

MICHIGAN SUPREME COURT

PUBLIC HEARING

March 19, 2025

CHIEF JUSTICE ELIZABETH CLEMENT: Good morning and welcome to the March 2025 public hearing. Our first item today is Item 1, ADM file number 2020-08. This is the proposed amendment of MCR 2.107 and 3.203 that would expand the use of electronic service by requiring its use unless a party opts out and would clarify the use of electronic service in domestic relations cases. Our first speaker on our list is Kim Cramer. Good morning.

KIM CRAMER: Hi. Good morning, Justices. Thank you so much for the opportunity to comment this morning. My name is Kim Cramer. I'm a lawyer at the Michigan Legal Help program. I'd like to start by thanking the Court for looking at ways to modernize service requirements. And we generally support expanding electronic service options but have some recommendations based on our experience serving self-represented litigants in Michigan. First, we strongly urge the Court to maintain a presumption of paper service for self-represented litigants, creating an opt-in rather than an opt-out system for electronic service. Self-represented litigants can face a lot of challenges using electronic service, like limited internet access, unreliable service, financial constraints that impact phone and internet bills, along with the same varying comfort levels with technology that all of us have. And these all impact a person's ability to reliably receive electronic communication throughout their case. Requiring self-represented litigants to give a specific reason to file—and file a form to opt-out creates a procedural barrier many will struggle with. This will likely result in missed notifications of important documents even when the other party has fulfilled their legal requirements for service. And not only will this feel really unfair to those experiencing it, it will also increase administrative burdens on courts when these parties inevitably then file motions to set aside judgments and orders. If the Court decides an opt-out system must be maintained, we recommend allowing self-represented folks to opt-out without giving a reason. We urge the Court to ensure that parties are exempted from filing e-service notifications when they aren't otherwise required to file a written response, for example, in summary proceedings cases. Our other major area of concern involves fraud prevention. The transition to electronic service creates really dual risks so scammers can exploit public court records to create really convincing fraudulent communications. On the other end, cautious recipients might ignore legitimate

electronic notifications. So, we recommend, you know, technical solutions, verification processes that are made clear to litigants, and other institutional safeguards to protect folks. As one example, it can be really hard to tell if an email with an encrypted link is legitimate or a fishing attempt. So, we recommend in that circumstance requiring that those emails create—contain basic information, clear instructions in the body itself without requiring a click. And then, given that public records of money judgments can give scammers detailed info about legitimate debts, we recommend requiring paper service for anything containing payment obligations. Finally, the design of the forms to use in this process will be critical for successful implementation. Forms should include plain language explanations, really clear opt-out options, and information about how to verify that e-service notifications are authentic. So once again, we really support the efforts to modernize. We hope you'll consider our recommendations to ensure these changes enhance access to justice. Thank you again for the opportunity to comment today.

CHIEF JUSTICE ELIZABETH CLEMENT: Excellent use of your time. Thank you for watching the clock. Any questions for Ms. Cramer?

JUSTICE ELIZABETH WELCH: Sure, I'll jump in Justice Clement. Ms. Cramer, thank you so much for your comments. I find this to be really helpful. I mean, I think, we know sort of the world was moving in a more modern direction and there's lots of reasons that attorneys, of course, would love e-service. Understanding that—but I understand when we're dealing with unrepresented individuals, it's more difficult. I think we also know, I mean, I realize some people don't have phones, but a lot of people do. I think most maybe not a computer, but a phone. So, if we were to do something that was like an opt-out procedure, would you envision I understanding you'd rather they, you know, have a different outcome, but if we said, you know, opt-out is reasonable, I mean, I'm sort of envisioning, would it be something like right at the get-go? Like check here to opt-out? I'm just trying to think of how that would work to make it as user-friendly as possible?

KIM CRAMER: So, I think, again, the form here will be really critical. So, I mean, obviously, right now there's a mechanism in the rules for electronic service and, honestly, I think the reason it's probably not used very much, especially by self-represented people, is that there's no form for it. When there's not a form, it's only going to be a process available and even lawyers don't do it because you have to write something from scratch. So, I think, yeah, having a very easy to use form. Luckily, the Justice For All Commission, you know, has the Forms Committee that is actively working on making forms more understandable and more plain language. Since you mentioned phones, I will say that there are many low-income folks who are phone-only internet

users. And so, while it is technically possible for me to get, you know, a 60-page document on here, like is that comfortable for me to read? No. I would much rather have, you know—I'm here today and I have printed on paper the rule so that if you ask me about it, I can refer back to it. And so, I would also encourage the Court not to sort of be reassured that, well, folks have phones, therefore they have internet. They can use it to think about that as an accessibility issue that getting long documents as an alert on your phone is not the same as being able to have the full document viewable to you, you know, as an 8-½ by 11 size on a larger screen.

JUSTICE ELIZABETH WELCH: Sure, and I guess I was kind of thinking like that initial opt-out option, if that was a step that the Court took, is we would that—we'd want to make that something that's easy and navigable on a phone, right? Like I'm, you know, maybe it's the first thing that pops up or, you know, some for—to your point, understanding why having hard copies is sometimes good. So—

KIM CRAMER: Yeah, making it easy on a phone and also just under the current rule, there's not a, like, "other good reasons." There's not a catchall provision. There's a list of specific reasons folks have to give and I don't—I think people are, especially self-represented folks, are sometimes nervous to give wrong information to a court, to say, you know, this section applies to me when they're not totally sure it does. What if currently I have a phone with internet access, but month-to-month things are really shaky for me? And I'm nervous that, I don't know, I've never had my phone turned off before but things are always really close. And so, imagine going through a court case in that situation. Like, I really hope this, you know—I'm really having to prioritize this phone bill to make sure this doesn't come out because I'm getting electronic service. So, you know, I would want to make sure that people, if it does not feel comfortable and right to them, would have the opportunity to say, "this is not right for me," and not need to give a specific justification, you know, as currently listed in the rules.

JUSTICE ELIZABETH WELCH: Thank you so much.

KIM CRAMER: Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you. Our next speaker is Daniel Hilker.

DANIEL HILKER: Madame Chief Justice, Madame Chief Justice-Elect, Justices, good morning. It is a pleasure to appear before you today. My name is Dan Hilker. I am here individually and on behalf of the Probate and Estate Planning Section of the State Bar and I am a member of the section's council. The section took the following

public policy position last Friday: The section supports the proposed changes to MCR 2.107(C). However, the proposed rule should be modified to provide that text messaging is not an acceptable form of service. The section did not have time to draft an explanation. Now, speaking as an individual attorney, I have three points. Point number one, does the rule apply in probate proceedings under chapter 5? Please clarify. Number two, involuntary text messaging is a problem. Please omit. Number three, there is no presumption of electronic delivery. Please create. Point one, does it apply? The court should examine the overlap between chapter 5 and the proposed rule. The best reading appears to be that the rule will apply, but there is ample room for debate. And we've had it. Please make sure this is clear. Point two, the rule indicates that the serving party may choose between text messaging and email, as the rule provides any method is acceptable. Also, the rule states that the responding party or counsel must disclose all types of electronic service that the party can send and receive. Imagine receiving a pro se litigant text message while at dinner with your spouse. Imagine receiving a 50-page brief from opposing counsel by text simply because that is the serving party's preferred method of service. Involuntary service by text message should be eliminated entirely, but, at a minimum, the Court should clarify that the responding party will decide the method of service and that no party or counsel is required to provide or use their cell phone number for privacy purposes. Point three, presumed delivery. The rule provides "electronic service is complete upon transmission unless the party learns that the attempted service did not reach the intended recipient." What does "learns" mean in this context? The subsection goes on to discuss undeliverable notices, but it does not state or imply that these notices are the only way a party may learn of a failed attempt. There is a judicial presumption that a mailed document was received. There is no such presumption for email. Without a presumption, electronic service may be defeated by the simple statement, "I never got that email." Thank you, Justices, for your time.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you, Mr. Hilker, that was very helpful. Any questions for Mr. Hilker? And we appreciate the update from the section's position as recently as of last Friday. So, thank you very much. Our next speaker is Brandee Ritsema. Did I pronounce that correctly?

BRANDEE RITSEMA: Yes.

CHIEF JUSTICE ELIZABETH CLEMENT: Okay. Welcome.

BRANDEE RITSEMA: Good morning, Justices. My name is Brandee Ritsema. I am a national advocate with the National Liberty Guardian Movement. I appreciate the opportunity to speak on this amendment and I have submitted a detailed written

statement outlining my concerns regarding the risks of mandatory electronic service. While technological advancement in the courts can be beneficial, it must not come at the cost of due process, fairness, and accessibility. The assumption that all parties have equal access to reliable technology is simply incorrect. Indigent individuals, people with disabilities, elderly litigants, and self-represented parties often do not have stable internet access or the ability to navigate complex electronic service systems. In my submitted written statement, I highlighted the potential dangers of electronic service in domestic violence and high conflict custody cases. If an abusive party has access to their victim's email or devices, electronic service can be weaponized as a tool of harassment, coercion, and control. Courts must implement strict safeguards to protect vulnerable parties from unintended harm. Moreover, Michigan courts have a history of electronic filing errors, including missing notices, inaccessible records, and litigants being locked out of systems. These issues disproportionately affect individuals with legal—without legal representation or resources to correct these errors in a timely manner. Additionally, there is a major disparity in electronic court access. Currently, only lawyers can access case files electronically and self-represented parties are denied full access. If the Court is going to mandate electronic service, it must also mandate equal access to electric court records. In Kent County, self-represented litigants cannot view their own case files electronically, meaning they are forced to rely on outdated, costly, and time-consuming in-person access. This creates a fundamental imbalance in legal proceedings where attorneys have an overwhelming advantage over self-represented individuals who are denied equal access to their own case information. The opt-out process must be clearly defined, accessible, and available without penalty. Many litigants do not even realize they need to opt out, leading to missed legal deadlines, default judgments, and irreparable harm to their cases. As I emphasized in my submitted written statement, the justice system must remain equally accessible to all litigants, not just those who can afford advanced technology. I urge this Court to reject or revise this amendment to ensure that mandatory electronic service does not become a barrier to due process. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you very much. Any questions for Ms. Ritsema? Thank you for joining us today. Our next item, Item 2, ADM file number 2021-27, proposed amendments of MCR 3.207 and 3.210 that would address requests to change custody or parenting time, the issuance and service of certain ex parte orders and the holding of an evidentiary hearing prior to entering an order changing a child's established custodial environment in contested cases. And our first speaker is Liisa Speaker. Welcome.

