

STATE OF MICHIGAN  
BEFORE THE JUDICIAL TENURE COMMISSION

Hon. Byron J. Kenschuh  
40<sup>th</sup> Circuit Court  
255 Clay St.  
Lapeer, Michigan 48446

Formal Complaint No. 100

Master: Hon. William J. Caprathe

---

Judicial Tenure Commission  
Lynn A. Helland P32192  
Margaret N.S. Rynier P34594  
3034 W. Grand Boulevard, Suite 8-450  
Detroit, Michigan 48202  
(313)- 875-5110

Collins, Einhorn & Farrell PC  
Donald D. Campbell P43088  
Colleen H. Burke P66448  
Trent B. Collier P66448  
4000 Town Center, Floor 9  
(248) 355-4141

**ORDER ADJOURNING APRIL 6, 2020 HEARING**

On Monday, March 23, 2020, the Governor of the State of Michigan, issued Executive Order No. 2020-21, entitled “Temporary requirement to suspend activities that are not necessary to sustain or protect life.” Order No. 2020-21, essentially a shelter in place order, provides in relevant part,

6. All in-person government activities at whatever level (state, county, or local) that are not necessary to sustain or protect life, or to supporting those businesses and operations that are necessary to sustain or protect life, are suspended.
  - (a) For purposes of this order, necessary government activities include activities performed by critical infrastructure workers, including workers in law enforcement, public safety, and first responders.
  - (b) Such activities also include, but are not limited to, public transit, trash pick-up and disposal, activities necessary to manage and oversee elections, operations necessary to enable transactions that support the work of a business’s or operation’s critical infrastructure workers, and the maintenance of safe and sanitary public parks so as to allow for outdoor recreation.
  - (c) For purposes of this order, necessary government activities include minimum basic operations, as described in section 4(b). Workers performing such activities need not be designated.
  - (d) Any in-person government activities must be performed consistently with the social distancing practices and other mitigation measures to protect workers and patrons described in section 5(c).

A hearing as described in MCR 9.241 does not constitute an activity necessary to sustain or protect life and does not meet any of the exceptions identified under the Executive Order.

Accordingly, pursuant to the authority of MCR 9.242 conveyed to the Chairperson of the Commission, the Chairperson finds good cause to adjourn the April 6, 2020, hearing based on the state of the Covid 19 Pandemic, safety considerations for all participants, and the Executive Order issued by Governor Whitmer.

The hearing is tentatively re-scheduled as follows:


Date: Monday, May 4, 2020  
Time: 10:00 a.m.  
Location: Courtroom A, Suite 14-300, 3034 W. Grand Blvd., Detroit, Michigan

Because of the potential of limitations of Court of Appeals operations; further restrictive executive and/or Michigan Supreme Court orders; and the potential for further development in how the pandemic is addressed and further development of measures which need to be taken to protect the safety and welfare of the public and participants in these proceedings, this hearing is subject to further adjournment, if necessary.

Additionally, the Chairperson utilizes this Order to further memorialize discussions he has had with all parties' counsel in two separate conference calls regarding the future hearing on the objections. The Chairperson has advised all parties that whenever that hearing occurs, it is likely to be conducted through Polycom or other similar video technology, and is not likely to be an in person hearing. The Chairperson advised all counsel of this to afford all counsel an opportunity to state any objection they had to proceeding in that manner and to allow a ruling on that objection from the Chairperson. Based on the phone conference today with all counsel, the Chairperson understands from each counsel that there is no objection to proceeding with the hearing on objections to the Master's report via Polycom.

So Ordered.

Dated: March 23, 2020

  
\_\_\_\_\_  
Hon. Monte J. Burmeister P48732  
Chairperson of the Judicial Tenure Commission