

# State Bar of Michigan | 2016-2017 COMMITTEE ANNUAL REPORT

## Article VI § 6, Bylaws of the State Bar of Michigan

*No later than May 1 of each year, the chair of each committee and sub entity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or sub entity.*

## Civil Discovery Court Rule Review

**Jurisdiction:** To review and propose revisions to the Michigan Court Rules dealing with the civil discovery process to address the expense and burden of civil discovery, including technology considerations on civil discovery and the organization of the rules.

### Chair

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### Member

#### Term Ending: 2017

P23289 Hon. James M. Alexander, Pontiac  
P30246 Richard D. Bisio, Troy  
P43992 Anne M. Boomer, Lansing  
P60753 Lorry S.C. Brown, Ann Arbor  
P45374 David E. Christensen, Southfield  
P12204 Edward H. Cooper, Ann Arbor  
P30369 Hon. Elizabeth L. Gleicher, Detroit  
P45391 Mathew Kobliska, Farmington Hills  
P66816 James L. Liggins, Jr., Kalamazoo  
P48109 Daniel D. Quick, Troy  
P51317 Karen H. Safran, Bloomfield Hills  
P59649 George M. Strander, Lansing  
P27165 Valdemar L. Washington, Flint  
P41017 Hon. Christopher P. Yates, Grand Rapids

### State Bar Liaison

P79603 Peter Cunningham, Lansing  
Kathryn Hennessey, Lansing  
Carrie Sharlow, Lansing

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**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

*\*Please keep meeting descriptions brief.*

Meeting Type	Date	Location
Meeting Type In-Person	05/15/17	Ann Arbor, MI
Description Civil Discovery Steering Committee Meeting		
Meeting Type		
Description		
Meeting Type In-Person	02/10/18	Ann Arbor, MI
Description Civil Discovery Steering Committee Meeting		
Meeting Type		
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**Resources provided by the State Bar of Michigan in support of committee work:**

The Civil Discovery Court Review Special Committee receives support from Katie Hennessey and Carrie Sharlow. SBM provided the following resources to the Special Committee:

- Financial support under the Governmental Relations budget;
- Support preparing for meetings, including polling for meeting dates and times, scheduling meetings, providing teleconference numbers, preparing and circulating materials for meetings;
- Created and Implemented Stakeholder Outreach Plan;
- Drafted messages to stakeholder organizations and bar members soliciting feedback on rule proposals;
- Tracked and organized rule feedback;
- Assisted RA in organizing review of rule proposal;
- Organizing committee and subcommittee meetings and reporting on progress of meetings;
- Assisted with subcommittee feedback on comments; and
- Assisted with drafting RA proposal.

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**Committee Activities:**

Once the Committee approved the September 25, 2017 draft report and proposal, these materials were distributed to Representative Assembly (RA) members. Committee Chair Dan Quick presented the civil discovery project to the RA at its September 28, 2017 meeting and invited members to review the materials and submit any feedback to the Committee.

After the Committee had presented the draft proposal to the RA, the Committee conducted expansive outreach to relevant stakeholders. The Committee made the draft report and proposal publicly available to all State Bar members and invited them to submit comments and offer feedback. In addition, the Committee requested feedback from almost 50 stakeholder organizations, including relevant State Bar sections and committees, special purpose bars, local bar associations, and other organizations.

Based on its extensive outreach efforts, the Committee received feedback from a diverse range of perspectives, including solo practitioners, large corporations, law firms, bar associations, State Bar sections and committees, and organizations representing specific components of the judicial system. After a review of the proposal, the following organizations expressed general support for the proposal:

- Michigan District Judges Association
- Michigan Judges Association
- Michigan Creditors Bar Association
- Michigan Defense Trial Association
- State Planning Body
- Legal Services Association of Michigan
- SBM Alternative Dispute Resolution Section
- SBM Business Law Section
- SBM Civil Procedure & Courts Committee
- SBM Criminal Jurisprudence & Practice Committee
- SBM Negligence Section

In addition to general support for the proposal, a number of individuals and organizations offered feedback. Although some organizations certainly have differing opinions on aspects of the proposed rules (which are noted in the proposal itself, where applicable), all of the comments have been carefully considered by the Committee in drafting the final proposal under consideration by the RA. In addition, the Committee solicited further feedback from subcommittee members with specialized knowledge of certain areas of the rules. Notably, no organization, section, or committee has voted to oppose the proposal.

To add to the Committee's outreach efforts, the RA also conducted its own internal review. RA Chair Joseph P. McGill encouraged all members to review and provide feedback on the draft proposal. Intensive review efforts were conducted by the RA Drafting Committee, the RA Special Issues Committee, and individual RA members.

On March 10, 2018, the Committee submitted its final proposal to the RA for consideration at its April 21, 2018 meeting.

**Future Goals and Activities:**

The Committee will present the rule proposal at the RA's April 21, 2018 meeting. Assuming that the RA approves the rule proposal, the Committee will work with SBM to submit the proposal to the Michigan Supreme Court for its consideration.

**Other Information:**

The 46 Committee and subcommittee members engaged in the civil discovery court rule review project have contributed significant time, energy, creativity, and insightful ideas throughout this process. The Committee and subcommittees consist of a diverse range of lawyers, including appellate, circuit, and district court judges, legal academics, solo practitioners, small and large law firm litigators, and legal aid attorneys. Included among the members are experts in court rule amendments, civil discovery, and alternative dispute resolution; members who have served in leadership positions in the SBM Board of Commissioners and Representative Assembly; and various leaders of SBM sections and committees as well as affinity bar associations.

The Committee and subcommittees have worked diligently to meet tight time deadlines and remain committed to dedicating the resources needed to present an innovative and insightful proposal to amend the Michigan civil discovery rules to the Representative Assembly.

Throughout this project, members have focused on finding civil discovery solutions that fit the specific needs of Michigan. Members have not only focused on lowering costs and increasing efficiency of civil discovery, but they have also remained dedicated to creating a civil discovery system that is fair and increases access to justice for all, including the most vulnerable citizens of this State.

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Approved by	Approved	Name
Chair	03/23/18	Daniel D. Quick
Co-chair		
Staff Liaison	3/23/18	Kathryn L. Hennessey
Other		

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