

Michigan Judges Association

Founded 1927

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July 30, 2020

Supreme Court Clerk
P.O. Box 30052
Lansing, Michigan 48909

RE: ADM File No. 2002-37

Dear Clerk,

On behalf of the Michigan Judges Association, we write to share our concerns regarding the proposed amendments to MCR 2.226. The proposed court rule addresses the procedure to be followed between two courts when there is a request to change venue. The rule, as proposed, is confusing and imposes a three-day turnaround in MCR 2.226(D). This time frame is short and impractical. We suggest that the proposed order be clarified and that the time within which action must be taken be in 7-day and 14-day increments, which is manageable and consistent with other provisions of the Michigan Court Rules.

To the extent you find it helpful, we offer the following language to amend MCR 2.226 that would seem to further your goals and resolve our concerns:

(A) unchanged.

(B) unchanged.

(C) The clerk of the court in the receiving court shall prepare a notice of refusal within 14 days on a form approved by the State Court Administrative Office and promptly return the case to the transferring court for a proper order.

(D) If a transferring court receives a refusal to accept a transferred case under subrule (C), the transferring court shall prepare a proper order in accordance with subrule (A) and retransfer the case within seven days.

Thank you for the opportunity to convey MJA's position. As always, please feel free to contact us with any questions or concerns.

Sincerely,

Hon. Jon Van Allsburg
President, Michigan Judges Association

CC: Hon. Kathy Hoogstra, Muskegon County Circuit Court
Hon. Janice Cunningham, Eaton County Circuit Court
Hon. Brian Kirkham, Calhoun County Circuit Court