

### **IOP 9.207(B)-1.1**

When a Request for Investigation is filed against a person over whom the Commission clearly lacks jurisdiction, such as a federal judge, an administrative law judge, or any other person other than a “judge” as defined by MCR 9.201(B), the staff will:

- inform the grievant that the Commission lacks jurisdiction over the person named in the Request for Investigation, and notify the grievant of the proper entity to receive the complaint, if that information is readily available;
- provide a copy of the Request for Investigation to the person named in the request along with a statement that the Commission has informed the grievant of the proper entity to receive the complaint; and
- file the Request for Investigation and its associated correspondence separate from those Requests for Investigation that receive a case number.

The staff will not open a grievance file for, assign a case number to, or do any investigation into, a Request for Investigation of a person who is not a “judge” as defined by MCR 9.201(B). However, the staff will maintain a suitable record of all such requests for investigation.

### **IOP 9.220(B)-1**

If a judge retires or resigns from judicial office while under investigation for misconduct or pending resolution of disciplinary proceedings, the Commission will determine whether to share all or part of its file with the Attorney Grievance Commission, considering the following criteria:

- If a complaint has been filed or other public action has been taken, the portions of the file that are relevant to investigating professional misconduct will be referred to the Attorney Grievance Commission, unless the Judicial Tenure Commission decides not to refer a particular matter for reasons it finds sufficient;
- If the confidential investigation revealed the apparent or likely commission of a crime, the portions of the file that are relevant to investigating professional misconduct will be referred to the Attorney Grievance Commission, unless the Judicial Tenure Commission decides not to refer a particular matter for reasons it finds sufficient;
- If the confidential investigation revealed information that raises a serious question about the honesty, trustworthiness, or fitness of the former judge to serve as an attorney, such as: material lying, deceit, or fraud; obstruction of justice; serious professional misconduct that allegedly occurred before the judge took the bench; serious abuse of

the prestige of judicial officer for personal benefit or the benefit of others; significant improper ex parte contacts; substance abuse; or any other conduct that calls into serious question the judge's fitness to be trusted as a lawyer, the portions of the file that are relevant to investigating professional misconduct will be referred to the Attorney Grievance Commission, unless the Judicial Tenure Commission decides not to refer a particular matter for reasons it finds sufficient.

- If the investigation only revealed violations or potential violations of the Code of Judicial Conduct for which there is no corollary in the Rules of Professional Conduct that govern attorneys, the matter will not be referred to the Attorney Grievance Commission unless the Judicial Tenure Commission decides to refer a particular matter for reasons it finds sufficient.