

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

600.1481 Judicial assistant; appointment; oath; certificate; qualifications; duties; compensation; term; public officer; civil service regulation or compulsory retirement inapplicable; removal.

Sec. 1481.

(1) In every state court of record in Michigan inferior to the supreme court which has 10 or more judges, the judges may appoint an attorney to serve as judicial assistant to their court. A judicial assistant shall subscribe a constitutional oath of office administered by the presiding judge of the court and shall file the oath with the secretary of state, whereupon the governor shall issue to the judicial assistant an official certificate of appointment under seal. A judicial assistant shall be an attorney in good standing, licensed to practice in all courts of the state of Michigan and in the United States supreme court, shall have at least 5 years of active practice, including appellate experience, and preferably shall have had prior experience in government service in a legal capacity.

(2) A judicial assistant, acting under the direction of the judges, shall confer with the judges upon pending matters of procedure and substantive law; conduct legal research, analyze briefs submitted and referred to the judicial assistant for comment and recommendation; study pending legislation and current decisions for their possible impact on court problems, and keep the judges and court officers advised thereon; recommend remedial legislation and draft that legislation, and draft legislation suggested or requested by judges or court officials; act as official legal advisor to all departments of the court; represent the court, the judges or court officers in court matters arising out of their official duties in situations wherein the prosecuting attorney or attorney general has conflicting interest or responsibilities, or is otherwise disqualified; including court matters of original, as well as appellate jurisdiction affecting the court; and act as amicus curiae in appellate matters of interest to the court.

(3) The compensation of a judicial assistant shall be fixed by the recommending judges within the sum appropriated therefor by the legislative body of the governmental unit, other than the state of Michigan, which pays the compensation of those judges. In case 2 or more governmental units contribute to the compensation of those judges, the salary of the judicial assistant shall be paid by the unit, other than the state of Michigan, which contributes the greater portion of such salaries, unless the legislative bodies of the respective units elect to share in paying the compensation of the judicial assistant.

(4) The term of office of the judicial assistant shall be coextensive with the term of the recommending judges, subject to reappointments for like terms. The assistant shall be a public officer. The judicial assistant shall not be subject to civil service regulation, nor to compulsory retirement. Removal during any given term shall be by the governor upon recommendation by the judges of the court.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 1980, Act 438, Eff. Sept. 1, 1981 ;-- Am. 1996, Act 374, Eff. Oct. 1, 1996

Compiler's Notes: Sections 2 and 4 of Act 438 of 1980 provide: "Conditional effective date; action constituting exercise of option; effect of exercising option." Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect. (2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978. The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981. Effective date of certain sections. Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981.