial officer's in-person presence. A judicial officer must not preside over their docket from a remote location that is geographically further than either their in-district residential address or 30 miles from the courthouse where the proceeding would take place if in person, unless: (1) the judicial officer is experiencing an emergency or (2) the parties have all agreed to attend a proceeding that is specifically scheduled while the judge is out of the office on vacation or out of the office for a reason stated in MCR 8.110(D)(3)(a)-(e).

Unless the judicial officer is out of the office for an emergency or a reason set forth in

MCR 8.110(D)(3)(a)-(e), the judicial officer must also maintain the ability to comply with in-person requests pursuant to MCR 2.407(B)(4) without unreasonable delay or change to a different judicial officer. Any delay that is attributed to the judicial officer's physical location at the time of a request may be considered unreasonable.

The judicial officer who presides remotely must

- (1) be physically located in Michigan,
- (2) preside from a location that is free of personal distractions,
- (3) preside from a location that the judicial officer reasonably believes to have a reliable internet connection that will support remote proceedings,
- (4) have their videoconferencing camera on at all times during the proceeding,
- (5) display the flags of the United States and Michigan as provided in MCR 8.115(A), and
- (6) wear a black robe if they are a judge or if required by court rules, statute, or their chief judge.

For purposes of this administrative order, the judge may display digital representations of the United States and Michigan flags adjacent to the judge.

A judicial officer's remote participation is subject to the court's ability to produce a suitable recording of the proceeding for purposes of preparing a verbatim transcript in accordance with the Michigan Court Rules.

The State Court Administrative Office must report periodically to this Court regarding its assessment of judicial officers presiding remotely. Courts must cooperate with the State Court Administrative Office in monitoring the remote participation of judicial officers in court proceedings.

For purposes of this order:

- "Videoconferencing" means that term as defined in MCR 2.407.
- A "judicial officer" includes judges, district court magistrates, and referees.
- "Emergency" is defined as the judicial officer needing to tend to personal or family health emergencies which last less than five business days.

Rule 2.407 Videoconferencing

(A)-(D) [Unchanged.]

(E) ~~Notwithstanding any other provision in this rule, until further order of the Court, AO No. 2012-7 is suspended.~~

#### Rule 8.110 Chief Judge Rule

(A)-(B) [Unchanged.]

(C) Duties and Powers of Chief Judge.

(1)-(2) [Unchanged.]

(3) As director of the administration of the court, a chief judge shall have administrative superintending power and control over the judges of the court and all court personnel with authority and responsibility to:

(a)-(b) [Unchanged.]

(c) determine the hours of the court and the judges; coordinate and determine the number of judges and court personnel required to be present at any one time to perform necessary judicial administrative work of the court, and require their in-person or remote presence to perform that work;

(d)-(i) [Unchanged.]

(4)-(9) [Unchanged.]

(D) [Unchanged.]

**Staff Comment (ADM File No. 2019-40):** Proposed Administrative Order No. 2026-X would clarify when, from where, and how a judicial officer may participate remotely. A related proposed amendment of MCR 2.407 would strike a reference to Administrative Order No. 2012-7 being suspended, and that administrative order would be rescinded. The proposed amendment of MCR 8.110 would authorize chief judges to require a judge's in-person or remote presence to perform work.

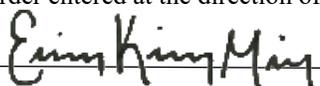
The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by April 1, 2026 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When submitting a comment, please refer to ADM File No. 2019-40. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 26, 2025

  
Clerk

## Public Policy Position

### ADM File No. 2019-40 - Proposed Adoption of Administrative Order No. 2026-X, Proposed Rescission of Administrative Order No. 2012-7, and Proposed Amendments of MCR 2.407 and 8.110

#### Support with Amendments

##### Explanation

The Committee voted unanimously to support ADM File No. 2019-40 with two amendments.

First, the Committee found the geographical limitation language in the proposed administrative order ambiguous and confusing. Additionally, the Committee believes that limiting remote participation by judicial officers to locations within 30-miles of the courthouse is arbitrary and unduly restrictive. Therefore, the Committee proposes that ADM File No. 2019-40 be amended as follows:

~~In accordance with this administrative order, judicial officers may preside remotely, as provided by the applicable court rules governing the use of videoconferencing, in any proceeding that does not require the judicial officer's in-person presence. A judicial officer must not preside over their docket from a remote location that is geographically further than either their in-district residential address or 30 miles from the courthouse where the proceeding would take place if in person, unless: (1) the judicial officer is experiencing an emergency or (2) the parties have all agreed to attend a proceeding that is specifically scheduled while the judge is out of the office on vacation or out of the office for a reason stated in MCR 8.110(D)(3)(a)-(e).~~

~~Unless the judicial officer is out of the office for an emergency or a reason set forth in MCR 8.110(D)(3)(a)-(e), the judicial officer must also maintain the ability to comply with in-person requests pursuant to MCR 2.407(B)(4) without unreasonable delay or change to a different judicial officer. Any delay that is attributed to the judicial officer's physical location at the time of a request may be considered unreasonable.~~

The judicial officer who presides remotely must

(1) be physically located in Michigan, unless: (1) the judicial officer is experiencing an emergency or (2) the parties have all agreed to attend a proceeding that is specifically scheduled while the judge is out of the office on vacation or out of the office for a reason stated in MCR 8.110(D)(3)(a)-(e). Unless the judicial officer is out of the office for an emergency or a reason set forth in MCR 8.110(D)(3)(a)-(e), the judicial officer must also maintain the ability to comply with in-person requests pursuant to MCR 2.407(B)(4) without unreasonable delay or change to a different judicial officer. Any delay that is attributed to the judicial officer's physical location at the time of a request may be considered unreasonable.

Second, the Committee supports an amendment to ADM File No. 2019-40 (as both it and SBM did on the prior iteration of this proposal) to specify that attorneys and parties must not be required to appear in person if a judicial officer is participating remotely in a proceeding.

**Position Vote:**

Voted For position: 14

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 7

**Contact Persons:**

Garrett Burton

[gburton@sado.org](mailto:gburton@sado.org)

Mira Edmonds

[edmondm@umich.edu](mailto:edmondm@umich.edu)

**Public Policy Position****ADM File No. 2019-40 - Proposed Adoption of Administrative Order No. 2026-X, Proposed Rescission of Administrative Order No. 2012-7, and Proposed Amendments of MCR 2.407 and 8.110****Support with Amendment****Explanation**

The Committee voted to support the position of the Access to Justice Policy Committee. While not supporting the 30-mile geographical proposed in ADM File No. 2019-40 as published for comment, the Committee believes that judges should be readily available to participate in proceedings in person and that great consideration should be given to holding dispositive motions, evidentiary hearings, preliminary examinations, and other proceedings where testimony is taken in person.

**Position Vote:**

Voted For position: 15

Voted against position: 3

Abstained from vote: 3

Did not vote (absence): 10

**Contact Person:**

Marla Linderman Richelew [mrichelew@gmail.com](mailto:mrichelew@gmail.com)

**Public Policy Position****ADM File No. 2019-40 - Proposed Adoption of Administrative Order No. 2026-X, Proposed Rescission of Administrative Order No. 2012-7, and Proposed Amendments of MCR 2.407 and 8.110****Support with Amendment****Explanation**

The Committee voted to support ADM File No. 2019-40 with amendments consistent with the State Bar of Michigan's position on the prior iteration of this proposal. Specifically, (1) that attorneys and parties should not be required to appear in person if a judicial officer is participating remotely in a proceeding; and (2) that remote participation by judicial officers should be precluded from appearing remotely without the consent of both parties for evidentiary hearings, preliminary exams, and other proceedings where testimony is being heard.

Additionally, the Committee recommends that the requirement that a judge who is participating remotely must be located within 30 miles of the courthouse where the proceeding would take place if held in person be reconsidered, especially as it relates to more remote areas of the state.

**Position Vote:**

Voted For position: 17

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 4

**Contact Persons:**

Alexandria L. Casperson

[CaspersonA@michigan.gov](mailto:CaspersonA@michigan.gov)

**Public Policy Position****ADM File No. 2019-40 - Proposed Adoption of Administrative Order No. 2026-X, Proposed Rescission of Administrative Order No. 2012-7, and Proposed Amendments of MCR 2.407 and 8.110****Support with Amendment****Explanation**

The Committee voted to support ADM File No. 2019-40 and to recommend that the State Bar reiterate its position on the prior iteration of this matter that attorneys and parties should not be required to appear in person if a judicial officer is participating remotely in a proceeding. The Committee believes that hybrid proceedings (i.e., some participants in person and some appearing remotely) are uniquely problematic and should be discouraged.

**Position Vote:**

Voted For position: 16

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 4

**Contact Person:**

Ashley E. Lowe [alowe@lakeshorelegalaid.org](mailto:alowe@lakeshorelegalaid.org)

Name: Adam Kutinsky

Date: 12/29/2025

ADM File Number: 2019-40

Comment:

I respectfully oppose the proposal.

I do not oppose limited remote hearings for procedural matters such as scheduling, motions to adjourn, and routine discovery disputes.

However, dispositive motions, evidentiary hearings, and any substantive matter that could materially affect the outcome of a case should be held in person unless there is a specific, justifiable reason to conduct the hearing remotely.

Remote hearings should be avoided because they:

1. Reduce if not eliminate the solemnity and dignity of the courtroom setting, which reinforces the authority of the court and the seriousness of the proceeding.
2. Reduce if not eliminate the benefits of face-to-face interactions between attorneys, parties, witnesses, and the court.
3. Reduce the fairness of public hearings by introducing unnecessary technology that is not consistently reliable.
4. Decrease the public confidence in judicial proceedings.
5. Decrease if not eliminate important training opportunities for young practitioners.
6. Decrease if not eliminate an important tool in fostering professionalism and civility.

I appreciate the convenience of appearing remotely, which is why I do not oppose it on procedural matters. However, convenience is not a justifiable reason to appear remotely in all hearings and conferences.

Thank you.

Name: Carol Montavon Bealor

Date: 02/19/2026

ADM File Number: 2019-40

Comment:

Thank you for taking the time to consider my comment. I am concerned about this proposed AO regarding its impact on work being done by Attorney Referees. In the county I serve in, we are finding it very hard to fill our open Attorney Referee position. It's been open since the Spring of 2025. There is an overall shortage of lawyers in our area (and across the nation). This negatively impacts the family division and our ability to timely serve our citizens. It is my understanding that our neighboring Berrien County Trial Courts have two open Attorney Referee positions, and I believe there are other neighboring and non-neighboring Courts with open Attorney Referee positions. To attract qualified applicants, some counties, including Cass County, are offering remote work to the Attorney Referees since this is a perk we can offer (since we are often limited on other compensation such as wages that we can offer to be competitive due to budgetary limitations). To my knowledge, Referees are not legally required to live in Michigan nor are they legally required to live in the County of service. Since many of our Courts are offering remote work to Attorney Referees to attract new hires and retain those who are already hired, this AO has the potential to make it even harder to hire and retain Attorney Referees which may negatively impact our Family Divisions. Attorney Referees serve an important function in our Court systems. Additionally, for border counties (my county, Cass County, is a border County) we can have an Attorney Referee who lives in Indiana (which may be less than 15 miles away from our Courthouse) and this AO would say that Attorney Referee can't conduct a remote hearing except in very limited circumstances. And the hearing could be so that an agreement could be put on record or something very simple, which benefits Attorneys and the citizens we serve. And an Attorney Referee in those circumstances, would be closer to our courthouse than someone 30 miles away from their courthouse, as proposed in the AO. I can't speak for other Courts, but when we've had Attorney Referees or Judges holding remote hearings, our courtrooms in our Courthouse are open and participants and the public may view or participate in the hearings in our Courtroom, so the Attorney Referees and Judges are connected to our Courtrooms while appearing remotely. Attorneys routinely appear via Zoom, which saves clients money and allows Attorneys to appear in multiple Courts on the same day without significant travel and providing a mechanism for attorneys to have better work life balance. I have talked to several Attorney Referees who believe their ability to perform remote work also furthers appropriate work life balance. So, this is an additional consideration. I am hopeful that unintended collateral consequences related to adoption of this AO will be considered. Thank you very much for your time and consideration.

