

Order

Michigan Supreme Court
Lansing, Michigan

December 27, 2019

Bridget M. McCormack,
Chief Justice

ADM File No. 2018-19

David F. Viviano,
Chief Justice Pro Tem

Amendment of Rule 3.229
of the Michigan Court Rules

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

On order of the Court, the following amendment of Rule 3.229 of the Michigan Court Rules is adopted, effective January 1, 2020.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 3.229 Filing Confidential Materials

(A) If a party or interested party files any of the following items with the court, the party shall identify the document as a confidential document and the items shall be served on the other parties in the case and maintained in a nonpublic file in accordance with subrule (B):

(1)-(8) [Unchanged.]

(B) Any item filed and identified under subrule (A) is nonpublic and must be maintained separately from the legal file. The filer waives any claim of confidentiality to any item filed under subrule (A) that is not identified by the filer as confidential. The nonpublic file must be made available for any appellate review.

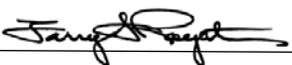
Staff comment: The amendment of MCR 3.229 requires the filer to identify nonpublic documents when they are submitted to the clerk, and stipulates that the filer waives any claim of confidentiality where such documents are filed without a designation of confidentiality. These amendments update the language originally adopted by the Court as part of the civil discovery rules proposal in ADM File No. 2018-19.

The staff comment is not an authoritative construction by the Court. In addition, adoption of an amendment in no way reflects a substantive determination by this Court.



I, Larry S. Royster, 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 27, 2019


Clerk