LIISA SPEAKER: Good morning, your Honors. I'm happy to have my last opportunity to appear before Justice Clement. I'm here on behalf of the Family Law

Section of the State Bar Michigan. I am the chair of the section this year, and we are supporting the modifications to MCR 3.207 with some additions. For us, we believe the modifications are trying to achieve what has already been set forth in years of case law. And so that's a good thing to have it in a court rule to make it even that more clear to judges and also serves to protect parents' constitutional rights by ensuring a quick evidentiary hearing when there is the need for an ex parte order to start a change of custody. The main difference, I think, with what the Court put forward in their proposal and what the Family Law Section is opining is that we believe, even if there's a change in the established custodial environment, even if there is not an objection, and even if there's not a motion to rescind, there should still be an evidentiary hearing anytime there's a change in the established custodial environment. The Michigan Judges Association apparently agrees with that proposition, as they put forth in their letter. I'm not sure if anybody's here today from MJA, but I thought it was worth noting that we do agree on that point. We also agree on the point that established custodial environment may—there may not be an established custodial environment with either parent, and that should be clarified in the court rule. And similarly, the MJA noted that established custodial environment could be with a third party, which is the same thing as what we, you know—when it's with neither parent, it could also be with a third party. I think if there—the—so, the main thing is that we have a hearing no matter what, if there's an objection, even if there's not an objection, when there's a change of established custodial environment. I did want to note with regard to section five, the procedure following service of ex parte order, we didn't specifically comment on that, but we noted the MJA comment about how they were concerned that there could be three separate hearings. And I'm very confident that if—the—our section talked about that, attorneys would only want one hearing. We don't want to have three separate hearings, but I do think that—and this is more me because I don't think we talked about it, subsection C is a bit confusing because it talks about when there is an objection, the court—it goes to the Friend of the Court within 14 days, but it doesn't say who at the Friend of the Court within the 14 days, if it's a conciliator, investigator, a referee. And then, if it's not resolved at the Friend of Court, then apparently there's a form that's given to the party for them to file a motion, presumably a motion to rescind and then there's a hearing within 21 days of that motion. So, it then creates more work and more delays, I think, in resolving the custody dispute. So, I think—

CHIEF JUSTICE ELIZABETH CLEMENT: Can I—Ms. Speaker, can I ask you when you say that it doesn't indicate who at the Friend of the Court, do you have a recommendation of how you would want that worded?

LIISA SPEAKER: Well, yeah, I don't—I guess because we haven't talked about it, I mean, if it's a referee then it's going to be an actual hearing with evidence and

evidentiary rules and recording. If it's an conciliator or investigator, it probably could get before them more quickly, but then all they do is make a recommendation that can be objected to. So, I think it just is kind of unnecessarily confusing to—

CHIEF JUSTICE ELIZABETH CLEMENT: Are you asking for the rule to just provide consistency so it's either—it's one or the other so that you don't have courts doing various things? Is that what—

LIISA SPEAKER: Right, I think, yeah, that's definitely part of it and, if it were a referee hearing, that would definitely, you know—the referees are highly trained in family law—it would result maybe in a quicker decision, but then there would still be the opportunity to object if you don't like the referee's decision. So, I just don't know whether it's even possible to get in front of a referee that quickly because they do have a lot of hearings on their docket. So, I think that's—I do understand the MJA's concern about having multiple hearings and I think this is a little bit confusing with what happens when it does go to the FOC.

CHIEF JUSTICE ELIZABETH CLEMENT: Okay. Thank you. Any questions from the Justices? Okay. Thank you very much, Ms. Speaker. We appreciate you being here on behalf of the Family Law Section. Our next speaker is Brandee Ritsema. Hello again.

BRANDEE RITSEMA: Good morning, Justices. My name is Brandee Ritsema. I am a national advocate with the National Liberty Guardian Movement. I'm here today because ex parte custody orders in Michigan's family courts have been misused, creating significant due process concerns. I have addressed these issues in detail in my submitted written statement, which provides an in-depth analysis of the need for procedural safeguards to prevent the abuse of emergency orders. Ex parte orders should only be used in true emergencies where a child faces an immediate verifiable risk of harm or a vulnerable adult. However, as I noted in my written statement, these orders are often granted without sufficient evidence, leaving parents or family members stripped of their rights without any opportunity to respond. This creates a systemic imbalance where one party can obtain custody or guardianship unilaterally while the other's left fighting for months or years to restore their rights or their parental rights. This amendment fails to establish clear requirements for evidentiary hearings after an ex parte order is issued. My written statement emphasizes that courts must be required to hold a full evidentiary hearing within 14 days of an ex parte order that changes custody. Without this requirement, these orders become a de facto permanent custody ruling, denying the accused parent due process. Furthermore, the burden must be placed on the requesting party to demonstrate that emergency relief is truly necessary. There should be penalties for knowingly filing false or misleading emergency motions to

prevent bad faith litigation from clogging the courts and harming children. Michigan courts must also ensure greater judicial accountability in the ex parte process. Judges should be required to provide detailed written justifications for granting emergency relief, explaining why due process was bypassed. Without this requirement, courts will continue issuing orders based solely on allegations rather than concrete evidence. One of the most egregious disparities in Michigan's family courts, as I outlined in my submitted statement, is that the judges have been documented denying ex parte motions filed by parents who provide strong evidence of danger while blindly granting them to government agencies, such as CPS, APS, and prosecutors, without substantial proof. This clear bias allows government entities to use ex parte orders as a tool to remove children and strip the parents of their rights while families facing legitimate emergencies are left without recourse. Attorneys are also denied ex parte relief in private family court matters while CPS and prosecutors face no such resistance. This inconsistency erodes public trust in the judiciary and demonstrates that ex parte relief is not being applied fairly. False emergency motions must carry consequences. My written statement highlights the need for sanctions against parties and attorneys who knowingly file false and misleading motions. Perjury and bad faith filings should not be rewarded with immediate custody changes. Michigan courts must balance the need for emergency protections with the fundamental right of parents to be heard before custody is taken away. I strongly urge this Court to strengthen this amendment to ensure that ex parte relief is not misused as a litigation tactic but rather reserved for truly urgent situations. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you, Ms. Ritsema. Any questions? Okay. Our next speaker is Shannon Tanis. Did I pronounce your last name correctly?

SHANNON TANIS: Yes. Thank you for the opportunity to speak. I submitted my summary of oversight and the application of this amendment. The unconstitutional practice of court rules superseding law that's already on the books would be [indecipherable] by *Marbury versus Madison* where rules are not law. We already have MCL 712a.14b with respect to ex parte, stating that anyone upon receipt of electric—electronic or otherwise, a petition or affidavit of facts to a judge or referee may issue his written ex parte orders and they're being denied. Attorneys and pro se litigants are trying to use ex parte to protect their children. This amendment, as it stands with the time frames that it is proposing, does not ex address that issue. The fact that the courts are stating that the CPS is the only one or APS is the only one, that is not what's stated in the MCL as currently. Also, I move to the constitutional, statutory, succession—proper succession of law from the federal level of the United States Constitution and the dissemination of proper procedures in due process says you may not abridge any of these rules and apply them. If you do they are void from its inception, which is also in

my written response to this amendment. I'm also citing a judicial estoppel regarding what I have submitted. The fact that you have no protocols in place regarding alienation, weaponization, false allegations. But we already have precedent case that this Court has already published with regard to brushing up against that matter with *Martin versus Martin*, which I already served to the chief judge of the 17th Circuit Court redressing these issues for oversight and also the Department of Health and Human Services regarding that there is no proper protocol or procedure to address this and they are—the courts are participating and attorneys to weaponize this to create narratives in parents. So, thank you for your time. I strongly oppose this amendment and to address the ex parte time frames that I've cited in my response. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you, Ms. Tanis. Any questions from the from the Court? Okay. Our next speaker is Margarette Gupta.

MARGARETTE GUPTA: Yes, thank you so much for giving me this opportunity to speak. I have listened to Brandee and Shannon, and I totally agree with what they're saying. The amendments that are used right now for parenting and custody rights are based on just what the facts the judge is going to consider, not the totality of the situation or the facts that are presented by both parties. The reason why I'm here is that I lost my parenting and custody time to false allegations. This—and it was due to retaliation of the courts. I submitted evidence that four Zoom hearing records were corrupted with only my statements removed. Ninety statements were removed and the courts did nothing. They told me they're putting a protective order on the evidence so I couldn't talk about it. And Thomas Boyd, who is the State Court Administrator, stated that he wasn't going to look at the evidence either. I brought it all the way to the Supreme Court and all you Justices were supposed to look at it—

CHIEF JUSTICE ELIZABETH CLEMENT: Ms. Gupta—

MARGARETTE GUPTA: —so when it comes back—

CHIEF JUSTICE ELIZABETH CLEMENT: Ms. Gupta—

MARGARETTE GUPTA: —the facts of the cases should not be reliant just on what the judge believes. I—

CHIEF JUSTICE ELIZABETH CLEMENT: Hello. I'm speaking to you. Can you make sure that you are keeping your remarks specific to this court rule—

MARGARETTE GUPTA: It is specific.

