

STATE BAR OF MICHIGAN  
CIVIL PROCEDURE AND COURTS COMMITTEE

MINUTES

May 23, 2012 - Teleconference

Present in person or by telephone:

Thaddeus Morgan  
Daniel Quick  
Lori Frank  
Frank Greco  
Richard Bisio  
Thomas Bannigan  
Sean Crotty  
Pamela Dausman  
Hon. David Lawson  
Martha Moore  
Karen Safran  
Peter Webster  
Gary Peterson  
George Strander  
Randy Wallace  
Dennis Barnes (Liaison)  
Elizabeth Lyon (SBM Liaison)

Absent:

Joey Niskar  
Victoria Valentine  
Kaveh Kashef  
Curt Benson  
Maureen Kinsella  
Janet Brandon (Advisor)  
Ronald Longhofer (Advisor)  
Sean McNally (Advisor)

**1. The February 18, 2012 minutes were unanimously approved – a quorum was met.**

**2. Old Items**

Dan Quick and Elizabeth Lyon provided follow up on items a – d.

e. [ADM 2010-32 Proposed Amendment of Rule 3.210 of the Michigan Court Rules](#)

The proposed amendments of MCR 3.210 were submitted to this Court by the Michigan Judges Association after conclusion of its work and input from its Domestic Relations

Committee. The proposal would govern the entry of default and default judgment in domestic relations cases and would cover and clarify related procedural issues. While this proposal adds provisions that may be found in Chapter 2 of the Michigan Court Rules, these proposed amendments of MCR 3.210 attempt to clarify procedures to be used in domestic relations cases. The proposed amendment of MCR 3.210 also would allow parties to reach agreement on issues related to property division, custody, parenting time, and support, and enter a consent judgment on those issues if the court approves it.

SBM Position: Oppose

Committee Position: Oppose

Note: After the Committee and State Bar adopted its positions, both were contacted by MJA and the Family Law Section to discuss amendments that might satisfy concerns.

Dan Quick and others have been working to reach a compromise.

(Public Hearing is set for 5/16/12)

Elizabeth Lyon reported that the Court is deferring consideration until September to see the outcome of the current compromise document.

### 3. New Items

#### a. [ADM 2011-06 Proposed Amendment of MCR 2.603](#)

The proposed amendment of MCR 2.603 would clarify that a court clerk could enter a default judgment if the requested damages are less than the amount claimed in the original complaint, to reflect payments that may have been made or otherwise credited.

Issued: April 18, 2012

Comment period expires: August 1, 2012

After an in-depth discussion, the Committee voted to support the proposed amendment, with one vote to oppose. **A public policy report will be drafted reflecting the vote, which must be submitted by July 18<sup>th</sup> for the BOC's consideration in order to meet the August 1<sup>st</sup> deadline.**

#### b. [ADM 2011-08 - Proposed Amendment of Rule 2.116 of the Michigan Court Rules](#)

Inclusion of the revised proposed clarifying language in MCR 2.116(C)(7) would clarify the procedure for bringing a motion for summary disposition on the grounds of a forum selection clause.

Issued: May 2, 2012

Comment period expiration: September 1, 2012

Public hearing: To be scheduled

The Committee voted to support the proposed amendment with additional language. A subcommittee, composed of Sean Crotty, Frank Greco, and Dan Quick, was created to draft language for a public policy report to be circulated to the Committee. A suggestion was made to look at 28 USC Section 1404 A-D to provide guidance for language. **The public policy report must be submitted by July 18<sup>th</sup> for the BOC's consideration in order to meet the September 1 deadline.**

#### c. [HB 5551](#)(Jenkins) Juror Mileage Reimbursement

Courts, funding; Courts, juries. Courts; funding; mileage reimbursement rate for juror; increase. Amends sec. 1344 of 1961 PA 236 (MCL 600.1344).

Referred to House Judiciary: April 24, 2012

Comment period expiration: July 6, 2012

The Committee unanimously voted to support increasing reimbursement amounts on mileage and compensation rates for jurors to an appropriate amount – one that is more in line with the federal juror reimbursement guidelines. A public policy report will be drafted in accordance with the Committee's vote.

**[HB 5552](#)(Kowall) Juror Compensation**

Courts, funding; Courts, juries. Courts; funding; juror compensation; allow reimbursement if funding unit pays increased mileage. Amends sec. 151e of 1961 PA 236 (MCL 600.151e).

Referred to House Judiciary: April 24, 2012

Comment period expiration: July 6, 2012

The Committee takes no position.

4. Elizabeth Lyon announced her departure from the State Bar of Michigan.
5. The meeting was adjourned.