

**A SUMMARY OF THE STATUS OF THE IMPLEMENTATION
OF THE 1989 REPORTS WITH RECOMMENDATIONS**

“STATUS OF IMPLEMENTATION BY RECOMMENDATION” TABLE

STATUS OF IMPLEMENTATION BY RECOMMENDATION

	TEAM	RACE/ GENDER/ JOINT	REC NO.	1989 TASK FORCE SUBJECT MATTER	SOURCE OF INQUIRY (SEE KEY AT END OF TABLE)	FULLY (†) OR SUBSTANTIALLY (√) IMPLEMENTED	NOT IMPLEMENTED	PARTIALLY IMPLEMENTED
1.	1	G	V-1	The Court's Response to Violence Against Women	PROS	√		
2.	1	G	V-2	The Court's Response to Violence Against Women	PROS	†		
3.	1	G	V-3	The Court's Response to Violence Against Women	PROS	†		
4.	1	G	V-4	The Court's Response to Violence Against Women	PROS			√
5.	1	G	V-5	The Court's Response to Violence Against Women	PROS	√		
6.	1	G	V-6	The Court's Response to Violence Against Women	PROS	†		
7.	1	G	V-7	The Court's Response to Violence Against Women	SCAO	√		
8.	1	G	V-8	The Court's Response to Violence Against Women	JQ			√
9.	1	G	V-9	The Court's Response to Violence Against Women	JQ			√
10.	1	G	V-10	The Court's Response to Violence Against Women	SCAO/JQ	√		
11.	1	G	V-11	The Court's Response to Violence Against Women	SCAO		√	
12.	1	G	V-12	The Court's Response to Violence Against Women	JQ			√

	TEAM	RACE/ GENDER/ JOINT	REC NO.	1989 TASK FORCE SUBJECT MATTER	SOURCE OF INQUIRY (SEE KEY AT END OF TABLE)	FULLY (†) OR SUBSTANTIALLY (√) IMPLEMENTED	NOT IMPLEMENTED	PARTIALLY IMPLEMENTED
13.	1	G	V-13	The Court's Response to Violence Against Women	MJI/ICLE			√
14.	1	G	V-14	The Court's Response to Violence Against Women	JQ			√
15.	1	G	V-15	The Court's Response to Violence Against Women	MJI/ICLE			√
16.	1	G	V-16	The Court's Response to Violence Against Women	MJI/ICLE/SBM			√
17.	1	G	V-17	The Court's Response to Violence Against Women	MJI/ICLE/SBM			√
18.	1	G	V-18	The Court's Response to Violence Against Women	STATE	†		
19.	1	G	V-19	The Court's Response to Violence Against Women	MJI/ICLE/ SCAO/JQ/PROS			√
20.	1	G	V-20	The Court's Response to Violence Against Women	JI	†		
21.	1	G	V-21	The Court's Response to Violence Against Women	MCR	√		
22.	1	G	V-22	The Court's Response to Violence Against Women	SCAO			√
23.	1	G	V-23	The Court's Response to Violence Against Women	MJI/ICLE/SCAO			√
24.	1	G	V-24	The Court's Response to Violence Against Women	JQ			√
25.	1	G	V-25	The Court's Response to Violence Against Women	JI			√

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26.	1	G	V-26	The Court's Response to Violence Against Women	STATE	†		
27.	2	G	VI-1	Domestic Relations	MJI/ICLE			√
28.	2	G	VI-2	Domestic Relations	JQ		√	
29.	2	G	VI-3	Domestic Relations	SBM			√
30.	2	G	VI-4	Domestic Relations	JQ			√
31.	2	G	VI-5	Domestic Relations	SCAO		√	
32.	2	G	VI-6	Domestic Relations	SCAO			√
33.	2	G	VI-7	Domestic Relations	JQ			√
34.	2	G	VI-8	Domestic Relations	MJI/ICLE			√
35.	2	G	VI-9	Domestic Relations	JQ			√
36.	2	G	VI-10	Domestic Relations	JQ			√ (IN PRACTICE)
37.	2	G	VI-11	Domestic Relations	JQ			√
38.	2	G	VI-12	Domestic Relations	JQ			√

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39.	2	G	VI-13	Domestic Relations	JQ			√
40.	2	G	VI-14	Domestic Relations	MJI/ICLE			√
41.	2	G	VI-15	Domestic Relations	SCAO			√
42.	2	G	VI-16	Domestic Relations	STATE		√	
43.	2	G	VI-17	Domestic Relations	FOC		√	
44.	2	G	VI-18	Domestic Relations	FOC			√
45.	2	G	VI-19	Domestic Relations	FOC			√ (IN PRACTICE)
46.	3	G	VI-20	Domestic Relations	MED/ADR/ARB			√
47.	2	G	VI-21	Domestic Relations	MJI/ICLE			√
48.	2	G	VI-22	Domestic Relations	JQ			√
49.	2	G	VI-23	Domestic Relations	JQ	√		
50.	2	G	VI-24	Domestic Relations	JQ	†		
51.	2	G	VI-25	Domestic Relations	JQ/FOC			√