CHIEF JUSTICE ELIZABETH CLEMENT: —and not specific to your case at hand

MARGARETTE GUPTA: No, the specific facts are supposed to be relied on what the judge thinks the specific facts are. If the courts are using the Zoom records to remove statements, you can't go to an appellate court. Those facts are removed and if those facts are removed, your children are removed. I've been fighting two years to be heard and it's all based on what the judge thinks. She didn't even know I had children. The facts that she didn't know. The facts were ignored by family court. The facts were ignored by the judge. They were ignored by you guys. So the fact that you guys are trying to put these amended—amendments over, I understand the State Court Administrative Office violated court rules for the Zoom hearing platform, and you guys let that go, too. So, this is just a formality hearing. I get it. But putting all the—all of the responsibility on determining what facts to consider and not the whole totality of the situation when there was criminal activity, synthetic ID, bank fraud, credit card fraud, tax evasion, tax fraud, all of those information that was removed from the facts. The judge removed my parenting and custody time four months after she figured out I actually had four kids. That doesn't make sense. So, all of this convoluted stuff about going to the judge, going to family court and having a hearing, going to the friend of the court and having a hearing. They all side together. If they know that the court records are removing people's statements.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you very much for being here today. Any questions for Ms. Gupta? Okay. Our next item is Item 3, ADM file 2022-51. This is a proposed amendment of MCR 6.509 that would clarify that defendants may file at the Court of Appeals an application for leave to appeal a trial court's decision on a motion for relief from judgment and a timely-filed motion to reconsider an order deciding a motion for relief from judgment. And our first speaker is Brandee Ritsema.

BRANDEE RITSEMA: Good morning, Justices. My name is Brandee Ritsema. I'm a national advocate with the National Liberty Guardian Movement. My submitted written statement highlights serious concerns regarding Michigan's postconviction relief process, and I appreciate the opportunity to present these issues today. While this amendment clarifies appellate rights, it does not address the systemic barriers that prevent wrongfully convicted individuals from obtaining relief. Michigan's postconviction process is already one of the most restrictive in the country and unless this amendment is strengthened, it will continue to function as a roadblock rather than a path to justice. Excessive delays are denying justice and one of the biggest problems I detailed in my written statement is excessive court delays. Defendants often wait months or years for rulings on their motions. Some individuals serve their entire

sentences before their postconviction motions are even considered. Justice delayed is justice denied, and this amendment should establish strict [indecipherable] for judicial rulings to ensure that courts cannot delay decisions indefinitely, leaving individuals in legal limbo. Lack of transparency in court decisions is another major issue I raised in my written statement in postconviction rulings. Currently, many postconviction motions are denied without explanation, preventing defendants from understanding why their relief was rejected or how to fix their claims. This amendment must require courts to provide written justifications when denying relief. Without transparency, defendants have no real way to challenge errors or appeal unfair rulings. Procedural barriers for Indigent defendants—my written statement also emphasizes how Michigan's postconviction process unfairly punishes Indigent and self-represented defendants. Many individuals seeking relief lack legal training and yet they're expected to meet complex procedural requirements that often lead to automatic dismissals. A small technical mistake, such as incorrect formatting or missing a deadline by a few days, should not prevent a legitimate claim from being heard. Courts must ensure that procedural barriers do not outweigh the importance of correcting wrongful convictions. And my final call for reform, as I emphasized in my written statement, Michigan's postconviction system fails to function as a safeguard against wrongful convictions. Instead, it creates unnecessary barriers that prevent individuals from obtaining justice. I urge this Court to expand this amendment to include judicial deadlines, require transparency in rulings, and remove procedural obstacles that disproportionately harm Indigent defendants. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you very much. Any questions for Ms. Ritsema? Our next speaker is Margarett Gupta. I think you're on mute.

MARGARETT GUPTA: I agree with Brandee. I'm really glad that she's standing up and seeing how the court systems are making it very ambiguous, not clear for people to come back and make statements on their record. And I really do believe it's because a lot of the electronic Zoom hearing platform has been made without security and safeguards and information goes missing. So, thank you, Brandee, for bringing that up. I really appreciate how it is a quagmire; it's a mess to get through. And I feel bad for the people who've been incarcerated or don't have the ability to use electronics. And they need the paper; they need help navigating the system, because it's been two years for me and I haven't seen any relief. I can only imagine what it's like being released from prison and not being able to get the relief. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you. Any questions for Ms. Gupta? Thank you very much. Item 4, ADM file number 2022-57, proposed amendments of MCR 6.508 and 6.509 regarding partial decisions on post judgment motions for relief. And our first speaker is Ms. Ritsema again.

BRANDEE RITSEMA: Thank you. Good morning, Justices. My name is Brandee Ritsema and I'm a national advocate with the National Liberty Guardian Movement. My submitted written statement details significant concerns about Michigan's postconviction relief process. While these amendments attempt to clarify procedures, they do not go far enough to address the systemic failures that continue to deny justice to wrongfully convicted individuals. Michigan's postconviction process focuses more on procedural technicalities than on ensuring fair outcomes. Valid claims are frequently dismissed due to minor filing errors or missed deadlines, rather than being reviewed on their merits. Courts should not be prioritizing bureaucracy over justice, especially when new evidence of innocence exists or constitutional violations are raised. Additionally, postconviction motions often sit in limbo for months or even years before being ruled on. In many cases defendants have served their full sentences before their motions are even considered. Another major issue I raised in my written statement is the lack of representation for indigent defendants on post convictions. So, I urge this Court to strengthen these amendments by requiring courts to rule on postconviction motions with a reasonable time frame, mandating written justifications, and ensuring indigent defendants have access to legal counsel. And Michigan's post-conviction process should be focused on ensuring justice, not enforcing rigid procedural barriers. If these amendments do not go further, wrongful convictions will continue to be ignored and faith in the justice system will erode. I urge this Court to revise these amendments to ensure that all claims are heard fairly and resolved in a timely manner. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you very much. Any questions for Ms. Ritsema? Okay. And our next speaker is Margarett Gupta.

MARGARETTE GUPTA: Again, I agree with Brandee. I agree with the fact that there needs to be a quicker response or a time frame and so these cases do not go year after year. I believe that the rigid process of trying to navigate all the paperwork and not being heard and if the evidence is discovered that person should be given the opportunity to come back and show their—they're—that they're not guilty. But as it stands right now, it is too rigid and it's too convoluted and I think it, to be honest with you, I think it's made that way. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you. Any questions for Ms. Gupta? Thank you for being here today. Item number 5 is ADM file number 2022-59, the proposed amendment of MCR 6.302 that would require courts after accepting a plea to advise defendants of their ability to withdraw their plea and to specifically advise defendants of the consequences of misconduct in between plea acceptance and sentencing. And our first speaker on this item is Jessica Zimbelman. Good morning.

JESSICA ZIMBELMAN: Good morning, Justices. Jessica Zimbelman from the State Appellate Defender Office. The comment was pretty detailed, I think, but I want to highlight two points. We generally support giving people more information before they enter a guilty plea or a no contest plea, and I think the comments were nearly universal that the court rule should be amended to provide this advice before the plea is accepted, not after. And our comment suggests that the proposed language be moved under the voluntary plea section of 6.302 and also that a new subsection (G) be added to provide notice of situations in which a plea might be withdrawn in both writing and orally on the record for all of the parts of 6.302. Otherwise, I think everything's laid out in the comment and I'm happy to answer the Court's questions if you have any for me this morning.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you. Any questions for Ms. Zimbelman? Thank you very much.

JESSICA ZIMBELMAN: Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Our next speaker is Brandee Ritsema. Ms. Ritsema.

BRANDEE RITSEMA: Good morning, Justices. My name is Brandee Ritsema and I am a national advocate with the National Liberty Guardian Movement. My submitted written statement outlines significant concerns about Michigan's plea process and while this amendment seeks to clarify withdrawal procedures, it does not go far enough to prevent coerced or uninformed pleas. Plea agreements are often entered under pressure and the majority of convictions in Michigan result from plea agreements, not trials. Yet many defendants plead guilty without fully understanding their rights or the consequences. In my written statement, I highlighted that defendants, especially indigent and unrepresented individuals, are often pressured in to accepting pleas out of fear or harsher punishments if they go to trial. This amendment must include stronger safeguards to ensure that pleas are entered voluntarily, knowingly, and intelligently. Judges should be required to question defendants more thoroughly about whether they were pressured into pleading guilty and should ensure all plea deals are made with full awareness of collateral consequences, such as immigration status, housing eligibility, and employment restrictions. Barriers to withdrawing unjust pleas, Michigan law currently makes it extremely difficult for defendants to withdraw guilty pleas even when new evidence arises or when they can prove they were misled or coerced. My written statement raises concerns that the amendment does not address the imbalance between the ease of accepting a plea and the near impossibility of reversing one, even

when it was entered unfairly. This amendment should require that if a defendant can demonstrate ineffective assistance of counsel, prosecutorial misconduct, or coercion, they must be granted a full evidentiary hearing to determine if their plea should be withdrawn. As I emphasized in my written statement, this amendment must go further to ensure that the plea withdrawals are not unnecessarily restricted when fairness demands reconsideration. I urge this Court to strengthen the amendment by requiring judges to ensure defendants understand all long-term consequences of pleading guilty, making it easier for defendants to withdraw a plea if they were coerced, misled, or received ineffective legal counsel, and mandating a full evidentiary hearing when new evidence suggests the plea was unjust. In conclusion, a guilty plea must—a guilty plea should not be a permanent trap for defendants who were pressured or misinformed. Michigan must ensure that plea withdrawals are not unfairly restricted when justice requires reconsideration. I urge this Court to revise this amendment to include stronger protections against coerced and uninformed pleas. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you very much. Any questions? Appreciate it. Our next item is Item 6, ADM file number 2023-04, proposed amendments of MCR 7.212, 7.305, and 7.312 that would address the filing and timing of amicus briefs. And our first speaker is Christopher Forsyth with the State Bar of Michigan Government Law Section.

