

PROPOSED AMENDMENTS	DESCRIPTION	LAST ACTION TAKEN BY THE COURT	STATE BAR POSITION	POSITION ADOPTED ON
Proposed Amendments to MCR 2.301, 2.302, 2.313, 2.401, 2.506 Regarding Electronic Discovery	The Court has not published a proposal for comment.*	Position available upon request.		4/21/2007
2002-29 Proposed MSILS	Description available upon request	Public Hearing Held September 29, 2005. No further action.	Position available upon request.	4/16/2005
2004-08 Proposed Amendment of Rule 15 and Proposed New Rule 18 of the Rules Concerning the State Bar of Michigan	The State Bar of Michigan Representative Assembly has endorsed in concept this proposal to adopt amendments of the Rules Concerning the State Bar of Michigan. Proposed new Rule 18 would establish the rules regarding pro hac vice appearance by attorneys in Michigan and would replace Section 2 of current rule 15. This proposal is being published for comment exactly as it was submitted to the Court by the State Bar of Michigan. It has not been amended by the Court before publication.	Public Hearing Held May 16, 2007. Published for Comment a Second Time on December 21, 2007. Adopted, Effective September 1, 2008.	Endorsed in Concept.	4/16/2005
2005-05 Proposed Amendment of Rule 2.403 of the Michigan Court Rules	The Court has not published a proposal for comment.*	Case Evaluation: would limit scope regarding automobile no fault benefit cases to only expenses actually incurred and disputed before the case evaluation hearing due to the ongoing nature of these types of claims		4/16/2005

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PROPOSED AMENDMENTS	DESCRIPTION	LAST ACTION TAKEN BY THE COURT	STATE BAR POSITION	POSITION ADOPTED ON
2005-12	<p>The proposed amendment of MCR 5.104(A)(1) would establish a time frame within which the proof of service must be filed when the Court issues an ex parte order.</p> <p>The proposed amendment of MCR 5.402(C) would add the requirement of how service is to be made on a parent of a minor who is the subject of a petition when the whereabouts of the parent are known.</p>	<p>Amendment to MCR 5.403, Effective January 1, 2007.</p>	<p>The State Bar of Michigan recommended the review of MCR 5.104, 5.402 and 5.403 and supports the proposed amendments with technical amendments.</p>	3/27/2004
2005-12	<p>The proposed amendment of MCR 5.403(B) would add the requirement of a subsequent hearing within 56 days if a temporary guardian is appointed for a minor by ex parte order and the parents of the minor are not present at the ex parte hearing.</p>	<p>Amendment to MCR 5.403, Effective January 1, 2007.</p>	<p>The State Bar is authorized to participate in discussions with stakeholders about possible alternative ways to address the notice issues raised in the proposed amendment and to make public consensus recommendations resulting from such discussions.</p>	4/26/2006
2005-12	<p>The proposed amendment of MCR 5.403(B) would add the requirement of a subsequent hearing within 56 days if a temporary guardian is appointed for a minor by ex parte order and the parents of the minor are not present at the ex parte hearing.</p>	<p>Amends RA's previous position on 5.402(C) adopted on 3/27/04 to correct a technical problem with that proposal. The proposed amendment should ensure that children age 14 and older who are the subject of guardianship proceedings continue to receive notice of those proceedings as is required by MCR 5.403(B)</p>	<p>Amends RA's previous position on 5.402(C) adopted on 3/27/04 to correct a technical problem with that proposal. The proposed amendment should ensure that children age 14 and older who are the subject of guardianship proceedings continue to receive notice of those proceedings as is required by MCR 5.403(B)</p>	

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2005-19 Jury Reform Proposals	Description available upon request	Effective 8/5/08: ADM File No. 2008-02 Adoption of a Pilot Project to Study the Effects of the Jury Reform Proposal.	Position available upon request.	9/14/2006
2005-31 Proposed Amendment of Rule 3.602 of the Michigan Court Rules	<p>The proposed amendments from the State Bar of Michigan contain two material revisions. First, the proposed changes eliminate the term “application,” and substitute the word “motion” or “complaint,” depending on whether there is a pending action. “Application” is not a defined term within the Michigan Court Rules or in the Michigan arbitration act, MCL 600.5001-600.5035. Second, the proposed revision clarifies that a complaint to stay or compel arbitration, or to vacate, modify, or correct an award must first be filed, and then a motion, consistent with the spirit of MCR 3.602(B)(1), must be filed. The amendment also sets timing deadlines consistent with the time frame allowed under the federal arbitration act, 9 USC 1 et seq. Under the proposal, a motion to vacate, modify, or correct an award would have to be filed within 91 days (except for claims that an award is based on corruption, fraud, or other undue means, in which case the current 21-day filing period after the grounds were known or should have been known would apply). Three months is the period allowed under the federal arbitration act for a party to bring a motion to vacate, modify, or correct an arbitration award. The proponents assert that the three-month period under the federal act and the 21-day period in MCR 3.602(J)-(K) create confusion with regard to the applicable period in cases that may start as state actions but eventually be removed to federal court on petition of one of the parties.</p>	Adopted, Effective January 1, 2008.	<p>See RA position resolution from April 2005.</p> <p>Arbitration: would provide three procedural revisions: to substitute “motion” or “complaint” for “applicant” (an undefined term within the Court rules or Arbitration Act), clarify post-arbitration actions and set timing deadlines consistent with the Federal Arbitration Act</p>	4/16/2005

