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Michigan Supreme Court to Hear Constitutional Challenge to Court-Funding Statute in *People v. Ormsbee*

LANSING, MI — The Michigan State Appellate Defender Office (SADO) today applauded the Michigan Supreme Court’s order granting oral argument on the application for leave to appeal in [*People of the State of Michigan v. Clinton Ormsbee*](#). The Court has asked the parties to submit supplemental briefs on whether Michigan’s trial-court funding statute violates the Michigan and Federal Constitutions.

Under current law, trial courts across Michigan rely on court-imposed costs assessed in criminal cases to fund essential court operations. SADO argues that this system threatens constitutional guarantees of judicial neutrality, fair process, and proper separation of powers.

In its order, the Court specifically directed the parties to brief on whether the statute violates:

1. Separation of Powers, by assigning to the judicial branch responsibilities that the Constitution reserves for the Legislature;
2. Due Process, by creating a “potential for bias” or “objective risk of actual bias” when courts dependent on these revenues impose costs in criminal cases; and
3. The Distinct-Statement Clause, which requires that laws imposing taxes or fees state their purpose clearly and separately.

“These are foundational questions about the structural integrity of Michigan’s justice system,” said Henry Schneider, an Assistant Defender representing Mr. Ormsbee in the case. “For courts to be impartial arbiters, they cannot be financially dependent on the outcomes of the cases they decide. The Supreme Court’s order recognizes the need for clarity on these constitutional concerns.”

The statute at issue has a lengthy and complex history before the Court. In *People v. Cunningham* (2014), the Michigan Supreme Court struck down the then-existing version of the statute, prompting swift legislative revisions. The Court later declined to hear challenges to the amended statute, though then-Chief Justice Bridget McCormack identified “long-simmering problems” with the funding system in *People v. Cameron* (2019). SADO attorneys again presented the issue in *People v. Johnson* (2023) and *People v. Edwards* (2023), but leave was ultimately denied after briefing and arguments.

“With *Ormsbee*, the Court is taking up questions that have recurred for over a decade,” said Brett DeGross, an Assistant Defender representing Mr. Ormsbee. “We welcome the Court’s engagement with these constitutional issues.”

If the Supreme Court finds the law unconstitutional, Michigan’s judiciary will face a significant funding gap. SADO recognizes the seriousness of the fiscal implications but emphasizes that constitutional compliance cannot depend on revenue needs.

“A justice system must rest on a constitutional footing,” said DeGross. “If the current funding model is inconsistent with those requirements, it is the responsibility of policymakers, not courts and not those convicted of crimes, to establish a lawful, sustainable funding solution.”

The Supreme Court’s order also invites amicus briefs from several major legal organizations, including the Michigan District Judges Association, the State Bar Judicial Section, the Prosecuting Attorneys Association of Michigan, the Criminal Defense Attorneys of Michigan, and the Detroit Justice Center. Other organizations may seek permission to submit additional amicus briefs.

“We appreciate the Court’s decision to invite input from across Michigan’s legal community,” DeGross added. “These issues affect every courtroom and every resident who depends on the fair administration of justice.”

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