CHRISTOPHER FORSYTH: Good morning, Chief Justice and the Supreme Court. It's a pleasure to be in front of you today. I am here speaking on behalf of the Government Law Section. I currently serve as chair of the section and at the February regular meeting, the section council directed me to appear for this hearing today to provide comment on Item 6. My comments this morning are strictly limited to MCR 7.305(F) and the second sentence of that proposed rule change. So, my comments today are limited to the submittal time requirement of 21 days. And my request to you today is to consider extending that time frame and I'm asking that on practical reasons. So, when the Government Law Section is asked to submit an amicus brief, it is done at the request of the various local units of government, local agencies or authorities and other members of our section. From there, the request is removed—reviewed, excuse me, by a standing committee and amicus committee. They will review it, make a recommendation, and then it will go to the full council. And the full council typically meets once a month, the second Saturday of each month. So, again these are practical considerations. When they have a 21-day time frame, it is difficult for us to, number one, receive timely requests from the members to do the adequate review. And so my request to the Supreme Court this morning is to extend—consider extending the time limit by one of three ways. First, do it on a case-by-case basis given the nature of the case, the complexity of the case, and put the time frame in order, either or expand the

time limit in subsection (F) from 21 days to 42 days, or three, make it clear that the section can ask for an extension that should be liberally granted or automatically granted. So those are my comments this morning and I'm glad to answer any questions you may have. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Any questions? Thank you very much. Our next speaker is Brandee Ritsema

BRANDEE RITSEMA: Good morning, Justices. My name is Brandee Ritsema and I'm a national advocate with the National Liberty Guardian Movement. My submitted written statement outlined serious concerns regarding Michigan's appellate briefing rules, particularly regarding the use of amicus curiae briefs. Barriers to self-represented litigants and fairness to appellate process. Access to amicus support should not be limited to well-funded parties. As I outlined in my written statement, amicus curiae briefs are often used by powerful institutions, law firms, and government entities to influence the appellate decisions. But they are rarely accessible to self-represented litigants or individuals challenging systemic injustices. This amendment must ensure that amicus participation is not restricted to well-funded litigants and that all parties, including pro se appellants and those raising public interest issues, have a fair opportunity to benefit from this support. Restrictions on appellate briefing place self-represented litigants at a disadvantage. The proposed amendments impose rigid appellate briefing requirements that disproportionately burden self-represented litigants, making it harder for them to navigate the appeals process. While attorneys have the resources to comply with technical briefing rules, pro se appellants, who often lack legal training, face procedural dismissals for minor formatting errors. I urge the Court to implement more flexible briefing standards for self-represented litigants and to ensure that courts prioritize the substance of an argument over minor formatting technicalities when considering appeals. A final call for fair appellate rules as I emphasized in my written statement, these amendments must go further to ensure appellate roles do not disproportionately favor well-resourced litigants while creating unnecessary barriers for individuals seeking justice. I urge this Court to strengthen these amendments by ensuring that amicus curiae participation is equally accessible to all parties, not just institutions, making appellate briefing requirements more flexible for self-represented litigants, and ensuring appellate courts consider the merits of a case over minor formatting issues. In conclusion, the appellate system must be structured to promote fairness and equal access to justice. If briefs are only available to well-funded litigants and if appellate rules continue to impose unnecessary barriers on self-represented parties, the system will continue to favor those with money and legal connections over those seeking justice. I urge this Court to revise these amendments to ensure equal access to the appellate process for all. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you very much. Mr. Forsyth, could you please mute? Thank you. Our next item is Item number 7, file number 2023-07. This is a proposed amendment of MCR 6.433 that would require an indigent defendant to provide certain information before a court can consider whether good cause exists to order transcript—transcription of additional proceedings. And our first speaker is Jacqueline McCann from SADO/MAACS.

JACQUELINE MCCANN: Thank you, your Honors. Good morning. Again, Jacqueline McCann on behalf of SADO/MAACS. We did submit a detailed letter. I wanted to make a few additional comments this morning. It was brought to my attention recently that the language for the proposal may stem from Justice Bolden's concurrence in the leave denial in *People versus Hamiel*, 165249. And while we welcomed the Justice's comments in that order as a suggestion to the party about how they might satisfy a good cause, we don't think that that language should be the mandatory floor in the court rule. And I also wanted to make—remind the Court that there is perhaps a better vehicle coming back to you from *People versus Hooper Parsley*. This Court remanded that case to the Court of Appeals some time ago, and the Court of Appeals issued an unpublished opinion on February 18th of 2025, going to, you know, what is the proper definition of good cause under this subsection. Mr. Parsley is represented by pro bono counsel who will be filing an application in this Court. We will be filing an amicus brief in support of that application. And so, if the Court is thinking about changing or giving a definition to good cause in that subsection, we would ask the Court to wait and perhaps do that through litigation. And then finally, I just wanted to reiterate that this universe of cases where there aren't—where all of the transcripts don't already exist should be getting smaller and smaller and that's because, in 2018, our Court of Appeals proposed and this Court adopted a change to 6.425(G)(1)(f) where now all of the proceedings are on the original order of appointment slash claim of appeal. It used to be that we had to go through the docket entries. They would only order, like, the trial and the sentence, or they'd order the plea and the sentence on the order of appointment. And we would have to go through the docket entries and order everything else. But now everything is supposed to be on the original order of appointment. So, this should apply to less and less cases and we don't think that the Court needs to adopt this proposal. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you very much. Any questions for Ms. McCann?

JUSTICE ELIZABETH WELCH: Yeah, I'm going to jump right in, Justice Clement. Ms. McCann, thank you for being here and thanks for your comments. I think, I mean,

I'm just going to be honest. The goal was to, of course, try to be like help indigent defendants and make sure that what could be a reasonable request doesn't get shut down. And, you know, and try to make it maybe a little bit easier for them. So, I mean, obviously, the way you're reading the rule, you do not read it that way, correct?

JACQUELINE MCCANN: Yes, your Honor. I definitely understand the Court's sentiment that it was possibly trying to do that but in practice, if it's mandated that a—particularly an unrepresented defendant. But even if you have been appointed on a 6.500 case, for instance, there's—it's very hard to discuss with your client and get them to give you accurate, reliable information or even know what happened, you know, years prior that would allow you to fulfill those requirements. And that's why, overall, the system has moved toward just automatically producing all of the transcripts because, you know, I don't know, you know, somebody's who's self-represented at trial, for instance. The actual colloquy for the waiver might have happened, you know, at some random pre-trial. And so things—you don't know where things are going to be in the transcript and you don't know precisely what's there that will provide the winning issue.

JUSTICE ELIZABETH WELCH: Thank you.

JACQUELINE MCCANN: Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Any other questions? Thank you, Ms. McCann. Our next speaker is Marla McCowan from the Michigan Indigent Defense Commission.

MARLA MCCOWAN: Madame, Chief Justice, and may it please the Court. I'm Mara McCowan. I'm the deputy director from the Michigan Indigent Defense Commission. The MIDC has been working tirelessly for the past ten years to reduce barriers for indigent defendants pursuing resources needed to meaningfully have their day in court. Proposed amendment to MCR 6.433 seems to be a step backwards in those efforts generally. Seems closer to a time when Sir James Matthew quipped that justice in England was open to all like the Ritz Hotel. We agree with SADO's comment and the comments provided by the State Bar, urging the Court to reject the proposed amendment as unduly burdensome on postconviction litigants simply because they can't afford to pay for a resource available to those with money in post-conviction proceedings. Thank you.

JUSTICE MEGAN CAVANAGH: Ms. McCowan, so if it, I mean, is the effect of that you think it's better to have just the or generic for good cause in the court rule than trying to actually, at least within the court rule, and I understand Ms. McCann's position

is that perhaps the definition of good cause should be ferreted out through litigation but the existing rule just says good cause as opposed to actually trying to flush out what that is within the rule?

MARLA MCCOWAN: I think that's right, yeah. I think it inadvertently creates additional barriers or additional hurdles for people rather than just leaving to, yes.

JUSTICE MEGAN CAVANAGH: Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Any other questions? Thank you, Ms. McCowan. Our next speaker is Brandee Ritsema.

