

**STATE BAR OF MICHIGAN
CIVIL PROCEDURE AND COURTS COMMITTEE
2008-2009 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 subentity 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 subentity.

Committee Name: Standing Committee on Civil Procedure and Courts

Jurisdiction: Review proposed court rules and statutes related to civil practice in the courts and make recommendations concerning improvements in the administration, organization, and operation of Michigan state courts.

Chair(s) and Committee Members:

Officer	Name	Address	Telephone	Email
Chair	Frank J. Greco	4450 Lakeshore Rd Manistee	231-723-4844	frankgreco@charter.net
Staff Liaison	Elizabeth Lyon	State Bar of Michigan	517-346-6325	elyon@mail.michbar.org
Commissioner Liaison	Brian D. Einhorn	Collins Einhorn Farrell & Ulanoff PC 4000 Town Ctr Ste 909 Southfield	248-351-5414	Brian.einhorn@ceflawyers.com

Member/Advisor/Other	Member/Advisor/Other
Thomas H. Bannigan, Member	Curt A. Benson, Member
Richard D. Bisio, Member	Janet M. Brandon, Member
Mark A. Burton, Member	Hon. Nanci J. Grant, Member
Kaveh Kashef, Member	Sara G. Lachman, Member
Sean P. McNally, Member	Martha D. Moore, Member
Thaddeus E. Morgan, Member	Joey Scott Niskar, Member
Jules B. Olsman, Member	Daniel D. Quick, Member
Karen H. Safran, Member	Peter H. Webster, Member
Hon. David M. Lawson, Advisor	Ronald S. Longhofer, Advisor
Gary R. Peterson, Advisor	Victoria A. Valentine, Advisor

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Committee Meeting Schedule:

Meeting Type	Date	Location
Description		
In Person Meeting	Saturday, May 3, 2008	Bush Seyfrefth Kethledge & Paige 3001 Big Beaver Rd Troy
In Person Meeting	Saturday, December 6, 2008	State Bar of Michigan
In Person Meeting	Saturday, February 7, 2009	Dickinson Wright PLLC 38525 Woodward Ave Bloomfield Hills
Conference Call	Thursday, March 5, 2009	Telephone

Resources provided by the State Bar of Michigan in support of committee work: The committee receives staff support from Elizabeth Lyon and Carrie Sharlow. The State Bar covers meeting expenses, and provided meeting space for one of the Committee meetings. Bar staff provided information regarding actions by the Board of Commissioners and Representative Assembly and the status of pending legislation: circulated meeting materials and notices (both in hard copy and by email); and arranged for conference call participation for members who could not attend meetings in person.

Committee Activities: Committee Activities: The Committee reviewed and discussed 14 court rule proposals (several of which involved proposed amendments of multiple rules) and 3 proposed legislative resolutions, and submitted public policy positions to the State Bar on all but one of those issues for consideration by the Board of Commissioners or Representative Assembly. The Committee also discussed three proposals from various groups that had not yet reached the stage of court rule proposals or legislation.

With the authorization of the Board of Commissioners or Representative Assembly, the Committee submitted comments to the Supreme Court on two court rule proposals, S Ct Files 2005-05 & 2006-20 (alternative dispute resolution); and 2008-35 (use of portable electronic devices). And the State Bar itself submitted comments to the Court on seven proposals using substantially the analysis that the Committee had submitted to the Bar.

Representatives of the Committee appeared at the Supreme Court's May 21, 2008, and September 24, 2008, public administrative hearings to speak on several proposals on which the Committee or the State Bar had submitted comments.

The Committee's positions appear to have had significant impact on a number of rules ultimately adopted by the Supreme Court. Two rule amendments proposed by the Committee were adopted by the Supreme Court during the year: S Ct Files 2007-24 (electronic discovery), and 2008-24

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(automatic stays). And regarding six other proposals, comparison of the published proposals, the comments by the Committee (or the State Bar incorporating the Committee's positions), and the rules ultimately adopted shows that the Committee's views influenced the language the court adopted (or of the accompanying commentary): S Ct Files 2007-09 (deposition conduct); 2006-09 (governmental immunity appeals); 2007-30 (electronic service of notices); 2007-42 (sanctions for noncompliance with rules regarding appeals to Supreme Court); 2007-41 (fault of nonparties); and 2005-36 (effect of post-judgment motions on time to appeal).

Several Committee members participated in the planning for a State Bar program to inform legislators about court procedure.

Future Goals and Activities: The Committee expects to continue both to review proposed rule amendments and legislation and to initiate its own proposals.