

# REVISED ADMINISTRATIVE AGENDA

December 10, 2009

## Chief Justice Update

### Approval of the Minutes

September 1, 2009 (Opinions/CRs)  
September 16, 2009 (Opinions/CRs)  
September 30, 2009 (Opinions/CRs)  
October 14, 2009 (Opinions/CRs)  
October 21, 2009 (Opinions/CRs)

### Appointments

1. 2009-01      **Subject:** Appointments to the Committee on Model Civil Jury Instructions.  
**Issue:** *Whether to appoint Judge Douglas B. Shapiro and Attorney Daniel J. McCarthy to replace members whose terms expire at the end of this year, including Judge Pat M. Donofrio and Attorney Susan H. Zitterman, and whether to reappoint remaining current members to the Committee on Model Civil Jury Instructions.*  
**Status:** Awaiting conference consideration.

### Items Previously Discussed

2. 2009-13      **Subject:** Proposed Amendment of Rules 2.112 and 2.118 of the Michigan Court Rules.  
**Issue:** *Reconsideration of the Court's decision to adopt proposed amendments.*  
**Status:** Further discussion regarding adoption of amendments in light of *Kirkaldy v Rim*, 478 Mich 581 (2007).
3. 2009-04      **Subject:** Judicial Disqualification.  
**Issue:** *Consideration of language to be inserted in (D)(1) regarding timing of filing motions to disqualify.*  
**Status:** Further discussion regarding timing provisions for motions to disqualify.
4. 2008-13      **Subject:** Proposed New Rule 1.15A of the Michigan Rules of Professional Conduct.

**Issue:** *Whether to adopt proposed new Rule 1.15A of the Michigan Rules of Professional Conduct to require attorneys to maintain client trust accounts in approved financial institutions, which would agree to notify the Attorney Grievance Commission and the attorney if the attorney's trust account is overdrawn.*

**Status:** Passed 11/05/09 to consider the proposal submitted by the State Bar of Michigan.

5. 2006-38 **Subject:** Proposed Amendments of Subchapter 9.100 *et seq.* of the Michigan Court Rules.

**Issue:** *Whether to approve for publication the first half of the proposed rule amendments as submitted by the State Bar of Michigan and the Attorney Grievance Commission, or, alternatively, to identify specific rules that the Court would like to discuss in more detail.*

**Status:** Court deferred consideration while State Bar of Michigan prepared comments on the proposal submitted by the AGC; the AGC then submitted additional comments.

6. 2005-32 **Subject:** Pilot Project in D46 Regarding Clerk's Return of Pleadings.

**Issue:** *Whether to revise the terms of the pilot project to eliminate the survey component of the project, as requested by the 46<sup>th</sup> District Court; the court would continue to account for reviews conducted by the court.*

**Status:** Order was unanimously approved by the Court at the 10/08/09 administrative conference; order entered 10/13/09. The 46<sup>th</sup> District Court has asked this Court to reconsider the terms of the pilot project.

### **New Items**

7. 2009-26 **Subject:** Proposed Amendment of Rules 5.105, 5.125, 5.201, 5.501, 5.801, and 5.803 of the Michigan Court Rules and Proposed New Rule 5.208 of the Michigan Court Rules.

**Issue:** *Whether to publish for comment amendments proposed by the PEPC and MPJA that would conform the probate rules to recent statutory changes (adoption of the Michigan Trust Code) and would make stylistic and technical changes in these rules.*

**Status:** Awaiting conference consideration.

8. 2009-25

**Subject:** Proposed Amendment of Rule 8.120(D)(1) of the Michigan Court Rules.

**Issue:** *Whether to publish for comment a proposed amendment of Rule 8.120(D)(1) of the Michigan Court Rules that would allow a law student or recent law graduate to appear on behalf of an indigent person in the Court of Appeals and the Supreme Court.*

**Status:** Passed from 11/05/09 conference for Anne Boomer to obtain input on the idea from the Court of Appeals.

**Items Added Following Initial Circulation of the Agenda**

9. 2009-04

**Subject:** Judicial Disqualification.

**Issue:** *Consideration of amendments proposed by Justice Young in his memorandum of 11/19/09.*

**Status:** Justice Young requested on 11/25/09 that consideration of these amendments be added to this agenda.