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52.	2	G	VI-26	Domestic Relations	JQ/FOC	√ (MAJORITY OF JUDGES)		
53.	2	G	VI-27	Domestic Relations	JQ/FOC	√		
54.	2	G	VI-28	Domestic Relations	JQ/FOC			√
55.	2	G	VI-29	Domestic Relations	JQ/FOC			√
56.	3	G	VI-30	Domestic Relations	MED/ADR/ARB	†		
57.	4	G	VII-1	Gender Bias Within the Court Environment	SCAO			√
58.	4	G	VII-2	Gender Bias Within the Court Environment	MJI/ICLE	√		
59.	4	G	VII-3	Gender Bias Within the Court Environment	SCAO			√
60.	2	G	VII-4	Gender Bias Within the Court Environment	JJ			√
61.	4	G	VII-5	Gender Bias Within the Court Environment	SCAO	√		
62.	4	G	VII-6	Gender Bias Within the Court Environment	JQ			√
63.	4	G	VII-7	Gender Bias Within the Court Environment	JQ	√		
64.	4	G	VII-8	Gender Bias Within the Court Environment	JQ			√

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65.	3	G	VII-9	Gender Bias Within the Court Environment	MED/ADR/ARB			√
66.	3	G	VII-10	Gender Bias Within the Court Environment	MED/ADR/ARB		√	
67.	3	G	VII-11	Gender Bias Within the Court Environment	MED/ADR/ARB		√	
68.	3	G	VII-12	Gender Bias Within the Court Environment	MED/ADR/ARB		√	
69.	3	G	VII-13	Gender Bias Within the Court Environment	MED/ADR/ARB			√
70.	4	G	VII-14	Gender Bias Within the Court Environment	SCAO	√		
71.	4	G	VII-15	Gender Bias Within the Court Environment	SCAO	†		
72.	4	G	VII-16	Gender Bias Within the Court Environment	MJI/CLE	√		
73.	4	G	VII-17	Gender Bias Within the Court Environment	MJI/CLE			√
74.	4	G	VII-18	Gender Bias Within the Court Environment	SCAO			√
75.	4	G	VII-19	Gender Bias Within the Court Environment	State		√	

	INDEX	RACE/ GENDER/ JOINT	REC NO.	1989 TASK FORCE SUBJECT MATTER	SOURCE OF INQUIRY (SEE KEY AT END OF TABLE)	FULLY (†) OR SUBSTANTIALLY (√) IMPLEMENTED	NOT IMPLEMENTED	PARTIALLY IMPLEMENTED
76.	5	G	VIII-1	Status of Women in the Profession	State			√
77.	5	G	VIII-2 *	Status of Women in the Profession	State			
78.	5	G	VIII-3	Status of Women in the Profession	State			√
79.	5	G	VIII-4	Status of Women in the Profession	SBM	√ (IN PRACTICE)		
80.	5	G	VIII-5	Status of Women in the Profession	SBM	√ (IN PRACTICE)	√	
81.	5	G	VIII-6	Status of Women in the Profession	SBM			√
82.	5	G	VIII-7	Status of Women in the Profession	SBM			√
83.	5	G	VIII-8	Status of Women in the Profession	SBM	√		
84.	5	G	VIII-9	Status of Women in the Profession	SBM		√	
85.	5	G	VIII-10	Status of Women in the Profession	SBM		√	
86.	5	G	VIII-11	Status of Women in the Profession	SBM	√		
87.	5	G	VIII-12	Status of Women in the Profession	SBM		√	

* The status regarding the implementation of this recommendation could not be determined by the Task Force.

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88.	5	G	VIII-13	Status of Women in the Profession	SBM	√		
89.	5	G	VIII-14	Status of Women in the Profession	MLS		√	
90.	5	G	VIII-15	Status of Women in the Profession	MLS			√
91.	5	G	VIII-16	Status of Women in the Profession	MLS			√
92.	2	R/E	V-1	Courtroom Treatment of Minority Litigants, Witnesses, Jurors and Attorneys	MJI/ICLE			√
93.	2	R/E	V-2	Courtroom Treatment of Minority Litigants, Witnesses, Jurors and Attorneys	MJI/ICLE			√
94.	5	R/E	V-3	Courtroom Treatment of Minority Litigants, Witnesses, Jurors and Attorneys	MJI/ICLE			√
95.	5	R/E	V-4	Courtroom Treatment of Minority Litigants, Witnesses, Jurors and Attorneys	State		√	
96.	4	R/E	V-5	Courtroom Treatment of Minority Litigants, Witnesses, Jurors, and Attorneys	JQ			√
97.	4	R/E	V-6	Courtroom Treatment of Minority Litigants, Witnesses, Jurors, and Attorneys	JQ			√
98.	4	R/E	V-7	Courtroom Treatment of Minority Litigants, Witnesses, Jurors, and Attorneys	MJI/ICLE			√
99.	3	R/E	V-8	Courtroom Treatment of Minority Litigants, Witnesses, Jurors and Attorneys	MED/ADR/ARB			√
100.	4	R/E	V-9	Courtroom Treatment of Minority Litigants, Witnesses, Jurors, and Attorneys	SCAO			√

