

## **Judicial Tenure Commission IOP 9.203(A)**

Upon request, the Commission and the Commission staff may, in their discretion, respond formally or informally to an inquiry by a judge or judicial candidate regarding past or prospective conduct.

If the response is informal, the person doing the responding should take care to ensure:

1. The response has taken into account applicable provisions of MCR 9.205, the Michigan Code of Judicial Conduct, the Michigan Rules of Professional Conduct, and if appropriate, the ethics opinions published by the State Bar.
2. The response communicates any uncertainty in the above authorities with respect to the question presented.
3. The response includes the qualification that it is an informal opinion that rests on the accuracy and completeness of the facts that have been presented, and it does not represent the opinion of the full Judicial Tenure Commission or the Supreme Court.
4. The essence of the response is circulated to the Commission and staff attorneys, both to give an opportunity to offer input concerning the response, and to keep all interested parties informed about questions asked and responses provided. The person doing the responding may, but need not, circulate a proposed response to the Commission before providing it to the judge or judicial candidate.

The Commission, in its sole discretion, may instead choose to provide a formal response to any inquiry. A formal response requires the vote of five Commissioners. The formal response shall include the qualification that it rests on the accuracy and completeness of the facts that have been presented, and it does not represent the opinion of the Supreme Court.

Upon receiving an inquiry by a judge or judicial candidate, the Commission and the Commission staff may, in their discretion, decline to respond to the inquiry and instead to refer the inquirer to the appropriate State Bar of Michigan ethics committee.

## **Judicial Tenure Commission IOP 9.207(A)-9 – Case Status**

Monthly, or at such other times as the Commission may direct, the executive director shall inform the Commission of the status of all open matters for which the Commission has authorized an investigation. The status report shall include the respondent's name and court, the date the grievance was received by the staff, the identity

of the grievant(s), a summary of the principle allegations being investigated, and the status of the investigation including anticipated next steps, plus any other information requested by the Commission.

### **Judicial Tenure Commission IOP 9.207(B)-12 – Prompt Resolution of Complaints**

The Commission recognizes that the public and judiciary have a strong interest in prompt resolution of complaints alleging a judge has committed misconduct. The Commission's goal is to

- review all complaints expeditiously;
- thoroughly investigate those that warrant further examination;
- accurately determine the merits of each complaint; and
- arrive at a just resolution as quickly as practicable.

### **Judicial Tenure Commission IOP 9.219 – Interim Suspension**

The Commission shall consider whether to seek interim suspension, with or without pay, under MCR 9.219: a) in every case in which a formal complaint is issued, at the time of issuing the complaint or at any subsequent time before resolution of the complaint; and b) in any case still under investigation, in which a formal complaint has not yet issued, in which the respondent has been accused or convicted of a crime or other extraordinary circumstances are present.

The Commission shall evaluate the following in its determination:

1. Whether the issuance of the formal complaint is likely to call into serious question the propriety of the respondent hearing cases until the complaint is resolved;
2. Whether the misconduct, if established, is likely to result in the Commission recommending removal or suspension;
3. Whether the evidence of serious misconduct is sufficiently strong to justify suspension, with or without pay, before the proceedings are concluded.
4. The impact on the credibility of the judiciary if the respondent is or is not suspended, with or without pay, pending the outcome of the formal complaint;

5. Any hardship either interim suspension or the absence of interim suspension, with or without pay, would cause to the people of the jurisdiction in which the respondent sits;
6. Any other facts of the case that militate in favor of, or against, interim suspension with or without pay.

After considering all relevant facts, including the respondent's interests, the Commission may seek interim suspension if it determines that doing so is in the best interest of the public and the judiciary. When it can do so without compromising an investigation or other important interests, the Commission will notify the respondent of its intention to seek interim suspension, whether with or without pay, as soon as practicable.