

# Order

Michigan Supreme Court  
Lansing, Michigan

September 20, 2023

Elizabeth T. Clement,  
Chief Justice

ADM File No. 2023-20

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

Adoption of Administrative  
Order No. 2023-1

Creation of the Commission on  
Well-Being in the Law

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## Administrative Order No. 2023-1 – Commission on Well-Being in the Law

In 2017, the National Task Force on Lawyer Well-Being released its report, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*. The report highlights the significant struggles faced by legal professionals and law students, including high rates of depression, anxiety, and substance use issues. In May 2022, the Michigan Supreme Court and the State Bar of Michigan launched The Task Force on Well-Being in the Law (Task Force) to answer the National Task Force’s call to action to address the well-being of legal professionals and law students. On August 18, 2023, the Task Force presented a report to the Supreme Court that included a recommendation that the Court create an ongoing interdisciplinary commission to build on the work that has been done to date. The Court recognizes the importance of ensuring Michigan’s legal professionals and law students have the resources and information available to help ensure their well-being. Therefore, on order of the Court, the Commission on Well-Being in the Law is created, effective immediately.

### I. Purpose

The purpose of the Commission on Well-Being in the Law is to build upon the good work already accomplished by the Task Force and continue the forward momentum to change the climate of the legal culture by promoting well-being within the legal profession. The Commission will foster an environment that encourages members of the legal profession, law students, and court staff to strive for greater mental, physical, and emotional health.

### II. Duties

The Commission will address the recommendations outlined in the report from the Task Force on Well-Being in the Law, and continue to work with stakeholders to identify and implement additional strategies to reduce the stresses to mental health in the legal profession; eliminate the stigma associated with help-seeking behaviors; educate judges and court staff, lawyers, and law students on well-being issues; and take incremental steps to enhance well-being within the profession.

### III. Commission Leadership

A. Executive Team – The leadership, direction, and administrative support for the Commission’s activities is provided collaboratively by the State Court Administrative Office, Supreme Court staff, and the State Bar of Michigan. The chair and vice-chair, the State Court Administrator (or designee), the Executive Director of the State Bar of Michigan (or designee), and the Director of the State Bar of Michigan Lawyers and Judges Assistance Program constitute the Executive Team. Duties of the Executive Team include:

1. Preparing meeting agendas;
2. Providing data required for Commission deliberations;
3. Identifying and pursuing third party funding sources for Commission initiatives; and
4. Preparing an annual report for the Supreme Court.

B. Chair and Vice-Chair – A chair and vice-chair are appointed for two-year terms and may be reappointed.

1. Initial appointments – Individuals selected for chair/vice-chair positions when the Commission is first constituted shall serve their initial two-year term regardless of their continued membership in the groups outlined in Section IV.A.
2. After the initial selection, individuals selected for the chair/vice-chair positions shall be chosen from the membership of the Commission. The Executive Team will provide recommendations for the Court’s consideration.
3. Duties of the chair include:
  - a. Presiding at all meetings of the Commission;
  - b. Approving a draft agenda for Commission meetings; and
  - c. Serving as the official spokesperson of the Commission.
4. The vice-chair will perform the duties of the chair in the chair’s absence.