# Order

**Michigan Supreme Court  
Lansing, Michigan**

March 12, 2025

Elizabeth T. Clement,  
Chief Justice

ADM File No. 2019-40

Brian K. Zahra  
Richard H. Bernstein  
Megan K. Cavanagh  
Elizabeth M. Welch  
Kyra H. Bolden  
Kimberly A. Thomas,  
Justices

Proposed Adoption of Administrative  
Order No. 2025-X, Proposed Rescission  
of Administrative Order No. 2012-7,  
and Proposed Amendment of Rule  
2.407 of the Michigan Court Rules

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On order of the Court, this is to advise that the Court is considering adoption of an administrative order regarding a judicial officer's ability to appear remotely. The proposal also includes a proposed rescission of Administrative Order No. 2012-7 and a related proposed amendment of Rule 2.407 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and  
deleted text is shown by strikeover.]

Administrative Order No. 2025-X – Adoption of Administrative Order Regarding a  
Judicial Officer's Remote Appearance

In accordance with this administrative order, judicial officers may preside remotely, in accordance with the applicable court rules governing the use of videoconferencing, in any proceeding that does not require the judicial officer's in-person presence.

The judicial officer who presides remotely must

- (1) be physically present in a location required or authorized by statute or court rule,
- (2) preside from a location that is free of personal distractions,
- (3) have a stable internet connection,

- (4) have their videoconferencing camera on at all times during the proceeding,
- (5) display the flags of the United States and Michigan as provided in MCR 8.115(A), and
- (6) wear a black robe.

For purposes of this administrative order, the judge may display digital representations of the United States and Michigan flags adjacent to the judge.

A judicial officer's remote participation is subject to the court's ability to produce a suitable recording of the proceeding for purposes of preparing a verbatim transcript in accordance with the Michigan court rules.

Before appearing remotely from a location other than their courthouse, a judicial officer must receive approval from their chief judge.

The State Court Administrative Office must report periodically to this Court regarding its assessment of judicial officers presiding remotely. Courts must cooperate with the State Court Administrative Office in monitoring the remote participation of judicial officers in court proceedings.

For purposes of this order:

- "Videoconferencing" means that term as defined in MCR 2.407.
- A "judicial officer" includes judges, district court magistrates, and referees.

Rule 2.407 Videoconferencing

(A)-(D) [Unchanged.]

~~(E) Notwithstanding any other provision in this rule, until further order of the Court, AO No. 2012-7 is suspended.~~

~~Administrative Order No. 2012-7 Adoption of Administrative Order to Allow State Court Administrative Office to Authorize a Judicial Officer's Appearance by Video Communication Equipment~~

~~The State Court Administrative Office is authorized, until further order of this Court, to approve the use of two-way interactive video technology in the trial courts to allow judicial officers to preside remotely in any proceeding that may be conducted by two-way interactive technology or communication equipment without the consent of the parties~~

under the Michigan Court Rules and statutes. Remote participation by judicial officers shall be limited to the following specific situations:

- 1) judicial assignments;
- 2) circuits and districts that are comprised of more than one county and would require a judicial officer to travel to a different courthouse within the circuit or district;
- 3) district court districts that have multiple court locations in which a judicial officer would have to travel to a different courthouse within the district;
- 4) a multiple district plan in which a district court magistrate would have to travel to a different district.

The judicial officer who presides remotely must be physically present in a courthouse located within his or her judicial circuit, district, or multiple district area

For circuits or districts that are comprised of more than one county, each court that seeks permission to allow its judicial officers to preside by video communication equipment must submit a proposed local administrative order for approval by the State Court Administrator pursuant to MCR 8.112(B). The local administrative order must describe how the program will be implemented and the administrative procedures for each type of hearing for which two-way interactive video technology will be used. The State Court Administrative Office shall either approve the proposed local administrative order or return it to the chief judge for amendment in accordance with requirements and guidelines provided by the State Court Administrative Office.

For judicial assignments, the assignment order will allow remote participation by judges as long as the assigned judge is physically present in a courthouse located within the judge's judicial circuit or district. A local administrative order is not required for assignments.

For multiple district plans, the plan will allow remote participation by district court magistrates as long as the magistrate is physically present in a courthouse located within the multiple district area. No separate local administrative order is required.

The State Court Administrative Office shall assist courts in implementing the technology, and shall report periodically to this Court regarding its assessment of the program. Those courts using the technology shall provide statistics and otherwise cooperate with the State Court Administrative Office in monitoring the use of video communication equipment.

**Staff Comment (ADM File No. 2019-40):** The proposed administrative order would clarify when, from where, and how a judicial officer may participate remotely, subject to their chief judge’s approval. If adopted, a related amendment of MCR 2.407 would strike a reference to AO 2012-7 being suspended and that administrative order would be rescinded.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by July 1, 2025 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When submitting a comment, please refer to ADM File No. 2019-40. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 12, 2025

Handwritten signature of Larry S. Royster in black ink.

Clerk

June 30, 2025

Larry S. Royster  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

**RE: ADM File No. 2019-40: Proposed Adoption of Administrative Order No. 2025-X,  
Proposed Rescission of Administrative Order No. 2012-7, and Proposed Amendment  
of Rule 2.407 of the Michigan Court Rules**

Dear Clerk Royster:

The Board of Commissioners of the State Bar of Michigan considered ADM File No. 2019-40 at its meeting on June 13, 2025. In its review, the Board considered recommendations from the Access to Justice Policy Committee, Civil Procedure & Courts Committee, Criminal Jurisprudence & Practice Committee, Criminal Law Section, and Negligence Law Section.

While the Board recognizes the demonstrated value of remote participation in many legal proceedings, it also believes that the Court should proceed cautiously when considering an expansion of remote participation by judicial officers, given the unique and important role these officers perform in the legal system. Therefore, the Board voted to support ADM File No. 2019-40 in concept, but recommend that:

1. Remote participation by judicial officers be limited to scheduling and administrative matters, or extraordinary circumstances;
2. Consideration be given to the concerns raised by visiting judges in comments submitted to the Court;
3. Attorneys and parties not be required to appear in person if a judicial officer is participating remotely in a proceeding; and
4. The requirement of a black robe be removed for referees.

Thank you for the opportunity to comment on ADM File No. 2019-40.

Sincerely,



Peter Cunningham  
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court  
Joseph P. McGill, President



# Order

Michigan Supreme Court  
Lansing, Michigan

December 26, 2025

Megan K. Cavanagh,  
Chief Justice

ADM File No. 2024-08

Brian K. Zahra  
Richard H. Bernstein  
Elizabeth M. Welch  
Kyra H. Bolden  
Kimberly A. Thomas  
Noah P. Hood,  
Justices

Proposed Amendment of  
Canon 3 of the Code of  
Judicial Conduct

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On order of the Court, this is to advise that the Court is considering an amendment of Canon 3 of the Code of Judicial Conduct. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and  
deleted text is shown by strikeover.]

Canon 3. A Judge Should Perform the Duties of Office Impartially and Diligently.

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities:

(1)-(11) [Unchanged.]

(12) A judge must not knowingly allow~~should prohibit~~ broadcasting, televising, recording, or taking of photographs in or out of the courtroom during sessions of court or recesses between sessions except as provided herein or as authorized by the Supreme Court. See, e.g., AO 1989-1. A presiding judge may specifically allow broadcasting, televising, recording, or photography via portable electronic device in their courtroom. MCR 8.115(C). When there are no objections, a judge may, for example, allow photography or recording to commemorate celebratory events such as adoption day proceedings, treatment court graduations, and swearing-in ceremonies.

(13)-(15) [Unchanged.]

B.-D. [Unchanged.]

**Staff Comment (ADM File No. 2024-08):** The proposed amendment of Canon 3 would clarify a judge’s responsibility to not knowingly allow unauthorized broadcasting, televising, recording, or taking of photographs in or out of the courtroom during sessions of court or recesses between sessions.

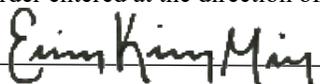
The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by April 1, 2026 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When submitting a comment, please refer to ADM File No. 2024-08. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 26, 2025

  
Clerk

**Public Policy Position**  
**ADM File No. 2024-08 - Proposed Amendment of MCJC Canon 3**

**Support with Amendment**

**Explanation**

The Committee voted to support ADM File No. 2024-08 with amendments, as follows in red:

(12) A judge ~~must should~~ not knowingly allow ~~should prohibit~~ **unauthorized** broadcasting, televising, recording, or taking of photographs in or out of the courtroom during sessions of court or recesses between sessions except as provided herein or as authorized by the Supreme Court, **including, but not limited to, the Michigan Court Rules**. See, e.g., AO 1989-1. A presiding judge may specifically allow broadcasting, televising, recording, or photography via portable electronic device in their courtroom **at any time. MCR 8.115(C). When there are no objections, a A** judge may, for example, allow photography or recording to commemorate celebratory events such as adoption day proceedings, treatment court graduations, and swearing-in ceremonies.

**Position Vote:**

Voted For position: 18

Voted against position: 1

Abstained from vote: 2

Did not vote (absence): 10

**Contact Person:**

Marla Linderman Richelew [mrichelew@gmail.com](mailto:mrichelew@gmail.com)

**Public Policy Position**  
**ADM File No. 2024-08 - Proposed Amendment of MCJC Canon 3**

**Support**

**Explanation**

The Committee voted to support ADM File No. 2024-08.

**Position Vote:**

Voted For position: 13

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 8

**Contact Persons:**

Garrett Burton

[gburton@sado.org](mailto:gburton@sado.org)

Mira Edmonds

[edmondm@umich.edu](mailto:edmondm@umich.edu)

**Public Policy Position**  
**ADM File No. 2024-08 - Proposed Amendment of MCJC Canon 3**

**Support**

**Explanation**

The Committee voted unanimously to support ADM File No. 2024-08.

**Position Vote:**

Voted For position: 17

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 4

**Contact Persons:**

Alexandria L. Casperson [CaspersonA@michigan.gov](mailto:CaspersonA@michigan.gov)

## 6.2. Budget Recommendations\*

To: Members of the Public Policy Committee  
Board of Commissioners

From: Nathan A. Triplett, Director of Governmental Relations

Date: February 24, 2026

Re: FY 2026-2027 Executive Budget Recommendations for the Judiciary and MIDC

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**Background**

FY 2026-2027 Executive Budget Recommendation – Judiciary

The FY 2026-2027 Executive Budget Recommendation for the Judiciary proposes a total gross appropriation of \$391,258,400 for ongoing operations of the Michigan Supreme Court, the Court of Appeals, and related judicial agencies, including the Judicial Tenure Commission, the State Appellate Defender Office, and the Justice for All Commission. This appropriation would also fund the salaries of the justices of the Supreme Court and judges of the Court of Appeals, circuit, probate, and district courts, as prescribed by statutory and constitutional requirements. \$283,240,600 of the proposed appropriation is GF/GP. The FY 2026-2027 recommendation is a \$7.6 million (2%) increase in total funding from FY 2025-2026. No new one-time funding is proposed for FY 2026-2027.

Notable items include:

- \$2 million ongoing increase for the continuing implementation and maintenance of the statewide case management system.
- \$2.4 million ongoing increase for the State Appellate Defender’s Office to support resentencing proceedings required under the Michigan Supreme Court decisions in *People v Czarnecki* and *People v Taylor* of 19- and 20-year-old individuals sentenced to life terms.
- \$720,000 ongoing increase to the State Appellate Defender’s Office to support increasing caseload demands.
- \$1.2 million increase for the Michigan Appellate Assigned Counsel System to support increasing caseload demands and associated expenses.

FY 2026-2027 Executive Budget Recommendation – Michigan Indigent Defense Commission

Public Act 93 of 2013 created the Michigan Indigent Defense Commission (“MIDC”) and required the MIDC to develop standards for local indigent defense systems. The State Bar of Michigan strongly supported the enactment of PA 93 and has supported the MIDC in several respects since its inception. Most recently, SBM has supported legislative efforts to authorize MIDC to develop and implement minimum standards for juvenile indigent defense, as recommended by the Michigan Task Force on Juvenile Justice Reform.

Under PA 93, once standards are approved by MIDC, the local indigent defense systems are required to develop compliance plans that include anticipated costs, and the state is obligated by statute to fund any increased costs required to meet the new standards. FY 2018-2019 was the first budget year in which the state provided funding to local indigent defense systems. SBM supported the executive budget recommendation for MIDC in FY 2018-2019 and has supported every subsequent MIDC

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recommendation in FYs 2019-2020, 2020-2021, 2021-2022, 2022-2023, 2023-2024, 2024-2025, and 2025-2026. As MIDC is housed administratively within the Department of Licensing and Regulatory Affairs (“LARA”), its budget is found within LARA’s.