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101.	5	R/E	V-10	Courtroom Treatment of Minority Litigants, Witnesses, Jurors and Attorneys	SBM			√
102.	4	R/E	V-11	Courtroom Treatment of Minority Litigants, Witnesses, Jurors, and Attorneys	JQ		√	
103.	3	R/E	V-12	Courtroom Treatment of Minority Litigants, Witnesses, Jurors and Attorneys	MED/ADR/ARB			√
104.	3	R/E	V-13	Courtroom Treatment of Minority Litigants, Witnesses, Jurors and Attorneys	MED/ADR/ARB			√
105.	3	R/E	V-14	Courtroom Treatment of Minority Litigants, Witnesses, Jurors and Attorneys	MED/ADR/ARB			√
106.	3	R/E	V-15	Courtroom Treatment of Minority Litigants, Witnesses, Jurors and Attorneys	MED/ADR/ARB			√
107.	4	R/E	VI-1	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	MJJ/ICLE			√
108.	4	R/E	VI-2	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	JQ			√
109.	5	R/E	VI-3	Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	SCAO	†		
110.	4	R/E	VI-4	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	JQ			√
111.	4	R/E	VI-5	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	JQ			√
112.	4	R/E	VI-6	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	JQ			√
113.	4	R/E	VI-7	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	MCR		√	

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114.	4	R/E	VI-8	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	JQ			√
115.	4	R/E	VI-9	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	JQ			√
116.	4	R/E	VI-10	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	JQ			√
117.	4	R/E	VI-11	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	JQ		√	
118.	4	R/E	VI-12	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	SCAO		√	
119.	4	R/E	VI-13	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	JQ		√	
120.	4	R/E	VI-14	The Impact of Racial/Ethnic Bias on the Administration, Staffing and Behavior of the Court	JQ			√
121.	1	R/E	VII-1	The Impact of Racial/Ethnic Bias on the Criminal Justice Process	MCR	†		
122.	1	R/E	VII-2	The Impact of Racial/Ethnic Bias on the Criminal Justice Process	MCR	†		
123.	1	R/E	VII-3	The Impact of Racial/Ethnic Bias on the Criminal Justice Process	SCAO		√	
124.	4	R/E	VII-4	The Impact of Racial/Ethnic Bias on the Criminal Justice Process	MJI/ICLE/JQ			√
125.	4	R/E	VII-5	The Impact of Racial/Ethnic Bias on the Criminal Justice Process	JQ			√
126.	1	R/E	VII-6	The Impact of Racial/Ethnic Bias on the Criminal Justice Process	SCAO		√	

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127.	VII-7	The Impact of Racial/Ethnic Bias on the Criminal Justice Process	JQ	†		
128.	VIII-1	Professional Development and Opportunities for Minorities	State			√
129.	VIII-2 *	Professional Development and Opportunities for Minorities	JQ			
130.	VIII-3	Professional Development and Opportunities for Minorities	State			√
131.	VIII-4	Professional Development and Opportunities for Minorities	State			√
132.	VIII-5	Professional Development and Opportunities for Minorities	JQ		√	
133.	VIII-6	Professional Development and Opportunities for Minorities	SBM			√
134.	VIII-7	Professional Development and Opportunities for Minorities	SBM		√	
135.	VIII-8	Professional Development and Opportunities for Minorities	SBM	√		
136.	VIII-9	Professional Development and Opportunities for Minorities	SBM	√		
137.	VIII-10	Professional Development and Opportunities for Minorities	SBM			√
138.	VIII-11	Professional Development and Opportunities for Minorities	SBM	√		

* The status regarding the implementation of this recommendation could not be determined by the Task Force.