BRANDEE RITSEMA: Good morning, Justices. My name is Brandee Ritsema and I'm a national advocate with the National Liberty Guardian Movement. My submitted written statement outlines serious concerns regarding barriers to transcript access for indigent defendants, delays in obtaining critical court records, and the unfair disadvantages it creates and the appeals process. Court transcripts are essential for postconviction relief and appeals, yet indigent defendants face unnecessary obstacles in obtaining them. Many are required to prove good cause before being granted access, while this place—which places an unfair burden on those who cannot afford to hire private attorneys or pay for transcript fees out of pocket. If a person convicted is convicted and wishes to challenge their sentence, they should not have to fight just to access the basic records of their own case. This amendment must ensure that indigent defendants receive transcripts as a matter of right, not as a privilege granted only under certain conditions. My written statement also emphasizes how long delays in obtaining transcripts prevent defendants from filing timely appeals. If a transcript is not available, defendants cannot properly prepare an appeal, leading to missed deadlines and lost opportunities for justice. This amendment must include a strict time frame for courts to provide transcripts, ensuring that indigent defendants are not left waiting indefinitely for those records they need to challenge those wrongful convictions. And a final call for stronger protections as I emphasized in my written statement, this amendment must go further to remove unnecessary barriers to transcript access and ensure fairness in the appeals process. I urge this Court to strengthen this amendment by guaranteeing that indigent defendants automatically receive transcripts without needing to prove good cause and setting clear deadlines for courts to provide transcripts to prevent unnecessary delays, ensuring that the lack of access to transcript does not prevent a defendant from exercising their appellate right. And the right to appeal means nothing if defendants cannot access these records needed to argue their case. If this amendment does not guarantee automatic, timely access to transcripts for indigent defendants, it will continue to perpetuate systemic inequities in the criminal justice

system. I urge this Court to revise this amendment to ensure that all defendants regardless of financial status have full and fair access to the records needed to challenge their convictions. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you, Ms. Ritsema. Any questions? Great. Our last speaker on Item 7 is Margarett Gupta.

MARGARETT GUPTA: Again, thank you so much Ms. Ritsema. You've made some very valid points. The transcripts are the heartbeat of everybody's case. The transcripts are what appellate courts use to look at the information, look at the facts, look at the record that has been going on in the case to come up with a decision of what's fair and just. They're essential and I think that's where—I am indigent. I've been made indigent. In the transcripts, I had to spend \$1,000 to get four Zoom hearing transcripts. And that's how I proved a routine access of court officers going in and removing only my statements. That's a problem because I can't appeal based on those transcripts. Yes, the appellate court can do a bigger overview of the case, but it doesn't matter. All my transcripts are missing critical and essential statements. And those were facts that were omitted. So, being an Indigent and being reliant on transcripts, that is the cracks of everything and if you—if this amendment goes through, it just is one more hurdle. It makes it really, really difficult for people to be able to seek justice. And I don't, I don't know how to explain it. It's critical and this amendment is just—it's not worthy of trying to make somebody else come up with another reason why they are granted access to transcripts.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you, Ms. Gupta. Any questions? Thank you very much for your time today. Our next item is Item Number 8, ADM file number 2023-25, proposed amendment of MRPC 1.6 that would provide an exception to the confidentiality rule by permitting a lawyer to reveal to certain individuals confidences or secrets to the extent reasonably necessary to protect a client from self-harm that may result in the client's death. We have one speaker. That is Brandee Ritsema.

BRANDEE RITSEMA: Good morning, Justices. My name is Brandee Ritsema and I'm a national advocate with the National Liberty Guardianship Movement. My submitted written statement outlined serious concerns about this amendment, which if not properly limited could weaken attorney-client confidentiality and lead to unintended consequences. While the intent of this amendment is to allow attorneys to disclose confidential client information in cases of self-harm, it does not establish a clear, high enough threshold for when disclosure is appropriate. Without a strict definition of imminent risk, attorneys may preemptively break confidentiality based on subjective

judgment rather than verifiable danger. This risks deterring clients from being fully honest with their attorneys, making it harder to assess real risks and provide effective counsel. A narrowly defined high standard must be included to prevent unnecessary breaches of confidentiality. No judicial oversight or accountability is another issue I raised in my written statement. And there is no requirement that attorneys seek court approval before breaking confidentiality, which could lead to excessive or unnecessary disclosures without due process protections. I urge the Court to require attorneys to obtain judicial approval before breaking confidential except in cases of clear immediate and life-threatening danger. This ensures accountability and prevents unnecessary breaches that could harm clients. My written statement also highlights how this amendment could disproportionately harm marginalized individuals, including survivors of domestic violence and those with mental health conditions. If attorneys misinterpret distress signals and disclose information unnecessarily, it could put clients at a greater risk rather than protecting them. And a final call for safeguards is I strongly urge this Court to revise this amendment to include a strict, clearly defined threshold for disclosure, requiring verifiable imminent danger, judicial oversight except in extreme emergencies, and stronger protections for vulnerable clients to prevent unnecessary breaches. Attorney-client confidentiality must remain intact while allowing for narrow exceptions in extreme cases. If this amendment is passed without proper safeguards, it will erode client trust and discourage individuals from seeking legal help. I urge the Court to strengthen this amendment to ensure confidentiality is only breached when absolutely necessary. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you, Ms. Ritsema. Any questions? Okay. Our last item is Item 9, ADM file number 2023-26, proposed amendment of MCJC 4 and 6 that would expand the requirements of annual financial disclosure statements by judicial officers. And we have a number of speakers. First, we will hear from Brandee Ritsema.

BRANDEE RITSEMA: Sorry. I had trouble with the mute. Good morning, Justices. My name is Brandee Ritsema and I'm a national advocate with the National Liberty Guardian Movement. My submitted written statement outlined serious concerns about the lack of transparency and accountability in Michigan's judicial financial disclosure system. These amendments are a step forward, but they do not go far enough to ensure fairness and prevent conflicts of interest or restore public trust in the judiciary. Judicial financial disclosures are meaningless without proper enforcement. While the proposed amendments expand disclosure requirements, they fail to establish clear consequences for non-compliance. Judges should be required to fully disclose all financial interests, including business partnerships and outside sources of income or face strict disciplinary action. Additionally, these disclosures must be made publicly

available and fully accessible on online databases. If the public cannot easily access financial disclosure records, then the transparency goals of these amendments will not be met. Failure to address conflicts of interest in judicial decision making are also concerns that these amendments do not properly address when conflicts of interest arise. Judges frequently preside over cases where they have personal or financial connections to the parties involved, yet there is no meaningful process for challenging judicial bias in Michigan courts. This amendment must go further to require automatic disqualification when a judge has any financial or personal ties to a case. Judges should not be allowed to decide whether to recuse themselves. There must be an independent review process to ensure fairness. As I emphasized in my written statement, true judicial accountability requires transparency, enforcement, and independent oversight. I urge the Court to strengthen these amendments by requiring strict penalties for judges who fail to disclose financial interests, making judicial financial disclosures easily accessible to the public online, mandating automatic disqualification when a judge has any financial or personal conflict in a case, and the public must have confidence that Michigan's judiciary is free from financial influence and bias. Without stronger enforcement, these amendments will fail to restore the public trust. I urge the Court to revise these amendments to ensure real transparency, accountability, and fairness. Thank you.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you, Ms. Ritsema. Any questions? Our next speaker is Judge Curtis Bell from the Michigan Probate Judges Association.

JUDGE CURTIS BELL: Good morning, Chief Justice and the Justices of the Michigan Supreme Court. My name is Curtis Bell. I'm a probate judge in Kalamazoo County and I am very fortunate to serve as the president of the Michigan Probate Judges Association. I'm here before you today to speak as a judge and as a president of our association along with the presidents of the Michigan Judges Association and the president of the Association of Black Judges of Michigan. We submitted a signed letter opposing many of the suggested rule changes. Today, I am here to reiterate our organization's opposition to these rule changes. As stated in our written objection, the most significant concern is to the safety of our colleagues and their families. We also recognize that one should never present a problem or, in this case, oppose a proposal without an alternative solution. That is why we submitted an alternative to what has been proposed. I will not exhaust the time I have here today discussing what, I am certain, that you have already reviewed. When a judge seeks a judicial seat, if he or she has been married or has a spouse and family, they will surely discuss the costs and benefits of becoming a member of the bench. However, this should not be a discussion of, as a spouse, what your work is and your financial information and how that will be available to the public. This will certainly have a chilling effect. We should not open the door to harassment and intimidation. Just two weeks ago, I had a self-represented

litigant say, after I had ruled, which happened to be contrary to his interests, that he had been trying to find out where I lived to make sure I lived in the county. Certainly, that information would be relevant for that purpose but the timing of his interest in where I live certainly caused or can cause one to pause. The judiciary in Michigan now has a responsibility to engage in continued judicial education. A portion of that training relates to ethical considerations. What an ideal way to ensure judges know their responsibilities related to disclosure. There are any number of ways, as we have outlined, to give effect to the concerns that the public, the Legislature, or this honorable Court may have concerning judicial disclosure. These same groups—the Legislature, the public, and this honorable Court—have recognized an increased risk to judges that we face here in our society. All of these groups are actively seeking ways to ensure judicial safety. The need to increase disclosure should not outweigh the safety of the judges and their families. Thank you, Chief Justice.

CHIEF JUSTICE ELIZABETH CLEMENT: Judge Bell, thank you very much for being here and for representing the Probate Judges Association. As you know, I share your concerns about judicial safety across our state. Have you had conversations about the Judicial Protection Act and whether not if that was passed that would allay some of your concerns with some of the amendments that are before us regarding annual disclosures?

JUDGE CURTIS BELL: That's a great question because that's something that we discussed in a variety of settings, and it really is going to depend on what that looks like. If it passes and then what it looks like because—that's why, and I certainly appreciate what you and your colleagues did in extending the period for comment because of that. The fact that the legislation was pending, we don't know where it is right now. We certainly hope that it's going to be reintroduced, but it would be, I think, too speculative to try to project what they may or may not do. And certainly, if it restrains the nature of how that information is disclosed, then this would not be as objectionable. But the problem is we simply don't know what that's going to look like and that's our concern.

CHIEF JUSTICE ELIZABETH CLEMENT: Okay. Would—and I know that you have a process with the association, as do all of the associations, but would, if timing worked out where the Judicial Protection Act had the ability to work its way through the legislative process and was approved by the Legislature and the Governor, at that point do you think the associations would be more open-minded to some of these specific changes that have been proposed as they relate to safety.