For FY 2026-2027, the Executive Budget Recommendation proposes \$236 million for 120 trial court funding units to meet their ongoing constitutional and statutory obligation to provide effective assistance of counsel for indigent criminal defendants, as defined by MIDC standards. For context, from FY 2018-2019 through FY 2024-2025, the Legislature funded MIDC grants to local systems at a level at least equal to the Executive Recommendation. In FY 2025-2026, for the first time since MIDC’s creation, not only did the Legislature not fund MIDC at the Executive Recommendation level, but it also cut MIDC grant funding by \$22.3 million (from \$258.3 million to \$236 million). The FY 2026-2027 Executive Recommendation requests funding for grants to local systems equal to last year’s reduced level.

***Keller* Considerations**

Regarding the Judiciary budget, adequate funding of the courts and related judicial agencies (e.g., SADO) is essential—and therefore necessarily related—to their proper functioning and to the availability of legal services across Michigan. Based on that rationale, it has been the longstanding position of the Board of Commissioners that Executive Budget Recommendation for the Judiciary satisfies the requirements of *Keller*. As such, the FY 2026-2027 Executive Budget Recommendation for the Judiciary is *Keller*-permissible and may be considered on its merits.

Similarly, regarding the MIDC budget, SBM has a long, consistent history of supporting improvements to, and investments in, Michigan’s indigent defense system. As noted above, SBM supported MIDC’s enabling legislation and subsequent appropriations necessary to implement MIDC’s standards across local indigent defense systems. The FY 2026-2027 Executive Budget Recommendation would provide significant funding that is essential to improving the quality and availability of legal services for indigent criminal defendants. The SBM Board of Commissioners has repeatedly determined that adequate funding for MIDC is necessarily related to both the availability of legal services across Michigan and to the improvement in the functioning of the courts and therefore meets the requirements of *Keller*. As such, the FY 2026-2027 Executive Budget Recommendation for MIDC (within the LARA budget) is *Keller*-permissible and may be considered on its merits.

***Keller* Quick Guide**

***THE TWO PERMISSIBLE SUBJECT-AREAS UNDER KELLER:***

	<b>Regulation of Legal Profession</b>	<b>Improvement in Quality of Legal Services</b>
<i>As interpreted by AIO 2004-1</i>	Regulation and discipline of attorneys	✓ Improvement in functioning of the courts
	Ethics	✓ Availability of legal services to society
	Lawyer competency	
	Integrity of the Legal Profession	
	Regulation of attorney trust accounts	

**Staff Recommendation**

The FY 2026-2027 Executive Budget Recommendations for both the Judiciary and MIDC are *Keller*-permissible and may be considered on their respective merits.

# Judiciary

## Governor's Recommended Budget for Fiscal Years 2027 and 2028

Established in Article VI of the Michigan Constitution, the judicial power of the state exclusively rests in a court system encompassing the Supreme Court, the Court of Appeals, the Probate Court, and courts of general and limited jurisdiction. With the state Supreme Court having superintending control over all courts, the budget of the judicial branch includes funding for court operations and administration, judicial branch agencies, and direct support for local trial courts through caseload reimbursements, grants for problem solving courts and specialty programs, juror compensation, information technology services, and judges' salaries.

The Governor's recommended budget for fiscal years 2027 and 2028 includes total ongoing funding of \$391.3 million, of which \$283.2 million comes from the state's general fund.

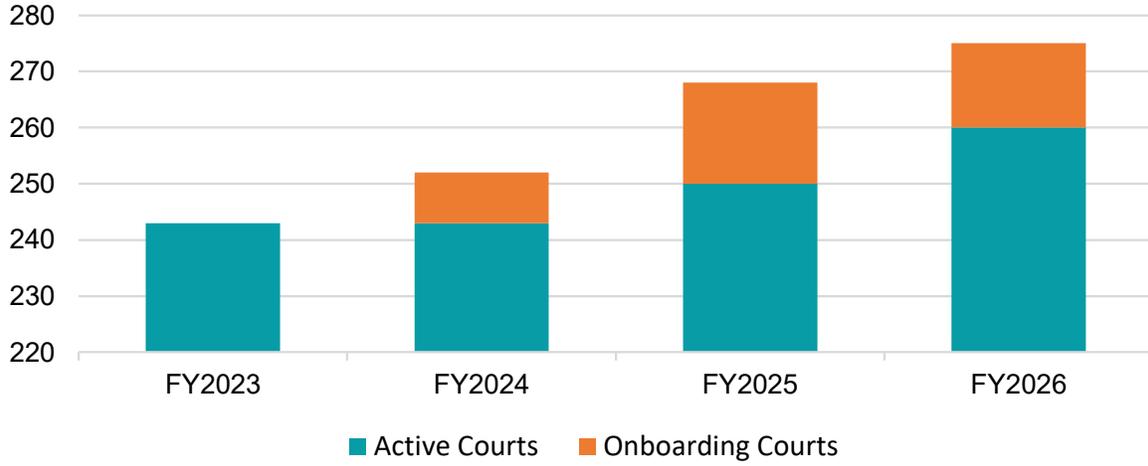
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### Highlights

The Governor's recommended budget provides continued and increased support for the following key judicial branch programs:

- ♦ **\$44.4 million for judicial information systems** (\$27.2 million general fund), supporting the many information technology platforms and services that support court operations throughout the state. This includes a \$2 million ongoing increase for the implementation and maintenance of the statewide case management system, a transformative investment made in fiscal year 2023 to provide a uniform platform for all trial courts in the state, bringing greater efficiency to court operations.
- ♦ **\$23.8 million for the State Appellate Defender's Office** (\$22.4 million general fund), supporting its work representing indigent criminal defendants. This includes a \$2.4 million ongoing increase supporting the resentencing of 19- and 20-year-old life offenders required under the 2025 Michigan Supreme Court decisions in *People v. Czarnecki* and *People v. Taylor*, and a \$720,000 increase to support ongoing caseload demands.
- ♦ **\$20.4 million for Problem Solving Courts** (\$14.4 million general fund), supporting trial court programs that aim to address the underlying substance use or mental health issues that contribute to criminal behavior by focusing on treatment and supervision as an alternative to incarceration. This includes a \$250,000 increase to annualize funding for new programs established in fiscal year 2026.
- ♦ **\$4.4 million for grants to counties for Michigan Appellate Assigned Counsel System roster attorneys** (general fund). This includes a \$1.2 million increase over current year funding for this grant program to reflect adjustments for caseloads, travel, and other expenses.

### Implementation of a Unified Statewide Case Management System Continues



**Judiciary**  
**Governor's Recommended Budget for Fiscal Years 2027 and 2028**  
 \$ in Thousands

**FY 2027 Adjustments**

	<u>GF/GP</u>	<u>GROSS</u>
<b>FY 2026 Original Enacted</b>	<b>\$276,073.8</b>	<b>\$383,621.7</b>
Removal of FY 2026 One-Time Funding	(\$5,000.0)	(\$5,000.0)
<b>FY 2027 Ongoing Investments</b>		
Statewide Case Management System - Additional ongoing system implementation and maintenance costs as trial courts continue to be added to the system	\$2,007.6	\$2,007.6
Appellate Defender's Office - Additional staff attorneys to support ongoing caseload capacity constraints	\$720.0	\$720.0
Office of Dispute Resolution - Supports the increased use of dispute resolution in civil matters as an alternative to adjudication in court	\$0.0	\$184.5
<b>FY 2027 Reductions</b>		
None	\$0.0	\$0.0
<b>FY 2027 Baseline Adjustments</b>		
Appellate Defender's Office - Continues funding for the resentencing of 19- and 20-year old life offenders under <i>People v. Czarnecki</i> and <i>People v. Taylor</i>	\$2,371.8	\$2,371.8
MI Appellate Assigned Counsel System - Adjustment for pay rates, caseloads, travel, and other expenses of assigned roster attorneys in indigent criminal appeals	\$1,200.0	\$1,200.0
Appellate Defender's Office - Negotiated salary increases for unionized staff and equitable pay increases for non-unionized staff	\$434.5	\$434.5
Problem Solving Courts - Annualizes funding for newly established problem solving court programs that received funding in FY2026	\$250.0	\$250.0
Branchwide Appropriations - Rate increases for contractual building security	\$100.0	\$100.0
Employee Payroll Related Adjustments	\$5,441.9	\$5,727.3
Other Technical Adjustments	(\$359.0)	(\$359.0)
<b>FY 2027 Total Executive Recommendation - Ongoing Funding</b>	<b>\$283,240.6</b>	<b>\$391,258.4</b>
<b>FY 2027 One-Time Investments</b>		
None	\$0.0	\$0.0
<b>FY 2027 Total Executive Recommendation - One-Time Funding</b>	<b>\$0.0</b>	<b>\$0.0</b>
<b>FY 2027 Total Executive Recommendation - Ongoing and One-Time</b>	<b>\$283,240.6</b>	<b>\$391,258.4</b>
\$ Change from FY 2026 - Total Funding	\$7,166.8	\$7,636.7
% Change from FY 2026 - Total Funding	2.6%	2.0%

**FY 2028 Adjustments**

	<u>GF/GP</u>	<u>GROSS</u>
<b>FY 2027 Total Executive Recommendation</b>	<b>\$283,240.6</b>	<b>\$391,258.4</b>
Removal of FY 2027 One-Time Funding	\$0.0	\$0.0
None	\$0.0	\$0.0
<b>FY 2028 Total Executive Recommendation</b>	<b>\$283,240.6</b>	<b>\$391,258.4</b>
\$ Change from FY 2027 - Total Funding	\$0.0	\$0.0
% Change from FY 2027 - Total Funding	0.0%	0.0%

# Department of Licensing and Regulatory Affairs

## Governor's Recommended Budget for Fiscal Years 2027 and 2028

The Department of Licensing and Regulatory Affairs (LARA) serves as Michigan's principal regulatory agency, providing oversight of business, utilities, health care, construction, liquor, cannabis, indigent criminal defense and professional occupations.

The Governor's recommended budget for fiscal years 2027 and 2028 includes total ongoing funding of \$627.5 million, of which \$275.4 million comes from the state's general fund. No one-time funding is recommended.

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### Highlights

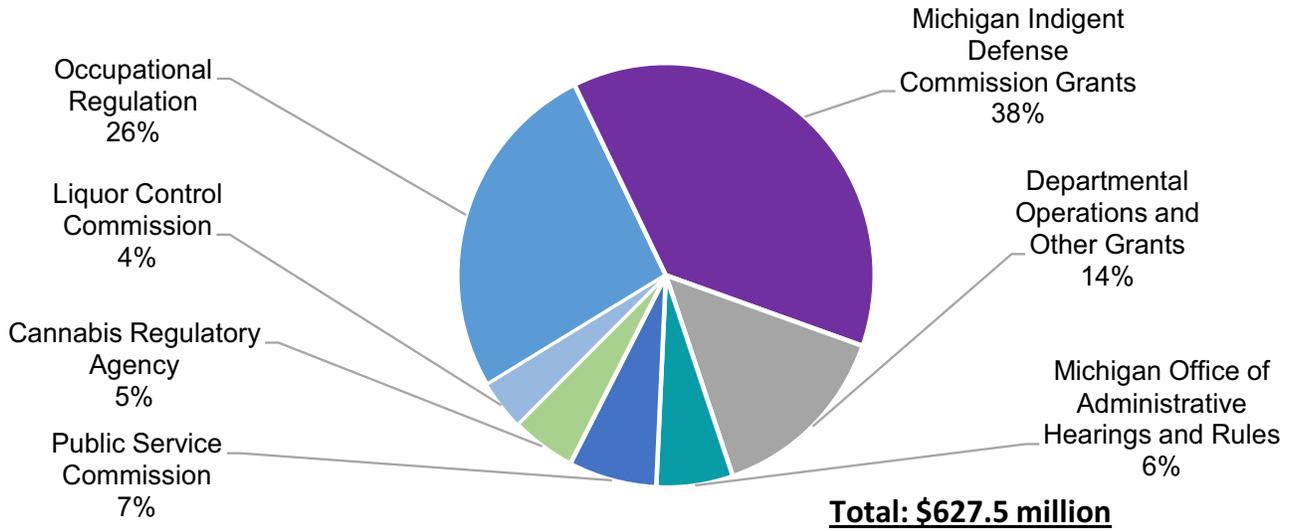
The Governor's recommended budget investments support for the following key LARA programs:

- ◆ **\$1 million to enhance the representation of residential utility customers** (restricted funds) before the Michigan Public Service Commission.
- ◆ **\$509,000 to expand the state's firefighter training and storage tank safety inspection programs** (general fund and restricted funds) with 3.0 additional positions.
- ◆ **\$491,100 to strengthen financial oversight and accountability over LARA program areas** (restricted funds) with 3.0 positions and a new internal Compliance and Risk Management section within the department.
- ◆ **\$359,300 to improve operations of the Michigan Tax Tribunal** (restricted funds) and address its small claims case backlog with 2.0 additional positions.
- ◆ **Fee adjustments and fee sunset removals** to ensure that LARA can continue to fulfill its statutory responsibility to protect consumers while supporting businesses and the services and products that they provide to residents.

