

Michigan Judges Association

Founded 1927

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November 30, 2020

VIA EMAIL TO

ADMcomment@courts.mi.gov

Mr. Larry Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48909

Re: ADM File 2019-35 – Proposed Amendment of MCR 6.502

Dear Mr. Royster:


I am writing on behalf of the Michigan Judges Association (“MJA”) Executive Committee, which voted to oppose the proposed rule change to MCR 6.502(G)(1) and (2).

The primary ground of objection is based upon the recognition that successive motions for relief from judgment under the current rule are common, despite the current language of the rule. A number of courts have developed standard orders to dispose of successive motions that do not cite a proper basis as required in existing subrule (G)(2), or that are simply illegible or undecipherable. In other courts, motions that do not state a proper basis, or that are illegible, or undecipherable, are simply returned as presently permitted under MCR 6.502(G)(1).

MJA would suggest that the proposed amendment not be adopted, and that the Supreme Court consider approval of a form order to be developed by SCAO that would permit a court to efficiently dispose of successive motions that do not comply with the court rule.

Thank you for consideration of these proposals to improve Proposed Administrative Order 2019-35.

Sincerely,


Hon. Jon A. Van Allsburg, President
Michigan Judges Association