

Order

Michigan Supreme Court
Lansing, Michigan

September 27, 2023

Elizabeth T. Clement,
Chief Justice

ADM File No. 2022-13

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

Amendment of Rule
9.123 of the Michigan
Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 9.123 of the Michigan Court Rules is adopted, effective January 1, 2024.

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

Rule 9.123 Eligibility for Reinstatement

(A)-(C) [Unchanged.]

(D) Petition for Reinstatement; Filing Limitations.

(1) [Unchanged.]

(2) Except as provided in subrule (D)(3), ~~a~~An attorney whose license to practice law has been revoked or who has resigned may not file a petition for reinstatement until 5 years have elapsed since the attorney's resignation or disbarment.

(3) An attorney whose license to practice law has been revoked or suspended because of conviction of a felony for which a term of incarceration was imposed may not file a petition for reinstatement until the later of:

(a) the period in subrule (D)(1) or (D)(2), as applicable in light of the discipline imposed; or

(b) six months after completion of the sentence, including any period of parole or supervised release.

(4) [Unchanged.]

(E) [Unchanged.]

Staff Comment (ADM File No. 2022-13): The amendment of MCR 9.123(D) clarifies that a disbarred attorney who was sentenced to incarceration following a felony conviction and who wants to be reinstated to the bar must wait until the later of five years after the disbarment or six months after completing the sentence, which includes any period of parole or supervised release.

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.

September 27, 2023

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

Clerk