

Order

Michigan Supreme Court
Lansing, Michigan

March 16, 2022

Bridget M. McCormack,
Chief Justice

ADM File No. 2021-25

Amendment of Rule 19 of
the Rules Concerning
the State Bar of Michigan

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rule 19 of the Rules Concerning the State Bar of Michigan is adopted, effective May 1, 2022.

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

Rule 19 Confidentiality of State Bar Records

Sec. 1. [Unchanged.]

Sec. 2. Records and information obtained in the course of reviewing and evaluating candidates for judicial vacancies may not be used for any other purpose or otherwise disclosed without the consent of the applicant and the Governor's Office, or by Order of the Supreme Court. Records and information include, but are not limited to, applicants' name, application, background, qualifications, and interview; communications concerning applicants; and information about the judicial qualification review process.

Sec. ~~32~~. Records and information of the Client Protection Fund, Ethics Program, Lawyers and Judges Assistance Program, Practice Management Resource Center Program, and Unauthorized Practice of Law Program that contain identifying information about a person who uses, is a participant in, is subject to, or who inquires about participation in, any of these programs, are confidential and are not subject to disclosure, discovery, or production, except as provided in section (~~43~~) and (~~54~~).

Sec. ~~43~~. Records and information made confidential under section (1) or (~~32~~) shall be disclosed: (a) pursuant to a court order; (b) to a law enforcement agency in response to a lawfully issued subpoena or search warrant, or; (c) to the attorney grievance commission or attorney discipline board in connection with an investigation or hearing conducted by the commission or board, or sanction imposed by the board.

Sec. 54. Records and information made confidential under section (1) or (~~32~~) may be disclosed: (a) upon request of the state bar and approval by the Michigan Supreme Court where the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, or (b) at the discretion of the state bar, upon written permission of all persons who would be identified by the requested information.

Staff comment: The amendment of Rule 19 of the Rules Concerning the State Bar of Michigan creates an explicit provision regarding confidentiality of information.

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



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 16, 2022

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk