

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

CHAPTER 2
SUPREME COURT: ORGANIZATION AND POWERS

600.201 Repealed. 1963, 2nd Ex. Sess., Act 18, Eff. Mar. 24, 1964.

Compiler's note: The repealed section provided that the supreme court should consist of a chief justice and 7 associate justices.

600.202 Chief justice; selection, resignation.

Sec. 202. A chief justice shall be chosen by the supreme court justices from their own number as provided by the rules of the court. The chief justice may resign without resigning from his office as justice.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1963, 2nd Ex. Sess., Act 18, Eff. Mar. 24, 1964.

600.203 Justices; election.

Sec. 203. Justices of the supreme court shall be elected in the manner provided by the constitution and the election laws of the state.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.204 Repealed. 1963, 2nd Ex. Sess., Act 18, Eff. Mar. 24, 1964.

Compiler's note: The repealed section provided for filling vacancies in the office of supreme court justice.

600.205 Justices; availability.

Sec. 205. At least 1 justice shall at all times be at the seat of government.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.206 Justices; oath.

Sec. 206. The supreme court justices shall take and subscribe the oath required by the constitution before entering upon the discharge of their duties.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.207 Justices; practice of law prohibited.

Sec. 207. The supreme court justices shall not practice as attorneys or counselors in any court of the state, nor shall they engage in the practice of law for compensation.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.208 Judges; salary and expenses.

Sec. 208. (1) Each supreme court justice shall receive an annual salary of \$35,000.00, payable out of the moneys appropriated by the legislature.

(2) The justices shall not receive any allowance for traveling expenses between their residences and the seat of government.

(3) The justices who attend judicial meetings called by the court administrator shall be reimbursed from the state treasury, upon the warrant of the state treasurer, for their actual and necessary expenses.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1966, Act 305, Eff. Jan. 1, 1967.

600.211 Terms of court; quorum.

Sec. 211. (1) There shall be 4 terms of court annually, held at times designated by the court. The court in its discretion may hold special or adjourned terms.

(2) Court sessions shall be held at the supreme court room at the seat of government.

(3) A majority of the justices shall constitute a quorum for hearing cases and transacting business.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1963, 2nd Ex. Sess., Act 18, Eff. Mar. 24, 1964.

600.212 Powers and jurisdiction; source.

Sec. 212. The supreme court has all the powers and jurisdiction conferred upon it by the constitution and laws of this state.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.215 Jurisdiction and power.

Sec. 215. The supreme court has jurisdiction and power over:

(1) any matter brought before it by any appropriate writ to any inferior court, magistrate, or other officer;

- (2) any question of law brought before it in accordance with court rules, by certification by any trial judge of any cause pending or tried before him;
- (3) any case brought before it for review in accordance with the court rules promulgated by the supreme court.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.217 Jurisdiction and power as to writs.

Sec. 217. The supreme court has jurisdiction and power to issue, hear, and determine writs of:

- (1) error,
- (2) habeas corpus,
- (3) mandamus,
- (4) quo warranto,
- (5) procedendo, and other original and remedial writs.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.219 Superintending control over inferior courts.

Sec. 219. The supreme court has a general superintending control over all inferior courts and tribunals. The supreme court has authority to issue any writs, directives, and mandates that it judges necessary and expedient to effectuate its determinations, and to take any action it deems proper to facilitate the proper administration of justice.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.221 Reports relative to administration of justice; opinions.

Sec. 221. The supreme court has authority to publish any reports relative to the administration of justice that it deems proper to facilitate the proper administration of justice as well as the authority to publish the majority, concurring, and dissenting opinions of the court.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.222 Repealed. 1998, Act 298, Eff. Jan. 1, 1999.

Compiler's note: The repealed section pertained to creation of trial court assessment commission.