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PROPOSED AMENDMENTS	DESCRIPTION	LAST ACTION TAKEN BY THE COURT	STATE BAR POSITION	POSITION ADOPTED ON
2005-38	Proposed Amendment of Rule 8.120 of the Michigan Court Rules	The Court has not published a proposal for comment.*	The amendment would allow members of the Bar who have elected emeritus status to practice law under the same provisions as law students and recent law school graduates.	10/1/2004
2006-05	Proposed Amendment of Rule 6.610(f) of the Michigan Court Rules	The Court received correspondence dated January 10, 2006, from John T. Berry, Executive Director of the State Bar of Michigan, informing the Court that the Representative Assembly of the State Bar of Michigan had unanimously approved a proposal, recommended by the Criminal Jurisprudence and Practice Committee, that the Court amend MCR 6.610 by adding a new subrule (f). The bar believes that its proposed language to the rule would ensure that individuals who are convicted in district Court are aware of their right to counsel pursuant to <i>Halbert v Michigan</i> , 545 US ___; 125 S Ct 2582; 162 L Ed 2d 552 (2005), and their right to appeal.	See description.	9/22/2005
2006-25	Proposed Amendment of Rule 3.222 (C-K) of the Michigan Court Rules	The Court has not published a proposal for comment.*	MCR 3.222(C-K) should be added to provide an applicable, streamlined approach to entry of judgments in filings involving pre-settled divorce and separate maintenance cases.	4/29/2006
2006-25	Proposed Amendment of Rule 3.201 et seq of the Michigan Court Rules	The Court has not published a proposal for comment.*	MCR 3.201 should be amended to include procedures that apply specifically to attorney-approved divorce and separate maintenance agreements that are signed before the divorce or separate maintenance case is filed.	4/29/2006

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PROPOSED AMENDMENTS	DESCRIPTION	LAST ACTION TAKEN BY THE COURT	STATE BAR POSITION	POSITION ADOPTED ON
2006-25 Proposed Amendment of Rule 3.222 (B) of the Michigan Court Rules	The Court has not published a proposal for comment.*		MCR 3.222(B) should be added to provide for non-litigious terminology in filings involving pre-settled divorce and separate maintenance cases.	4/29/2006
2007-12 Proposed Amendment of Rule 2.107(G) of the Michigan Court Rules	The proposed amendments were adopted by the State Bar of Michigan Representative Assembly for submission to the Supreme Court. The proposal would allow parties to stipulate to agree to electronic-discovery, or service of papers among the parties, by e-mail. The proposal would also require that court clerks note the date pleadings are filed if that date is different from the date the filing is docketed.	Adopted, Effective January 1, 2008.	Support amendment that would add additional language: "The date of the pleadings are filed, which includes receipt by mail, shall be noted on the docketing statement if different than the date docketed." Updated RA Position (9/27/07): The Representative Assembly adopts the alternative version of the amendment to MCR 2.107(C)(4), as proposed by the Civil Procedure and Courts Committee.	9/22/2005
			The Representative Assembly adopts the amendment to MCR 2.107(G) with the revision to the last sentence, as proposed by the Civil Procedure and Courts Committee: If the clerk docket papers on a date other than the actual filing date, the clerk shall note the actual filing date on the register of actions.	

