

July 1, 2024

ADMcomment@courts.mi.gov
Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48909

RE: [ADM 2022-56](#), MRPC 3.7 amendment (Lawyer as Witness)
Order issued [June 26, 2024](#)

Dear Chief Justice Clement and Justices:

My written comment takes no position on the proposed amendment to add subparagraph (c) to Michigan Rule of Professional Conduct 3.7 clarifying that “Nothing in this rule prohibits a lawyer from appearing as attorney of record in a case in which the lawyer is a party and is representing themselves.”

If the proposal is adopted, I encourage the Supreme Court to adopt a similar clarifying provision for the Michigan Code of Judicial Conduct [Canon 2\(D\)](#), which is now framed as:

D. A judge should not appear as a witness in a court proceeding unless subpoenaed.

I share this consideration because some judicial officers self-represent in matters originating with the Judicial Tenure Commission (JTC). The ongoing proceedings in FC 106 ([Docket 165115](#)) is one example. This can especially become necessary when a judicial officer does not carry professional liability insurance that would provide counsel or cannot hire counsel. See FC 106, October 5, 2023 filing to the JTC [<https://perma.cc/CVE8-PNCY>], and June 14, 2024 filing to the JTC [<https://perma.cc/GXC6-8SLG>].

Continued thanks to the Court for considering the public’s comments.

Sincerely,
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