The Governor's recommended budget protects funding for the following key LARA programs:

- ◆ **\$57.9 million to protect residents of nursing homes and other specialized care facilities** (restricted, federal, and general fund) overseen by LARA's Bureau of Community and Health Systems and Bureau of Survey and Certification.
- ◆ **\$236 million to continue support for state's 120 local indigent defense systems** (general fund). The Governor's recommendation also requires the Michigan Indigent Defense Commission to begin development of new standards for juvenile defendants as soon as enabling legislation is enacted.

### Key LARA Funding Areas



**Department of Licensing and Regulatory Affairs**  
**Governor's Recommended Budget for Fiscal Years 2027 and 2028**  
 \$ in Thousands

**FY 2027 Adjustments**

	<u>GF/GP</u>	<u>GROSS</u>
<b>FY 2026 Original Enacted</b>	<b>\$279,485.7</b>	<b>\$626,006.9</b>
Removal of FY 2026 One-Time Funding	(\$5,000.0)	(\$6,600.0)
<b>FY 2027 Ongoing Investments</b>		
Representing Energy Ratepayers - Funding increase to support the representation of residential utility customers before the Michigan Public Service Commission	\$0.0	\$1,000.0
Firefighting and Storage Tanks Program Support - Funding increase and 3.0 FTEs to strengthen the state's firefighter training program and enhance safety inspections of storage tank facilities	\$163.0	\$509.0
Compliance and Risk Management - Funding increase and 3.0 FTEs to better focus oversight and resources on LARA program areas	\$0.0	\$491.1
Michigan Tax Tribunal - Funding increase and 2.0 FTEs to address the Tribunal's small claims case backlog	\$0.0	\$359.3
<b>FY 2027 Reductions</b>		
None	\$0.0	\$0.0
<b>FY 2027 Baseline Adjustments</b>		
Licensing and Regulation - Funding increase to address a projected revenue shortfall in the Licensing and Regulation Fund	\$0.0	\$550.0
Underground Facilities Safety Education and Training - Funding increase to reflect additional revenue in the Civil Fines, Excavating, and Blasting Fund	\$0.0	\$500.0
Information Technology Cost Increases - Funding increases to support software contracts and federal digital accessibility compliance	\$17.4	\$292.2
Federal Grant Increase - Reflects a new grant award from the Federal Financial Institutions Examination Council to support costs associated with an appraiser technology project, expert review, and grant management	\$0.0	\$109.0
Employee Payroll Related Adjustments	\$685.7	\$4,468.5
Other Technical Adjustments	\$0.0	(\$208.4)
<b>FY 2027 Total Executive Recommendation - Ongoing Funding</b>	<b>\$275,351.8</b>	<b>\$627,477.6</b>
<b>FY 2027 One-Time Investments</b>		
None	\$0.0	\$0.0
<b>FY 2027 Total Executive Recommendation - One-Time Funding</b>	<b>\$0.0</b>	<b>\$0.0</b>
<b>FY 2027 Total Executive Recommendation - Ongoing and One-Time</b>	<b>\$275,351.8</b>	<b>\$627,477.6</b>
\$ Change from FY 2026 - Total Funding	(\$4,133.9)	\$1,470.7
% Change from FY 2026 - Total Funding	(1.5%)	0.2%

**FY 2028 Adjustments**

	<u>GF/GP</u>	<u>GROSS</u>
<b>FY 2027 Total Executive Recommendation</b>	<b>\$275,351.8</b>	<b>\$627,477.6</b>
Removal of FY 2027 One-Time Funding	\$0.0	\$0.0
None	\$0.0	\$0.0
<b>FY 2028 Total Executive Recommendation</b>	<b>\$275,351.8</b>	<b>\$627,477.6</b>

## Licensing and Regulatory Affairs

	<u>GF/GP</u>	<u>GROSS</u>
\$ Change from FY 2027 - Total Funding	\$0.0	\$0.0
% Change from FY 2027 - Total Funding	0.0%	0.0%

## 6.3. Michigan Department of Corrections

PD\*



To: Members of the Public Policy Committee  
Board of Commissioners

From: Nathan A. Triplett, Director of Governmental Relations

Date: February 24, 2026

Re: MDOC Policy Directive 05.03.118 - “Prisoner Mail”

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### **Background**

Michigan Department of Corrections (“MDOC”) Policy Directive (“PD”) 05.03.118 governs mail sent to and from individuals incarcerated in MDOC correctional facilities. Effective February 9, 2026, Section QQ(8) of this policy directive was altered to impose a blanket prohibition on incarcerated individuals receiving any/all hardcover books after that date. There is no exception for legal materials. As noted by the State Bar of Michigan’s Prisons & Corrections Section in their public policy position opposing this PD amendment, most legal books and treatises are only available as hardcover books. As a result, while the blanket prohibition on hardcover books will have impacts far beyond legal materials alone, the new policy will directly and uniquely impact the ability of incarcerated individuals to access legal materials that are essential to those individuals’ ability to assist with the preparation of their legal matters or to represent themselves. MDOC’s purported rationale for the blanket ban is to prevent contraband from entering correctional facilities. However, as detailed in PD 05.03.118, all mail is subject to rigorous inspection and only materials sent directly from an approved publisher are permitted.

The Prisons & Corrections Section and Access to Justice Policy and Justice Initiatives Committees all reviewed the policy directive and recommended that the Board of Commissioners oppose it.

### ***Keller* Considerations**

The United States Supreme Court has repeatedly recognized both that incarcerated individuals have a First Amendment right to send and receive mail (subject to a correctional institution’s need to protect security) and a constitutional right to access the courts that includes the ability to access legal materials. At the same time, the fact that a policy seriously interferes with constitutional rights alone is not sufficient—some might even say relevant—to establishing that the policy is germane for the purpose of *Keller*-permissibility. However, when, as in this case, a policy directly and uniquely impacts the ability of individuals to access legal materials, a reasonable relationship is established between the policy and the permissible purpose of accessing legal services.

It may not be the case that MDOC’s policy is intended to target legal materials, but the result remains the same. Because legal materials are primarily, and in some cases exclusively, available only in a hardcover format, the policy functions as a ban on legal materials, which is distinct from other publications that may readily be available in both a hardcover and paperback format. This presence of a reasonable relationship between the policy and access to legal services is even more apparent when, as in the present case, no exception is made for legal materials. Notably, the Board of Commissioners has previously supported legislation that aims to make legal information available to impacted individuals, even separate and apart from a particular legal proceeding, and even in cases of self-

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representation. For example, the Board supported 2023 HB 5236, which required the State Court Administrative Office to develop a tenant’s advice of rights document that would then become a required addendum to all lease agreements in Michigan. As adopted, MDOC PD 05.03.118(QQ)(8) will have the effect of preventing individuals from accessing legal materials and thereby impair their access to legal services and information. This impairment follows directly and necessarily from the policy as drafted, which is therefore reasonably related to the *Keller*-permissible purpose of accessing legal services.

***Keller Quick Guide***

***THE TWO PERMISSIBLE SUBJECT-AREAS UNDER KELLER:***

	<b>Regulation of Legal Profession</b>	<b>Improvement in Quality of Legal Services</b>
<i>As interpreted by AO 2004-1</i>	Regulation and discipline of attorneys	Improvement in functioning of the courts
	Ethics	✓ Availability of legal services to society
	Lawyer competency	
	Integrity of the Legal Profession	
	Regulation of attorney trust accounts	

**Staff Recommendation**

MDOC PD 05.03.118(QQ)(8) is reasonably related to the availability of legal services and therefore *Keller*-permissible. The policy may be considered on its merits.

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>		EFFECTIVE DATE 02/09/2026	NUMBER 05.03.118
SUBJECT PRISONER MAIL		SUPERSEDES 05.03.118 (01/05/2026)	
		AUTHORITY MCL 791.203; MCL 800.43; 39 USCA section 3403-3404; Administrative Rules 791.6603, 791.6605	
		PAGE 1	OF 14

**POLICY STATEMENT:**

Mail to and from prisoners in a correctional facility shall be processed as set forth in this policy.

**RELATED POLICIES:**

- 04.02.105 Prisoner Funds
- 04.02.120 Indigent Prisoners
- 04.07.112 Prisoner Personal Property
- 05.03.119 Electronic Messages (e-mail)
- 05.03.121 Prisoner-to-Prisoner Mail

**STATEWIDE OPERATING PROCEDURES:**

- 05.03.118 Expedited Prisoner Legal Mail and Court Filing Fees Process
- 05.03.118A Handling Prisoner Incoming Mail
- 05.03.118B Restricted Publication List

**POLICY:**

DEFINITION

- A. Mail - Any written, typed, or printed communication of information, including magazines, catalogs, books, and photographs. Electronic messages (e-mail) shall be handled as set forth in PD 05.03.119 "Electronic Messages (e-mail)."

GENERAL INFORMATION

- B. When in conflict with this policy, PD 05.01.142 "Special Alternative Incarceration Program" controls for prisoners in the Special Alternative Incarceration Program (SAI).
- C. Mail addressed to staff members shall be searched for contraband by Mail Room staff before delivery. However, if the mail is addressed to Human Resources staff, Mail Room staff shall open the mail in the presence of a Human Resources staff member and search it for physical contraband. Mail Room staff shall not read or skim mail that is addressed to Human Resources staff.
- D. Prisoners shall be permitted to send and receive uncensored mail to or from any person or organization unless the mail violates this policy or Administrative Rule 791.6603. Mail shall not be prohibited solely because its content is religious, philosophical, political, social, sexual, unpopular, or repugnant. Prohibited incoming mail shall be rejected as set forth in the rejected mail portion of this policy.
- E. Prior to rejecting mail for violation of this policy, the prisoner is entitled to a fact-finding hearing conducted pursuant to Administrative Rule 791.3310 unless otherwise specifically stated in this policy.
- F. The Inspector, or other individual as determined by the Warden, shall be notified if mail addressed to or sent by a prisoner contains a controlled substance or evidence of any illegal activity. Law enforcement shall be contacted by the Inspector, or other individual as determined by the Warden. Upon request of a law enforcement official and approval of the Warden, notices required to be issued and hearings required to be conducted pursuant to this policy may be delayed for a reasonable length of time to allow for a criminal investigation.

- G. An item other than funds that is received through the mail that is alleged to be contraband but does not meet the definition of "mail" pursuant to this policy, shall be treated as property and processed as set forth in PD 04.07.112 "Prisoner Personal Property." However, if a prisoner receives a single stamped self-addressed envelope that is sent in the mail from an attorney, a court, or a legitimate religious organization, provided the envelope is a standard white business envelope, they shall be provided with a photocopy of any portion of the envelope bearing writing, and facility staff shall issue a substantially similar white business envelope with matching metered postage. The prisoner and Prisoner Benefit Fund (PBF) shall not be charged for the replacement envelope, and the original envelope will be shredded. Additionally, free promotional items (e.g., compact discs; make-up samples) that are not authorized property pursuant to PD 04.07.112 that are attached to a publication, and fasteners holding mail together, may be removed and discarded upon receipt by the facility without notice to the prisoner if the item can be easily removed without risk of damage to the publication. If a fastener is removed that was holding mail together, the mail shall be securely sealed prior to delivery to the prisoner. Funds received through the mail shall be processed as set forth in PD 04.02.105 "Prisoner Funds."