JUDGE CURTIS BELL: Absolutely because it then it would then give us context. We'd know exactly what the law, by way the Legislature, is going to require, what's

going to be released. So, I think that you're absolutely correct. It would alleviate some of our concerns. What we don't want to do is to go in and have these rule changes and have our families and ourselves subject to increased risk.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you, Judge Bell. Any other questions for Judge Bell?

JUSTICE MEGAN CAVANAGH: I did. Judge Bell, again, I appreciate the work that all the associations have done of giving very thoughtful consideration and suggested revisions and alternatives. That's very helpful while we're weighing all of this. The question I had, or wanted to get your thoughts on, the—and certainly it seemed to be shared across all the judicial associations—is the disclosure of a spouse's identity and employment and financial interests, right? And I understand the significant privacy and safety concerns associated with that. Do you, I mean, do you agree, though, that there is a transparency or a potential for bias because of the financial holdings and/or employment of a spouse but your position—you acknowledge that that does have relevance to potential bias and the public's ability to know whether or not that exists or to seek, you know, seek recusal or something on that basis but you're just weighing that that doesn't outweigh the privacy and security interests for the spouse?

JUDGE CURTIS BELL: Well—

JUSTICE MEGAN CAVANAGH: —no middle ground sort of thing. I mean, the proposal isn't here's how I would—here's a way to sort of better balance that. It's a sort of a finite yes, there are bias or transparency issues but there's also very significant privacy and security interests and there really isn't sort of a balance, a middle ground on that.

JUDGE CURTIS BELL: And that's a great question. But we're already required to make those disclosures. It really—I don't think there's a week that goes by that I, on the bench, have to disclose that, you know, my wife used to work for this person or this used to be a client of mine back, I guess, over 20 years ago now. I mean, we put that information out there—or I went to school with this person or I'd worked with this person. I think judges are very conscientious of what we are supposed to do. And again, that training piece is, if there is that concern. And I know the earlier speaker talked about—used the phrase “frequently presiding over cases that we have personal and financial interests,” that's just not true, Justices. It is simply not true. We disclose those and if there are financial interests, we withdraw. I mean, right down to the extent of, you know, I belong to a credit union. If there's something out there on a credit union case and I have a small amount of money in that, I always disclose it and I think

that's typically—and leave it to the attorneys if they want to, you know, see where the degree or what have you. But I think that that's what we as judges do anyway and I don't—I know of no situations in which, you know, we have financial interests or personal interests that we're not disclosing and automatically disqualifying if we have those interests.

JUSTICE MEGAN CAVANAGH: Right. I understand the position that existing rules put it on—an obligation on the judge to do it. I think the one, to play the Devil's Advocate, the counterpoint would be is that if the judge isn't complying with those, right?, and the litigants or attorneys wouldn't know that, right?, without—the purpose of the disclosures is to do that. I mean, there have been very few and certain—but there have been public sanction against judges in the past for failing to disclose conflicts. So very few, right?, at least have the public, you know, sanctions that are available. So, it's not outside the realm of—can't say that it never happens. I think that's sort of the shift of that the judges already have the obligation to disclose it. The question is, does the disclosure enhance the likelihood that that disclosure will be made?

JUDGE CURTIS BELL: One would be naive to say it never happens where a judge doesn't disclose or judge doesn't have a financial interest. That's true. But if you have someone who is operating nefariously, the fact that you're asking them to also voluntarily provide information in advance of some situation, I don't think, is going to enhance or provide any more security of that concern than what we already have.

JUSTICE MEGAN CAVANAGH: Fair enough.

JUDGE CURTIS BELL: If that's—and again, you know, we're looking at the rare exception to what we all do as a reason to change the rules. And I don't think that even changing the rules with that rare exception is going to resolve the potential problem.

JUSTICE MEGAN CAVANAGH: Thank you.

JUSTICE ELIZABETH WELCH: Judge Bell, again, thank you. I know the associations put so much work into this and we do appreciate it. What do we do? We're going to hear from Mr. Roth who, I'm sure, is going to point out our sort of ranking on transparency in the country. What do we do about that? Obviously, other states have figured this out and are doing more than we are so I'm just wondering what your response is to that.

JUDGE CURTIS BELL: Well, one of the things that we had suggested is just an addendum to the form which provides what cases, a list of the cases that a judge

disqualifies because I don't think the public is necessarily aware of what we already do. And that's kind of evidenced by your first speaker. We do this routinely; we disqualify routinely when we have these conflicts. And by saying that, you know, judges, as part of your financial disclosure include the cases that you have disqualified on, that provides a written document that can be published to—so that the public knows that we're doing what we're supposed to do because they have this verification that judges are doing this.

CHIEF JUSTICE ELIZABETH CLEMENT: Would it just be the list of cases or would it be the reason for the recusal as well?

JUDGE CURTIS BELL: I would think both would be helpful because, again, that way the public can see really and if they want to dig into it, they can see why we are disqualifying.

CHIEF JUSTICE ELIZABETH CLEMENT: Great. Thank you. Any other questions for Judge Bell? Thank you very much. Our next speaker is Gabe Roth with Fix the Court.

GABE ROTH: Thank you for the opportunity to comment today. My name is Gabe Roth and I'm executive director of Fix the Court, a national nonprofit dedicated to promoting greater openness and transparency in both federal and state judiciaries and lately we've been focusing on judicial disclosure reform in several U.S. states. And we're pleased to support the proposed amendments to Canons 4 and 6. As it stands and in contrast to most states as was mentioned earlier, Michigan's disclosures are minimal, limited to a single page with very little information required. Judges and Justices must only disclose now outside income, campaign contributions, and gifts valued to \$375 or more. A year ago, we assessed the availability and contents of judicial disclosures in all 50 states and Michigan was one of 13 states that received a failing grade. So, we appreciate these amendments that propose expanding these requirements to include, among other categories, the names of spousal employers, any boards, passive income over \$10,000, stock and bond holdings over \$10,000, debts over \$10,000, real estate holdings over \$50,000. If adopted these amendments would represent an important step towards greater transparency. If anything, we'd advocate for lower thresholds like maybe a \$1,000 or \$5,000 like most states have, and a requirement that the reports would be posted online as half the states and the federal judiciary requires. Unfortunately, we've seen in the comments opposition to these amendments, with some calling the changes invasive though the amendments would place Michigan judges effectively under the same level of scrutiny as our 2,300 federal judges and another 2,000 federal judiciary employees, who already follow similar disclosure rules as to what the amendments are suggesting. In other comments, Michigan judges were asserting,

Oh, they already act ethically so they don't need new disclosure rules. And I don't doubt that the vast, vast majority do, but the chain is only as strong as its weakest link. And the public has a right to verify the strength of all the judiciary's links so as to identify any potential weak spots. One judge suggested that these amendments might discourage qualified candidates from seeking judicial office. But I don't know why someone who would want to be a judge would be deterred by scrutiny. That's always been part of the job. You know, we've also heard comments about personal safety. We would support the Judicial Protection Act and, frankly, we always take judicial security very seriously, and are now advocating for even stronger protections for judges nationwide. You know, these amendments would not require the disclosure of sensitive personal information like social security numbers, home addresses, bank account information. And Michigan judges will retain the same level of privacy as any other federal judge subject to the same comprehensive disclosure requirements. So, in closing, look, we just want to sort of even the playing field, ensure that Michigan is on the same levels of the other states, and these amendments do a great job of getting the state of Michigan to that point. Thank you again for the time.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you, Mr. Roth. One follow-up question, and one of my key concerns here from what we've heard from judges across the state is safety. And I recognize that, you know, that you said that you support the Judicial Protection Act and, you know, improvements with security and safety. As you are probably aware, there is a growing concern of safety of the judicial branch in general across the country and in Michigan as well. We've been given several different examples of where this may be invasive. So, you know, one example that comes to mind, especially for a trial court judge that is working in a smaller community whose spouse may be a teacher or maybe working, you know, with children and having to indicate, you know, the spouse's name and where they work. You know, at the state level or the federal level that may be harder to track that individual down but at the local level, a trial court judge, you know, I think has a very good reason to be fearful that that information would be out there and easily accessible to the public. Have you experienced that in other states, you know? Do you have a response to that? From the lens of purely security, security for a judge and their family and not about, you know, transparency and accountability?

GABE ROTH: So, the way that I look at it is, I think, what is done at the federal level is, frankly, balances, security, and transparency fairly well. So, I don't think this procedure currently exists under the Michigan canons and I don't think it would exist under the proposed amendments but what a judge at the federal level can do is they can, you know, they fill out their disclosure, they include a spouse's job, then they can include with that inclusion of information a request to the U.S. Marshall service, though I

think a panel of judges or a subpanel of judges could do this just as well, saying, okay, I would—marshals or judges, I would want this piece of information redacted and they can decide—the marshals in this case decide on a case-by-case basis if that information should be redacted. So, every now and then you go through, you know, the judiciary—we do this for all 2,300 judges maybe, you know, half of a percent, 1% of judges' spouses' employers are redacted. You know, sometimes for all sorts of different reasons, right? It doesn't have to be just because they're a teacher or this or that or, you know, maybe there's, you know—

CHIEF JUSTICE ELIZABETH CLEMENT: Is it the name as well or just the occupation—

GABE ROTH: The judge's—the judicial spouse—the name is not included at all in the federal forms. So, it just says, it just says "judicial spouse - non-investment income over \$1,000" and it'll say, you know, works at, you know, Smith Smith and Doe, LLC, and that's it. And that's all it says. So, I think that—I think that's fair because, you know, what we've seen and this came up in Louisiana and California, North Carolina, Ohio, I could go on, where, you know, due to—there having been conflicts that have arisen because a judge, you know, didn't recuse due to the fact of what their spouse does. And, you know, I'm not like Googling every judge's spouse to see what they're doing, but I think just like we need to know what, you know—if the judge owns a certain stock, we need to know generally the type of work that a judge's spouse does. But I think there is sort of the back stop of having, which you could add, saying, okay, you know, if a panel of judges says it's too dangerous maybe, like you said it, in the teacher context and you want to leave it off then that's fine, you know, then you can have that redaction request. I don't know if that would create new bureaucracy or new requirements or time crunches or issues for the state of Michigan and its Administrative Office of the Courts. But I think that that's, you know, potentially a compromise between what currently is being proposed and what Judge Bell suggests.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you. Any questions?

