

**Public Policy Position
ADM File No. 2018-19**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,444 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. The State Bar of Michigan's position on this item is to support ADM File No. 2018-19.

The Family Law Section has a public policy decision-making body with 21 members. On March 1, 2019, the Section adopted its position after an electronic discussion and vote. 13 members voted in favor of the Section's position on ADM File No. 2018-19, 0 members voted against this position, 3 members abstained, 5 members did not vote.

Support with Recommended Amendments

Explanation:

Family Law Council voted to support the amendments, with the following clarifications/friendly amendments:

1. MCR 2.302(A)(1)(d) mentions ESI, but then ESI is not defined until MCR 2.310(A)(2). Perhaps definitions should be moved to an earlier section of the rules.
2. MCR 2.305 (Discovery Subpoenas): We felt there needed to be language that required the subpoena be contemporaneously served on opposing counsel when issued. This would guarantee opposing counsel has time to object to the subpoena if need be. There are some attorneys that do not serve opposing counsel the subpoena until after they serve the party and even then it may not be for days after service was effectuated, therefore, making the ability for the opposing party to object to the subpoena moot if the deadline for production has expired.

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