#### WRITING MATERIALS AND POSTAGE

- H. Each correctional facility shall have available a reasonable quantity of free writing materials for use by prisoners, i.e., graphite pencils or blue/black ink pens; white paper (for example, multipurpose "copy" paper). Paper provided free to a prisoner does not need to be lined or of typing quality. Funds to purchase standard-size envelopes (e.g., 3 5/8" x 6 1/2"; 4 1/8" x 9 1/2") shall be loaned to prisoners eligible to receive a postage loan under this section if the prisoner does not have, or does not have the funds to purchase, an envelope.
- I. Additional writing materials, including typing paper for legal work, carbon paper, envelopes, and postage shall be available for prisoner purchase in correctional facilities as set forth in PD 04.02.130 "Prisoner Store." Funds to purchase a reasonable quantity of carbon paper and to purchase over-sized envelopes of a sufficient size to mail legal materials (e.g., 10" x 15"; 15" x 20") to a court, an attorney, or a party to a lawsuit due to pending litigation, including the initial filing and service of a lawsuit, shall be loaned to a prisoner who lacks sufficient funds to purchase such items in the prisoner store. The prisoner must provide proof that the items are for litigation purposes. The funds shall be loaned by the PBF. The cost of envelopes and carbon paper provided shall be considered an institutional debt and collected as set forth in PD 04.02.105 "Prisoner Funds." Funds collected to repay a loan from a PBF shall be returned to that PBF.
- J. A prisoner on indigent status pursuant to PD 04.02.120 "Indigent Prisoners" shall be loaned funds for postage as set forth in that policy.
- K. Blind or other disabled prisoners may be eligible to send mail free of postage in accordance with 39 USCA Section 3403 or 3404.
- L. Funds for additional first-class postage shall be loaned to prisoners who lack sufficient funds to send mail to a court, an attorney, or a party to a lawsuit due to pending litigation. This includes the initial filing and service of a lawsuit. The cost of certified mail shall be loaned only if the prisoner is required by court order to use certified mail (e.g., an order denying the prisoner's motion for substituted service by first-class mail). Postage shall be loaned to prisoners on indigent status pursuant to this paragraph only after the prisoner has used all postage available pursuant to Paragraph J.
- M. Funds for additional first-class postage shall also be loaned to prisoners who lack sufficient funds to mail a grievance or a Class II and Class III Misconduct Appeal (CSJ-274) to another facility or to mail a Step III grievance or a Request for Rehearing to Central Office. Funds shall be loaned for these purposes only if there is not a Department of Technology, Management and Budget (DTMB) interdepartmental mail run available and the mail must be posted before the prisoner will receive postage pursuant to Paragraph J.
- N. A prisoner requesting a postage loan pursuant to Paragraph L or M may be required to present the mail unsealed to staff to verify that it qualifies for the loan. In such cases, staff shall read only those sections of the mail that are necessary to make this determination. The mail shall not be read in its entirety. The cost of any postage or envelopes loaned to the prisoner shall be borne by the PBF. Any funds loaned for postage or envelopes shall be treated as an institutional debt and collected as set forth in PD 04.02.105 "Prisoner Funds." Funds collected to repay a loan from a PBF shall be returned to that PBF.

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- O. Prisoners shall not be loaned postage for any reason other than as set forth above.

PRISONER OUTGOING MAIL

- P. Prisoners are advised that once mail leaves a facility it will not be permitted back inside. This includes any original documents contained within incoming mail requiring special handling. The Department shall not make exceptions to the photocopying processes for incoming mail under **any** circumstances, including mail requiring special handling. **Prisoners must retain any original documents they require, because originals sent out will not be returned and will not be exempted from the photocopying requirement upon reentry.**
- Q. Any document that a prisoner wants to preserve in its original form shall be photocopied prior to mailing. Prisoners on indigent status who lack funds to make necessary photocopies before mailing may request a loan for photocopying services in accordance with PD 05.03.116 "Prisoners' Access to the Courts." Loans shall be granted solely for photocopying materials that are being sent to an entity that is qualified to send special handling mail as set forth in Paragraph JJ and are subject to repayment. Loans shall not be approved for photocopies of personal documents.
- R. Each facility shall offer prisoners outgoing mail service through the U.S. Postal Service. The facility may also offer outgoing mail service for oversize or overweight mail, including packages, through a legitimate alternate carrier. Except as set forth in Paragraphs J through N, prisoners shall be required to pay the cost of postage for any mail service used.
- S. A prisoner shall be permitted to send certified and international mail, and mail that weighs more than one ounce, via disbursement. Mail that a prisoner is sending via disbursement that is clearly identified as being to a court, an attorney, or a party to a lawsuit due to pending litigation, including the initial filing and service of a lawsuit, shall be processed as soon as possible. This includes mail being sent via disbursement to a court, an attorney, or a party to a lawsuit pursuant to Paragraph J or L. An expedited legal mail process for such mail shall be established by the CFA Deputy Director. The expedited legal mail process also shall be available to prisoners to send mail to a court or court reporter to request a transcript of the prisoner's court proceeding and to legal service organizations (e.g., American Civil Liberties Union, State Appellate Defender Office, Michigan Appellate Assigned Counsel System). The prisoner may be required to present the mail unsealed to staff to verify that it qualifies for expedited legal mail handling. In such cases, staff shall read only those sections of the mail that are necessary to make this determination. The mail shall not be read in its entirety. If it is determined that mail does not qualify for expedited handling, it shall be returned to the prisoner.
- T. Prisoners may use DTMB interdepartmental mail runs, in facilities where such service is available, to send postage-free mail to staff in other facilities serviced by interdepartmental mail runs and to Central Office. DTMB interdepartmental mail runs shall not be used by prisoners for any other purpose. Mail designated for delivery through a DTMB interdepartmental mail run in violation of this policy shall be returned to the prisoner consistent with Paragraph Z and not processed for mailing. Any mail received at facility via a DTMB interdepartmental that is addressed to a prisoner shall be photocopied and processed as set forth in Paragraph HH.
- U. There is no limit on the amount of outgoing mail a prisoner may send, except that prisoners are allowed to purchase and possess envelopes only in the quantities set forth in PD 04.07.112 "Prisoner Personal Property" and PD 04.02.130 "Prisoner Store." Outgoing mail must contain the prisoner's first and last name and prisoner number, and the name and address of the facility at which the prisoner is housed as the return address on the envelope. If the mail does not contain this information, the mail shall be returned to the prisoner to be corrected. However, mail that does not contain at least the prisoner's name and number may be destroyed.
- V. Outgoing mail of prisoners in segregation shall not be sealed and shall be inspected by staff prior to mailing. However, mail that is clearly identified as being sent to the business address of one of the following may be sealed by the prisoner and shall not be opened or otherwise inspected by staff prior to mailing unless the entity has specifically objected in writing to receiving mail from the prisoner sending the mail, and subject to Administrative Rule 791.6603(5) and Paragraphs N, S, and Z:

1. A licensed attorney, including the Attorney General, an assistant attorney general, a prosecuting attorney, and an attorney of a legitimate legal service organization (e.g., American Civil Liberties Union, State Appellate Defender Office, Michigan Appellate Assigned Counsel System).

Note: If staff are unsure if the mail is being sent to a legitimate legal service organization, they may contact the CFA Deputy Director or designee in consultation with the Bureau of Legal Affairs Director.

2. State or federal courts.
3. Federal, state, or local public officials.
4. The Director or any other Central Office staff.
5. Staff at the facility in which the prisoner is segregated.
6. Representatives of the news media, being persons who are primarily employed to gather or report news for any of the following:
  - a. A newspaper of general circulation in the community in which it publishes;
  - b. A magazine of statewide or national circulation that is sold at newsstands or by mail to the general public;
  - c. A radio or television station that is licensed by the Federal Communications Commission.
7. The Office of the Legislative Corrections Ombudsman.
8. A Consulate or Embassy.
9. Disability Rights Michigan (DRM)
10. The Michigan Department of Civil Rights (MDCR).
11. Just Detention International (JDI)/Victim Advocacy.

W. General population prisoners shall be permitted to send sealed mail, subject to Administrative Rule 791.6603(5) and Paragraphs N, S, and T. However, outgoing mail may be opened and inspected if it is determined by the Warden or designee that there are reasonable grounds to believe the mail is being sent in violation of Administrative Rule 791.6603(5). However, mail that is clearly identified as being sent to the business address of one of the following may be sealed by the prisoner and shall not be opened or otherwise inspected by staff prior to mailing, unless the entity has specifically objected in writing to receiving mail from the prisoner sending the mail or as required pursuant to Paragraphs N, S, or Z:

1. A licensed attorney; this includes the Attorney General, an assistant attorney general, a prosecuting attorney, and an attorney of a legitimate legal service organization (e.g., American Civil Liberties Union, State Appellate Defender Office, Michigan Appellate Assigned Counsel System).

Note: If staff are unsure if the mail is being sent to a legitimate legal service organization, they may contact the CFA Deputy Director or designee in consultation with the Office of Legal Affairs Administrator.

2. State or federal courts.
3. Federal, state, or local public officials.
4. The Director or any other Central Office staff.
5. Staff at the facility in which the prisoner is housed.

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6. The Office of the Legislative Corrections Ombudsman.
  7. A Consulate or Embassy.
  8. Disability Rights Michigan (DRM).
  9. Michigan Department of Civil Rights (MDCR).
  10. Just Detention International (JDI)/Victim Advocacy.
- X. A prisoner is prohibited from sending mail addressed to anyone who has objected to receiving mail from the prisoner. This only applies after the prisoner has been notified of the objection. A prisoner who continues to send mail to a person who has objected to receiving mail from that prisoner after receiving notice of the objection may be subject to discipline in accordance with PD 03.03.105 "Prisoner Discipline."
- Y. Except as set forth in Paragraph F, if it is determined that a prisoner's outgoing mail may violate Administrative Rule 791.6603(5) and that the mail therefore will not be sent, the prisoner shall be issued a Notice of Intent to Conduct an Administrative Hearing (CSJ-282) and a hearing shall be conducted pursuant to Administrative Rule 791.3310. The hearing officer shall not be the person who issued the notice. If a violation is established at the hearing, and the mail appears to be in violation of state or federal law, the Emergency Management and Special Operations Administrator or designee shall be notified, and the mail shall be turned over to the facility Inspector. The Inspector, in consultation with the Emergency Management and Special Operations Administrator or designee, shall determine if the mail needs to be turned over to law enforcement authorities.
- Z. If it is determined that a prisoner's outgoing mail cannot be processed due to insufficient postage, failure of the prisoner to sign a disbursement authorization, mail returned as undeliverable, or other reason unrelated to the content of the mail, the mail shall be treated as incoming mail. Legal mail and mail to an Embassy or Consulate that cannot be processed for any of these reasons shall receive special handling as outlined in Paragraphs NN through PP of this policy prior to its return to the prisoner.

#### PRISONER INCOMING MAIL

- AA. Staff shall only accept mail that has been delivered from a legitimate commercial carrier (e.g., U.S. Postal Service, United Parcel Service) or through DTMB interdepartmental mail runs as provided for in this policy. Staff shall not accept mail for prisoners left at the facility by members of the public, including prisoner family members and visitors, except that attorneys may be permitted to deliver legal mail to prisoners pursuant to standards issued by the CFA Deputy Director.
- BB. Prisoners shall not be permitted to receive mail identified as being sent "bulk rate" or "pre-sorted standard," as indicated by the U.S. Postal Service marking, unless it was sent from a federal or state agency or a court, is a catalog allowed pursuant to Paragraph CC, is a publication received from the publisher or an authorized vendor pursuant to Paragraph DD, or is correspondence course material approved pursuant to PD 05.02.119 "Post- Secondary Education Programs." All other mail identified by the U.S. Postal Service marking as being sent "bulk rate" or "pre-sorted standard" may be discarded upon receipt by the facility without notice to the prisoner.
- CC. Prisoners shall be permitted to receive books, magazines, and other publications only if:
1. The book (soft cover only), magazine, or other publication is ordered by a member of the public from an internet vendor identified in Attachment A or from the publisher and sent directly to the prisoner by the vendor or publisher,
  2. The book (soft cover only), magazine, or other publication is ordered by the prisoner from a vendor identified in Attachment B or from the publisher and sent directly to the prisoner from the vendor or the publisher, or
  3. The prisoner is approved to take a correspondence course pursuant to PD 05.02.119 "Post-Secondary Education Programs," and the publication is sent directly from the approved

correspondence school.

