

# MICHIGAN SUPREME COURT



## *Office of Public Information*

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### **MICHIGAN SUPREME COURT TO HEAR COMMENTS ON PROPOSED COURT OF APPEALS RULE CHANGES AT SEPTEMBER 25 PUBLIC HEARING**

LANSING, MI, September 19, 2003 – Proposed rule changes that would shorten filing deadlines in the Michigan Court of Appeals will get a public hearing before the Michigan Supreme Court next week in its courtroom on the 6<sup>th</sup> floor of the Michigan Hall of Justice.

On September 25, starting at 9:30 a.m., the Court will conduct a public administrative hearing, taking comments from speakers on a number of proposed rules affecting Michigan’s judicial branch. The Court will consider whether to adopt proposed amendments to Michigan Court Rules (MCR) 7.204, 7.210, and 7.212, which affect practice in the Michigan Court of Appeals (**File no. 2002-34**). The Court of Appeals proposed the changes as part of its effort to reduce delays in that court.

MCR 7.204(H) currently provides that a party appealing from a lower court ruling has 28 days after filing the claim of appeal to file two copies of a docketing statement with the Court of Appeals. The proposed revision would shorten the time for filing the docketing statement to 14 days and would require the appealing party to file only one copy.

MCR 7.210 would be revised to permit parties, in appeals from a lower court’s decision to grant or deny summary disposition, to file only that part of the lower court transcript relating to the summary disposition. The rule would also be revised to shorten from 21 to 14 days the time for the trial court to forward its record of the case to the Court of Appeals.

MCR 7.212, which currently gives the appellant 56 days to file a brief after filing the claim of appeal, would be amended to shorten that time to 42 days. An appellee would still have 35 days to file briefs after being served with the appellant’s brief. But the revised rule would eliminate a provision allowing parties to extend the filing deadlines by agreement. The proposed revision to MCR 7.212 would permit the Court of Appeals to extend the deadlines on a party’s motion, “but only for the specific time required and only for good cause shown.” The proposed rule would also reduce the time for filing reply briefs from 21 to 14 days.

Also on the agenda for the Court’s hearing is a proposed revision to Canon 7 of the Michigan Code of Judicial Conduct (**File no. 2002-49**) that would require judicial candidates to use their first names in campaign materials and communications. Another proposed amendment to Canon 7(B) (**File no. 2003-09**) would substitute the word “candidate” for “judge” in subpart 2 of that rule. The change “would clarify that Canon 7B applies to all candidates for judicial office,

not just incumbent judges,” according to the staff comment. A third proposed change would amend Canon 7B(2)(d) (**File no. 2002-50**) to state that “A candidate’s committee may not accept funds from any committee that was established in connection with the candidate’s attempt to secure any other judicial or nonjudicial office.”

The Court invites members of the public to appear and share their views on agenda items. Speakers will have three minutes each to present their views; Supreme Court Justices may ask questions of the speakers. Anyone wishing to speak at the hearing should contact the Clerk of the Court at P.O. Box 30052, Lansing, Michigan 48909 or at [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov), no later than Tuesday, September 23. The full hearing agenda may be viewed at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/PublicHearings/092503.pdf>

Other items on the agenda would, if adopted:

- Set a uniform length of time that an unsuccessful bar candidate must wait before reapplying for admission to the State Bar of Michigan. (**File no. 2002-52**)
- Establish a minimum 12-point type size for pleadings, motions, affidavits, and other legal documents filed with Michigan Courts. (**File no. 2002-53**)
- Set uniform rules statewide for filing court documents by fax, for courts that choose to allow fax filing. (**File no. 2002-54**)
- Permit probate courts to set up programs for periodically reviewing guardianships for legally incapacitated persons, subject to approval by the State Court Administrative Office; a staff comment states that the proposed change “would allow probate courts to take local circumstances into account in designing more effective ways to protect legally incapacitated persons while lowering the costs currently charged to the estates.” (**File no. 2003-13**)
- Have the Supreme Court adopt a new administrative order regarding managing cases in the trial courts, including guidelines for the time it takes to conclude court cases. (**File no. 2003-23**)
- Retain an amendment to MCR 3.955, which gives a juvenile defendant, defense counsel, the prosecutor, and the victim an opportunity to address whether the court should enter an order of disposition, impose sentence, or delay sentencing. (**File no. 2003-39**)

For more information on proposed court rules, please visit the “One Court of Justice” web site. Proposed court rules may be viewed at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#proposed>.