JUSTICE BRIAN ZAHRA: Mr. Roth, I think it was two election cycles ago, the people of the state of Michigan put on the ballot a question of financial disclosure applied to the Legislature and, I think, the Governor, Secretary of State, and Attorney General as well, but I know definitely the Legislature. But they left off the judiciary and it passed. So, what are we to make of that? Are they not satisfied with what we're doing and how we're disclosing? If they want a disclosure from us, why wasn't that included?

GABE ROTH: I think that, I mean, that's, you know, I'd have to ask the drafters of that amendment and, you know, look into the to the history of that. But I think that, you know, for the longest time, at least at the federal level, we've sort of thought of judges as different, that they're, you know—that they shouldn't have the same gift rules, they shouldn't have the same disclosure and travel rules, and that's frankly the case. I mean even if you look at the workplace conduct rules, you know, your staff and my staff, they're all subject to Title 7 the Civil Rights Act but if you're a law clerk in a federal chambers, you're, you know, and you're harassed, you don't have a recompense under Title 7, you know. The judiciary, in a lot of different contexts, has been left out of federal and state law. That is slowly changing, right? I mean, I think the judiciary has been a very effective lobbyist, at least at the federal level, to sort of exempt themselves from these oversight requirements. But, you know, I hate to say it, but a judge is just as corruptible as a member of Congress or a member of the Michigan State Legislature. So, I think that, you know, that's something that as—and also the other point being is that as time has gone on as I've grown into adulthood the judiciary in both at the state and federal level has become more and more important in our lives, right? Legislators and Legislatures are doing less, so much more of our lives are being dictated. And we're seeing this now in the federal context by what federal judges and justices do. So, I think that sort of disconnect from the people between, you know, Congress and the judiciary are different—yes, maybe in their responsibility in terms of their day-to-day jobs but not in terms of their responsibilities on an ethical level. So, I think that, you know, Michigan's proposed amendments filling in the gaps go a long way to sort of put everyone on an even playing field when it comes to public servant disclosure requirements.

JUSTICE BRIAN ZAHRA: Well, my only response would be this was just three years ago so it's recent times and it was—

GABE ROTH: A lot has changed in the last three years, Justice.

JUSTICE BRIAN ZAHRA: It was, it was people initiated. We didn't—there was no judges out there lobbying to keep us out this. This came from the grassroots. This is what the people wanted and this is what they passed. But, we'll leave it at that. Thank you for your comments.

CHIEF JUSTICE ELIZABETH CLEMENT: Other questions? Okay. Our next speaker is Judge David Allen, here representing the Michigan Judges Association. Hello, Judge Allen.

JUDGE DAVID ALLEN: Good morning. Thank you, Justices, for the opportunity to address you today. I'm David Allen and I've proudly served as a Wayne County Circuit Court judge for the last 22 years. I've been asked by the Michigan Judges Association to speak about the proposed changes to Canons 4 and 6. First, we want to thank our Supreme Court colleagues and our legislative and executive branch partners for their continuing support of initiatives addressing the safety and security of judges and their families. Efforts such as the Judicial Protection Act and the funding of Iron Wall, a personal data scrubbing service for judges, are much appreciated efforts to protect judges. But, where these measures represent progress in addressing the duty-related threats that place judges and their families at risk, proposed changes in Canons 4 and 6 are steps in the wrong direction. While the goal of greater transparency is laudable, safety and privacy concerns for judges and their families should be at least equally acknowledged and respected in the process. Make no mistake, judges and their families in Michigan and across the country are facing increasing threats and acts of violence. The proposed changes to Canons 4 and 6 go beyond mere disclosure and require on-demand availability of sensitive personal, family, and financial information to many who would use that information to undermine the judicial process through threats, intimidation, and acts of violence. For this reason, they are dangerous, counterproductive to the Judicial Protection Act and vehemently opposed by the judges of this state at the trial court level. To the extent that issues with judicial transparency exist, they are already addressed by current disclosure requirements or could be addressed with more measured modifications. The Michigan judiciary has been at the forefront of financial transparency and conflict of interest disclosure for decades. Each year, Michigan judges are required to submit a publicly available form, known as SCAO form 17. In it, judges must publicly disclose all sources of income, all gifts over a minimum threshold, and all campaign contributions and expenditures. This is a tremendous transparent window into the financial affairs of judges. If those financial disclosures were not enough, judges are required by the judicial canons, as policed by the Judicial Tenure Commission, to disclose all conflicts, financial or otherwise, to the parties appearing before them. Failure to disclose conflicts subject the judge to discipline, including removal from office. No other branch of government has such a high ethically mandated bar of conflict disclosure and a dedicated watchdog to ensure compliance. Before you adopt the proposed canons, the MJA urges you to consider disclosure obligations better aligned with the need to balance transparency with the need to protect judges against threats and violence. MJA's proposal is twofold: first, judges would be required on a newly revised SCAO form 17—Madam Justice, I see my time is up. I have 20 seconds to conclude my thoughts.

CHIEF JUSTICE ELIZABETH CLEMENT: Please. Please do.

JUDGE DAVID ALLEN: Thank you. All right. First, judges would be required on a newly revised SCAO form 17 to certify that they have disclosed all conflicts, financial or otherwise, to the parties appearing before them in the preceding calendar year. Judges would have to list those conflicts and would be further required to acknowledge that they are under an affirmative obligation to disclose conflicts in the coming year. Second, we support in addition to the court rules, explicitly permitting parties to an action, upon reasonable belief, to request that a judicial officer disclose any potential conflict of interest directly to the parties to the action. Thank you, Madam Justice, and the Justices. That concludes my remarks.

CHIEF JUSTICE ELIZABETH CLEMENT: Thank you, Judge Allen. I'll ask others first if you have any questions for Judge Allen. I would just pose the same question to you that I posed to Judge Bell in relation to the Judicial Protection Act. And if that act—if that legislation were to pass, would that change some of the Michigan Judges Association's position on some of these rule changes? I understand not all, but the ones related to the safety concerns.

JUDGE DAVID ALLEN: Well, I agree with Judge Bell. We have to wait and see what that act is ultimately going to be and if, in fact, it passes. As you know, it was slated last year. It's now—who knows where it's at at this point. So, there is that uncertainty. But the intent and the spirit of the judicial protection act is just that, to protect judges by prohibiting certain information from being made publicly available. Canons 4 and 6 are counterproductive to that effort because we're going to put right back out there sensitive personal information to the public that the Judicial Protection Act presumably is looking to protect. So, we'll have to wait and see but certainly the spirit and intent of the Judicial Protection Act is at odds with disclosure of where my wife works or where I own a cottage so that can be liened or I can be found and would be at odds with that act.

JUSTICE ELIZABETH WELCH: Judge Allen, thank you so much for taking the time today. So, sort of the same question. Obviously, other—I asked Judge Bell already—other states seem to have more robust disclosures than we do, most other states. And I'm not sure what those states are doing as far as safety, but I'm just wondering if you could address that? I mean, it—Michigan appears to be a bit of an outlier on this.

JUDGE DAVID ALLEN: Well, first of all, the American Bar Association, their model rules, are consistent with what we do in Michigan and what we are proposing. And the American Bar Association model rules we're not—we're consistent with those. And secondly, I you know, I ask a question to answer the question. The reality of what trial judges do on a daily basis—we do traffic tickets, we do landlord-tenant, we do slip and

falls, we do medical malpractice—does it advance transparency and disclosure for the divorce litigant to know that I own stock in a particular company? Does it advance the criminal defendant knowing that I have a cottage in Traverse City or that I have a loan against a particular piece of property? Or does the speeding traffic ticket litigant—any of the financial disc—what relevance does it have to the work that the vast majority of us do on a day-to-day basis? It really doesn't. It's, in many respects, a solution in search of a problem. I mean, we've heard it from—in your some of your questions and comments and Judge Bell and others. I mean, this is a rare instance where judges run afoul of disclosure and, when it is, it's addressable by the Michigan Judicial Tenure Commission. We lose our job. And the same folks who aren't going to disclose in an ethical way that all of us have to do, are the same judges that aren't going to disclose by some form we have to file every year. So we're—anyway, and that's my answer to your question.

JUSTICE BRIAN ZAHRA: Judge Allen I just want to dig a little deeper into your comment about the current form. I believe you said the current form requires us to disclose all sources of income. I don't believe that's accurate. I think it requires us to disclose compensation for services and extra extrajudicial work. What about passive income? What if you have, you know, \$40,000 in dividend income from, say, Ford Motor Company? Should—when someone's suing Ford, should they know about that?

JUDGE DAVID ALLEN: Of course. And I disclose that to the parties to the action but prophylactically putting it out there on the Internet or publicly that I own Ford stock when I may never have a Ford case in front of me. Or, for example, if I own an apartment building in a particular community and there's a dispute that involves that apartment building or by neighbors or a party to it, I have to disclose that. But other than that, putting that out there for public disclosure when it may never be a conflict is counterproductive to the security. So, I agree, I stand corrected as to what income is being required of us on a yearly basis. You are correct as to unearned or passive income.

