

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

600.557 "Senior judge" defined; assignment of senior judge to hear and decide nonjury civil action; contents and filing of stipulation; fees and costs; approval; powers, duties, and immunity of senior judge; provisions applicable to senior judge; service not constituting retirement service; public trial; site of trial; transcript; final judgment; appeal not available; enforceability of judgment; failure to assign senior judge; inability of senior judge to hear action; withdrawal of stipulation.

Sec. 557. (1) As used in this section and sections 557a and 557b, "senior judge" means a former justice of the supreme court, or a former judge of the court of appeals, circuit court, recorder's court, probate court, district court, common pleas court, or a municipal court, who meets all of the following requirements:

- (a) Was once elected to judicial office in this state.
- (b) At the time of assignment under this section, does not hold a judicial office by appointment or election.
- (c) Has never been removed from judicial office pursuant to article VI or article XI of the state constitution of 1963, or as otherwise allowed by law.
- (d) Is a member in good standing of the state bar of Michigan.
- (e) Is a legal resident of this state.

(2) Except as otherwise provided in this section, in any nonjury civil action pending in any court of this state, with the consent of all the parties to the action, the parties may stipulate to the assignment of a senior judge to hear and decide the action pursuant to this section and sections 557a and 557b.

(3) The stipulation shall contain all of the following:

(a) The names of 2 senior judges, agreed upon by all the parties to the action, selected from a list of senior judges approved by the supreme court.

(b) A realistic estimate of the number of judicial hours it will take to hear the action and to perform all of the functions required of the senior judge.

(c) The hourly rate of compensation the parties agree to pay the senior judge for his or her services. The hourly rate of compensation shall not be greater than an hourly rate which, if computed on a daily basis, would exceed the daily salary paid to a judge of the court in which the action is pending.

(d) A realistic estimate of the costs of trial, including notice, the services of a court reporter, the rental of an appropriate site to hold the trial, necessary expenses of the senior judge and support staff including travel, lodging, and meals, and other costs of trial as are appropriate.

(e) A determination as to who is responsible for initial payment of the costs of the action, and who is responsible for those costs upon final judgment.

(f) A realistic estimate of the cost to the local unit of government for administering the senior judge civil action fund created in section 557b, for that action.

(4) The stipulation shall be filed with the chief judge of the court in which the action is pending together with a copy of a receipt from the clerk of the court indicating that the fees and costs were deposited with the clerk of the court for deposit in the funds established in each judicial circuit pursuant to sections 557a and 557b.

(5) If the chief judge of the court in which the action is pending approves the stipulation of the parties, the stipulation shall be forwarded to the supreme court for approval and assignment of the senior judge. If the supreme court, through its direct order or through the state court administrator, approves the stipulation and assigns a senior judge named in the stipulation, the assignment takes effect upon entry of the order of approval by the chief judge.

(6) The senior judge assigned to hear the action shall exercise the same powers and duties as a judge sitting without a jury in the court in which the action is pending. The senior judge has the same immunity from criminal and civil liability in connection with the exercise of his or her powers and duties as judge as does a judge of the court in which the action is pending.

(7) All of the following are applicable to a senior judge, while hearing and deciding an action under this section:

(a) The senior judge is subject to the provisions of the code of judicial conduct.

(b) The senior judge is prohibited from holding a nonjudicial office to the same extent as a judge of the court in which the action is pending, pursuant to section 2 of article III of the state constitution of 1963.

(c) The senior judge may be censured, suspended, or removed the same as a judge of the court in which the action is pending.

(8) Service as a senior judge does not constitute service for purposes of retirement in any public retirement

system in this state.

(9) A trial conducted pursuant to this section shall be a public trial.

(10) A trial conducted pursuant to this section shall be held within the venue of the court in which the action is pending. Unless the trial is held in a facility provided by the court in which the action is pending, notice of the site of the trial shall be published by the clerk of the court in which the action is pending in a legally designated newspaper circulating within the jurisdiction of the court in which the action is pending not less than 7 days before the commencement date of trial and shall be entered upon the court file of the court in which the action is pending not less than 7 days before the date of trial.

(11) A written transcript of the proceedings shall be filed in the court in which the action is pending upon the request of any party at that party's expense, or upon the request of the senior judge, in which case the expense shall be allocated by the senior judge among the parties.

(12) Except for good cause shown to the chief judge of the court in which the action is pending, a final judgment shall be entered by the senior judge within 21 days after all parties have submitted their closing proofs and arguments. An order, decision, or judgment of the senior judge is conclusive, and appeal shall not be available to any party. The order, decision, or judgment is enforceable to the same extent as an order, decision, or judgment of the court in which the action was pending.

(13) If neither of the senior judges selected by the parties is assigned by the supreme court, or if the assigned senior judge is unable to hear the action for any reason, both of the following shall apply:

(a) The parties to the stipulation may select 2 other senior judges from the list approved by the supreme court and resubmit the stipulation for approval and assignment of a senior judge to hear the action without the payment of an additional stipulation assignment fee under section 557a.

(b) Any of the parties to the stipulation may elect to withdraw the stipulation for the assignment of a senior judge and all deposits paid will be refunded except the stipulation assignment fee under section 557a.

(14) A stipulation for the assignment of a senior judge to hear the action may be withdrawn only as provided in subsection (13) or with the consent of the senior judge assigned to hear the action. Upon withdrawal of a stipulation for the assignment of a senior judge to hear the action, the action shall regain the same status it had before the filing of the stipulation or as may be ordered by the chief judge of the court in which the action is pending.

History: Add. 1990, Act 185, Eff. Oct. 1, 1990.