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PROPOSED AMENDMENTS	DESCRIPTION	LAST ACTION TAKEN BY THE COURT	STATE BAR POSITION	POSITION ADOPTED ON
2007-12 Amendment of Rule 2.107 of the Michigan Court Rules	<p>The amendments allow parties to stipulate to agree to ediscovery, or service of papers among the parties, by e-mail. Further, the amendments require that court clerks note the date pleadings are filed if that date is different than the date the filing is docketed.</p> <p>The e-discovery rules allow parties or those represented by attorneys to stipulate to service by e-mail. The stipulation establishes the maximum document size, the designation of exhibits as separate documents, the persons who are entitled to receive an e-mailed document other than the party or attorney, and the obligation, if any, to furnish paper copies of e-mailed documents. The rule also requires that the subject line of an email that contains a document or has a document attached indicate the court, case number, party name, and title of the document being sent. Documents are required to be in a format, such as PDF, that precludes alteration, and a designation of "s/" or "/s/" is sufficient for a signature. Documents e-mailed after 4:30 p.m. Eastern Time are considered filed the next day, and service by e-mail is equivalent to service by delivery. Service is complete upon transmission, unless the sender receives notice that the e-mail did not reach the intended e-mail address. An e-mail sender is required to maintain an archived record of sent items until the case concludes, including the disposition of all appeals.</p>	Adopted, Effective January 1, 2008.	<p>The language of the proposed amendment as previously approved by the Representative Assembly now reads as follows:</p> <p>(4) <input type="checkbox"/> E-mail. Some or all of the parties may stipulate service of papers by e-mail.</p> <p>(a) <input type="checkbox"/> The stipulation of service by e-mail shall set forth the following:</p> <p>(i) <input type="checkbox"/> the e-mail addresses of all stipulating attorneys of record and any of their paralegals or assistants charged with receipt of the attorney's e-mail;</p> <p>(ii) <input type="checkbox"/> a subject line that identifies the case by party name and case number, along with the title or legal description of the document(s) being sent; and</p> <p>(iii) <input type="checkbox"/> the primary document format through which the parties shall send and receive documents by e-mail.</p> <p>(b) <input type="checkbox"/> The sending e-mail address shall allow for receipt of a reply e-mail.</p> <p>(c) <input type="checkbox"/> E-mail transmission after 4:00 p.m. Eastern Time shall be deemed to be served on the next day that is not a Saturday, Sunday, or legal holiday.</p>	9/27/2007

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2007-12 Proposed Amendment of Rule 2.107 of the Michigan Court Rules	The proposed amendments were adopted by the State Bar of Michigan Representative Assembly for submission to the Supreme Court. The proposal would allow parties to stipulate to agree to electronic-discovery, or service of papers among the parties, by e-mail. The proposal would also require that court clerks note the date pleadings are filed if that date is different from the date the filing is docketed.	Adopted, Effective January 1, 2008.	Support amendment that would allow attorneys to stipulate to serve documents upon each other via electronic mail.	9/22/2005
			Updated RA Position (9/27/07): The language of the proposed amendment as previously approved by the Representative Assembly now reads as follows:	
			(4) <input type="checkbox"/> E-mail. Some or all of the parties may stipulate service of papers by e-mail.	
			(a) <input type="checkbox"/> The stipulation of service by e-mail shall set forth the following:	
			(i) <input type="checkbox"/> the e-mail addresses of all stipulating attorneys of record and any of their paralegals or assistants charged with receipt of the attorney's e-mail;	
			(ii) <input type="checkbox"/> a subject line that identifies the case by party name and case number, along with the title or legal description of the document(s) being sent; and	
			(iii) <input type="checkbox"/> the primary document format through which the parties shall send and receive documents by e-mail.	
			(b) <input type="checkbox"/> The sending e-mail address shall allow for receipt of a reply e-mail.	
			(c) <input type="checkbox"/> E-mail transmission after 4:00 p.m.	

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PROPOSED AMENDMENTS	DESCRIPTION	LAST ACTION TAKEN BY THE COURT	STATE BAR POSITION	POSITION ADOPTED ON
2007-23 Proposed Adoption of MCR 2.519 pertaining to Special Masters	The Court has not published a proposal for comment.*	Decline to publish for comment.	Eastern Time shall be deemed to be served on the next day that is not a Saturday, Sunday, or legal holiday. Supports the adoption of a pilot program to test the feasibility and desirability of adopting a new Michigan court rule on the appointment of masters.	4/12/2007
2007-38 Proposed Amendment of Rule 6.201 of the Michigan Court Rules	The proposed amendment of MCR 6.201(B)(1) would eliminate the requirement that the prosecuting attorney provide the defendant with any exculpatory information or evidence known to the prosecuting attorney only upon request. This proposal also clarifies that the prosecuting attorney is required to provide such information or evidence regardless of whether it is requested by the defendant. The Court would appreciate specific comments on whether a court rule requiring the prosecuting attorney to provide the defendant with exculpatory information or evidence is necessary, in light of the prosecuting attorney's constitutional obligation to do so under Brady v Maryland, 373 US 83 (1963), and, if so, whether the proposed amendment of MCR 6.201(B)(1) is consistent with the requirements of Brady.	Adopted, Effective January 1, 2011.	Support and Amend.	9/18/2008
2008-13 Proposed New Rule 1.15A of the Michigan Rules of Professional Conduct	This proposal, submitted by the State Bar of Michigan, would require attorneys to maintain client trust accounts in approved financial institutions. The financial institutions would become approved by, among other requirements, agreeing to notify the Attorney Grievance Commission and the lawyer if a lawyer's trust account is overdrawn. The lawyer then would be required to submit an explanation of the overdraft to the commission within 21 days. The proposal is intended to provide an early warning of improprieties so that corrective action may be taken.	December 15, 2009: Adopted, Effective Nine Months After Entry of This Order by the Court.	Drafted by the R.A.	5/20/2009

