

Report on Public Policy Position

Name of section:

Family Law Section

Contact Person:

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Proposed Court Rule or Administrative Order Number:

2005-31 – Amendments of Rule 3.602 of the Michigan Court Rules

The amendments eliminate the term “application,” and substitute the word “motion” or “complaint,” depending upon whether there is a pending action. “Application” is not a defined term within the Michigan Court Rules or in the arbitration act, MCL 600.5025.

The revisions also clarify that a complaint to stay or compel arbitration, or to vacate, modify, or correct an award must first be filed, and then a motion, consistent with the spirit of MCR 3.602(B)(1), must be filed. They also set timing deadlines consistent with the time frame allowed under the federal arbitration act, 9 USC 1 *et seq.*, by requiring that a motion to vacate, modify, or correct an award be filed within 91 days. However, for domestic relations cases, and for motions that claim an award is based on corruption, fraud, or other undue means, the current 21-day filing period applies for motions to vacate an arbitration award.

Date position was adopted:

November 3, 2007

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

13

Number who voted in favor and opposed to the position:

13 Voted for position

0 Voted against position

0 Abstained from vote

0 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

Even though this Amendment has been approved, the Family Law Council wanted to show its support for the proposal clarifying language regarding arbitration & motion & application.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

[http://courts.michigan.gov/supremecourt/Resources/Administrative/2005-31\(10-02-07\).pdf](http://courts.michigan.gov/supremecourt/Resources/Administrative/2005-31(10-02-07).pdf)