

# In the Hall of Justice

Any member who would like more information concerning the rationale for positions taken can refer to the website at [www.michbar.org/publicpolicy/home](http://www.michbar.org/publicpolicy/home) or contact Peter Cunningham at the State Bar of Michigan, 306 Townsend St., Lansing, MI 48933-2012, (800) 968-1442. For the most current status information, visit [www.michiganlegislature.org](http://www.michiganlegislature.org).

**Proposed Amendment of Rules 2.625 and 3.101 of the Michigan Court Rules (ADM File No. 2016-40)**—Taxation of Costs; Garnishment After Judgment (See *Michigan Bar Journal* February 2017, p 72.)

**STATUS: Comment Period Expired 3/1/17;**

**Public Hearing to Be Scheduled**

POSITION: Support proposed amendments to MCR 2.625(E), 3.101(B)(1)(a)(i), 3.101(B)(1)(c), 3.101(G)(2), 3.101(I)(3), 3.101(I)(5), 3.101(J)(2), 3.101(J)(6), 3.101(K)(1), and 3.101(K)(2)(g), as these amendments effectuate the language set forth in MCL 600.4012; and oppose MCR 2.625(F), 2.625(K), 3.101(D)(2), 3.101(J)(6)(e), and 3.101(R)(2), as these amendments create or change parties' substantive rights or reduce the amount of information required to be provided to garnishees.

**Proposed Amendment of Rules 3.203 and 3.208 of the Michigan Court Rules (ADM File No. 2015-22)**—Service of Notice and Court Papers in Domestic Relations Cases; Friend of the Court (See *Michigan Bar Journal* January 2017, p 71.)

**STATUS: Comment Period Expired 3/1/17;**

**Public Hearing to Be Scheduled**

POSITION: Support the proposed amendments subject to the following amendments to MCR 3.203:

- (1) Remove all references to text messaging.
- (2) In MCR 3.203(A)(3)(g), change "sent after 4:30 p.m." to "after the close of business day."
- (3) In MCR 3.203(A)(3)(i), change "the conclusion of the case" to "a judgment or final order is entered and all appeals have been completed."

**Proposed Amendment of Rule 3.208 of the Michigan Court Rules (ADM File No. 2016-11)**—Friend of the Court (See *Michigan Bar Journal* January 2017, p 72.)

**STATUS: Comment Period Expired 3/1/17;**

**Public Hearing to Be Scheduled**

POSITION: Support

**Proposed Amendment of Rule 3.216 of the Michigan Court Rules (ADM File No. 2016-33)**—Domestic Relations Mediation (See *Michigan Bar Journal* December 2016, p 62.)

**STATUS: Comment Period Expired 3/1/17;**

**Public Hearing to Be Scheduled**

POSITION: Support the proposed amendments with the following amendments:

- (1) Revise MCR 3.216 as follows in bold:

**Unless a court first conducts a hearing to determine whether mediation is appropriate, the court shall not submit a contested issue in a domestic relations action, including postjudgment proceedings, if the Pparties who are subject to a personal protection order or other protective order, or who are involved in a child abuse and neglect proceeding, may not be referred to mediation without a hearing to determine whether mediation is appropriate. The court may order mediation following a hearing if a protected party requests mediation.**

- (2) Revise MCR 3.216(H)(2) as follows in bold:

**The mediator must make reasonable inquiry as to whether either party has a history of a coercive or violent relationship with the other party. Throughout the mediation process, the mediator must make reasonable efforts to screen for the presence of coercion or violence that would make mediation physically or emotionally unsafe for any participant or that would impede achieving a voluntary and safe resolution of issues. A reasonable inquiry includes the use of the domestic violence screening protocol for mediation provided by the State Court Administrator Office as directed by the Supreme Court.**

**Proposed Amendment of Rules 3.903, 3.932, and 3.936 of the Michigan Court Rules (ADM File No. 2016-39)**—Definitions; Summary Initial Proceedings; Fingerprinting (See *Michigan Bar Journal* February 2017, p 72.)

**STATUS: Comment Period Expires 4/1/17;**

**Public Hearing to Be Scheduled**

POSITION: Support

## In the Hall of Justice (continued)

**Proposed Amendment of Rules 5.801, 5.802, 7.102, 7.103, 7.108, 7.109, 7.202, 7.203, 7.205, 7.208, 7.209, 7.210, 7.212, and 7.213 of the Michigan Court Rules (ADM File No. 2016-32)**—Appeals to Other Courts; Appellate Procedure; Stays Pending Appeal; Definitions; Appellate Jurisdiction of the Circuit Court; Stay of Proceedings; Bond; Review; Record on Appeal; Definitions; Jurisdiction of the Court of Appeals; Application for Leave to Appeal; Authority of Court or Tribunal Appealed From; Bond; Stay of Proceedings; Record on Appeal; Briefs; Calendar Cases (See *Michigan Bar Journal* January 2017, p 70.)

**STATUS: Comment Period Expired 3/1/17;**

**Public Hearing to Be Scheduled**

**POSITION:** Support the proposed amendments subject to the following amendments:

- (1) MCR 5.801: Delete subsection (A)(1), add reference to MCR 5.101(C) to paragraph (A), revise definition of “final orders” in paragraph (A) to remove reference to MCR 7.202(6)(a) to avoid circularity, and delete “as may be hereafter” in subsection (A)(35);
- (2) MCR 7.202(6)(a): Add subparagraph stating that anything designated as a “final order” in MCR 5.801(A) is a “final order” in a civil case, which would render proposed subparagraphs (a)(vi) and (a)(vii) unnecessary;
- (3) MCR 7.202(6)(a)(vi): Delete as unnecessary, or, alternatively, combine proposed subsection (6)(a)(vi) with existing (6)(i) to avoid duplication;

(4) MCR 7.202(6)(a)(vii): Delete as unnecessary and confusing, or, alternatively, change “as defined in MCR 5.801(B)” to “as described in MCR 5.801(A)”;

(5) MCR 7.212(A)(1)(a)(i) and 7.212(A)(2)(a)(i): Change proposed language as follows: “adult or minor guardianship or conservatorship case under the Estates and Protected Individuals Act Code, guardianship of the person or estate case under the Mental Health Code, mental illness involuntary mental health treatment cases under the Mental Health Code...”;

(6) MCR 7.213(C)(2): Change proposed language as follows: “guardianship cases under the Estates and Protected Individuals Act Code and under the Mental Health Code, conservatorship cases under the Estates and Protected Individuals Code, and mental illness involuntary mental health treatment cases under the Mental Health Code.”

**Proposed Amendment of Rule 7.121 of the Michigan Court Rules (ADM File No. 2016-29)**—Appeals from Concealed Weapon Licensing Boards (See *Michigan Bar Journal* January 2017, p 72.)

**STATUS: Comment Period Expired 3/1/17;**

**Public Hearing to Be Scheduled**

**POSITION:** Support

**Proposed Amendment of Rule 9.108 of the Michigan Court Rules (ADM File No. 2015-18)**—Attorney Grievance Commission (See *Michigan Bar Journal* February 2017, p 72.)

**STATUS: Comment Period Expires 4/1/17;**

**Public Hearing to Be Scheduled**

**POSITION:** Support



community service

access to justice

pro bono