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139.	5	R/E	VIII-12	Professional Development and Opportunities for Minorities	SBM		√	
140.	5	R/E	VIII-13	Professional Development and Opportunities for Minorities	SBM	√		
141.	5	R/E	VIII-14	Professional Development and Opportunities for Minorities	SBM	√		
142.	5	R/E	VIII-15	Professional Development and Opportunities for Minorities	SBM	√		
143.	5	R/E	VIII-16	Professional Development and Opportunities for Minorities	SCAO		√	
144.	5	R/E	VIII-17	Professional Development and Opportunities for Minorities	MLS			√
145.	5	R/E	VIII-18	Professional Development and Opportunities for Minorities	MLS		√	
146.	5	R/E	VIII-19	Professional Development and Opportunities for Minorities	MLS		√	
147.	5	R/E	VIII-20	Professional Development and Opportunities for Minorities	MLS		√	
148.	5	R/E	VIII-21	Professional Development and Opportunities for Minorities	MLS			√
149.	5	R/E	VIII-22	Professional Development and Opportunities for Minorities	MLS	√		
150.	3	J	IX-1	Ethical Standards and Disciplinary Systems	MCR		√	
151.	3	J	IX-2	Ethical Standards and Disciplinary Systems	MCR		√	

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152.	3	J	IX-3	Ethical Standards and Disciplinary Systems	MCR		√	
153.	3	J	IX-4	Ethical Standards and Disciplinary Systems	MCR		√	
154.	3	J	IX-5	Ethical Standards and Disciplinary Systems	ADS		√	
155.	3	J	IX-6	Education – The Judiciary and the Courts	MJI/ICLE/IC	√		
156.	3	J	IX-7	Education – MJI and professional associations	MJI/ICLE	√		
157.	3	J	IX-8	Education – MJI and professional associations	MJI/ICLE			√
158.	3	J	IX-9	Education – MJI and professional associations	MJI/ICLE			√
159.	3	J	IX-10	Education – Attorneys	MJI/ICLE/SBM			√
160.	3	J	IX-11	Education – Attorneys	MJI/ICLE			√
161.	3	J	IX-12	Education – Law Schools	MLS		√	
162.	3	J	IX-13	Education – Law Schools	MLS		√	
163.	3	J	IX-14	Education – Law Schools	MLS			√
164.	3	J	IX-15	Education – The Public	SBM			√

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165.	3	J	IX-16	Implementation	SCAO		√	
166.	3	J	IX-17	Implementation	SCAO		√	
167.	3	J	IX-18	Implementation	SCAO		√	
TOTALS Ø						40	38	87

Ø The status regarding the implementation of two of the recommendations could not be determined by the Task Force.

KEY TO SOURCE OF INQUIRY

ADR	ALTERNATIVE DISPUTE RESOLUTION
ADS	ATTORNEY DISCIPLINE SYSTEM
ARB	ARBITRATION
FOC	FRIEND OF THE COURT
ICLE	INSTITUTE OF CONTINUING LEGAL EDUCATION
JC	JUDICIAL CONFERENCES
JJ	JURY INSTRUCTIONS
JQ	JUDICIAL QUESTIONNAIRE
MCR	MICHIGAN COURT RULES
MED	MEDIATION
MJI	MICHIGAN JUDICIAL INSTITUTE
MLS	MICHIGAN LAW SCHOOLS
PROS	PROSECUTING ATTORNEYS, (PROSECUTING ATTORNEYS ASSOCIATION OF MICHIGAN, PROSECUTING ATTORNEYS COORDINATING COUNCIL)
SBM	STATE BAR OF MICHIGAN
SCAO	STATE COURT ADMINISTRATIVE OFFICE
STATE	STATE OF MICHIGAN

PRIORITY GOALS FOR THE FUTURE

While each recommendation and goal set forth in this document is important, the State Bar Task Force believes that some recommendations should be given special attention and emphasis. In addition to the joint recommendations discussed previously, the Task Force members identified the following areas as particularly important. As such, these are recommendations, which deserve special attention as necessary and fundamental to the appearance of fairness and equal treatment and the achievement of a truly bias-free and non-discriminatory justice system.

DOMESTIC VIOLENCE COORDINATING COUNCILS

The Task Force believes that the creation of local and statewide coordinating councils has been essential to the success of the domestic violence reforms that have been adopted over the last eight years. The Prosecuting Attorneys Association of Michigan and the Domestic Violence Prevention Treatment Board should encourage, initiate, monitor, and report on the development of local coordinating councils to provide an integrated approach to domestic violence cases in those counties where such groups have not yet formed. Local coordinating councils should be required in every county to establish effective procedures to process and enforce personal protection orders and provide additional training and information to local police agencies, including Law Enforcement Information Network operators, prosecutors, clerks, and shelter personnel and advocates.

The Prosecuting Attorneys Association of Michigan should develop ways to increase the establishment of statewide coordinating councils to provide more training and education on domestic violence for all segments of the criminal justice system including law enforcement. The Michigan Judicial Institute should assist in this effort by developing innovative education programs to enhance the success of local domestic violence coordinating councils. The Prosecuting Attorneys Association of Michigan should gather annual statistics on the number of existing and new local councils established, and report its findings annually.

