

Order

Michigan Supreme Court
Lansing, Michigan

May 21, 2025

Megan K. Cavanagh,
Chief Justice

ADM File No. 2022-48

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas,
Justices

Amendment of Canon
3 of the Michigan Code
of Judicial Conduct

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Canon 3 of the Michigan Code of Judicial Conduct is adopted, effective September 1, 2025.

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

Canon 3. A Judge Should Perform the Duties of Office Impartially and Diligently.

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities:

(1)-(3) [Unchanged.]

(4) A judge may make reasonable efforts, consistent with the law, court rules, and rules of evidence, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.

(a) In the interest of ensuring fairness and access to justice, judges may make reasonable efforts that help self-represented litigants to understand the proceedings and applicable procedural requirements, secure legal assistance, and be heard according to law. The judge should be careful that the reasonable efforts do not give self-represented litigants an unfair advantage or create an appearance of judicial partiality. In some circumstances, particular efforts for self-represented litigants are required by decisional or other law. In other circumstances, potential efforts are within the judge's discretion.

- (b) Reasonable efforts that a judge may take in the exercise of such discretion include, but are not limited to:
- (i) Construe pleadings to facilitate consideration of the issues raised.
 - (ii) Provide brief information or explanation about the proceedings.
 - (iii) Ask neutral questions to elicit or clarify information.
 - (iv) Modify the traditional manner or order of taking evidence.
 - (v) Refer litigants to any resources available to assist in the preparation of the case or enforcement and compliance with any order.
 - (vi) Inform litigants what will be happening next in the case and what is expected of them.

(4)-(14) [Renumbered (5)-(15) but otherwise unchanged.]

B.-D. [Unchanged.]

Staff Comment (ADM File No. 2022-48): The amendment of MCJC 3 allows a judge to make reasonable efforts to facilitate the ability of all litigants to be fairly heard.

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



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 21, 2025

Clerk