

STATE OF MICHIGAN
IN THE SUPREME COURT

COMPLAINT AGAINST:

HON. BRUCE U. MORROW
3RD Circuit Court
Detroit, Michigan

MSC Case No. 161839
Formal Complaint No. 102

**THE JUDICIAL TENURE COMMISSION’S OBJECTION TO
RESPONDENT’S UNTIMELY MOTION FOR REHEARING**

Pursuant to MCR 9.253, the Michigan Judicial Tenure Commission (the “Commission”), by Commission counsel, hereby objects to the untimely motion for rehearing (the “Motion”) by respondent Hon. Bruce U. Morrow (“Respondent”).

On January 13, 2022, this Court issued its Opinion in this matter. *See* MCR 9.252(A). This Court agreed with the Commission that Respondent committed misconduct in office and that public censure and suspension are appropriate. (Opinion p. 14.) The Court determined that a 6-month rather than a 12-month suspension is proportionate, modified the Commission’s recommendation in that regard, and ordered that Respondent be censured and suspended without pay for six months, effective 21 days from the issuance of the Opinion. (*Id.*; *see also* MCR 9.252(A).) The Court was unpersuaded by Respondent’s challenges to the proceedings, (Opinion p. 1), including Respondent’s arguments that the Michigan judicial disciplinary system violates his rights under the Due Process Clause of the United States Constitution and that he was entitled to a new hearing held in person. (Opinion pp. 6-9 & n3.)

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On February 1, 2022, Respondent filed in this Court a Motion for Rehearing, limited to his argument that the Michigan judicial disciplinary system violates his rights under the Due Process Clause. Respondent did not cite a court rule or other authority under which he filed the Motion. MCR 9.253, entitled “Motion for Rehearing,” provides:

“Unless the Supreme Court directs otherwise, the respondent may file a motion for rehearing *within 14 days after the filing of the decision*. If the Supreme Court directs in the decision that a motion for rehearing may not be filed, the decision is final on filing.”

(emphasis added). Fourteen days after this Court’s Opinion was January 27, 2022, but Respondent did not file his Motion until February 1, 2022 – nineteen days after the Opinion. Respondent did not seek leave to file his Motion late. Accordingly, Respondent’s Motion is untimely.¹

MCR 9.253 does not mention or provide for an answer to a motion for rehearing. Therefore, to the extent this Court determines to consider Respondent’s tardy Motion and invites an answer from the Commission, the Commission would provide an answer as directed.

WHEREFORE, for the foregoing reasons, the Commission objects to Respondent’s Motion for Rehearing as untimely. To the extent this Court determines to

¹ MCR 7.311(F) governs motions for rehearing in this Court that our subject to that rule. Under that rule, such a motion must be filed within 21 days after the Court’s opinion, is subject to the restrictions contained in MCR 2.119(F)(3), an answer may be filed within 14 days after the motion is served, and no late motions for rehearing are accepted for filing pursuant to MCR 7.316(B). Respondent’s motion would have been timely if MCR 7.311(F) governed, but Respondent’s Motion is governed by the 14-day deadline of MCR 9.253. *See also* MCR 7.303(A) (“The Supreme Court shall review a

consider Respondent's Motion and invites an answer from the Commission, the Commission requests such direction.

DYKEMA GOSSETT PLLC

Dated: February 7, 2022

By: /s/ William B. Murphy
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Judicial Tenure Commission order recommending discipline, removal, retirement, or suspension (*see MCR 9.250 to 9.253*.)” (emphasis added).

STATE OF MICHIGAN

MI Supreme Court

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