4. The publication is a government publication sent from the United States Congress and/or the Michigan Legislature.

All prisoner orders must be through established facility ordering procedures. Under no circumstances shall prisoners in a correctional facility be permitted to order a publication from an internet vendor.

- DD. Prisoners shall not be permitted to receive retail or wholesale catalogs through the mail, except that a prisoner who is permitted to possess a catalog pursuant to PD 04.07.112 "Prisoner Personal Property" may receive a catalog sent directly from a vendor approved at that facility as a source of allowable prisoner personal property. Unauthorized catalogs may be discarded upon receipt by the facility without notice to the prisoner.
- EE. Unless transmitted by or on behalf of the Department, mail received by staff for a prisoner via facsimile machine or e-mail may be destroyed upon receipt instead of being delivered to the prisoner, unless it is clear from the mail that it conveys emergency information (e.g., imminent death of family member) and the Warden authorizes delivery. If the mail is not delivered and the sender's address is sufficiently identified in the transmittal, the sender shall be notified by mail that the mail received via facsimile was not delivered due to the method of transmission. Subsequent transmittals by the same sender may be destroyed without notification to the sender.
- FF. All incoming mail for prisoners must be clearly identified with the recipient's name and prisoner number to ensure proper delivery. Incoming mail that does not clearly identify the recipient may receive delayed processing or, if the recipient cannot be adequately identified, may be returned to the sender.
- GG. All incoming mail that does not receive special handling pursuant to Paragraphs NN through PP shall be opened in one location at each facility and inspected at that location to determine if it contains money, controlled substances, or other physical contraband. All physical contraband shall be confiscated prior to delivery of the mail to the prisoner. The mail's written content also shall be skimmed, and if it appears from skimming the content that the mail may violate this policy, the item shall be read to determine if it is allowed.
- HH. Any incoming mail that does not require special handling, including photographs and interdepartmental mail sent to a prisoner, that staff determine a prisoner may receive shall be photocopied and the photocopies placed in an envelope provided by the Department. After the mail has been photocopied, mail room staff shall ensure all of the pages are accounted for and each photocopied page is clear and legible. Prisoners shall notify staff immediately if the mail they received is not legible or they believe it to be incomplete. Staff shall then review the mail to confirm that the mail the prisoner received is clear, legible, and complete. Staff shall only photocopy the mail again if the mail is unclear, illegible, or incomplete. The front of the envelope the mail came in shall also be photocopied and placed in the envelope, so the prisoner has the return address of the sender.
- II. After the original mail and envelope has been photocopied, it shall be retained for 14 calendar days. After 14 calendar days, the original mail and original envelope shall be placed in a locked bin for shredding or immediately shredded by staff if the locked bin is unavailable. Original vital documents that are mailed to a facility shall not be shredded and shall be forwarded to the Records Office. Original photographs that are mailed to a prisoner may be returned to the sender at the prisoner's expense after they are photocopied. Funds shall not be loaned for this purpose. The prisoner shall notify mail room staff within 14 calendar days of receipt of the photograph if they want to return the original photograph to the sender. Mail room staff shall process incoming publications (e.g., books, magazines, newspapers) in accordance with this policy directive. Receipts from publication purchases shall be photocopied, and the prisoner shall only receive the photocopied receipt. The original receipt shall be shredded in the same manner as other original mail.

#### MAIL REQUIRING SPECIAL HANDLING

- JJ. Special handling mail includes two categories of sensitive correspondence that requires additional verification and handling:
- a. Legal mail: Correspondence sent by a prisoner's attorney or the attorney's representative that includes

attorney-client communications or other private legal materials. Only mail received directly from a licensed attorney or their representative is considered legal mail, and only if the mail is clearly identified on the face of the envelope as being from a licensed attorney. It is not sufficient for the envelope to be simply marked "legal mail."

- b. Confidential mail: Correspondence designated by one of the following entities or their employees as containing confidential, personal, or privileged mail that does not qualify as attorney-client protected mail but warrants special handling:
- A legitimate legal services organization,
  - Department of Attorney General,
  - A prosecuting attorney's office,
  - A court or clerk of the court,
  - A Friend of the Court office,
  - Office of the Legislative Corrections Ombudsman,
  - A Consulate or Embassy,
  - Disability Rights Michigan (DRM)
  - Michigan Department of Civil Rights (MDCR),
  - Just Detention International (JDI)/Victim Advocacy

#### Verification of Mail Requiring Special Handling Through TextBehind

- KK. TextBehind is an end-to-end verification system to ensure special handling mail is sent from legitimate and verified sources and to help eliminate contraband from incoming mail. TextBehind will ensure all special handling mail is sent from legitimate and verified sources.
- LL. To receive special handling, mail requires the use of TextBehind as follows:
- a. Legal mail: All attorneys and their representatives must be registered and verified through TextBehind and include a QR code on all envelopes containing legal mail. All legal mail must prominently display a QR code issued by TextBehind. MDOC Mail Room staff shall verify the QR code against the registered sender. To avoid inadvertently breaching any attorney-client privilege, any legal mail without a valid QR code or that has an unscannable QR code shall be returned to the sender unopened.
- b. Confidential mail: Any entity identified in Paragraph JJ(b) that wants confidential mail to receive special handling must be registered and verified through TextBehind. This designation is made **by the sender**. All confidential mail designated by the sender to receive special handling must prominently display a valid QR code issued by TextBehind. Confidential mail that does not contain a QR code will be processed as regular mail.
- MM. To obtain a TextBehind QR code at no cost, senders of legal or confidential mail must:
- a. Register for an account on the TextBehind website, <https://docs.textbehind.com>.
- b. Add prisoner contact(s). Additional contacts can be added in the future.
- c. Provide any required identification that may include a state-issued ID card, State Bar of Michigan attorney card, letterhead, or telephone verification.
- d. Download a unique, single-use QR code and affix it on the outside of each individual envelope.

#### Processing Mail Requiring Special Handling

- NN. Incoming mail receiving special handling shall be opened and inspected for money, controlled substances, and other physical contraband in the prisoner's presence. The contents, including the envelope, shall be photocopied in the prisoner's presence using a machine that does not retain data or digital information. After photocopying, staff shall ensure all of the pages are accounted for and each photocopied page is clear, legible, complete, and properly duplicated. If any page is missing or illegible, it must be recopied before proceeding. **The content of the mail shall not be read or skimmed.** After confirming the photocopies

are clear, legible and complete, the original documents shall be shredded immediately in the presence of the prisoner. The prisoner shall then receive all photocopied documents. Staff shall complete the Legal and Confidential Mail Processing Acknowledgement Form (CSJ-991) for each piece of legal or confidential mail. If the prisoner refuses to physically accept the mail after it has been opened, the mail shall be shredded in prisoner's presence.

NOTE: Facilities shall use shredders that meet or exceed the following minimum standards for destruction of legal mail after photocopying: destroy paper using crosscut shredders that produce particles that are 1 mm x 5 mm (0.04 inch x 0.2 inch) in size or smaller, or pulverize/disintegrate paper materials using disintegrator devices equipped with a 3/32 inch (2.4 mm) security screen.

- OO. All physical contraband shall be confiscated, and non-contraband mail shall be delivered to the prisoner in accordance with this policy. If a prisoner receives mail that requires special handling but chooses not to come to the designated area in the facility to have the mail processed in their presence, the mail shall be returned to the sender unopened.
- PP. The mailroom shall maintain a log to document the facility's receipt of all incoming mail receiving special handling, including mail that is returned to the sender. The log shall include the date the mail was received in the mailroom, the sender's name and the prisoner's name and number. This log is in addition to the Legal and Confidential Mail Processing Acknowledgment Form (CSJ-991) mentioned in Paragraph NN.

#### PROHIBITED INCOMING MAIL

- QQ. Prisoners are prohibited from receiving mail that may pose a threat to the security, good order, or discipline of the facility, facilitate or encourage criminal activity, or interfere with the rehabilitation of the prisoner. The following pose such risks under all circumstances and therefore shall be rejected:
1. Mail containing specific information regarding the manufacture, or operation of electronic security systems, weapons, explosives, ammunition, or incendiary devices.
  2. Mail including procedures for manufacturing: poisons, alcohol, or controlled substances.
  3. Mail violating, advocating, or promoting the violation of state or federal laws, or providing instruction on how to violate state or federal laws. This includes mail advocating or promoting the filing of a false or fraudulent Uniform Commercial Code (UCC) financing statement in violation of MCL 440.9501, mail encouraging or providing instruction for filing fraudulent state or federal forms, or mail with information on how to set up a fraudulent business enterprise.
  4. Mail advocating or promoting violence, group disruption, or insurrection.
  5. Mail describing or depicting acts of sadism, masochism, bondage, necrophilia, or bestiality, or describing, depicting, or appearing to promote sexual acts involving children. This does not include small advertisements in a publication sent directly from the publisher or an authorized vendor except if the advertisement depicts or appears to promote sexual acts involving children.
  6. Mail advocating racial supremacy or ethnic purity or attacking a racial or ethnic group that is reasonably likely to promote or cause violence or group disruption in the facility.
  7. Mail providing detailed instruction in the martial arts, such as judo, karate, aikido, kendu, kung fu, and similar techniques. This does not include non-combative martial arts such as tai chi.
  8. Subject to Paragraph BB, a book, magazine, newspaper, or other publication that is not received directly from the publisher, an Internet vendor identified on Attachment A, a vendor identified on Attachment B, or, if the prisoner is approved to take a correspondence course pursuant to PD 05.02.119 "Post-Secondary Education Programs," directly from the approved correspondence school. This does not apply to an article or a few pages, or copies of a few pages, from a publication that may be included with a letter or other mail, unless it is reasonably believed to be an attempt to circumvent this restriction. Retail and wholesale catalogs are specifically addressed in Paragraph DD. **Hard cover books received after February 9, 2026 are prohibited.**

9. A used publication.
10. A publication received on a credit basis (e.g., from a book club). This does not apply if the publication is completely pre-paid and receipt does not obligate the prisoner to make future credit purchases.
11. Mail containing a provocative or scurrilous attack on any religion or religious group. This does not include a thoughtful and rational discussion of religious beliefs or differences between religions.
12. Nude photographs (including drawings and images), except if included in a publication sent directly from the publisher or an authorized vendor. Nude photographs are defined as any photograph exposing the buttocks (including photographs of an individual wearing a thong with the buttocks visible), pubic area or genitalia, or, except if a baby or infant, the female breast below the top of the areola. This includes exposure through "see through" materials.
13. Photographs (including drawings and images) depicting actual or simulated sexual acts by one or more persons. This includes photographs in a publication sent directly from the publisher or a vendor authorized by the facility.
14. Official photographs of a victim at a crime scene or depicting injuries to a victim sustained as a result of a crime that were taken for purposes of criminal investigation or prosecution. This includes photographs of the autopsy of a victim.
15. Mail depicting, encouraging, or describing methods of escape from a correctional facility. This includes blueprints, drawings, or similarly detailed descriptions of correctional facilities, courthouses and medical care facilities, and detailed roadmaps of Michigan, any state-contiguous to Michigan, or the Province of Ontario, Canada.
16. Mail written in code, or in a foreign language that cannot be screened by facility staff to the extent necessary to conduct an effective search. However, correspondence written in a foreign language shall be processed as set forth in Paragraphs XX through ZZ of this policy. This does not include dictionaries, language learning publications, and grammar/phrase books written in either a foreign language, American Sign Language (ASL), or braille.
17. Mail that is known to contain personal information about an employee or an employee's family, unless it is sent by the employee and the employee is related to the prisoner by blood or marriage or is provided with the approval of the Administrator of the Office of Legal Affairs or designee regarding pending litigation. This includes personal information published in newspapers.
18. Mail for the purpose of operating a business enterprise while within the facility. This does not apply to mail regarding the operation of a business enterprise after release.
19. Mail that is restricted or prohibited under a court order (e.g., personal protection order).
20. Mail violating postal regulations.
21. Mail containing threats.
22. Voluminous mail (i.e., greater than 12 single sided pages in legible font, which is the equivalent of a two-ounce first class postage stamp) or any mail that is too large to photocopy. This does not include legal or confidential mail, mail from a State Department or organization contracted through a State Department conducting official business with the prisoner, or mail from a legitimate educational or legitimate religious organization.
23. Mail depicting gang signs or gang activity in accordance with Paragraph SS.
24. Mail containing specific information regarding the manufacture, or operation of electronic security systems, weapons, explosives, or incendiary devices. However, mail shall not be rejected simply because it shows a photo of a gun or other weapon.

