



## Report on Public Policy Position

**Name of Committee:**

Criminal Jurisprudence and Practice Committee

**Contact Person:**

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**Other:**

Proposed Amendment to MCR 2.107 (G) - Service and Filing of Pleadings and Other Papers, Filing With Court Defined

**Date position was adopted: March 17, 2005**

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

Committee discussion

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

10

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

Unanimous support

**Position:**

The Committee supports an amendment to rule 2.107(G). The Committee proposes adding an additional sentence at the end of the rule.

**The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:**

2.107(G) Filing With Court Defined. The filing of pleadings and other papers with the court as required by these rules must be with the clerk of the court, except that the judge to whom the case is assigned may accept papers for filing when circumstances warrant. A judge who does so shall note the filing date on the papers and transmit them forthwith to the clerk. It is the responsibility of the party who presented the papers to confirm that they have been filed with the clerk. **We suggest adding one sentence at the end as follows: *The date the pleadings are filed, which includes receipt by mail, shall be noted on the docketing statement if different than the date docketed. (New language)***

**RECOMMEND STATE BAR ACTION ON THIS ISSUE:**

**Arguments for the position:**

The Committee's proposal to MCR 2.107(G) aims to clarify that the date of receipt of a pleading is the filing date. The change is needed because some counties are listing the date the entry is made on the docket sheet, which is sometimes after the date of receipt, and that date difference can make a timely filed motion appear to be or considered to be untimely.

**Arguments against the position (if any):**

**If the State Bar currently has a position on this subject matter, state the position, and an analysis of whether the recommended position and the current State Bar position are in conflict.**

To date, the State Bar does not have a position on this matter.

**Fiscal implications of the recommended policy to the State Bar of Michigan:**

None