

ADMINISTRATIVE AGENDA

April 9, 2009

Chief Justice Update

Discussion of Rules 1, 3, and 5 of the draft rules for Open Administrative Conferences

Approval of the Minutes

December 17, 2008 (Opinions/CRs)

January 8, 2009 (Opinions/CRs)

January 22, 2009 (ADMs)

Appointments

1. 2009-01 **Subject:** Chief Judge Appointments in the new district courts of 87A Otsego County, 87B Kalkaska County, and 87C Crawford County.
Issue: *Whether to appoint Judges Patricia A. Morse (87A District Court—Otsego County), Lynne M. Buday (87B District Court—Kalkaska County), and Monte J. Burmeister (87C District Court—Crawford County) as chief judges*
Status: New chief judge appointments are necessary because of a legislative change in the 87th District Court that breaks the former single three-county district into three separate districts. Awaiting conference consideration.
2. 2009-01 **Subject:** Chief Judge Appointments in Houghton County Probate Court and Alger/Schoolcraft Probate District Court.
Issue: *Whether to appoint Fraser T. Strome and Charles C. Nebel as chief judges of P31 (Houghton County Probate) and PD5 (Alger/Schoolcraft Probate District) courts respectively.*
Status: Awaiting conference consideration.
3. 2009-01 **Subject:** Appointments to the Court Reporting and Recording Board of Review.

Issue: *Whether to reappoint the Honorable William E. Collette, Kathleen Schmalz, and Sue Heierman to the Court Reporting and Recording Board of Review.*

Status: Awaiting conference consideration.

Items Previously Discussed

4. 2005-32 **Subject:** Proposed Pilot Project of the 46th District Court to Operate Under Revised Provisions of Rules 2.112, 2.114, 3.101, and 8.119 of the Michigan Court Rules. The 46th District Court has amended its request to seek various rule amendments instead of approval of a pilot project.
Issue: *Whether to publish for comment proposed amendments of MCR 2.112, 2.114, 3.101, and 8.119 that would require specific pleading in debt collection cases and expand a court clerk's ability to reject pleadings.*
Status: Passed from 3/05/09 conference. Awaiting conference discussion.
5. 2006-16 **Subject:** Proposed Adoption of the Amendment of Rules 6.302 and 6.310 of the Michigan Court Rules.
Issue: *Whether to adopt the proposal published for comment that would eliminate Cobbs hearings and prohibit a judge from participating in plea discussions.*
Status: Passed from 9/24/08 ADM conference for Justice Young. Awaiting conference discussion.
6. 2006-38 **Subject:** Proposed Amendment of Subchapter 9.100 *et seq.* of the Michigan Court Rules.
Issue: *Discussion of the second portion of the proposed amendments recommended by the AGC/ADB.*
Status: The first portion of the AGC/ADB proposal was considered at conference on 10/15/08; Anne Boomer distributed a memo on 10/17/08 in which she indicated the changes that were approved at the 10/15/08 conference. The second portion of proposed amendments is awaiting conference discussion.
7. 2008-29 **Subject:** Proposed Adoption of the Amendment of Rules 3.901, 3.903, 3.921, 3.965, 3.975, 3.976, 3.977, and 3.978 of the Michigan Court Rules, and Adoption of New Rule 3.979 of the Michigan Court Rules.

Issue: *Whether to adopt amendments published for comment to implement juvenile guardianships.*

Status: Passed from 3/05/09 conference to consider further proposed changes. Awaiting conference consideration.

8. 2009-06 **Subject:** Proposed Amendment of the Michigan Rules of Professional Conduct: MRPC 1.5—Fees.

Issue: *Whether to publish for comment the proposed amendments of MRPC 1.5.*

Status: At conference on 3/05/09, the Court agreed to proceed with consideration of these proposals as recommended by Linda Rhodus.

New Items

9. 2008-13 **Subject:** Proposed Adoption of New Rule 1.15A of the Michigan Rules of Professional Conduct.

Issue: *Whether to publish for comment a new MRPC 1.15A to implement a trust account overdraft notification program in Michigan as recommended by the State Bar of Michigan.*

Status: Awaiting conference consideration.

10. 2009-07 **Subject:** Proposed Prison Mailbox Rule.

Issue: *Whether to authorize a pilot project to allow an application for leave to appeal in a criminal case to be deemed filed on the date of deposit of the application in the Expedited Legal Mail at the correctional institution in which the inmate is housed (when the appeal is received by the clerk more than 56 days after the Court of Appeals decision and the appellant filing the application is an inmate in the custody of the Michigan Department of Corrections).*

Status: Awaiting conference consideration.

11. 2009-09 **Subject:** Proposed Administrative Order to Require Appointment of Referees and Magistrates by Local Administrative Order.

Issue: *Whether to publish for comment a proposed administrative order to require courts to submit a local administrative order to identify individuals who are appointed referees and magistrates and to describe the scope of authority of the appointed referees and magistrates. The proposed order also would require that changes of an*

appointed individual's contact information be provided to the State Court Administrative Office.

Status: Awaiting conference consideration.

Other Items

12. Proposed Reform of Michigan's Dual System of Election and Appointment of Supreme Court Justices (Justice Weaver distributed hard copy of the proposal to the justices at the 3/05/09 conference)