JUSTICE BRIAN ZAHRA: And these disclosures you're making voluntarily but not in writing and publicly available online, are under the current Code of Judicial Conduct, correct?

JUDGE DAVID ALLEN: When I when I recuse myself from any case for any reason—

JUSTICE BRIAN ZAHRA: Well, disclose. You don't have to recuse. You disclose first and then see if there's a basis to recuse. You might automatically recuse because it's

such a big amount, but when you do that, when you act, under you're acting, I'm asking them, not under any obligation of a written form but the basic rules of judicial conduct that require this.

JUDGE DAVID ALLEN: Yes.

JUSTICE BRIAN ZAHRA: Okay. At what point does the current Code of Judicial Conduct make it clear at what point you should be disclosing to the litigant? Is \$500 in dividend income sufficient to disclose to litigants and say, "Hey, I want you to know I get \$500 annually from Ford Motor Company. I don't think that's going to impact my ability to rule fairly in this case"? There's nothing in the code of conduct now that sets how much is pertinent to require disclosure. Do you agree with that?

JUDGE DAVID ALLEN: I agree and, as Judge Bell mentioned, if he has a case where he's a member of a credit union or particular bank, you disclose it. He may have \$10 in that bank or he may have \$50,000 in that bank. There's a disclosure.

JUSTICE BRIAN ZAHRA: If we were to change the Code of Judicial Conduct without requiring written disclosures to make a dollar amount where you have a financial interest you must disclose to the litigants, would the Judges Association have any opposition to that?

JUDGE DAVID ALLEN: I think that's something that's supportable.

JUSTICE BRIAN ZAHRA: Okay. Thank you.

JUDGE DAVID ALLEN: Just as one last thing to that, Judge Zahra. You make a good point. It's disclosure to the litigants. It's the litigants that care about these issues. [To] the general public, I'm John Q citizen. To the litigants and the parties before me, I'm Judge Allen and I owe them an ethical obligation to disclose whether I have a \$10 conflict or a \$500 conflict. So, yes. Thank you for that.

JUSTICE BRIAN ZAHRA: You make a good a good point. This is pertinent to the litigants. And with all of the people out there now, I know so many judges including myself, that have gotten threatening emails or mail through, you know, the U.S. Postal Service, claiming that I've committed treason or I've done this or that and I've been convicted and who knows, you know, what what's going to happen from that. Keeping—and that's why we need the Judicial Protection Act. Keeping this information available to 10 million people, as opposed to putting in the Code of Judicial Conduct that you must disclose to the litigant, are two very different things.

JUSTICE ELIZABETH CLEMENT: Thank you, Justice Zahra. Thank you, Judge Allen. Any other questions before we move on to our next speaker? Great. Our next speaker is Judge Qiana Lillard from the Michigan Judges Association.

JUDGE QIANA LILLARD: May it please this most honorable Court, Madame Chief Justice and the other esteemed Justices of the Michigan Supreme Court. It is my honor and a privilege to be before you today, especially to have the opportunity to argue before Justice Clement before her retirement. It feels like a very full circle moment for me and it is certainly my honor and privilege. I don't wish to be redundant. As you all know from me being the actual submitter on behalf of the Michigan Judges Association, the Michigan Probate Judges Association, and the Association of Black Judges of Michigan of our joint statement in opposition, alternative proposal to these proposed amendments. Judge Bell, Judge Allen, and I worked very closely together with a group of a wide array of judges from around the state to come up with our alternate proposal. So, I don't wish to be redundant in my remarks and in my limited time that is before you today. I just want to first take a moment to note that I think that any comparison to the judiciary in the state of Michigan to the federal judicial system is completely way off base. Number one, we have to stand for re-election, and we do not operate with the benefit of life tenure. Many of the disclosures that are proposed in this amendment, in many ways, could be weaponized against us in our attempts to seek re-election or retain our seats. Additionally, we work with varying levels of security or lack thereof. There are some state court judges in the state of Michigan that work in courthouses that don't even have metal detectors, let alone armed officers. And the federal judiciary, as you know, they work in very safe and secure environments. And even when you become a federal judge, the United States Marshall service offers a private—a security system in your private home or your vacation homes that are monitored that the state judges in Michigan, we don't get anything like that. So, to suggest that we are in any way similarly situated to federal judges when it comes to security is laughable at best. I want to tell you that there are specific sections of this—these proposals that we think pose a danger to our safety and the safety of our families. And those are subsections (B), (C), (G) and (H), and those are the ones that we think pose the greatest risk to us when you make financial—when you make disclosures, not only of finances, but specifically of places where you're on a board or an officer, that's like waving a welcome sign to someone who wants to do harm to you to try to get you at a soft target, at a meeting of an organization that you're a part of. Thank you for your time and your attention and I welcome any questions that you might have for me.

JUSTICE ELIZABETH CLEMENT: Thank you, Judge Lillard, and thank you for all of your work on this along with the rest of the associations. We really appreciate it. Any

questions for Judge Lillard? Okay. Great. Thank you for being here today. I believe our last speaker is Judge Travis Reeds from the Michigan District Judges Association. Judge Reeds.

JUDGE TRAVIS REEDS: Thank you, Madam Chief Justice, and may it please the court I'm here speaking for the District Judges Association, and I will likewise not reiterate what we put in our written submission. We thought it was fairly thorough. I would just like to use the time that I have as an opportunity to let you know where we were coming from. We really tried to be thoughtful, taking at face value what the intent of this is, understanding there's no objective problem to fix but it's trying to improve trust in the general populace with the judiciary. We did a lot of research. We reviewed every state. We tried to look at every form that judges file in the state courts that were available for us to see. We looked at the different patterns and trends which courts were doing. If we could find commonality. There's a lot of variants. It was a fascinating project actually. For example, in Alaska, a judge can own a for-profit business so long as they don't employ more than 5% of the workforce. And then you can go to bigger states, like California, where the rules are definitely more stringent. A lot of our work also came from direct feedback and input from our membership, and these were emails and phone calls and meeting and seeing our colleagues at conferences and so on. And it—there were some exceptions that we came up with, and part of our proposal, that were directly from all that feedback we got. And they were gut-wrenching some of them. Spouses where they felt that their marriage could be affected. People that might not get married to someone because if the spouse had to disclose, they weren't willing to take that. People that had grandchildren that needed special needs trusts, and would those things become public? And so, there were just a variety of different things that we got as feedback that we thought were relevant. We tried to put that into our proposal so that you would have that as part of your consideration. We do believe that what we submitted is more in line with the general average across the nation for state courts. And we think that that's an appropriate presentation for us to make for your consideration so that when you're looking at it, you can look at what a majority of the states are doing for whatever that may be worth. Obviously, you don't have to do what other states are doing but I do believe we are an outlier. I think that Michigan, if you're intellectually honest about it, we do not disclose what the majority of the states do. On the other hand, you know, there are security risks. There are personal risks, there are physical, there are cyber security risks with finances, that we would just ask you to take into account. I'm going to be brief. That's really all I have for you, Justices. I do want to thank you for your service, Justice Clement. It's—we don't get thanked a lot as judges but as you move on to your next adventure, we appreciate your work.

JUSTICE ELIZABETH CLEMENT: Thank you, Judge Reeds. I appreciate it. Any questions?

JUSTICE MEGAN CAVANAGH: I do. Judge Reeds, I was wondering—so, greatly appreciate the significant time and thought that went into—and research, it sounds like, going into your proposal, right? And very specific and that's a very helpful thing for us to consider and then use. I was curious of whether or not in any of the discussions you had or it was ever sort of considered to look at some of these disclosures in terms of the particular bench or type of judge, right? And like, for example, disclosure of other—of property owned, right?, to the—it may be relevant to a Supreme Court Justice or maybe the Court of Appeals who decide cases statewide where, outside of their own geography—you know, we—our geographical jurisdiction is the entire state but a district court or probate court or I guess even a circuit court is not likely, if at all, or maybe not even permissible, right?, to be deciding cases outside of their geographical jurisdiction. So, disclosure that you have ownership or a financial interest in the property outside of that jurisdiction. It—doesn't get to the transparency purpose, right?, or the potential bias. I'm wonder—and so that was just the example that came to mind. I can't really articulate now sitting here if there are other types of disclosures. But did you look at it in terms of or maybe perhaps see that other states distinguish between different types of judges or their jurisdictional limits or things like that?

JUDGE TRAVIS REEDS: I did not find during my research any states that had a different reporting for the top, the Supreme Court, or the bottom, let's say the district court no matter what they call it. You would be shocked at the permutations that we went through. We probably had 20 different revisions, and we went through a variety of different alternatives. We did consider having the requirements be stronger for you guys at the top than they would be for us at the bottom. But at the end of the day, we decided that that was just inherently unfair even though it may be clearly more justified because you were the ones who were setting precedent, you were the ones who were making these big calls that could impact, you know, these vast swaths of interests. But what's fair for one should be fair for all is where we came out. We had varieties where, you know, our membership really does not like the spousal requirement, as I know all the other judicial organizations do not as well. And I think there were a lot of reasons for that. But we had a permutation where we asked that only spouses whose work came into the sphere of the legal world, for example, or something that was more relevant to the judge's actual work, would have to be disclosed. And we had a lot of permutations, Justice. We did think about that, yes, and to answer your question we felt that that was not fair, that what was right for one should be right for all.

JUSTICE MEGAN CAVANAGH: Okay. Thank you.

JUSTICE ELIZABETH CLEMENT: Any other questions for Judge Reeds? Okay, that concludes Item 9 and it concludes our public hearing for today. Thank you to all of our speakers for joining us this morning. It was a very informative public hearing. We appreciate all of your time. Thank you very much.