

July 31, 2023

Larry S. Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2022-14: Proposed Amendment of Rule 2.311 of the Michigan Court Rules

Dear Clerk Royster:

At its July 21, 2023 meeting, the Board of Commissioners of the State Bar of Michigan considered ADM File No. 2022-14. In its review, the Board considered a recommendation from the Civil Procedure & Courts Committee. The Board voted unanimously to support the proposed amendment of Rule 2.311.

The Board took note of the Court's holding in *Schaumann-Beltran v Gemmete*¹ interpreting the existing language of Rule 2.311(A) as granting a trial court the authority to order videorecording of an examination. Given that the Court of Appeals had reached the contrary conclusion below, the Board believes that incorporating the Court's holding, along with further direction regarding the conduct of such video or audio recording of an examination, will promote clarity in this area for both the bench and bar.

Thank you for the opportunity to comment on the proposed amendment.



Peter Cunningham
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court
James W. Heath, President

¹ 509 Mich 979, 973 NW2d 308 (2022).