

COMMITTEE ON JUSTICE INITIATIVES  
Respectfully submits the following position on:

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ADM File No. 2014-09

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The Committee on Justice Initiatives is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Committee on Justice Initiatives only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar position on this matter is to take no position on the proposed amendments to MCR 7.215(A) and MCR 7.215(B); to oppose the proposed amendments to MCR 7.215(C) for the reasons stated in Justice Markman's dissent; and to authorize Sections and Committees to transmit non-conflicting positions to the Court.

The total membership of the Committee on Justice Initiatives is 10.

The position was adopted after discussion and vote at a special meeting. The number of members in the decision-making body is 10. The number who voted in favor to this position was 4. The number who voted opposed to this position was 0. The number who abstained from voting was 2.

**Report on Public Policy Position****Name of committee:**

Committee on Justice Initiatives

**Contact persons:**

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**E-Mail:**[erika@butlerdavis.com](mailto:erika@butlerdavis.com)[linda@msbf.org](mailto:linda@msbf.org)**Proposed Court Rule or Administrative Order Number:**[2014-09 - Proposed Amendment of MCR 7.215](#)

The proposed amendments of MCR 7.215(A)-(C) were submitted by the Court of Appeals. Proposed MCR 7.215(A) would clarify the term “unpublished” as used in the rule. The proposed amendment of MCR 7.215(B) would provide more specific guidance for Court of Appeals judges regarding when an opinion should be published. Finally, in response to what the Court of Appeals describes as an increased reliance by parties on unpublished opinions, the proposed revision of MCR 7.215(C) would explicitly note that citation of unpublished opinions is disfavored unless an unpublished decision directly relates to the case currently on appeal and published authority is insufficient to address the issue on appeal.

**Date position was adopted:**

April 2, 2015

**Process used to take the ideological position:**

Position adopted after discussion and vote at a special meeting

**Number of members in the decision-making body:**

10

**Number who voted in favor and opposed to the position:**

4 Voted for position

0 Voted against position

2 Abstained from vote

4 Did not vote (absent)

**Position:**

Support with Amendments

**Explanation of the position, including any recommended amendments:**

The Committee supports the changes in Sections (A) and (B). The Committee also supports the second sentence added to Section (C)(1), but recommends the removal of the following sentence from (C)(1): “A party who cites an

unpublished opinion shall explain why existing published authority is insufficient to resolve the issue and must provide a copy of the opinion to the court and to opposing parties with the brief or other paper in which the citation appears.”

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

[http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Adopted/2014-09\\_2015-02-18\\_formatted%20order\\_with%20SJM%20stmt%20with%20RC.pdf](http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Adopted/2014-09_2015-02-18_formatted%20order_with%20SJM%20stmt%20with%20RC.pdf)