

SBM State Bar of Michigan

2014-2015 COMMITTEE ANNUAL REPORT

Article VI §6, Bylaws of the State Bar of Michigan

No later than May 1 of each year, the chair of each committee and sub-entity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or sub-entity.

Committee Name: Standing Committee on Judicial Ethics

Jurisdiction: The Judicial Ethics Committee has the following jurisdictional mandate:

- Prepare written opinions on ethical conduct of judges at the request of the State Bar President, Board of Commissioners, Representative Assembly, Attorney Discipline Board, Attorney Grievance Commission, Executive Director, or individual members of the judiciary inquiring about their own contemplated conduct.
- Recommend amendments to the Michigan Code of Judicial Conduct and other standards of professional conduct, and review proposed amendments.
- The Michigan Judges Association, Michigan Probate Judges Association, Michigan District Judges Association, Michigan Association of District Court Magistrates and the Referees Association of Michigan shall each nominate one member for appointment to the committee.

Chair and Committee Members:

Officer	Name	Address	Telephone	Email
Chair	Hon. Elwood L. Brown	201 McMorran Blvd Rm 2200 Port Huron, MI 48060-4029	(810) 985-2010	ebrown@stclaircounty.org
State Bar Liaison	Danon D. Goodrum-Garland	306 Townsend St Lansing, MI 48933-2012	(517) 346-6333	dgarland@mail.michbar.org
State Bar Liaison	Nkrumah Johnson-Wynn	306 Townsend St Lansing, MI 48933-2012	(517) 346-6310	njwynn@mail.michbar.org
State Bar Liaison	Alecia M. Ruswinckel	306 Townsend St Lansing, MI 48933-2012	(517) 346-6328	amruswinckel@mail.michbar.org
State Bar Liaison Assistant	Karen Spohn	306 Townsend St Lansing, MI 48933-2012	(517) 346-6309	kspohn@mail.michbar.org
Members				
Hon. Terry L. Clark				
Hon. Laura A. Frawley				
Hon. Annette M. Jurkiewicz-Berry				
Hon. Randy L. Kalmbach				
Hon. Christopher S. Ninomiya				
Mr. James B. Pahl				
Referee Lorie Nancy Savin				

Committee Meeting Schedule:

Meeting Type	Date and Time	Location
Regularly scheduled meeting	June 20, 2014, 10 a.m.	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
Regularly scheduled meeting	October 17, 2014, 10 a.m.	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933
Regularly scheduled meeting	April 17, 2015, 10 a.m.	State Bar of Michigan Michael Franck Building 306 Townsend Street Lansing, MI 48933

Resources provided by the State Bar of Michigan in support of committee work:

The State Bar provides staff support for the work of the Committee through three staff counsel and the administrative assistance of a legal secretary. The State Bar also provides meeting facilities, food and beverage for meetings, SharePoint, teleconferencing services, meeting materials, document production services, and other ethics resources as needed to support the work of the Committee.

Committee Activities: During each Committee meeting, Members discuss pending opinion requests and new opinion requests. Additionally, Members receive information about and discuss inquiries received through the State Bar’s ethics helpline and address other matters as they arise, such as proposed changes to the Michigan Code of Judicial Conduct. Between meetings, the Members review materials, form recommendations about whether to respond to opinion requests with a letter or an opinion, and research and draft opinions for discussion and approval by the Committee as a whole.

Since its last Annual Report, the Committee approved four ethics opinions for publication addressing the ethical concerns and withdrew five opinions (CI-547, CI-998, JI-19, JI-46, and JI-115) as no longer valid. The Committee completed its review and recommendations of existing opinions based on amendments to the Michigan Code of Judicial Conduct in August 2013. The Committee approved for publication “Frequently Asked Questions” regarding judicial campaign ethics.

The four new ethics opinions approved since the last Annual Report are listed below.

- 1) JI-141 replaced JI-19, holding that “A referee may not seek election to a local public school board unless the referee resigns prior to becoming a candidate for the nonjudicial office in a general election.”
- 2) JI-142 replaced with JI-46, finding that “A judge may participate in a county wide millage campaign intended to raise tax revenues, a significant portion of which will be used to maintain and enhance court operations and will result in the improvement of the legal system and the administration of justice. The judge’s activities should focus upon matters pertinent to the courts and the judge must be cautious not to engage in activities that could be construed as attempts to individually solicit funds or improperly use the influence of judicial office.”

- 3) JI-143 replaced JI-115, holding that “A judge may accept a testimonial occasion on the judge’s behalf sponsored by a political party as long as the total value of the gift or gifts to the judge do not exceed \$100, including the complimentary dinner. A judge being honored may accept the invitation to attend as the guest of the political party sponsoring the event as long as the total value of the dinner ticket does not exceed \$100. A judge being honored at the testimonial dinner or a judge attending the testimonial dinner may permit his or her name and/or title to be used in advertising his or her involvement in the dinner as long as the communications do not involve the judge’s individual solicitation of funds. It is unethical for the judge to use or permit the use of the prestige of judicial office to raise money for a political party.”
- 4) JI-144 holds that “A township trustee may run for judge without resigning from office prior to the election, but must be cautious about specific activities proscribed under the Canons applicable to judicial candidates to ensure the integrity and impartiality of the judiciary.”

The Committee continues to work on an ethics opinion which will replace CI-547 and will consider other requests for ethics opinions in the upcoming months.

Future Goals and Activities: The Committee plans to continue responding to opinion requests and to address revisiting any opinions identified as in need of review due to subsequent developments that may have impacted the continued appropriateness of any conclusions drawn. To the extent that the Committee’s input is sought by the Board of Commissioners, the Representative Assembly, or the Supreme Court on discrete issues or projects, the Committee stands ready to respond with appropriate research and commentary.

The Committee’s last quarterly meeting for this bar year is scheduled for June 19, 2015.

Other Information: Not applicable.