PROSECUTORIAL RESPONSIBILITY FOR PERSONAL PROTECTION ORDERS

Great progress has been made in the availability and effectiveness of personal protection orders in domestic violence cases. However, personal protection order statutes and court rules should be amended to provide that prosecuting attorneys be required to assist applicants in obtaining personal

PRIORITY GOALS FOR THE FUTURE

protection orders in addition to their statutory obligation to enforce personal protection order violations. The Legislature should provide additional funding and/or the Prosecuting Attorneys Association of Michigan should seek federal monies to support prosecutors' offices in performing these additional duties. Until such time, the Prosecuting Attorneys Association of Michigan should continue to encourage local prosecutors to cooperate with local coordinating councils to enhance the quality of non-legal victim assistance in obtaining personal protection orders.

EVALUATION OF THE IMPACT OF MCR 2.404 ON MEDIATION PRACTICES

By order of the Michigan Supreme Court dated March 5, 1997, the Michigan Court Rules were amended to adopt a new rule regulating the selection process for mediation panels. MCR 2.404, effective October 1, 1997, implements the specific mechanisms enumerated in Race/Ethnic Recommendation V-12 of the 1989 Task Force report. MCR 2.404 standardizes the process of selecting mediators. The rule specifically requires that the mediation process be free from race/ethnic and gender bias. These changes are expected to promote the goal of increasing the number of women and racial/ethnic minorities in the mediation and alternate dispute resolution process.

Once chief judges of trial courts have had an opportunity to implement the provisions of MCR 2.404, the State Court Administrative Office will have the opportunity to evaluate the first annual reports filed by the chief judges pursuant to MCR 2.404 (D)(1) to determine the extent of compliance, and the impact of the court rule amendment on increasing the number of women and minority mediators. It is important that meaningful statistical data be collected to assess the actual success of the new provisions. Not only should the State Court Administrative Office function as a clearinghouse for this information, it should also be empowered to regulate, enforce and sanction non-compliance. Non-complying courts should be required to resolve problems within their systems and to adopt successful methods used by courts with a positive record of compliance.

REGULATION AND SUPERVISION OF PRIVATE MEDIATION AND ALTERNATIVE DISPUTE RESOLUTION SYSTEMS

Regulation and supervision of mediation and alternative dispute resolution procedures should be extended to all private contractual systems, which are used to resolve legal disputes.

RECRUITMENT AND RETENTION OF WOMEN AND MINORITY FACULTY IN LAW SCHOOLS

Law schools should adopt and follow policies aimed at the recruitment, advancement toward tenure and retention of women and minority faculty members. Out-of-state schools with good records in recruiting and retaining tenured women and minority faculty should be studied and their practices and policies adapted to Michigan law schools. Statistics should be collected which accurately reflect the recruitment, employment and tenure patterns of law schools over an extended period of time.

APPOINTMENT AND HIRING POLICIES AND PRACTICES IN THE MICHIGAN JUSTICE SYSTEM

Progress must continue toward a representational bench and bar. The Governor should appoint more women and minorities to judicial positions at all levels and in jurisdictions throughout the state. Courts should appoint referees, magistrates and *quasi*-judicial personnel in numbers which accurately reflect the racial/ethnic and gender demographics of the populations they serve. Representation should be increased in the offices of the Attorney General, State Public Administrators Office, Prosecutor's offices and in the disciplinary systems. The number of minorities hired as law clerks, judicial assistants and commissioners should be increased at all levels of the judiciary, but particularly at the Court of Appeals and Supreme Court levels. Women and minorities should continue to be appointed, elected and hired into positions of authority and leadership in the State Bar of Michigan.

MANDATORY LEGAL EDUCATION AND CERTIFICATION IN FAMILY LAW

In accordance with the State Bar recommendation on MCLE, a system of mandatory legal education in the area of family law and family violence should be developed for judges and attorneys. Until a statewide mandatory continuing legal education standard is adopted, each Circuit Court - Family Division should adopt minimum continuing legal education standards for appointment in that jurisdiction. Any attorney appointments out of the family division should be given only to attorneys who have complied with these requirements. Referrals from bar associations regarding family matters should be consistent with these requirements.

COURT PERSONNEL TRAINING

Significant training effort has gone into the development and production of programs for judges, court administrators and executive court staff. However, the need for quality training programs on race,

PRIORITY GOALS FOR THE FUTURE

ethnic and gender bias issues extends to other levels of court personnel. The Task Force recommends that funding for these “on site” programs be increased in order to enable the Michigan Judicial Institute to fully implement this recommendation. Training, whether in-service locally or through a state or regional program, is an expensive undertaking.

STATE COURT ADMINISTRATIVE OFFICE REGULATION AND ENFORCEMENT

The Supreme Court should develop specific standards related to court administration and race/ethnic and gender bias. A mechanism for monitoring administrative compliance with Supreme Court standards should be developed. The State Court Administrative Office, at the direction of the Chief Justice of the Michigan Supreme Court, should be given the authority to review local court operations and make recommendations for improvements when necessary. This authority should include the ability to mandate adoption of internal administrative policies and procedures, which will enhance the fair and equitable delivery of justice to all citizens. In the event that courts are unwilling to comply with these reasonable requirements, the State Court Administrator should be able to recommend meaningful sanctions and regulations to correct the problem.

