

Order

Michigan Supreme Court
Lansing, Michigan

September 9, 2009

Marilyn Kelly,
Chief Justice

ADM File No. 2009-09

Michael F. Cavanagh
Elizabeth A. Weaver

Administrative Order No. 2009-6

Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

A Court Shall Submit a
Local Administrative Order
to SCAO When Appointing
Magistrates and Referees

On order of the Court, effective January 1, 2010, a court shall submit local administrative orders to the State Court Administrative Office to identify individuals appointed as magistrates or referees in that court.

Courts are authorized by statute to appoint magistrates and referees to positions that allow those magistrates and referees to perform various functions. As the entity charged with supervision of the state's courts, it is essential that the State Court Administrative Office of the Michigan Supreme Court be aware of the identity of each of these appointed individuals. In addition, because the law with regard to magistrates allows the court that appoints the magistrate to establish the scope of the duties the magistrate will perform, and because immunity for the magistrate's actions extends only to those actions that are performed within the scope of the authority established by the court that appoints the magistrate, it is also essential that the Supreme Court be notified of the scope of authority granted by each court to its magistrate or magistrates. Further, the Michigan Court Rules grant courts the authority to determine the specific types of hearings and proceedings to be heard by referees, and this information should likewise be submitted to the State Court Administrative Office.

Accordingly, on order of the Court,

A. Each court that appoints a magistrate or referee shall submit a local administrative order to the State Court Administrative Office that identifies an individual appointed as a magistrate or referee. The local administrative order shall include the name and contact information for the individual and the date the appointment is or was effective.

B. Further, each court that appoints a magistrate or referee shall describe the scope of the authority conferred by the court on the magistrate or referee.

C. It is the responsibility of a magistrate or referee to notify the State Court Administrative Office of changes in the individual's contact information during the course of the appointment.

Staff Comment: Administrative Order No. 2009-6 requires a court to submit a local administrative order to the State Court Administrative Office regarding the identity of magistrates and referees, as well as a description of the scope of the authority of magistrates and referees. These requirements provide the State Court Administrative Office necessary information about who these individuals are and what functions they perform in the trial court. It is the magistrate's or referee's responsibility to update his or her contact information.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 9, 2009

Corbin R. Davis

Clerk