

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MONROE

IN THE MATTER OF THE MONROE COUNTY 38TH JUDICIAL COURT

ADMINISTRATIVE ORDER #97-2

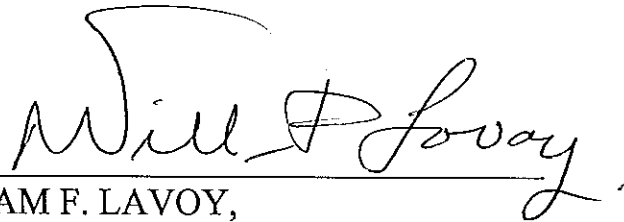
At a session of said Court held in the
Courthouse in the City of Monroe on the
4th day of February 1997

RECORDED & INDEXED
FEB 11 1997
COURT CLERK

Present: Honorable William F. LaVoy, Chief Circuit Judge

By Administrative Order 96-11 of the Michigan Supreme Court, copy attached, and by Order of the 38th Judicial Circuit Court pursuant to the authority granted by MCR 8.110 (c) (1), (2) (c), (3) (i), and MCR 8.112 (B);

IT IS HEREBY ORDERED that effective February 24, 1997 the attached Michigan Supreme Administrative Order 96-11 is hereby adopted and implemented as an Administrative Order of the 38th Judicial Circuit Court.



WILLIAM F. LAVOY,
Chief Circuit Court Judge

Michigan Supreme Court
Lansing, Michigan

Order

Entered: November 8, 1996

James H. Brickley
Chief Justice

Charles L. Levin
Michael F. Cavanagh
Patricia J. Boyle

Dorothy Comstock Riley
Conrad L. Mallett, Jr.
Elizabeth A. Weaver
Justices

Administrative Order 1996-11

HIRING OF RELATIVES BY COURTS

In order to ensure that the Michigan judiciary is able to attract and retain the highest quality work force, and make most effective use of its personnel, IT IS ORDERED that the following anti-nepotism policy is effective December 1, 1996, for all courts of this state.

1. Purpose

This anti-nepotism policy is adopted to avoid conflicts of interest, the possibility or appearance of favoritism, morale problems, and the potential for emotional interference with job performance.

2. Application

This policy applies to all full-time and part-time non-union employees, temporary employees, contractual employment, including independent contractors, student interns, and personal service contracts. This policy also applies to all applicants for employment regardless of whether the position applied for is union or non-union.

3. Definitions

a) As used in this policy, the term "Relative" is defined to include spouse, child, parent, brother, sister, grandparent, grandchild, first cousin, uncle, aunt, niece, nephew, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, and father-in-law, whether natural, adopted, step or foster.

b) As used in this policy, "State Court System" is defined to include all courts and agencies enumerated in Const, 1963 art 6 § 1 and the Revised Judicature Act of 1961, MCL §600.101 et seq; MSA §27A.101 et seq.

c) As used in this policy, the term "Court Administrator" is defined to include the highest level administrator, clerk or director of the court or agency who functions under the general direction of the chief justice or chief judge, such as, state court administrator, agency director, circuit court administrator, friend of the court, probate court administrator, juvenile court administrator, probate register and district court administrator/clerk.

4. Prohibitions

a) Relatives of justices, judges or court administrators shall not be employed within the same court or judicial entity. This prohibition does not bar the assignment of judges and retired judges by the Supreme Court to serve in any other court in this state for a limited period or specific assignment, provided those assigned shall not participate in any employment related matters or decisions in the court to which they are assigned.

b) Relatives of employees not employed as justices, judges or court administrators shall not be employed, whether by hire, appointment, transfer or promotion, in any court within the state court system (i) where one person has any degree of supervisory authority over the other, whether direct or indirect; (ii) where the employment would create favoritism or a conflict of interest or the appearance of favoritism or a conflict of interest; or (iii) for reasons of confidentiality.

c) Should two employees become relatives by reason of marriage or other legal relationship after employment, if possible, one employee shall be required to transfer to another court within the state court system if the transfer would eliminate the violation. If a transfer is not possible or if the violation cannot be eliminated, one employee shall be required to resign. The decision as to which employee shall transfer or resign may be made by the employees. If the employees fail to decide between themselves within thirty days of becoming relatives, the employee with the least seniority shall be required to transfer or resign. However, if one of the two employees holds an elective office, is a judge or is covered by a union contract, the other employee shall be required to transfer or resign.