“ONE COURT OF JUSTICE” FUNDING ISSUES FOR THE FUTURE

The Michigan legislature should recognize the authority of the Supreme Court of Michigan under the separation of powers doctrine. It should support the Supreme Court in the implementation of "One Court of Justice" and facilitate standardized administrative delivery systems and uniform, equitable enforcement of gender-neutral policies and management practices. The legislature should not impose unfunded mandates upon the courts of this state.

NOTEWORTHY ACCOMPLISHMENTS

The State Bar Task Force wishes to recognize and acknowledge many of the organizations that have worked over the last eight years to comply with and implement the goals set forward in the 1989 Reports. In many instances, these achievements were done completely voluntarily and without additional financial resources or personnel. In examining the philosophies and policies of these organizations, it is clear that they possess a strong commitment to both the appearance and delivery of fair and equal justice. They believe that their constituency is better served through the elimination of race, ethnic and gender bias and invidious discrimination in all prohibited forms. Finally, they are not persuaded that small steps to improve the justice system are doomed to be “too little too late.” These organizations took seriously the mandate of the Michigan Supreme Court in Administrative Order 1990-3 to seriously consider the proposal made and to assure the “fair and equal application of the rule of law for all persons in the Michigan court system.” The following list identifies those entities that have turned this mandate into noteworthy action:

MICHIGAN JUDICIAL INSTITUTE

The Michigan Judicial Institute has consistently and comprehensively designed its educational curriculum to reflect the recommendations of the 1989 Task Force as they relate to the education of judges and court personnel.

**GOVERNOR AND MICHIGAN LEGISLATURE
GOVERNOR’S TASK FORCE ON DOMESTIC VIOLENCE
PROSECUTING ATTORNEYS ASSOCIATION OF MICHIGAN/
PROSECUTING ATTORNEYS COORDINATING COUNCIL/
DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD/
STATE COURT ADMINISTRATIVE OFFICE**

These organizations have joined together to initiate significant reforms in the attitude about and the approach to domestic violence in Michigan. Of particular note is the progress achieved in the availability of personal protection orders and the success of local domestic violence coordinating councils.

NOTEWORTHY ACCOMPLISHMENTS

STATE BAR OF MICHIGAN

The State Bar of Michigan responded to the challenge of the 1989 Reports by establishing a Department for an Open Justice System and appointing an Associate Executive Director to oversee its operation. During the last eight years, this department has dedicated its efforts to the implementation of the 1989 Task Force recommendations. In addition, the State Bar of Michigan has recently hired the former Director of the 1989 Task Forces as a consultant to the bar on open justice issues. Other State Bar initiatives of particular importance include:

- Enhancement of the Committee on the Expansion of Under-represented Groups in the Law Committee
- Creation of the Domestic Violence Committee
- Adoption of the Statement of Goals for Minority Hiring, Retention and Promotion
- Enhancement of the Law Economics Survey
- Establishment of the Opening Doors Conference
- Creation of the Task Force on Racial, Ethnic and Gender Issues in the Courts and the Legal Profession

FRIENDS OF THE COURT

Throughout the state, Friends of the Court Offices have struggled to respond to the growing needs of their constituency. They have been mandated to increase enforcement and collection efforts on child support, enforce parenting time requirements, utilize increased conciliation and mediation techniques, establish non-traditional office hours and standardize judicial recommendations. Despite the serious funding issues for these offices, many Friends of the Court reported serious efforts to address these concerns and to adopt innovative programs.

CIVIL AND CRIMINAL JURY INSTRUCTIONS

As a result of recommendations by the State Bar of Michigan Standing Committee on Standard Criminal Jury Instructions and the Michigan Supreme Court Standard Jury Instructions Committee, civil

NOTEWORTHY ACCOMPLISHMENTS

and criminal jury instructions were amended to adopt consistently gender neutral language in almost all provisions and commentary.

MICHIGAN STATE BAR FOUNDATION

The Michigan State Bar Foundation has demonstrated a long commitment to supporting the efforts of the 1989 Task Forces and the State Bar Task Force. In 1988, the Foundation made an initial grant of \$28,600 to fund the attorney survey project. The following year, a supplemental grant of \$5,500 was awarded to support an extension of the Task Forces' work. This extraordinary commitment has been repeated in the \$25,000 grant awarded to the State Bar Task for the current effort.

STATE BAR OF MICHIGAN REPRESENTATIVE ASSEMBLY

On September 9, 1990 the State Bar of Michigan Representative Assembly adopted proposed revisions to the Code of Judicial Conduct, Michigan Court Rule 9.205 and the Code of Professional Conduct. These proposals were generated as a result of the 1989 recommendations and were a courageous and controversial action taken by the policy-setting body of the State Bar of Michigan.

