

Report on Public Policy Position

Name of committee:

Civil Procedure and Courts Committee

Contact person:

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Proposed Court Rule or Administrative Order Number:

[2006-10 - Proposed Amendment of Rule 2.603 of the Michigan Court Rules](#)

This proposal would require that only negotiable instruments be filed with the clerk for cancellation when applying for a default judgment.

Date position was adopted:

February 16, 2008

Process used to take the ideological position:

Other voting process.

Number of members in the decision-making body:

20

Number who voted in favor and opposed to the position:

15 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

This section deals with entry of default judgments by the clerk without involvement of the judge. Limiting the documents that must be submitted for cancellation to negotiable instruments may require clerks to make decisions about whether documents falls within that category. The Committee is concerned that this may be a difficult legal decision for clerks to make.

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/2006-10-01-23-08.pdf>