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- RR. Publications with any of the following substances that prevent an effective search shall be rejected:
1. Publications that have pages with tape, paste, or that joined or fastened together.
  2. Publications that have crayon, non-graphite pencil, highlighter, or other markers on the pages.
  3. Publications that have glitter, lipstick marks, unusual stains, body fluids, perfumes, oils, or other foreign or unknown substance on the pages.
  4. Publications with stamps, stickers, labels, or anything affixed to the pages with an adhesive.
- SS. Mail depicting a sign or symbol of a security threat group designated pursuant to PD 04.04.113 "Security Threat Groups" shall be evaluated on a case-by-case basis in order to determine if the sign or symbol is believed to pose a threat to the security, good order, or discipline of the facility, facilitate or encourage criminal activity, or interfere with the rehabilitation of the prisoner.
- TT. Prisoners are prohibited from receiving photo collages through the mail.
- UU. Coloring books/pages are permitted as long as the book/page does not contain written content that violates Paragraph QQ.
- VV. If any written material, picture, or photograph contained within a publication is believed to be in violation of this policy, the entire publication shall be rejected. However, if the written material, picture or photograph is in a portion of a newspaper that is not stapled or otherwise affixed to the rest of the newspaper, only that portion of the section (i.e., only the page that the written material, picture, or photograph is on and any connected pages) shall be removed and rejected. The rest of the newspaper shall be delivered to the prisoner.

NOTE: Only full pages containing prohibited content and the connected pages may be removed. Prohibited articles shall not be torn or cut out of the newspaper.

CORRESPONDENCE WRITTEN IN A FOREIGN LANGUAGE OR BRAILLE

- WW. Incoming correspondence mailed to a prisoner that is written in braille shall be processed as a foreign language as set forth in Paragraphs YY - ZZ If it is determined that the content of the mail does not violate this policy directive. If a blind prisoner requires mail to be written in Braille, they may contact the Worksite Offender ADA Coordinator and request a Special Accommodation Notice (SAN) to possess mail that is written in Braille on heavy weight paper. the prisoner requiring braille shall be allowed to possess the mail if they have a SAN. Learning material for Braille may be ordered and possessed in accordance with Attachment B "Authorized Vendors for Prisoner Purchases of Publications."
- XX. Incoming correspondence mailed to a prisoner that is written in a foreign language shall not be interpreted or translated by Department staff or prisoners.
- YY. Wardens must retain the services of one or more vendors to provide an English summary of the content of correspondence received by prisoners that is written in a foreign language and, if necessary, a detailed English translation. The summarization and translation services shall be retained via a purchase order within the facility's delegated authority. These services shall be provided in a prompt manner but not to incur overtime charges for expedited services. Summarization and translations are not required for electronic messages forwarded through the Department's contracted vendor. The use of the vendor shall be at the Department's expense.
- ZZ. If correspondence addressed to a prisoner is written in a foreign language, staff designated by the Warden shall contact one or more of the facility's vendors for summarization and translation services and request a verbal English summarization of the correspondence. Appropriate facility staff shall prepare a written summarization using the Mailroom Foreign Language Summarization Log (CAJ-1032), making a specific notation of any potential violations of policy. If no violation of policy is noted, the item shall be promptly delivered to the prisoner. All pages of the correspondence shall be stamped "Translation Approved" and dated so that the correspondence will not be confiscated upon inspection or when the prisoner is transferred

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to another facility. If the correspondence is believed to be in violation of policy, staff shall initiate the mail rejection process as outlined in this policy.

#### REJECTED MAIL

- AAA. Whenever mail addressed to a prisoner is opened and believed to be in violation of policy, a Notice of Package/Mail Rejection (CSJ-316) shall be completed and promptly sent to the prisoner, except as set forth in Paragraph F. The Notice shall specify in detail the specific item/content believed to be in violation of this policy and why the item/content is believed to be in violation of policy. A copy of the Notice shall also be sent to the person or entity that sent the mail if a return address is identified.
- BBB. Unless the prisoner waives their right to a hearing in writing by choosing an allowable disposition for the item, and the prisoner and staff agree on the appropriate disposition of the item, a prompt hearing shall be conducted pursuant to Administrative Rule 791.3310 to determine if the mail violates policy for the reason(s) identified in the Notice of Package/Mail Rejection (CSJ-316) and, if so, the appropriate disposition of the mail. The hearings officer shall not be the person who issued the Notice.
- CCC. If a hearing is conducted, an Administrative Hearing Report (CSJ-144) shall be completed by the hearings officer. The prisoner shall be provided the opportunity to review the mail or a copy of the mail at the hearing unless the review itself would threaten the order and security of the facility, encourage or provide instruction in criminal activity, or interfere with the rehabilitation of the prisoner. If the prisoner is not permitted to review the mail or a copy of the mail at the hearing, the hearings officer shall state the reason for that decision on the Administrative Hearing Report. If a summarization was provided for correspondence written in a foreign language, the hearings officer shall review the summarization prior to issuing a finding. The hearings officer may request a full written translation of the correspondence if necessary to issue the finding.
- DDD. If the hearings officer finds that the mail does not violate this policy, the mail shall be returned to the mailroom to determine if any other violations of policy exist. If other violations exist, the mail shall be processed as set forth in Paragraphs AAA through CCC. If there is no other reason to reject the mail pursuant to this policy, the mail shall be promptly delivered to the prisoner unless it is determined by the Warden or designee that the hearings officer's decision was not supported by policy and a rehearing is ordered.
- EEE. If the hearings officer finds that the mail violates this policy, the hearings officer shall determine the appropriate disposition of the mail as set forth in Paragraph NNN. The disposal option chosen by the hearings officer shall be specifically stated on the Administrative Hearing Report. The hearings officer may take into consideration the prisoner's choice of disposition in making that determination but shall identify only one disposal option on the hearing report.
- FFF. Whenever a hearings officer finds that a newspaper, magazine, book, or other publication violates this policy based on its written or pictorial content, the publication shall be submitted in a timely manner to the Warden along with a copy of the Notice and the Administrative Hearing Report. If the Warden does not agree that the publication violates this policy based on its content, that decision shall be noted on the Administrative Hearing Report and the publication returned to the mailroom for a second review to see if there are policy violations not found during the first review. If after the second review the Warden does not agree that the publication violates this policy based on its content, that decision shall be noted on the Administrative Hearing Report and the publication promptly delivered to the prisoner with a copy of the Warden's decision. If the Warden agrees that the publication violates this policy based on its written content, they shall proceed as set forth in Paragraph GGG. In all other cases involving the pictorial content of a publication, the Warden shall make the final decision. The Warden may maintain a list of publications rejected under their authority due to pictorial content.

#### RESTRICTED PUBLICATIONS LIST

- GGG. If the Warden concurs with the hearings officer's decision that a publication violates this policy based on its written content, the Warden or designee shall promptly submit copies of the Notice, the Administrative Hearing Report, the publication's cover, and a representative sampling of the specific sections of the publication found to be in violation of this policy to the CFA Deputy Director or designee for a final determination whether the publication violates this policy. The Warden or designee shall be notified of the decision. The Warden shall ensure that the prisoner is notified of the decision and, if the CFA Deputy

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Director or designee does not agree that the publication violates this policy, ensure that the publication is promptly given to the prisoner.

- HHH. If the CFA Deputy Director or designee agrees that a publication violates this policy for the reason(s) identified in the Administrative Hearing Report, it shall be placed on the Restricted Publications List. The Restricted Publications List shall be maintained by the CFA Deputy Director or designee and be available to all staff on the Document Access System (DAS) SharePoint. A copy of the Restricted Publications List shall also be available in the Library and on the Department's website.
- III. Once a publication is placed on the Restricted Publications List, it shall be rejected at all facilities without the need for a hearing to determine the basis for the rejection removed, unless otherwise indicated on the Restricted Publication List. If a Warden maintains a list of publications rejected under their authority due to pictorial content pursuant to Paragraph FFF because it is on the Restricted Publications List or the list maintained by the Warden, as applicable.
- JJJ. A Literary Review Committee (LRC) shall be developed by the CFA Deputy Director or designee. The LRC shall review the list at least annually to determine if there is anything that needs to be taken off the list. A specific item may be reviewed by the LRC upon request of an Executive Policy Team (EPT) member. The LRC shall be comprised of the CFA Deputy Director's Administrative Assistant, a Librarian, Chaplain, Mailroom employee, an employee from the Emergency Management and Special Operations Division, and an employee from the Education Section as determined by the CFA Deputy Director.

#### APPEAL OF REJECTED MAIL

- KKK. A prisoner who disagrees with the outcome of a hearing may file a grievance as set forth in PD 03.02.130 "Prisoner/Parolee Grievances." If the publication was referred to the CFA Deputy Director or designee for a final determination pursuant to Paragraph GGG, however, the grievance should not be filed until a final determination has been made.
- LLL. Within ten business days after the date of the Notice, the sender may appeal the proposed rejection by mailing a letter to the Warden (these letters shall not be sent via e-mail). An appeal received by any other facility staff shall be referred to the Warden as soon as possible. If the mail was referred to the CFA Deputy Director or designee pursuant to Paragraph GGG, the Warden shall not respond to the sender until a decision is made by the CFA Deputy Director or designee. If the mail was rejected because it was already on the Restricted Publications List, the sender's appeal shall be forwarded to the CFA Deputy Director or designee through the appropriate chain of command for review. In all circumstances, the sender shall be notified in writing whether the appeal is granted or denied. If the appeal is granted, that decision shall be noted on the Administrative Hearing Report and the mail promptly delivered to the prisoner.

#### DISPOSITION OF REJECTED MAIL

- MMM. Prior to disposal, rejected mail shall be retained at the facility for at least 15 business days after the date of issuance of the Notice of Package/Mail Rejection or hearing, whichever is later. However, if a publication was referred to the CFA Deputy Director or designee pursuant to Paragraph GGG, it shall be retained at the facility until a final decision is made by the CFA Deputy Director or designee. If the CFA Deputy Director or designee determines that the publication violates this policy, the publication shall be retained at the facility until the prisoner has exhausted the grievance process. If the sender appeals the rejection, the mail shall not be disposed of until after a response to the appeal is sent. If the mail violates state or federal law, it shall be turned over to appropriate law enforcement and only a copy retained.
- NNN. After retention for the period set forth in Paragraph MMM, rejected mail shall be disposed of by one of the following methods as determined by the hearings officer or as indicated by the prisoner on the Notice of Package/Mail Rejection if a hearing is not required pursuant to Paragraph BBB or III of this policy:
1. Returned to the sender at the prisoner's expense. Funds shall not be loaned for this purpose. If the prisoner does not have sufficient funds to pay the required postage, the mail may be destroyed no sooner than ten business days after the prisoner is notified in writing of this intent. The mail shall be mailed out at the prisoner's expense during this ten-day period if the prisoner receives sufficient funds to pay the cost of the postage.

2. Mailed at the prisoner's expense to a person designated by the prisoner, except that the mail shall not be sent to another prisoner, a court, an identified public official, or a Department employee unless that employee or public official is related by blood or marriage to the prisoner. Funds shall not be loaned for this purpose. If the prisoner does not have sufficient funds to pay the required postage, the mail may be destroyed no sooner than ten business days after the prisoner is notified in writing of this intent. The mail shall be mailed out at the prisoner's expense during this ten-day period if the prisoner receives sufficient funds to pay the cost of the postage.
3. If the item is a photograph, book, or magazine, retained and stored by the facility for up to 30 calendar days for pick-up by a person designated by the prisoner. If the mail is not picked up within 30 calendar days, it may be destroyed no sooner than ten business days after the prisoner is notified in writing of this intent. The mail may be picked-up during this ten-day period.
4. If the item is the prisoner's original certified birth certificate, original Social Security card, original GED certificate or other official document that the prisoner may need upon release, retained in the prisoner's Record Office file until the prisoner paroled or discharges, at which time the documents shall be given to the prisoner.
5. Destroyed, except that a publication or photograph shall be destroyed only if the prisoner agrees or as allowed pursuant to nos. 1 through 3 above. Documents identified in no. 4 above shall not be destroyed.

