

# Order

Michigan Supreme Court  
Lansing, Michigan

September 15, 2021

Bridget M. McCormack,  
Chief Justice

ADM File No. 2021-25

Proposed Amendment of Rule  
19 of the Rules Concerning  
the State Bar of Michigan

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

On order of the Court, this is to advise that the Court is considering an amendment of Rule 19 of the Rules Concerning the State Bar of Michigan. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

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

## Rule 19 Confidentiality of State Bar Records

Sec. 1. [Unchanged.]

Sec. 2. Records and information obtained in the course of reviewing and evaluating candidates for judicial vacancies may not be used for any other purpose or otherwise disclosed without the consent of the applicant, Governor's Office, or by Order of the Supreme Court. Records and information include, but are not limited to, applicants' name, application, background, qualifications, and interview; communications concerning applicants; and information about the judicial qualification review process.

Sec. ~~3~~2. Records and information of the Client Protection Fund, Ethics Program, Lawyers and Judges Assistance Program, Practice Management Resource Center Program, and Unauthorized Practice of Law Program that contain identifying information about a person who uses, is a participant in, is subject to, or who inquires about participation in, any of these programs, are confidential and are not subject to disclosure, discovery, or production, except as provided in section (~~4~~3) and (~~5~~4).

Sec. ~~43~~. Records and information made confidential under section (1) or (~~32~~) shall be disclosed: (a) pursuant to a court order; (b) to a law enforcement agency in response to a lawfully issued subpoena or search warrant, or; (c) to the attorney grievance commission or attorney discipline board in connection with an investigation or hearing conducted by the commission or board, or sanction imposed by the board.

Sec. ~~54~~. Records and information made confidential under section (1) or (~~32~~) may be disclosed: (a) upon request of the state bar and approval by the Michigan Supreme Court where the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, or (b) at the discretion of the state bar, upon written permission of all persons who would be identified by the requested information.

*Staff comment:* The proposed amendment of Rule 19 of the Rules Concerning the State Bar of Michigan would create an explicit provision regarding confidentiality of information.

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

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by January 1, 2022 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When filing a comment, please refer to ADM File No. 2021-25. Your comments and the comments of others will be posted under the chapter affected by this proposal.



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 15, 2021

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

Clerk