



**American Academy of Matrimonial Lawyers, Michigan Chapter**  
**Protecting the family... Improving the practice**

February 25, 2019

VIA EMAIL [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov)

Office of Administrative Counsel  
PO Box 30052  
Lansing, MI 48909

Re: ADM 2018-19 Proposed Discovery Amendments  
State Bar of Michigan Special Committee Report

Dear Administrative Counsel:

Kindly forward this correspondence to the Michigan Supreme Court as well as include in the published comments regarding the proposed discovery amendments reflecting the State Bar of Michigan Special Committee Report.

The Michigan Chapter of the American Academy of Matrimonial Lawyers ("AAML") acknowledges and supports the hard work of the many, many committee members and stakeholders reflected in the Special Committee Report. A number of AAML members participated in this project and the Chapter followed the progress of the proposed revisions to discovery practice with great interest.

We have the following comments for consideration by the Michigan Supreme Court:

- The Michigan Chapter endorses and approves the use of "*proportionality*" in family law cases when addressing discovery disputes.

- The Michigan Chapter continues to support and recommends that interrogatories be limited to 35 in family law cases. The unique complexity and multiple issues commonly involved in family law cases makes this an appropriate limitation.
- The Michigan Chapter believes that a comprehensive information exchange occur in family law cases as early in the process as possible, and that the information be detailed, specific, and wide-ranging which will limit the need for burdensome interrogatories. Family law practitioners should have input regarding the specifics of the information exchange questionnaire.
- Given that many family law cases are subject to strict scheduling guidelines, it may be appropriate to require the information exchange occur within 21 days after service of the Summons and Complaint rather than the suggested longer period of 28 days.
- The Michigan Chapter strongly recommends inclusion of a practical definition of “discrete subparts” with respect to interrogatories. This is a term of art in our federal cases, but unknown in current State practice. Clarifying the definition of “discrete subparts” will avoid a delay of several years associated with appeals seeking clarification of this language.
- Possible clarifying language could include:

*"Interrogatories are limited to no more than thirty-five (35) separate questions, and "discrete subparts" are subject to this limit. If a subpart is not substantially related to the principal question it counts as a separate Interrogatory. One or more subparts which are substantially related to the principal question count as a single interrogatory."*

Thank you for your consideration of our input. We look forward with anticipation to practicing under the new discovery court rules.

Sincerely,



David S. Mendelson

President - Michigan Chapter AAML