

# MICHIGAN SUPREME COURT



## *Office of Public Information*

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FOR IMMEDIATE RELEASE

### **RULES FOR OUT-OF-STATE LAWYERS PRACTICING LAW IN MICHIGAN ON AGENDA FOR MICHIGAN SUPREME COURT'S MAY 16 PUBLIC HEARING**

LANSING, MI, May 14, 2007 – A proposed rule change governing temporary legal practice in Michigan for out-of-state lawyers will be considered by the Michigan Supreme Court at a public hearing on May 16.

The proposal would create a new rule for the State Bar of Michigan concerning pro hac vice, or temporary, practice by attorneys who are licensed to practice law in other states, the District of Columbia, or U.S. territories. The proposed rule (**ADM 2004-08**) specifies the application procedure and other requirements, as well as the scope of legal practice for out-of-state lawyers.

Another proposed rule (**ADM 2006-33**) would clarify that summary disposition motions based on governmental immunity or lack of subject-matter jurisdiction can be brought even if past the deadline set by a trial court's scheduling order. For certain other summary disposition motions, the court would have discretion to allow filing after the deadline.

The hearing will start at 9:30 a.m. in the Supreme Court courtroom on the 6<sup>th</sup> floor of the Michigan Hall of Justice; the hearing will adjourn no later than 11:30 a.m.

Also on the agenda are proposed rules that would:

- Clarify that courts are required, when entering an order for a child's removal from home, to determine that "reasonable efforts" to prevent the child's removal from the home have been made, unless the court finds that such efforts "are not required." Under another proposed amendment, the court would also have to make such a "reasonable efforts" finding in placing the child with someone other than the parent within 60 days of the child's removal from the home. Such "reasonable efforts" could be made by someone other than a child protection agency. (**ADM 2005-04**)
- Make various technical changes to appellate practice rules, and clarify how various post-trial motions toll the time for filing an application for leave to appeal with the Court of Appeals. (**ADM 2005-36**)
- Make changes to probate court rules, including rules governing conservatorships and guardianships. (**ADM 2005-37**)
- Clarify that bail agents would be liable only for a defendant's appearance at court and not the defendant's compliance with requirements of a conditional release. As to the defendant, the court could enter a judgment for failure to comply with release conditions or for failure to satisfy the court that complying with the release conditions

- was impossible. The proposed rule would also make clear that courts cannot enter a judgment against a surety for more than the full amount of the bond. (**ADM 2006-03**)
- Affirm that a judgment determining an interest in land does not apply to claims settled under the legal doctrine of adverse possession. (**ADM 2006-29**)
  - Conform the language used in probation revocation guilty pleas to that used in guilty or nolo contendere pleas in criminal-felony proceedings, so that pleas in both types of proceedings are made understandingly, voluntarily, and accurately. (**ADM 2006-35**)
  - Retain an attorney ethics rule clarifying whether a law firm is disqualified when it hires a new lawyer. The lawyer's previous services or association with another firm do not necessarily disqualify the new firm, "if the new firm imposes timely and appropriate screening ...." (**ADM 2006-39**)
  - Require a party who requests a change of venue to prove – before the court enters the order changing venue – that the statutory filing fee was paid to the court in which the action is transferred. (**ADM 2006-40**)
  - Revise a rule concerning calculations of probate inventory fees for deceased persons' estates. (**ADM 2006-45**)

These proposed rules, comments, and other materials are available online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#proposed>. The public hearing agenda is also available online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/PH.htm>.

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