600.223 Rule-making power.

Sec. 223. The supreme court has authority to promulgate and amend general rules governing practices and procedure in the supreme court and all other courts of record, including but not limited to authority:

- (1) to prescribe the forms of all process to be issued by courts of record,
- (2) to prescribe the practices and procedure in the supreme court and other courts of record concerning:
 - (a) methods of review,
 - (b) special verdicts,
 - (c) the granting of new trials,
 - (d) motions in arrest of judgment,
 - (e) taxation of costs,
 - (f) giving notice of special motions and other proceedings,
 - (g) the staying of proceedings,
 - (h) hearing of motions,
 - (i) imposing of terms on motions granted,
 - (j) discovery procedure, and
 - (k) other matters at its discretion,
- (3) to prescribe in which cases the circuit court may grant orders to stay proceedings in matters pending in the circuit courts or another inferior court and to prescribe the terms and conditions upon which the orders shall be granted and the effect the orders will have,
- (4) to abolish, as far as practicable, distinctions between law and equity.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1974, Act 297, Eff. Apr. 1, 1975.

600.224 Meetings regarding court rules or administrative orders open to public; procedures; "court" defined.

Sec. 224. (1) The supreme court shall adopt procedures to ensure that, when a majority of the justices of the supreme court or of the judges of a multi-judge court meet to discuss or decide upon court rules or administrative orders, the meeting shall be open to the public.

(2) As used in subsection (1), "court" means the court of appeals, a judicial circuit of the circuit court, the

probate court of a county or probate court district, a district of the district court, or any statutory court.

History: Add. 1980, Act 438, Eff. May 1, 1981.

Compiler's note: Sections 2 and 3 of Act 438 of 1980 provide:

“Conditional effective date; action constituting exercise of option; effect of exercising option.

“Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

“(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978.”

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

“Effective date of Chapter 91 and certain sections.

“Section 3. Chapter 91 and sections 224, 541, 549f, 594, 595, 8121a, 8275, 9941, 9943, 9945, and 9946 shall take effect May 1, 1981.”

600.225 Assignment of judges to serve in other courts.

Sec. 225. (1) The supreme court may assign an elected judge of any court to serve as a judge in any other court in this state, except as provided in subsection (3). The assignment of a judge under this subsection shall be for a limited period or specific assignment.

(2) The authority granted by this section may be exercised by the supreme court at its discretion through its direct order, or through the court administrator. The court should particularly consider those cases where the chief judge of a court has asked that another judge be sent to that court and has properly shown any of the following:

(a) That the business of that court has increased beyond the capacity of the judge or judges to properly dispose of.

(b) That a vacancy exists in the office of the judge of the court.

(c) That a judge is unable to discharge the duties of his or her office.

(d) Any other sufficient reason.

(3) All assignments and reassignments of cases filed in any court in a county shall be made among the judges of that county, unless no trial court judge in that county is qualified and able to undertake a particular case. A judge of 1 county shall not be assigned to serve as a judge in another county unless no other trial court judge in the county needing assistance is able to render that assistance.

(4) Judges assigned pursuant to subsection (1) shall hold court and fulfill the duties of the office just as they would had they been elected in the respective court for the time they were assigned to serve.

(5) The county or district funding unit responsible for the maintenance and operation of the court shall provide suitable places where judges shall hold court.

(6) A judge who is assigned as provided in this section shall receive as salary for each day he or she serves in the court 1/250 of the amount by which the total annual salary of a judge of the court to which he or she is assigned exceeds his or her total annual salary. The salary provided in this subsection is payable by the county or district control unit or units that have provided an additional salary for the judicial office to which the judge is assigned. In addition to that salary, a judge assigned as provided in this section shall be entitled to receive actual and necessary expenses for travel, meals, and lodging from the county or district funding unit or units that are responsible for the maintenance and operation of the trial court to which the judge is assigned. The salary and expenses shall be payable at the same time and in the same manner as provided for the judicial office to which the judge is assigned. As used in this section, "court" means the various circuits of the circuit court, the recorder's court of the city of Detroit, the various counties and probate court districts of the probate court, and the various districts of the district court.

(7) A municipal judge who is assigned as provided in this section shall be compensated as provided in section 225a.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1966, Act 10, Imd. Eff. Mar. 23, 1966;—Am. 1969, Act 263, Imd. Eff. Aug. 11, 1969;—Am. 1990, Act 185, Eff. Oct. 1, 1990;—Am. 1996, Act 374, Imd. Eff. July 17, 1996;—Am. 1996, Act 388, Eff. Oct. 1, 1996.

600.225a Municipal judges transferred to other courts; compensation and expenses.

