

# Order

Michigan Supreme Court  
Lansing, Michigan

February 2, 2010

Marilyn Kelly,  
Chief Justice

ADM File No. 2009-14

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

Amendment of Rules 7.101  
and 7.105 of the  
Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rule 7.101 and 7.105 of the Michigan Court Rules are adopted, effective May 1, 2010.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

## Rule 7.101 Procedure Generally

(A)-(H)[Unchanged.]

### (I) Filing and Service of Briefs.

(1) Within 21 days after the trial court clerk notifies the parties that the record on appeal has been sent to the circuit court, the appellant must file a brief in the circuit court and serve it on the appellee. The appellee may file and serve a reply brief within 21 days after the appellant's brief is served on the appellee. The appellant's brief must comply with MCR 7.212(B) and (C), and the appellee's brief must comply with MCR 7.212(B) and (D).

(2) [Unchanged.]

(J)-(P)[Unchanged.]

## Rule 7.105 Appeals from Administrative Agencies in Contested Cases

(A)-(J)[Unchanged.]

### (K) Briefs and Arguments.

- (1) Within 28 days after the record is filed with the court (see MCL 24.304[2]), the petitioner shall file with the court its brief, in the form provided in MCR 7.212(B) and (C), serve a copy on all respondents, and promptly file proof of that service with the court. Within 28 days after petitioner's brief is served, each respondent shall file with the court its brief, in the form provided in MCR 7.212(B) and (D), serve a copy on all other parties, and promptly file proof of that service with the court. The petitioner may file and serve a reply brief within 14 days after service of the respondent's brief. A 28-day extension of the time for filing a brief may be obtained on written stipulation of the parties or by order of the court. Further extension of time for filing of a brief can be obtained only on order of the court on motion for cause shown.

(2)-(4)[Unchanged.]

(L)-(O)[Unchanged.]

Staff Comment: This amendment clarifies that briefs filed in cases that involve an appeal to a circuit court from a district court or an appeal of a decision by a state administrative agency, board, or commission may not exceed 50 pages in length, similar to the length restriction in cases filed in the Court of Appeals.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 2, 2010

*Corbin R. Davis*

Clerk