

INTERLOCUTORY APPEAL COURT RULE

ISSUE:

Should the Representative Assembly request that the Michigan Supreme Court amend court rule MCR 7.105(A)(1) and MCR 7.205(A)(1)(a) to extend the tolling time for filing an interlocutory appeal until all decisions/orders being appealed have been received by the trial court (21 days from the last order being appealed).

RESOLVED, that the State Bar of Michigan supports amendment of the Michigan Court Rules to MCR 7.105(A)(1) and MCR 7.205(A)(1)(a) to extend the tolling time for filing an interlocutory appeal.

FURTHER RESOLVED, that the State Bar of Michigan proposes the amendment to Chapter 7 of the Michigan Court Rules by amending MCR 7.105 and MCR 7.205, as follows:

RULE 7.105 APPLICATION FOR LEAVE TO APPEAL

(A) Time Requirements. An application for leave to appeal must be filed with the clerk of the circuit court within:

(1) 21 days or the time allowed by statute after entry of the judgment, order, *last decision or order when multiple orders are being appealed*, or decision appealed, or

RULE 7.205 APPLICATION FOR LEAVE TO APPEAL

(A) Time Requirements. The time limit for an application for leave to appeal is jurisdictional. See MCR 7.203(B). The provisions of MCR 1.108 regarding computation of time apply. For purposes of this subrule, “entry” means the date a judgment or order is signed, or the date that data entry of the judgment or order is accomplished in the issuing tribunal’s register of actions.

(1) Except as otherwise provided in this rule, an application for leave to appeal must be filed within:

(a) 21 days after entry of the judgment or order *or the last decision or order when multiple orders are being appealed*, to be appealed from or within other time as allowed by law or rule; or

SYNOPSIS

The proposed addition to the Michigan Court Rules ensures that all of the interlocutory orders being appealed will be filed in one appeal when the motions are not filed at the same time or the trial court does not decide the motions at the same time. The proposed addition eliminates the need to file multiple interlocutory appeals and allows the appellate court to understand and decide the issues on appeal in aggregate.

BACKGROUND

The proposed rule amendments are based on judicial economy and are in the interests of justice.

OPPOSITION

None known.

PRIOR ACTION BY REPRESENTATIVE ASSEMBLY

None known.

FISCAL AND STAFFING IMPACT ON STATE BAR OF MICHIGAN

None known.

STATE BAR OF MICHIGAN POSITION

By vote of the Representative Assembly on September 18, 2021

Should the Representative Assembly request that the Michigan Supreme Court amend MCR 7.105(A) and MCR 7.205(A)(1)(a) to allow multiple orders on appeal to be filed in one application?

(a) Yes

or

(b) No