

Order

Michigan Supreme Court
Lansing, Michigan

March 27, 2024

Elizabeth T. Clement,
Chief Justice

ADM File No. 2022-45

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

Amendment of Rule
9.131 of the Michigan
Court Rules

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 amendment of Rule 9.131 of the Michigan Court Rules is adopted, effective May 1, 2024.

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

Rule 9.131 Investigation of Member or Employee of Board or Commission, or Relative of Member or Employee of Board or Commission; Investigation of Attorney Representing Respondent or Witness; Other Investigations Creating the Possible Appearance of Impropriety; Representation by Member or Employee of Board or Commission

(A)-(C) [Unchanged.]

(D) Other Investigations Creating a Possible Appearance of Impropriety. If the administrator determines that an appearance of impropriety would arise if a request for investigation is handled in the manner prescribed by MCR 9.112(C), the administrator must submit the request for investigation to the Michigan Supreme Court along with a written explanation as to why the administrator believes an appearance of impropriety would arise. If the Court agrees with the administrator's determination under this subrule, the Court will notify the administrator and direct that the procedures in subrule (A) be followed. If the Court disagrees with the administrator's determination under this subrule, the Court will return the request for investigation to the administrator for an investigation in accordance with MCR 9.112(C).

(D) [Relettered (E) but otherwise unchanged.]

Staff Comment (ADM File No. 2022-45): The amendment of MCR 9.131 requires

that the Attorney Grievance Commission (AGC) submit to the Supreme Court for review any requests for investigations received that involve allegations of attorney misconduct where the AGC administrator believes that an appearance of impropriety would arise if the AGC handled the investigation.

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.



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 27, 2024

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

Clerk