Sec. 225a. Municipal judges transferred from one court to another as provided in section 225 shall receive the same salary as the judge to whose court he is assigned, in addition to travel and living expenses and an additional sum of not to exceed \$20.00 per day, if approved by the governing body of the political unit where the court is located and to which he is assigned, payable at the same time and from the same source as provided for the judicial office to which the judge is transferred. The salary for each day in which the judge serves as authorized shall be 1/250 of the annual salary for the vacant judicial office. In all cases where the transferred judge is receiving a salary from the municipality where he is appointed or elected, he shall be paid only the difference, if any, between his home salary and the salary of the judgeship to which he has been transferred, and the amount of his home salary shall be returned by the governmental unit to which he is transferred to the governmental unit from which he is appointed or elected.

History: Add. 1966, Act 11, Imd. Eff. Mar. 23, 1966.

600.226 Retired judges; authorization to perform judicial duties; compensation; applicability of section.

Sec. 226. (1) The supreme court may authorize any retired judge from any court to perform judicial duties in any court in the state. The authorization may be for a period or periods as the supreme court shall designate with the consent of the retired judge.

(2) Any retired judge assigned to any period of active judicial service pursuant to section 23 of article VI of the state constitution of 1963 and pursuant to the laws of the state relating to judicial service shall be compensated as follows:

(a) The judge shall receive a salary payable at the same times and from the same sources as provided for the judicial office in which the judge is authorized to perform judicial duties.

(b) The performance of the authorized judicial duties shall be without prejudice to all other rights of the judge under the retirement systems.

(c) The salary for each day in which the judge serves as authorized shall be the greater of the following:

(i) One hundred dollars per diem for each day or part of a day spent in the discharge of his or her duties.

(ii) The difference between 1/250th of the annual salary paid for the judicial office during the time the retired judge serves in the office and 1/250th of the state retirement allowance paid to the retired judge during the time the retired judge serves in the office.

(d) Necessary expenses incidental to the performance of duties required by the assignment, including travel, meals, and lodging, shall be paid by the state in accordance with the established provisions and procedures for state officials and upon the approval of the court administrator.

(3) This section does not apply to the performance of judicial duties by a senior judge under sections 557, 557a, and 557b.

History: Add. 1964, Act 81, Imd. Eff. May 12, 1964;—Am. 1987, Act 225, Imd. Eff. Dec. 28, 1987;—Am. 1990, Act 185, Eff. Oct. 1, 1990.

600.227 Writ or process; style; seal; evidence; court order prohibiting disclosure of party's address or contacting another party; service on protected party.

Sec. 227. (1) All writs and process issuing out of the supreme court shall be styled: "In the Name of the People of the State of Michigan," and may be executed in any county of this state. The seal of the supreme court affixed to, or impressed on, any writ or process in an action or proceeding is conclusive evidence that the writ or process was issued by the supreme court in all cases in which the writ or process may be lawfully issued.

(2) If a court order has been entered in an action appealed to the supreme court that prohibits the disclosure of the address of a party to the action or that prohibits a party to the action from contacting another party to the action, a party shall serve process or papers in the appeal that are required to be served directly on the protected party by delivering sufficient extra copies of the process or papers to the clerk of the supreme court with a request that the clerk, a sheriff, deputy sheriff, or police officer, or an appointed court officer serve the process or papers on the protected party. The clerk, sheriff, deputy sheriff, police officer, or court officer shall serve process or papers received under this subsection at 1 of the following:

(a) The confidential address provided by the protected party to the court under Michigan court rules.

(b) If a confidential address has not been provided under subdivision (a), the last known address of the protected party as provided by the court of appeals or trial court.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 2016, Act 91, Eff. July 25, 2016.

600.229 Decisions; contents, dissents, copies.

Sec. 229. Decisions of the supreme court, including all cases of mandamus, quo warranto, and certiorari, shall be in writing, with a concise statement of the facts and reasons for the decisions; and shall be signed by the justices concurring in the opinion. Any justice dissenting from a decision shall give the reasons for his dissent in writing under his signature. All opinions and dissents shall be filed in the office of the clerk of the supreme court, and copies of them shall be delivered to the supreme court reporter at the same time.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.230 Equally divided court; affirmance of judgment.

Sec. 230. When the justices of the supreme court are equally divided as to the ultimate decision of any case properly before the court on review, the judgment of the court below shall be affirmed.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.232 Appeals to supreme court.

