

REVISED ADMINISTRATIVE AGENDA

May 12, 2009

Chief Justice Update

Report from Justice Young on technology issues relating to Michigan's judicial system

Approval of the Minutes

January 8, 2009 (Opinions/CRs)
January 8, 2009 (ADMs)
January 14, 2009 (Opinions/CRs)
January 14, 2009 (ADMs)
January 28, 2009 (Opinions/CRs)
March 18, 2009 (Opinions/CRs)

Items from the Public Hearing

1. 2006-43
2007-07 **Subject:** Proposed Amendment of Rule 2.112 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendment of MCR 2.112 to clarify the rules regarding affidavits of merit as expressed in Kirkaldy v Rim, 478 Mich 581 (2007).*
Status: Awaiting conference consideration following the public hearing.
2. 2007-13 **Subject:** Proposed Amendment of Rule 611 of the Michigan Rules of Evidence.
Issue: *Whether to adopt the proposed amendment of MRE 611 to clarify that a judge is entitled to establish reasonable standards regarding the appearance of parties and witnesses to evaluate the demeanor of those individuals and to ensure accurate identification.*
Status: Awaiting conference consideration following the public hearing.
3. 2005-05
2006-20 **Subject:** Proposed Amendment of Rules 2.403, 2.404, 2.410, 2.411, and 3.216 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendments of MCR 2.403, 2.404, 2.410, and 2.411, and 3.216, which would revise and update the court rules relating to mediation and case*

evaluation as recommended by the Dispute Resolution Rules Committee convened by the State Court Administrative Office.

Status: Awaiting conference consideration following the public hearing.

4. 2008-40

Subject: Proposed Amendments of Juvenile Court Standards and Administrative Guidelines for the Care of Children, Administrative Order No. 1985-5.

Issue: *Whether to adopt the proposed amendments of Administrative Order No. 1985-5 that would expand the eligible education categories prospective employees must meet to be considered for employment and would allow the state court administrator to waive the employment standards if the court provides a reasonable period within which the candidate must meet the education standards, and would establish minimum accreditation requirements.*

Status: Awaiting conference consideration following the public hearing.

5. 2008-33

Subject: Proposed Amendment of Rule 2.516 of the Michigan Court Rules.

Issue: *Whether to adopt the proposed amendment of MCR 2.516 that would require judges to instruct jurors that they are prohibited from using cell phones or other electronic devices when they are in attendance at trial or during deliberation, and prohibited from using the devices to obtain information about the case when they are not in the courtroom. Further, the proposal would require a juror who knows or has reason to know that another juror has violated these prohibitions to inform the judge, would prohibit discussion among jurors until deliberation, and would prohibit jurors from reading or listening to news reports about the case.*

Status: Awaiting conference consideration following the public hearing.

6. 2008-35

Subject: Proposed Amendment of Rule 8.115 of the Michigan Court Rules.

Issue: *Whether to adopt one of the two proposed alternative amendments of MCR 8.115. Alternative A, submitted by the State Bar of Michigan (but with several clarifying revisions), would allow attorneys to bring cell phones and other electronic communication devices into a courthouse, but*

would limit their use in courtrooms during proceedings. Alternative B would allow attorneys to bring the devices into a courthouse, but would prohibit their use during proceedings. Both proposals would allow a court to impose sanctions for failure to comply with the use restrictions.

Status: Awaiting conference consideration following the public hearing.

7. 2008-41

Subject: Proposed Amendment of Rule 3.101 of the Michigan Court Rules.

Issue: *Whether to adopt the proposed amendment of MCR 3.101 that would add language to clarify funds that are exempt from garnishment and would require financial institutions to provide authority stating why certain funds are exempt.*

Status: Awaiting conference consideration following the public hearing.

Appointments

8. 2009-01

Subject: Appointment to Child Support Leadership Council.

Issue: *Whether to reappoint Jeff Albaugh as co-chair of the Child Support Leadership Council for a term to expire 1/31/10. Whether to reappoint Carlo Martina and appoint Judge Eugene “Bud” Moore to the Child Support Leadership Council.*

Status: Awaiting conference consideration.

9. 2009-01

Subject: Appointment of Chief Judge in Lenawee County Probate Court.

Issue: *Whether to appoint Gregg P. Iddings as Chief Judge of the Lenawee County Probate Court.*

Status: Awaiting conference consideration.

10. 2009-01

Subject: Appointment to Committee on Model Civil Jury Instructions.

Issue: *Whether to appoint Court of Appeals Judge Jane Beckering as a replacement for former Judge Steven Andrews, who resigned the end of 2008.*

Status: Awaiting conference consideration.

11. 2009-01

Subject: Nomination for Appointment to the Board of Law Examiners.

Issue: *Whether to nominate former Judge Harold Hood to the Board of Law Examiners.*

Status: Awaiting conference consideration.

Items Previously Discussed

12. 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 State Bar of Michigan response to questions raised by the justices.
13. 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: Passed from 4/09/09 for internal drafting revisions and to invite a representative from the Department of Corrections to attend the May conference.

New Items

14. 2002-37 **Subject:** Proposed E-Filing Project in 42nd Circuit Court.
Issue: *Whether to approve an e-filing pilot project in the 42nd Circuit Court related solely to asbestos cases.*
Status: Awaiting conference consideration.
15. 2009-03 **Subject:** Approval of the Attorney Discipline Board/Attorney Grievance Commission Budgets.
Issue: *Whether to approve the ADB and AGC budget requests for fiscal year 2009-2010.*
Status: Awaiting conference consideration.
16. 2009-06 **Subject:** Proposed Amendment of Michigan Rules of Professional Conduct: MRPC 1.7 and 1.8.

Issue: *Whether to publish for comment the proposed amendments of MRPC 1.7 and 1.8 relating to conflicts of interest.*

Status: Awaiting conference consideration.

Other Matters

17. 2009-12 **Subject:** Establishment of rules regarding open administrative conferences.
Issue: Continuing discussion.

Emergency Item

18. Discussion regarding House Bill 4309, the negative supplemental appropriation.