

ALTERNATIVE DISPUTE RESOLUTION SECTION  
Respectfully submits the following position on:

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ADM File No. 2014-12

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The Alternative Dispute Resolution Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Alternative Dispute Resolution Section only and is not the position of the State Bar of Michigan.

The State Bar's position in this matter is to support the proposed amendment

The total membership of the Alternative Dispute Resolution Section is 935.

The position was adopted after an electronic discussion and vote. The number of members in the decision-making body is 24. The number who voted in favor to this position was 23. The number who voted opposed to this position was 0.

## Report on Public Policy Position

**Name of Section:**

Alternative Dispute Resolution Section

**Contact person:**

Lisa Taylor

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**Proposed Court Rule or Administrative Order Number:**

[2014-12 – Proposed Amendment of Rule 3.211 of the Michigan Court Rules](#)

The proposed amendment of MCR 3.211 would provide language to allow the parties to stipulate (in their judgment of divorce, separate maintenance, or annulment) to postjudgment binding arbitration of identified personal property under MCL 600.5070 *et seq.*

**Date position was adopted:**

December 17, 2014

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

Position adopted after an electronic discussion and vote.

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

24

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

23 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote (absent)

**Position:**

Support

**Explanation of the position, including any recommended amendments:**

The proposed amendment would lessen the time pressure on parties regarding the division of personal property, often the last issue discussed in negotiations, so that parties have the time to attempt an amicable resolution while assuring arbitration, rather than court intervention, if the parties are unable to do so.

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

[http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Court%20Rules/2014-12\\_2014-10-22\\_formatted%20order\\_FINAL.pdf](http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Court%20Rules/2014-12_2014-10-22_formatted%20order_FINAL.pdf)