STATE COURT ADMINISTRATIVE OFFICE

The State Court Administrative Office has exercised great leadership and initiative in its efforts to implement the 1989 Task Forces' recommendations. As a result, it has accomplished the following:

- Creation of model personnel policies and procedures for adoption by all courts
- Development and dissemination of information and materials for pro se litigants, including developing the procedures for acquiring a personal protection order in domestic violence cases
- Development of court demographic information regarding employment practices and the race, ethnicity and gender demographics of court personnel
- Providing local court management studies relating to access to justice issues
- Implementation of family court training and administration programs

NOTEWORTHY ACCOMPLISHMENTS

- Development and implementation of court standards for access to justice concerns for people with disabilities and interpretation services for foreign-speaking litigants

MICHIGAN SUPREME COURT

The Michigan Supreme Court has provided leadership and guidance on the issues of bias and discrimination in the justice system of Michigan, beginning with the Citizen's Commission to Improve Michigan's Courts in 1986. The establishment of the 1989 Task Forces and the Court's subsequent support of its findings and recommendations have been essential to the efforts for reform. Under its direction, the State Court Administrative Office and the Michigan Judicial Institute have accomplished much toward the realization of the goals set forth in 1989. Additionally, the Supreme Court itself has issued the following directives, orders and rules:

- Administrative Order 1990-3 directing action on several proposals of the 1989 Task Force
- Administrative Order 1990-45 amending the Michigan Court Rules regarding professional conduct of judges and attorneys
- Administrative Order 1994-8 providing for the allocation of ten percent (10%) of the net proceeds of the Lawyer Trust Account Program to support implementation within the judiciary of the 1989 recommendations
- Michigan Court Rules on Mediation governing the selection and use of mediators in a bias-free and non-discriminatory manner
- Establishment of the Access to Justice Work Group to internally review the progresses of the judiciary toward the 1989 goals.

**“RESPONSIBILITY FOR RECOMMENDATIONS
BY AGENCY” TABLE**

RESPONSIBILITY FOR RECOMMENDATIONS BY AGENCY

RACE/ETHNIC GENDER	REC NO.	ATTORNEY GENERAL	ATTY DISCIPLINE BRD/ COMMISSION	BOARD OF LAW EXAMINERS	CHIEF JUDGES	DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD	FRIEND OF THE COURT	GOVERNOR	INSTITUTE OF CONTINUING LEGAL EDUCATION	JUDICIAL TENURE COMMISSION	LAW SCHOOLS	LEGISLATURE	LOCAL & SPECIAL PURP BAR ASSOC.	MICHIGAN JUDICIAL INSTITUTE	PAAM-PACC	STATE BAR OF MICHIGAN	SBM - COMMITTEES	SBM - SECTIONS	STATE COURT ADMINISTRATIVE OFFICE	SENTENCING GUIDELINES COMMISSION	STATE AGENCIES	SUPREME COURT		
G	V-1					✓						✓			✓									
G	V-2														✓									
G	V-3														✓									
G	V-4														✓									
G	V-5														✓									
G	V-6														✓									
G	V-7					✓								✓					✓					✓
G	V-8									✓				✓					✓					
G	V-9													✓					✓					
G	V-10							✓						✓					✓					✓
G	V-11													✓					✓					✓
G	V-12													✓					✓					✓
G	V-13													✓					✓					✓
G	V-14													✓					✓					✓
G	V-15													✓					✓					✓
G	V-16													✓					✓					✓
G	V-17													✓					✓					✓
G	V-18 †													✓					✓					✓
G	V-19													✓					✓					✓
G	V-20 †													✓					✓					✓
G	V-21													✓					✓					✓
G	V-22													✓					✓					✓
G	V-23													✓					✓					✓
G	V-24													✓					✓					✓

RACE/ETHNIC JOINT	REC NO.	ATTORNEY GENERAL	ATTY DISCIPLINE BRD/ COMMISSION	BOARD OF LAW EXAMINERS	CHIEF JUDGES	DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD	FRIEND OF THE COURT	GOVERNOR	INSTITUTE OF CONTINUING LEGAL EDUCATION	JUDICIAL TENURE COMMISSION	LAW SCHOOLS	LEGISLATURE	LOCAL & SPECIAL PURP BAR ASSOC.	MICHIGAN JUDICIAL INSTITUTE	PAAM-PACC	STATE BAR OF MICHIGAN	SBM - COMMITTEES	SBM - SECTIONS	STATE COURT ADMINISTRATIVE OFFICE	SENTENCING GUIDELINES COMMISSION	STATE AGENCIES	SUPREME COURT	
G	VI-23				✓				✓					✓					✓			✓	
G	VI-24				✓									✓									
G	VI-25				✓		✓		✓					✓					✓				✓
G	VI-26				✓				✓					✓					✓				✓
G	VI-27				✓				✓					✓					✓				✓
G	VI-28				✓				✓					✓					✓				✓
G	VI-29				✓				✓					✓					✓				✓
G	VI-30				✓		✓		✓					✓					✓				✓
G	VII-1																						
G	VII-2																						✓
G	VII-3				✓									✓					✓				✓
G	VII-4																	✓					✓
G	VII-5																		✓				✓
G	VII-6				✓														✓				✓
G	VII-7				✓														✓				✓
G	VII-8				✓									✓					✓				✓
G	VII-9				✓									✓					✓				✓
G	VII-10				✓									✓					✓				✓
G	VII-11				✓									✓					✓				✓
G	VII-12				✓				✓					✓					✓				✓
G	VII-13				✓									✓					✓				✓
G	VII-14				✓									✓					✓				✓
G	VII-15				✓									✓					✓				✓
G	VII-16													✓					✓				✓