Sec. 232. Appeals to the supreme court may be by right or by leave as provided by the rules of the supreme court, except as otherwise provided by statute.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.235 Appointment of chief judge for each county; appointment of chief judge of circuit, probate, and district court; procedures for assignment of cases and judges.

Sec. 235. (1) The supreme court shall appoint a chief judge for each county that is not part of a multicounty judicial circuit. The chief judge of a county shall then appoint a chief judge of the circuit court in that county, a chief judge of the probate court in that county, and a chief judge of the district court in each district in that county.

(2) The chief judge of the county shall adopt procedures for the assignment of cases and for the reassignment of cases, and procedures for the assignment of judges between courts, trial divisions, and districts in that county, subject to section 225(3).

History: Add. 1996, Act 374, Imd. Eff. July 17, 1996.

Compiler's note: Former MCL 600.235, which pertained to appointment and qualifications of court clerk, reporter, court administrator, and crier, was repealed by Act 55 of 1963, 2nd Ex. Sess., Imd. Eff. Dec. 27, 1963.

600.238 Judicial performance commission; creation; evaluation of judges; performance standards.

Sec. 238. (1) The supreme court shall create a judicial performance commission. The commission shall develop standards for evaluating the performance of all judges in this state. The results of the evaluation of judges according to the standards shall be made available to the public on an annual basis, beginning June 1, 1999.

(2) Beginning on January 1, 2000, unless the standards described in subsection (1) are developed and implemented, the trial court performance standards published by the national center for state courts shall be implemented, with each judge making public an annual report on how that judge has complied with each standard.

History: Add. 1996, Act 374, Imd. Eff. July 17, 1996.

600.241 Operation of judicial branch; line-item appropriation.

Sec. 241. The legislature shall annually appropriate, by line-item and not lump-sum budget, funds for the operation of the judicial branch.

History: Add. 1996, Act 374, Imd. Eff. July 17, 1996.

600.242 Repealed. 1963, 2nd Ex. Sess., Act 55, Imd. Eff. Dec. 27, 1963.

Compiler's note: The repealed section pertained to qualifications, term, and duties of research law clerks.

600.244 Filing fees to supreme court; waiver; costs.

Sec. 244. (1) The following fees shall be paid to the supreme court clerk and may be taxed as costs when costs are allowed by the supreme court:

(a) The sum of \$375.00 for an application for leave to appeal.

(b) The sum of \$375.00 for an original proceeding.

(c) The sum of \$150.00 for a motion for immediate consideration or a motion to expedite appeal, except that a prosecuting attorney is exempt from paying a fee under this subdivision in an appeal arising out of a criminal proceeding, if the defendant is represented by a court-appointed lawyer.

- (d) The sum of \$75.00 for all other motions.
- (e) Fifty cents per page for a certified copy of a paper, from a public record.
- (f) The sum of \$5.00 for certified docket entries.
- (g) The sum of \$1.00 for certification of a copy presented to the clerk.
- (h) Fifty cents per page for a copy of an opinion; however, 1 copy must be given without charge to the attorney for each party in the case.

(2) A person who is unable to pay a filing fee may ask the supreme court to waive the fee by filing a motion and an affidavit disclosing the reason for that inability.

History: Add. 2003, Act 138, Eff. Oct. 1, 2003.

600.245 Repealed. 1963, 2nd Ex. Sess., Act 55, Imd. Eff. Dec. 27, 1963.

Compiler's note: The repealed section pertained to secretarial personnel.

600.247 Repealed. 1963, 2nd Ex. Sess., Act 55, Imd. Eff. Dec. 27, 1963.

Compiler's note: The repealed section pertained to salaries of officers.

600.250 Repealed. 1963, 2nd Ex. Sess., Act 55, Imd. Eff. Dec. 27, 1963.

Compiler's note: The repealed section pertained to expenses of officers.

600.251 Staff; budget, expenditures, fees and prerequisites.

Sec. 251. The supreme court may appoint, remove and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and expenditures of moneys appropriated for any purpose by the legislature pertaining to the operation of the court or the performance of the activities of its staff. All fees and perquisites collected by the court staff shall be transmitted to the state treasury and credited to the general fund.

History: Add. 1963, 2nd Ex. Sess., Act 55, Imd. Eff. Dec. 27, 1963.