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PROPOSED AMENDMENTS	DESCRIPTION	LAST ACTION TAKEN BY THE COURT	STATE BAR POSITION	POSITION ADOPTED ON
2008-26 Amendment of Rule 4 of the Rules Concerning the State Bar of Michigan	This proposal, submitted by the State Bar of Michigan, would allow for a waiver of bar dues for up to four year for members who are in full-time active-duty status in the United States Armed Forces.	Adopted, Effective October 1, 2008. Public Hearing Held January 14, 2009.	Support.	4/12/2008
2008-35 Proposed Amendment of Rule 8.115 of the Michigan Court Rules (Cell Phone Usage in Court Facilities)	Alternative A, submitted by the State Bar of Michigan but with several clarifying revisions, would allow attorneys to bring cell phones into a courthouse, but would limit their use in courtrooms during court proceedings. In addition, the proposal would allow a court to impose sanctions for failure to comply with cell phone usage restrictions. Alternative B, similar to one submitted by the State Bar of Michigan, would allow attorneys to bring cell phones into a courthouse, but would prohibit their use in courtrooms during court proceedings. In addition, the proposal would allow a court to impose sanctions for failure to comply with cell phone usage restrictions.	Adopted, Effective September 1, 2009.	Support w/ recommended amendments.	4/12/2008
2008-38 Proposed Amendment of Rule 6.201 of the Michigan Court Rules	This proposal was submitted to the Michigan Supreme Court by the State Bar of Michigan Representative Assembly. It would require prosecutors to maintain electronic recording evidence made by governmental agencies until the time for all appeals has expired. Failure to preserve evidence would entitle the defendant to a jury instruction that jurors may presume any evidence not produced was adverse to the prosecution.	Adopted, Effective January 1, 2011.	Support.	9/18/2008

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2008-39 Proposed Amendments of Rules 6.425 and 6.610 of the Michigan Court Rules	<p>The proposed amendments of Rules 6.425 and 6.610 of the Michigan Court Rules were submitted by the Representative Assembly of the State Bar of Michigan and would increase the time within which a court is required to provide copies of the presentence report to the prosecutor, the defendant's lawyer, or the defendant if not represented by a lawyer, to two business days before the day of sentencing. If the report is not made available at least two days before sentencing, the defendant's lawyer, or the defendant, if not represented by a lawyer, would be entitled to adjournment to prepare necessary corrections, additions, or deletions to present to the court. The proposed revisions of these rules also would prohibit the inclusion of specific information in the report about the victim or witness.</p>	<p>Adopted, Effective May 1, 2010. The order codified statutory changes enacted as 2010 PA 247 and 2010 PA 248.</p>	Support.	9/18/2008
2009-11 Proposed Amendment of Rule 6.302 of the Michigan Court Rules	<p>The proposed amendment of MCR 6.302 would require all discussions regarding a defendant's plea agreement to occur in open and on the record to reduce the possibility that a defendant would be coerced into agreeing to a particular sentence.</p>	<p>On order of the Court, the proposed amendment of Rule 6.302 of the Michigan Court Rules having been published for comment at 483 Mich 1252-1256 (Part 3, 2009), and an opportunity having been provided for comment in writing and at a public hearing on January 27, 2010, the Court declines to modify the court rule. This administrative file is closed without further action.</p>	Oppose.	9/17/2009

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2010-18 Proposed Amendment of Rule 6.1 of the Michigan Rules of Professional Conduct	<p>Alternative A is the current version of MRPC 6.1 with the addition of proposed language that would clarify that lawyers would not be subject to disciplinary action or any other process to enforce their responsibility to provide pro bono services. Alternative B, modified slightly by the Court for publication, was submitted by the State Bar of Michigan's Representative Assembly, and is based largely on the American Bar Association's Model Rule of Professional Conduct 6.1. The proposed amendments would clarify that each lawyer has a responsibility to provide pro bono legal services, and would establish in the Michigan Rules of Professional Conduct an aspirational goal for a lawyer to donate 30 hours or handle 3 cases per year, and/or make a financial donation of \$300 or \$500 per year. The requirements are similar to the existing standard adopted by the SBM's representative assembly in 1990, which recommends Michigan lawyers provide civil legal services to three clients, provide 30 hours of service, or contribute \$300 to programs providing civil legal services to the poor. The proposal would create a professional responsibility for lawyers that would require them to provide legal services to those of limited means, but would state in the rule that the responsibility to do so is voluntary and not intended to be enforced through a disciplinary process or by any other means.</p>	Public Hearing Held January 26, 2011	Alternative B	3/1/2010

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