

Order

**Michigan Supreme Court
Lansing, Michigan**

December 21, 2011

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2010-33

Michael F. Cavanagh
Marilyn Kelly

Proposed Adoption of
New Rule 3.220 of the
Michigan Court Rules

Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

On order of the Court, this is to advise that the Court is considering adoption of new Rule 3.220 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at www.courts.michigan.gov/supremecourt/resources/administrative/ph.htm.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

Rule 3.220 Domestic Relations Arbitration

- (A) Applicability of Rule. This rule governs statutory Domestic Relations Arbitration under MCL 600.5070-600.5082.
- (B) Unless specifically addressed in this rule, the provisions of MCR 3.602 govern arbitrations conducted under the Domestic Relations Arbitration Act.
- (C) Deadline for Completion.
 - (1) Upon entry of the order for arbitration, the Court shall impose a deadline upon the arbitrator for presentment of a judgment of divorce or final order disposing of all matters submitted to the arbitrator.
 - (2) On a party's or the arbitrator's request for good cause, or on the Court's own initiative, the deadline may be extended by the Court. The deadline may not be extended absent an order of the Court.

- (3) Either party may submit a proposed judgment or final order to the Court in accordance with the arbitration award(s). If the parties fail to present a judgment or final order by the deadline, it is the responsibility of the arbitrator to present a judgment of divorce or final order within 14 days following the expiration of the deadline. In the event a judgment or final order is not submitted by the arbitrator within 14 days following the expiration of the deadline, the Court may impose sanctions upon the arbitrator if it determines that the delay has not been caused by the parties. If the delay has been caused by the parties, the Court may impose sanctions on the party responsible.
 - (4) The judgment of divorce shall not be entered unless all matters set forth in MCR 3.211 are completed including the determination of property rights and until no further action by an arbitrator is necessary to effectuate any matters required under MCR 3.211.
- (D) Return of Proceeding to Trial Court. In the event a proposed judgment is not submitted to the trial court in accordance with this rule, the matter shall be scheduled for trial before the trial court.
- (E) Interim Arbitration Awards.
- (1) To the extent an arbitrator issues interim awards before issuance of the final arbitration award, those awards shall clearly delineate that it is an interim award.
 - (2) Interim arbitration awards shall automatically become orders of the Court, unless a party submits a motion to correct errors or omissions with the arbitrator within 14 days as provided under MCL 600.5078. In the event a timely motion to correct errors or omissions is filed, the interim order shall become an order of the Court upon the arbitrator's denial of that motion. In the event the motion is granted in whole or in part, the 14-day time period will reset only regarding those matters modified but the unchanged portions of the interim award shall automatically become orders of the Court.
 - (3) The arbitrator shall submit all interim awards to the Court in the form of an order for entry consistent with this rule.

Staff Comment: Proposed new MCR 3.220 would require the trial court judge to set a deadline for arbitration proceedings and approve any extensions of those time periods. Further, the proposed rule would allow arbitrators to issue interim awards during the arbitration proceeding.

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

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be sent to the Supreme Court Clerk in writing or electronically by April 1, 2012, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2010-33. Your comments and the comments of others will be posted at www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm.



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.

December 21, 2011

Corbin R. Davis

Clerk