



## Michigan Supreme Court

State Court Administrative Office

**Trial Court Services Division**

Michigan Hall of Justice

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Jennifer Warner  
Director

### MEMORANDUM

DATE: April 24, 2013

TO: Problem-Solving Court Judges and Project Directors/Contacts  
cc: Chad C. Schmucker, State Court Administrator  
Dawn Monk, Deputy State Court Administrator  
SCAO Regional Administrators  
Honorable Brian MacKenzie, MADCP President

FROM: Jessica Parks

RE: Partnering with Nonprofit Foundations

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Drug and sobriety courts work. They are evidence-based cost-effective programs. They are no longer pilots. As the number of problem-solving courts in Michigan has continued to grow, the need to address the funding and sustainability of these programs has also increased. The State Court Administrative Office (SCAO) is committed to assisting problem-solving courts' efforts to ensure long-term sustainability that institutionalizing programs in the court system and local budgets will bring.

Some communities have not yet fully embraced problem-solving courts in their local budgets, so one approach to sustainability has been to have courts partner with tax-exempt nonprofit organizations to assist in supporting the financial needs of a problem-solving court program.

Questions have been raised about the appearance of impropriety, judicial fundraising, and using the prestige of the office to influence others in connection with tax-exempt nonprofit organizations that exist solely to support a problem-solving court program. The Code of Judicial Conduct, Canon 2, states: "A judge must avoid all impropriety and appearance of impropriety." Due to these concerns, the SCAO does not believe it is appropriate for this office to recommend that problem-solving courts partner with nonprofit organizations that exist solely to support a problem-solving court program. The SCAO will no longer provide resources for courts interested in creating new nonprofit organizations and will direct such inquiries to the Michigan Association of Drug Court Professionals. Nonprofit organizations that serve the interests of many community or civic groups and have a competitive process for awarding funds are an

exception to this recommendation. If your problem-solving court already partners with a nonprofit organization that supports one interest, such as a nonprofit organization that only supports your drug court program, the SCAO recommends that no judge, court employee, or contractual employee of the problem-solving court program participate as a board member of the nonprofit organization or conduct fundraising on its behalf.

The court's funding unit should budget spending authority for nonprofit organization funds annually. Requests for financial support should be submitted to the nonprofit organization in writing by an individual whose salary is not paid for by the court, such as the drug court team's prosecutor, defense attorney, or treatment provider. If the nonprofit organization's board of directors approves the request, the court should purchase the item and request reimbursement from the organization. The nonprofit organization should then send payment to the funding unit. Funds should never flow from the nonprofit organization directly to the problem-solving court program, just as direct donations should never be accepted by a problem-solving court program.

For assistance with utilizing research and your individual program's data to inform your funding unit about the benefits of your problem-solving court program or for questions regarding the above recommendations, please contact me by e-mail at [parksj@courts.mi.gov](mailto:parksj@courts.mi.gov) or by telephone at 517-373-6285.