5. Required Submissions

If any person, whether employed by hire, appointment, or election, contemplates the creation of a contractual relationship that may implicate this policy, whether directly or indirectly, the proposed contract shall be submitted to the State Court Administrative Office for review to ensure compliance with this policy.



Michigan Supreme Court
 State Court Administrative Office
 309 N. Washington Square, P.O. Box 30048
 Lansing, Michigan 48909
 517 373-0130

Marilyn K. Hall
 State Court Administrator

John D. Ferry, Jr.
 Deputy Administrator

James H. Brickley
 Chief Justice
 Charles L. Levin
 Michael F. Cavanagh
 Patricia J. Boyle
 Dorothy Comstock Riley
 Conrad I. Mallett, Jr.
 Elizabeth A. Weaver
 Justices

M E M O R A N D U M

TO: All Chief Judges

FROM: John D. Ferry, Jr.

DATE: December 3, 1996

RE: Administrative Order 1996-11: Hiring Of Relatives By Courts

On November 8, 1996 the Supreme Court entered Administrative Order 1996-11: Hiring Of Relatives By Courts. The order established an anti-nepotism policy effective December 1, 1996. Included in the policy is a requirement that "all current employees, including persons who are elected or appointed, shall disclose in writing to the State Court Administrative Office the existence of any familial relationship as described in the policy within thirty (30) days of the issuance of the policy or creation of the relationship, whichever is sooner." The intent of the disclosure requirement is to allow the SCAO to be aware of and monitor grandparented nepotism relationships, and focus, where necessary, efforts to assist in mitigating potential morale and/or court image related problems.

Chief Judges, in accordance with administrative responsibilities specified in the Chief Judge Rule (MCR 8.110), should ensure that any familial relationships as described by A.O. 1996-11 are timely communicated to the SCAO. The attached form has been developed to record the absence or existence of a familial relationship in your court. Please complete the form and return it to the SCAO Human Resources Division.

The SCAO Human Resources Division will compile information received. The information will be made available to the Supreme Court and will be available to the public upon request.

Thank you for your cooperation. If you have any questions, please contact your SCAO Regional Office or the Human Resources Division at (517) 373-9525.

cc: Chief Justice James H. Brickley
 SCAO Regional Administrators
 SCAO Human Resources Division

MR. ROSS / CONTACT PERSON
 *Just Circuit and
 FOC offices



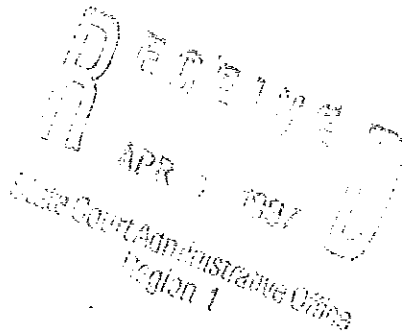
Michigan Supreme Court
State Court Administrative Office
309 N. Washington Square, P.O. Box 30048
Lansing, Michigan 48909
517-373-0130

John D. Ferry, Jr.
Director, Office of the
State Court Administrator

Conrad L. Mallett, Jr.
Chief Justice
James H. Brickley
Michael F. Cavanagh
Patricia J. Boyle
Dorothy Comstock Riley
Elizabeth A. Weaver
Marilyn Kelly
Justices

April 7, 1997

Hon. William F. LaVoy
Chief Judge
38th Circuit Court
106 E. First St.
Monroe, MI 48161



Re: Administrative Order 1997-02
Hiring of Relatives by Courts Supreme Court AO 1996-11

Dear Judge LaVoy:

This is to advise that we have reviewed the above referenced Administrative Order and find that it conforms with the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Sincerely,

John D. Ferry, Jr.
Director

JDF/bru

cc: Delores K. Van Horn, Regional Administrator, Region 1