

STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963

ARTICLE VI
JUDICIAL BRANCH

§ 1 Judicial power in court of justice; divisions.

Sec. 1. Except to the extent limited or abrogated by article IV, section 6, or article V, section 2, the judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

History: Const. 1963, Art. VI, § 1, Eff. Jan. 1, 1964;—Am. Initiated Law, approved Nov. 6, 2018, Eff. Dec. 22, 2018.

Compiler's note: The constitutional amendment set out above was submitted to, and approved by, the electors as Proposal 18-2 at the November 6, 2018 general election. This amendment to the Constitution of Michigan of 1963 became effective December 22, 2018.

Constitutionality: Const 1963, art 6, § 1 and art 9, §§ 1 and 3 do not require the state to pay the entire cost of trial court operations. It is for the legislature to determine whether to adopt a system of state funding of trial court operations. *Grand Traverse Co v Michigan*, 450 Mich 457; 538 NW2d 1 (1995).

Former constitution: See Const. 1908, Art. VII, § 1.

§ 2 Justices of the supreme court; number, term, nomination, election.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

History: Const. 1963, Art. VI, § 2, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 2.

§ 3 Chief justice; court administrator; other assistants.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

History: Const. 1963, Art. VI, § 3, Eff. Jan. 1, 1964.

§ 4 General superintending control over courts; writs; appellate jurisdiction.

Sec. 4. Except to the extent limited or abrogated by article IV, section 6, or article V, section 2, the supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

History: Const. 1963, Art. VI, § 4, Eff. Jan. 1, 1964;—Am. Initiated Law, approved Nov. 6, 2018, Eff. Dec. 22, 2018.

Former constitution: See Const. 1908, Art. VII, § 4.

Compiler's note: The constitutional amendment set out above was submitted to, and approved by, the electors as Proposal 18-2 at the November 6, 2018 general election. This amendment to the Constitution of Michigan of 1963 became effective December 22, 2018.

§ 5 Court rules; distinctions between law and equity; master in chancery.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

History: Const. 1963, Art VI § 5, Eff. Jan. 1, 1964.

Constitutionality: The State of Michigan, through the combined actions of the Supreme Court, the Legislature, and the State Bar, may compulsorily exact dues, and require association of attorneys, to support only those duties and functions of the State Bar which serve a compelling state interest and which cannot be accomplished by means less intrusive upon the First Amendment rights of objecting attorneys. *Falk v State Bar*, 418 Mich 270; 342 NW2d 504 (1983).

The regulation of the practice of law, the maintenance of high standards in the legal profession, and the discharge of the profession's duty to protect and inform the public are purposes in which the State of Michigan has a compelling interest justifying unavoidable intrusions on the First Amendment rights of attorneys; on the other hand, political and legislative activities are impermissible intrusions, as are activities designed to further commercial and economic interests of the members of the bar. *Falk v State Bar*, 418 Mich 270; 342

NW2d 504 (1983).

Former constitution: See Const. 1908, Art. VII, § 5.

§ 6 Decisions and dissents; writing, contents.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

History: Const. 1963, Art. VI, § 6, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 7.

§ 7 Staff; budget; salaries of justices; fees.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

History: Const. 1963, Art. VI, § 7, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 6.

§ 8 Court of appeals; election of judges, divisions.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

History: Const. 1963, Art. VI, § 8, Eff. Jan. 1, 1964.

§ 9 Judges of court of appeals, terms.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

History: Const. 1963, Art. VI, § 9, Eff. Jan. 1, 1964.

§ 10 Jurisdiction, practice and procedure of court of appeals.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

History: Const. 1963, Art. VI, § 10, Eff. Jan. 1, 1964.

§ 11 Circuit courts; judicial circuits, sessions, number of judges.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

History: Const. 1963, Art. VI, § 11, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 8.

§ 12 Circuit judges; nomination, election, term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

History: Const. 1963, Art. VI, § 12, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 9.

§ 13 Circuit courts; jurisdiction, writs, supervisory control over inferior courts.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

History: Const. 1963, Art. VI, § 13, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 10.

§ 14 County clerks; duties, vacancies; prosecuting attorneys, vacancies.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

History: Const. 1963, Art. VI, § 14, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 11.

§ 15 Probate courts; districts, jurisdiction.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

History: Const. 1963, Art. VI, § 15, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 13.

§ 16 Probate judges; nomination, election, terms.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

History: Const. 1963, Art. VI, § 16, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 14.

§ 17 Judicial salaries and fees.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

History: Const. 1963, Art. VI, § 17, Eff. Jan. 1, 1964.

