

Presentation to the Michigan Judiciary re: Proposed Amendments of MCJC 4 and 6

As prepared

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Thank you for the opportunity to comment today. My name is Gabe Roth, and I'm executive director of Fix the Court, a national nonprofit dedicated to promoting greater openness and accountability in both federal and state judiciaries. Lately, we've been focusing on judicial disclosure reform in several U.S. states, and we're pleased to support the proposed amendments to Canons 4 and 6 of the Michigan Code.

As it stands, and in contrast to most states, Michigan's judicial disclosures are minimal, limited to a single page, with very little information required from judges, who currently must only disclose outside income, campaign contributions and gifts valued at \$375 or more. A year ago, Fix the Court assessed the availability and contents of judicial disclosures in all 50 states, and Michigan was one of 13 states that received a failing grade.

So we appreciate that these amendments propose expanding these requirements to include, among other categories, the names of spousal employers, any boards a judge serves on, any passive income over \$10,000, individual stock and bond holdings over \$10,000, debts exceeding \$10,000 and any real estate holdings over \$50,000 in value. These amendments, if adopted, would represent an important step toward greater accountability. If anything, we'd advocate for lower reporting thresholds, like \$1,000 or \$5,000, like most states have, and a requirement that the reports are posted online, as half the states and the feds require.

Unfortunately, we've seen many comments in opposition to the proposed amendments. Some commenters called the changes "invasive," though these amendments would place Michigan judges effectively under the same level of scrutiny as our 2,300 federal judges, and another 2,000 federal judiciary employees who already follow similar disclosure rules.

In other comments, Michigan judges asserted that they already act ethically so don't see the need for new disclosure rules. I don't doubt that the vast majority do. But a chain is only as strong as its weakest link, and the public has a right to verify the strength of all of the judiciary's links so to identify potential weak spots.

One judge suggested that these amendments might discourage qualified candidates from seeking judicial office. But why would someone who wants to serve the public be deterred by public scrutiny? That's always been part of any public job anywhere in the country.

A few other judges raised concerns about their "vulnerability on social media" or "reputation" if these amendments pass. But if a judge believes that transparency about their financial holdings could damage their reputation or their social media clout, perhaps they should reconsider those holdings.

We've also heard concerns about personal safety. Let me be clear: Fix the Court takes judicial security seriously and has long advocated for stronger protections for judges nationwide.

Let's also be clear about this: these amendments do not require judges to disclose sensitive personal information like Social Security numbers, home addresses, bank account numbers or the schools that their minor children attend. Even with these new amendments, Michigan judges will retain the same level of privacy as any other federal judge subject to the same comprehensive disclosure requirements.

Some judges have also raised concerns about the safety of their spouses, which is understandable. If a judge or their spouse is in immediate danger due to the judge's work, they're always able to request enhanced security arrangements. But we've seen countless examples over the years at the federal level and in other states of spousal employment being a conflict for a judge that's not always taken into account when the judge is weighing his or her ethical obligations — hence the need for disclosure.

At the end of the day, those who seek judicial office do so with the understanding that they are becoming public servants. And public service, in Lansing and across the state, means being held to public scrutiny. More transparency strengthens public trust in Michigan's judiciary, ensuring that its courts remain fair, ethical and accountable to the people they serve.

We earnestly urge the passage of these amendments, not just for the benefit of Michigan's judiciary, but in the interest of improving transparency, integrity and public faith in our judicial system. Thank you.