### IV. Commission Membership

A. Membership shall be comprised of 34 members from the following individuals and groups:

1. A sitting justice of the Michigan Supreme Court.
2. The State Court Administrator or designee.

3. The Executive Director of the State Bar of Michigan or designee.
4. The Director of the State Bar of Michigan Lawyers and Judges Assistance Program.
5. Subject to appointment as provided in Section IV.B, one individual representing each of the following, as recommended by the following:
  - a. the Michigan Indigent Defense Commission;
  - b. the Prosecuting Attorneys Association of Michigan;
  - c. the Board of Commissioners of the State Bar of Michigan;
  - d. the Michigan Tribal State-Federal Judicial Forum;
  - e. Michigan State University College of Law;
  - f. University of Michigan Law School;
  - g. Western Michigan University Cooley Law School;
  - h. University of Detroit Mercy School of Law;
  - i. Wayne State University Law School;
  - j. the Michigan Attorney Discipline Board;
  - k. the Michigan Attorney Grievance Commission;
  - l. the Michigan Judicial Tenure Commission.
6. Subject to appointment as provided in Section IV.B, the following individuals:
  - a. a judge of the Michigan Court of Appeals;
  - b. a member of the Michigan Judges Association (Circuit Court Judge);
  - c. a member of the Michigan District Court Judges Association;
  - d. a member of the Michigan Probate Judges Association;
  - e. a member of the Association of Black Judges of Michigan
  - f. a member of the Referees Association of Michigan;
  - g. a member of the Michigan Association of District Court Magistrates;
  - h. a member of the Michigan Court Administration Association;
  - i. a member of the Michigan Association of Circuit Court Administrators;
  - j. a member of the Michigan Probate and Juvenile Registers Association;
  - k. two law students currently attending an ABA-accredited law school within Michigan;
  - l. two mental health professionals licensed in Michigan;
  - m. four attorneys licensed and practicing in Michigan, with one from each of the following representative groups:
    - i. has been licensed for less than 5 years;
    - ii. working in a solo-practice;

- iii. working at a mid-size law firm, as defined by the Executive Team;
- iv. an attorney working at a large law firm, as defined by the Executive Team.

B. Appointments. With the exception of the members who will serve by virtue of their status (See Section IV.A.1 to IV.A.4), the Supreme Court shall appoint all members of the Commission. The Executive Team will provide recommendations for the Court's consideration.

C. Terms – With the exception of members who will serve by virtue of their status (See Section IV.A.1 to IV.A.4), members of the Commission will be appointed for three-year terms and will be limited to serving two full terms. Initial terms will commence as ordered by the Court and may be less than three years to ensure that the terms are staggered, with initial terms of one-year, two-years, and three-years. All members appointed or reappointed following these initial terms will be appointed for three-year terms. After initial appointment, all terms commence January 1st and end on December 31 of each calendar year. A law student member who graduates during their term may serve until the completion of their term but may not be reappointed to represent that stakeholder group.

The following individuals comprise the initial Executive Team of the Commission on Well-Being in the Law:

Supreme Court Justice Megan K. Cavanagh  
State Court Administrator, Tom Boyd (or designee)  
SBM Executive Director, Peter Cunningham (or designee)  
Director of the SBM Lawyer and Judges Assistance Program, Molly Ranns.

Justice Megan K. Cavanagh and Molly Ranns are appointed as the initial chair and vice-chair, respectively.

D. Vacancy – The Executive Team may declare a vacancy exists if a member resigns from his or her position from the Commission, moves outside of Michigan, is no longer licensed as required for membership, or does not attend two consecutive meetings without being excused by the chair or vice-chair. If the vacancy is from a group identified in Section IV.A.5, that group shall provide the Executive Team a recommendation for appointment of another person to fill the vacancy. The Executive team shall transmit the recommendation of the group to the Court. In the event of other vacancies on the Commission, the Executive Team will recommend to the Court appointment of a replacement member who will serve

the remainder of the term of the former incumbent. After serving the remainder of the term, the new member may be reappointed for no more than two full terms.

V. Meetings, Committees, and Workgroups

- A. The Commission will establish operating procedures for conducting meetings. The procedures will be available to the public.
- B. The Commission may establish Work Groups or Subcommittees as needed to facilitate or accomplish the work of the Commission.
- C. The Executive Team may invite individuals whose particular experience and perspective is needed or helpful to assist with the Commission's work, including participation in Work Groups or Subcommittees.

VI. Staffing and Administration

The State Court Administrative Office and Supreme Court staff will provide administrative support to the Commission.

VII. Compensation

Members of the Commission will serve without compensation.

VIII. Reporting Requirement

- A. The Commission will file an annual report with the Michigan Supreme Court about the Commission's activities and progress during the previous year. The annual report will be available to the public on the Court's website.
- B. The Commission may make additional information, data, presentations, and publications available to the public and may solicit public comment concerning the Commission's work.



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.

September 20, 2023

Clerk