§ 18 Salaries; uniformity, changes during term.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Circuit judges, additional salary from county.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

History: Const. 1963, Art. VI, § 18, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 12; Art. XVI, § 3.

§ 19 Courts of record; seal, qualifications of judges.

Sec. 19. (1) The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state.

(2) To be qualified to serve as a judge of a trial court, a judge of the court of appeals, or a justice of the supreme court, a person shall have been admitted to the practice of law for at least 5 years. This subsection shall not apply to any judge or justice appointed or elected to judicial office prior to the date on which this subsection becomes part of the constitution.

(3) No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

History: Const. 1963, Art. VI, § 19, Eff. Jan. 1, 1964;—Am. 1996, S.J.R. D, approved Nov. 5, 1996, Eff. Dec. 21, 1996.

Former constitution: See Const. 1908, Art. VII, § 17.

§ 20 Removal of domicile of judge.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected or appointed, he shall have vacated his office.

History: Const. 1963, Art. VI, § 20, Eff. Jan. 1, 1964;—Am. H.J.R. F, approved Aug. 6, 1968, Eff. Sept. 21, 1968.

Former constitution: See Const. 1908, Art. VII, § 19.

§ 21 Ineligibility for other office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

History: Const. 1963, Art. VI, § 21, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 9.

§ 22 Incumbent judges, affidavit of candidacy.

Sec. 22. Any judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

History: Const. 1963, Art. VI, § 22, Eff. Jan. 1, 1964;—Am. H.J.R. F, approved Aug. 6, 1968, Eff. Sept. 21, 1968.

§ 23 Judicial vacancies, filling; appointee, term; successor; new offices.

Sec. 23. A vacancy shall occur in the office of judge of any court of record or in the district court by death, removal, resignation or vacating of the office, and such vacancy shall be filled by appointment by the governor. The person appointed by the governor shall hold office until 12 noon of the first day of January next succeeding the first general election held after the vacancy occurs, at which election a successor shall be elected for the remainder of the unexpired term. Whenever a new office of judge in a court of record, or the district court, is created by law, it shall be filled by election as provided by law. The supreme court may authorize persons who have been elected and served as judges to perform judicial duties for limited periods or specific assignments.

History: Const. 1963, Art. VI, § 23, Eff. Jan. 1, 1964;—Am. H.J.R. F, approved Aug. 6, 1968, Eff. Sept. 21, 1968.

Former constitution: See Const. 1908, Art. VII, § 20.

§ 24 Incumbent judges, ballot designation.

Sec. 24. There shall be printed upon the ballot under the name of each incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

History: Const. 1963, Art. VI, § 24, Eff. Jan. 1, 1964;—Am. H.J.R. F, approved Aug. 6, 1968, Eff. Sept. 21, 1968.

Former constitution: See Const. 1908, Art. VII, § 23.

§ 25 Removal of judges from office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

History: Const. 1963, Art. VI, § 25, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. IX, § 6.

§ 26 Circuit court commissioners and justices of the peace, abolition; courts of limited jurisdiction.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law.

Their jurisdiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this article.

Present statutory courts.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

History: Const. 1963, Art. VI, § 26, Eff. Jan. 1, 1964.

§ 27 Power of appointment to public office.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

History: Const. 1963, Art. VI, § 27, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 11.

§ 28 Administrative action, review.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

Property tax valuation or allocation; review.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

History: Const. 1963, Art. VI, § 28, Eff. Jan. 1, 1964.

§ 29 Conservators of the peace.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

History: Const. 1963, Art. VI, § 29, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VII, § 18.

§ 30 Judicial tenure commission; selection; terms; duties; power of supreme court.

Sec. 30. (1) A judicial tenure commission is established consisting of nine persons selected for three-year terms as follows: Four members shall be judges elected by the judges of the courts in which they serve; one shall be a court of appeals judge, one a circuit judge, one a probate judge and one a judge of a court of limited jurisdiction. Three shall be members of the state bar who shall be elected by the members of the state bar of whom one shall be a judge and two shall not be judges. Two shall be appointed by the governor; the members appointed by the governor shall not be judges, retired judges or members of the state bar. Terms shall be staggered as provided by rule of the supreme court. Vacancies shall be filled by the appointing power.

(2) On recommendation of the judicial tenure commission, the supreme court may censure, suspend with or without salary, retire or remove a judge for conviction of a felony, physical or mental disability which prevents the performance of judicial duties, misconduct in office, persistent failure to perform his duties, habitual intemperance or conduct that is clearly prejudicial to the administration of justice. The supreme court shall make rules implementing this section and providing for confidentiality and privilege of proceedings.

History: Add. H.J.R. PP, approved Aug. 6, 1968, Eff. Sept. 21, 1968.