#### PROCESSING OF MAIL

- OOO. Facilities shall endeavor to process all incoming and outgoing mail within two business day after receipt. Mail received by any form of express mail or special delivery is not required to be expedited. Mail sent or received over holidays or weekends, and mail requiring special handling or foreign language summarization, may require additional time to process. However, mail sent via disbursement to a court, an attorney, or a party to a lawsuit shall be processed consistent with the requirements set forth in Paragraph S. Prisoners shall not be used to process mail.
- PPP. Mail received for a prisoner who has transferred to another Department facility shall be returned unopened to the postal carrier that delivered the item. The new mailing address of the prisoner shall be provided to the carrier for at least two months after the transfer to allow for forwarding of the mail, when possible. Mail received for a prisoner in a secure hospital or in Duane L. Waters Health Center shall be forwarded to the prisoner. Mail, including legal mail, received for a prisoner in any other hospital setting shall be returned to the sender unopened. If an attorney subsequently contacts the facility indicating that the returned mail contains time-sensitive information, facility staff shall contact the CFA or FOA Deputy Director, as appropriate, for instructions how to proceed.
- QQQ. Upon notification of parole or discharge, a prisoner must inform the mailroom supervisor in writing of their new address if the prisoner wants mail forwarded as set forth in Paragraph PPP. If a prisoner does not request that their mail be forwarded, any mail received for the prisoner shall be returned to the carrier for return to the sender or, if the carrier will not return the mail, for disposition in accordance with the carrier's regulations.
- RRR. Mail received for a prisoner who has been released on court writ shall be returned to the carrier for return to the sender, or if the carrier will not return the mail, for disposition in accordance with the carrier's regulations, unless the prisoner has made other arrangements in writing with the mailroom supervisor.

#### PROCEDURES

- SSS. Facilities shall develop or update facility operating procedures to ensure requirements set forth in this policy directive are implemented.

#### AUDIT ELEMENTS

- TTT. A Primary Audit Elements List has been developed and is available to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits."

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### ATTACHMENTS

UUU. This policy includes the following attachments:

1. Attachment A - Approved Internet Vendors
2. Attachment B - Authorized Vendors for Publications
3. Attachment C - Operational Guidance for Photocopying Incoming Legal and Confidential Mail

APPROVED: HEW 01/22/2026

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## ATTACHMENT A

### APPROVED INTERNET VENDORS FOR PUBLIC PURCHASES

- A. Prisoners may receive publications ordered by members of the public from the following Internet vendors, provided the publication is not used and is sent directly to the prisoner from the Internet vendor:

Amazon.com  
BarnesandNoble.com  
EdwardRHamilton.com and HamiltonBooks.com  
prisonlegalnews.org/humanrightsdefensecenter.org/action/publishing/  
Schulerbooks.com  
Walmart.com

- B. Visually impaired prisoners who read Braille also may receive Braille publications ordered by members of the public from the following Internet vendor provided the publication is sent directly to the prisoner from the vendor:

American Printing House for the Blind (aph.org)

#### NOTES:

1. Under no circumstances shall prisoners in a correctional facility be permitted to order publications from an Internet vendor.
2. Prisoners also may receive publications ordered by members of the public from a publisher provided the publication is not used, was sent directly to the prisoner by the publisher, and does not otherwise violate this policy.
3. Some approved Internet vendors, such as Amazon.com, allow private individuals and other vendors to directly sell publications on their websites. In such cases, prisoners are allowed to receive the publication only if the vendor actually selling the publication is identified on this attachment as an approved vendor
4. Some approved internet vendors, such as Amazon.com,-no longer include an invoice or packing slip with the packages they ship verifying that the delivered publication is in compliance with this policy. To assist in ensuring that the item can be delivered, written verification that the publication was purchased from the approved vendor must be provided. This can be done by:
  - a. Requesting a gift receipt be included with the package at the time of purchase.
  - b. Sending to the prisoner a copy of the invoice provided to the purchaser by the internet vendor. The invoice may be sent via the US mail or by e-mail through J-pay

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## ATTACHMENT B

### AUTHORIZED VENDORS FOR PUBLICATION PURCHASES

- A. Prisoners may order and receive non-used publications from the following vendors:
- Edward R. Hamilton Bookseller  
Prison Legal News/Human Rights Defense Center  
Schuler Books & Music
- B. Blind/visually impaired prisoners may order and receive Braille publications, or other publications to accommodate their needs, from the following vendors:
- National Library of Congress  
Service for the Blind and Physically Handicapped  
American Printing House for the Blind  
Hadley Institute
- C. The Warden or designee may authorize additional local vendors from whom prisoners at their respective facilities may order and receive non-used publications. The prisoner shall be permitted to receive the publication, subject to other policy restrictions, if transferred to another facility prior to receipt of the publication.
- D. The CFA Special Activities Coordinator shall authorize vendors from whom prisoners may order and receive non-used religious publications, as set forth in PD 05.03.150 "Religious Beliefs and Practices of Prisoners." A list of authorized religious vendors is available on the Department's Document Access System (DAS) SharePoint.

All publications must be ordered from the above vendors through institutional ordering procedures and received directly by the prisoner from the vendor. Publications ordered by prisoners are subject to all requirements set forth in this policy.

Prisoners also may receive publications ordered through institutional ordering procedures, or by members of the public, from the publisher provided the publication was sent directly to the prisoner from the publisher and does not otherwise violate this policy.

PD 05.01.142 "Special Alternative Incarceration Program" controls for prisoners in the Special Alternative Incarceration Program.

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## ATTACHMENT C

### OPERATIONAL GUIDANCE FOR PHOTOCOPYING INCOMING LEGAL AND CONFIDENTIAL MAIL

This attachment provides standardized operational guidance for processing incoming legal and confidential mail in accordance with PD 05.03.118. Facilities shall use the information in PD 05.03.118 and this document when developing or updating facility operating procedures to ensure that **all** prisoners, regardless of housing assignment, timely receive photocopied legal and confidential mail.

#### GENERAL REQUIREMENTS

1. Legal and confidential mail shall be photocopied, verified, and delivered to the prisoner without unreasonable delay.
2. Each facility shall maintain access to specialized equipment to process legal and confidential mail, including a photocopier that does not retain digital data or images, and a shredder that meets or exceeds the following minimum standards: destroys paper using crosscut shredder that produces particles that are 1 mm x 5 mm (0.04 inch x 0.2 inch) in size or smaller, or pulverizes/disintegrates paper materials using disintegrator devices equipped with a 3/32 inch (2.4 mm) security screen. This equipment shall **only** be used for processing legal and confidential mail.
3. A Legal and Confidential Mail Processing Acknowledgment Form (CSJ-991), shall be completed for each piece of legal or confidential mail. All completed forms must be retained in the facility mailroom. Forms shall be sorted and stored in a manner that allows for efficient retrieval when needed, such as by date and prisoner name or number. Forms may be stored electronically shall be retained for 42 months from the date of processing.
4. After photocopying and verifying legal or confidential mail in front of the prisoner, staff must immediately shred the original documents in front of the prisoner. Staff shall not: (1) store documents for later destruction, (2) use offsite or contracted shredding bins, even if locked, or (3) leave originals unsecured or unattended at any point.
5. Shredder waste compartments must be emptied and cleared by staff immediately upon completion of all legal and confidential mail processing, and all shredder waste must be immediately secured or removed from that area and properly disposed of (e.g., trash compactor, outside the secure perimeter). Under no circumstances shall shredder waste remain in the shredder or unsecured in an area where legal and confidential mail is processed. All shredder waste shall only be handled, transported, and disposed of by staff. Prisoners, including porters, are not permitted access to equipment or shredder waste at any time.
6. When not actively in use, photocopiers and shredders must be secured and stored in a locked location that is inaccessible to prisoners.

#### PHOTOCOPIER/SHREDDER USE

7. Facilities shall use photocopiers and shredders located in centralized areas (e.g., programming building, school) to process legal and confidential mail. Movement should be authorized daily or as needed to avoid delays.
8. Legal and confidential mail shall be fully processed in front of the prisoner, including photocopying, verifying copies, and immediate shredding of original documents.

#### CONTINGENCY PLANNING

9. Facilities must have a contingency plan for processing legal and confidential mail in the event of equipment failure. Plans must: (1) identify alternate equipment available on-site, (2) ensure no unreasonable delay in processing legal and confidential mail due to repair, replacement, or maintenance, and (3) ensure compliance with PD 05.03.118 in all backup processes.

**Public Policy Position**  
**Amendment to Michigan Department of Corrections**  
**Policy Directive 05.03.118(QQ)(8)**

**Oppose Amendment to MDOC PD 05.03.118(QQ)(8)**

**Explanation**

The Access to Justice Policy Committee voted unanimously to support the position of the Prisons & Corrections Section, which is to oppose the amendment to Michigan Department of Corrections Policy Directive 05.03.118(QQ)(8) that prohibits incarcerated individuals from being mailed hard cover books. Banning hardcover books will impose a significant burden on incarcerated individuals' access to legal texts and resources, which are primarily printed in hardcover format, and thereby impede their ability to assist with the preparation of legal matters or to represent themselves.

**Position Vote:**

Voted For position: 12

Voted against position: 0

Abstained from vote: 1

Did not vote (absence): 8

**Keller Permissibility Explanation**

The Committee voted unanimously that the amendment to MDOC Policy Directive 05.03.118(QQ)(8) is reasonably related to access to legal services and therefore *Keller*-permissible.

**Contact Persons:**

Garrett Burton

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**Public Policy Position**  
**Amendment to Michigan Department of Corrections**  
**Policy Directive PD 05.03.118(QQ)(8)**

**Oppose Amendment to MDOC PD 05.03.118(QQ)(8)**

**Explanation**

The Justice Initiatives Committee voted to support the position of the Prisons & Corrections Section.

**Position Vote:**

Voted For position: 16

Voted against position: 0

Abstained from vote: 1

Did not vote (absence): 3

**Contact Person:**

Ashley E. Lowe [alowe@lakeshorelegalaid.org](mailto:alowe@lakeshorelegalaid.org)

**Public Policy Position**  
**Amendment to Michigan Department of Corrections**  
**Policy Directive PD 05.03.118(QQ)(8)**

**Oppose**

**Explanation:**

The Prisons & Corrections Council of the State Bar of Michigan opposes the implementation of MDOC policy directive PD 05.03.118(QQ)(8) which states “Hard cover books received after February 9, 2026 are prohibited.” Most legal books and treatises are hardcover books. The banning of hardcover books has an extremely negative impact on an incarcerated individual’s ability to advocate for themselves. The banning of hardcover books impedes access to justice, legal advice and counsel.

The Prisons & Corrections Council exists to study and debate the operation and policies of the criminal justice system as it affects incarcerated persons and to make recommendations to the State Bar as to these policies. The banning of hardcover books will further, and unfairly, restrict an incarcerated individual’s access to the legal system. We are against the policy change. We ask that the State Bar of Michigan also oppose its implementation.

The banning of hardcover books in the MDOC further restricts an incarcerated individual's rights to legal advice and counsel. Most law books and treatises are hardcover books. Many incarcerated individuals pursue their own post-conviction avenues and need those books to effectively advocate for themselves. The purported reason for the ban is to stop illegal substances from getting into the prisons. The books can only be sent by Amazon or other approved online merchants so the risk of illegal substances being shipped in is extremely low, if not non-existent. The banning of these books will further, and unfairly, restrict an incarcerated individual's access to the legal system.

**Position Vote:**

Voted for position: 13

Voted against position: 0

Abstained from vote: 1

Did not vote: 6

**Contact Person:** Patricia A. Maceroni

**Email:** [patricia\\_maceroni@fd.org](mailto:patricia_maceroni@fd.org)

# 7. Strategic Planning and Engagement

Presented by Thomas H. Howlett

## 7.1. 2026 Board Retreat Update

## 7.2. Website Update

## 8. Audit and Finance

Presented by David C. Anderson

## 8.1. Cannabis Law Section\*

9. For the Good of the Public and the  
Profession

## 9.1. Comments or Questions from Commissioners

## 9.2. Public Comment

Any member of the public who wishes to address the commissioners during public comment must sign up before 9:30 a.m. on the date of the meeting using the “Public Comment Sign Up” sheet available at the front desk of the State Bar Building.

10. Closed Discussion: Consider Attorney  
/ Client Privileged Communications

## 11. Adjournment