

PROPOSAL FOR MANDATORY POSTING OF COURT DOCKETS BY ALL COURTS

Issue

Shall the Representative Assembly recommend to the Michigan Supreme Court the adoption of an amendment to MCR 8.116 adding the following language to that court rule:

Before each courthouse opens its doors to the public, all daily court dockets for all courts in the courthouse shall be displayed in a common place in the courthouse and in a manner that can be read easily by the general public.

Synopsis

Different courts throughout the State provide notice of their daily schedules in different ways. This causes confusion to the public, parties and their counsel in determining where and when they are to appear. While a notice of hearing may give notice to a party, it does not inform the public, nor does it inform those interested as to the order of cases at any given time.

Attorneys, clients and the public need quick, reasonable and convenient access to the docket, without having to stand in line at a clerk's office, or by going court-to-court. Further, knowing the order of each case and the approximate time each case is being called promotes efficiency for the courts, counsel, and clients.

Background

MCR 8.116 requires the court set "definite times" for all sessions. It also requires participants to be in the court ready to begin at the opening of the court session, and to "otherwise be punctual for all court business". Section (C), requires the court to "stagger the docket schedule so that an attorney or party may be heard within a time reasonably close to the scheduled time, and, except for good cause, the docket shall be called in order". In essence, this rule requires punctuality of the court and parties and is intended to promote efficiency in the scheduling and notice of hearings.

Requiring the public display of a docket will inform those interested of the approximate time a case will be heard and where on the docket that case falls. This will comply with MCR 8.116, and more fully define what is already required by this court rule, as it is assumed staggering the docket is intended as a notice provision. As the public has traditionally had a right to attend court hearings, a notice of those hearings stating where and when they are to be held is implied in the law, although not specified.

There is no question that the Michigan Supreme Court has the authority to impose this requirement. See both Art. VI, Section 5, and MCL 600.219. Arguably, the proposed

change simply makes an existing requirement clearer as to form. To the extent that there are any costs to the local funding units associated with complying with this requirement, they would be *de minimus*, and thus would not require that the cost be assumed by the State.

Opposition

None known.

Prior Action by Representative Assembly

None known.

Fiscal and Staffing Impact on State Bar of Michigan

To the extent that a court does not already make docket information publicly accessible in this or a similar fashion, the requirement would impose a minimal cost in terms of the staff time required to affix a copy of existing docket information daily to the appropriate site. Arguably, the proposed change simply makes an existing requirement concerning public notice clearer as to form. To the extent that there are any new costs to the local funding units associated with complying with this requirement, they would be *de minimus*, and thus would not require, per the Headlee amendment, that the cost be assumed by the State.

STATE BAR OF MICHIGAN POSITION

By vote of the Representative Assembly on September 20, 2012

Should the Representative Assembly adopt the above resolution recommending to the Michigan Supreme Court the adoption of an amendment to MCR 8.116 adding the following language to that court rule : "Before each courthouse opens its doors to the public, all daily court dockets for all courts in the courthouse shall be displayed in a common place in the courthouse and in a manner that can be read easily by the general public."

(a) Yes

Or

(b) No