RACE/ETHNIC GENDER JOINT	REC NO.	ATTORNEY GENERAL	ATTY DISCIPLINE BRD/ ATTY GRIEVANCE COMMISSION	BOARD OF LAW EXAMINERS	CHIEF JUDGES	DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD	FRIEND OF THE COURT	GOVERNOR	INSTITUTE OF CONTINUING LEGAL EDUCATION	JUDICIAL TENURE COMMISSION	LAW SCHOOLS	LEGISLATURE	LOCAL & SPECIAL PURP BAR ASSOC.	MICHIGAN JUDICIAL INSTITUTE	PAAM-PACC	STATE BAR OF MICHIGAN	SBM - COMMITTEES	SBM - SECTIONS	STATE COURT ADMINISTRATIVE OFFICE	SENTENCING GUIDELINES COMMISSION	STATE AGENCIES	SUPREME COURT	
R	VII-1																						✓
R	VII-2																						✓
R	VII-3																						✓
R	VII-4				✓				✓					✓									✓
R	VII-5				✓																		✓
R	VII-6																						
R	VII-7																						
R	VIII-1							✓													✓		
R	VIII-2																						
R	VIII-3															✓							
R	VIII-4														✓								
R	VIII-5				✓						✓												✓
R	VIII-6																						✓
R	VIII-7															✓							
R	VIII-8															✓							
R	VIII-9															✓							
R	VIII-10															✓							
R	VIII-11															✓							
R	VIII-12															✓							
R	VIII-13													✓									
R	VIII-14															✓							
R	VIII-15															✓							
R	VIII-16															✓							
R	VIII-17										✓					✓							✓

ISSUES FOR FUTURE INVESTIGATION

One element of the State Bar Task Force's mandate was to "identify and develop a strategy for collecting information about race, ethnic and gender issues not addressed in the Supreme Court Task Force reports." That strategy is the creation of a Joint Commission on Diversity, which was discussed in greater detail above in The Status of the 1989 Reports' Joint Recommendations. Charged with oversight and given a permanent term of existence, the Joint Commission can determine how best to gather information about new issues and make recommendations regarding them. The short life of the State Bar Task Force, and the difficulty of its primary mandate, made it virtually impossible to develop a detailed and comprehensive strategy for the future. However, many of the strategies, which have used by the 1989 Task Force and again in 1997 have proven highly effective.

This Task Force endorses a future research effort that will use data collection methods such as the court user survey, attorney and judge surveys, public hearings, interviews, and focus groups. Their timing and coordination with other efforts, as well as their content, are deserving of much more thorough consideration than was possible during the 1997 project.

While collecting information about progress on the 1989 recommendations, however, the Task Force was informed of a number of serious race, ethnic and gender issues deserving of review and not addressed in the 1989 Reports. Among the "new" issues brought to the Task Force's attention were the following:

- pay disparity due to race, ethnic and gender considerations;
- sexual orientation bias within the legal profession and the justice system;
- education of Michigan judges about statutes and national standards relating to sexual orientation issues;
- establishment of rules of judicial conduct for Michigan judges to rely upon when faced with sexual orientation issues;
- disparity in child custody and support awards due to the sexual preference of a parent;
- disparity in the percentages of men and women leaving the legal profession;
- access to the justice system which is reduced due to the race, ethnicity or gender of the litigant;

ISSUES FOR FUTURE INVESTIGATION

- the relationship between poverty and race, ethnicity or gender in the delivery of legal services;
- disparity in the quality of assigned representation provided to criminal defendants which impacts disproportionately on minorities and women;
- disparity in the quality of assigned representation provided to criminal defendants as a result of compensation policies of appointing courts;
- jury selection issues;
- sentencing practices under proposed State Sentencing Guidelines and mandatory minimum sentencing;
- issues of balancing work and family;
- issues relating to law school admissions;
- juvenile justice issues;
- elimination of the Detroit Recorder's Court as a part of court reorganization; and
- hate crimes.

These serious issues, and more, are worthy of consideration by a joint implementation commission, which can gather credible information and develop meaningful strategies to address them.