

2004-2005 ANNUAL REPORT
Civil Procedure and Courts Committee
STATE BAR OF MICHIGAN

June 29, 2005

Committee Name: Civil Procedure and Courts Committee

Jurisdiction: Shall concern itself with court rules and statutes related to civil practice in the courts and with the administration, organization, and operation of the trial courts.

Officers and Membership:

Chair: Ronald S. Longhofer

Members: 20

2003-04 Meeting Schedule (date and location):

November 6, 2004	State Bar building, Lansing
December 4, 2004	State Bar building, Lansing
January 15, 2005	Dickinson Wright, PLLC, Bloomfield Hills
March 19, 2005	State Bar building, Lansing
April 16, 2005	Dickinson Wright, PLLC, Bloomfield Hills
June 18, 2005	Dickinson Wright, PLLC, Bloomfield Hills

Committee Activities:

• **Positions Taken On Proposed Legislation**

- 2004-HIB-6285 (felons removed from juror list): SUPPORT, with correction of statutory reference.
- HB 4169 (revises threshold for requiring attorney fee to be paid by party that rejected case evaluation): OPPOSE
- SB 33 (increases court reporter fees): SUPPORT
- HB 4160 (increases jurisdiction of small claims court to \$10,000 from \$3,000): OPPOSE
- HB 4472 (amends provision regarding costs and fees against state where state is sole appellant): OPPOSE
- 2005-SIB-0541 (structured settlements): SUPPORT, with amendment.
- 2005-HIB-4133 (repeal of prohibition of Sunday process service): SUPPORT

- **Positions Taken on Proposed Court Rules and Administrative Orders**
 - 2003-65 (MCR 6.425, 7.210, 8.119) (reporter certificate re transcripts on appeal): SUPPORT
 - 2004-37 (MCR 7.217)(late motions for reinstatement of appeal not accepted): OPPOSE
 - Amendment to MCR 2.504 (payment of costs on voluntary dismissal): OPPOSE
 - MCR 9.205 (costs in JTC proceedings): OPPOSE
 - MCR 3.925 (destruction of juvenile offense records): OPPOSE
 - MCR 4.101 (waiver of officer appearance at civil infraction hearing) (comment period expires 9/1/05): SUPPORT, with amendment
 - MCR 9.124 (reinstatement petition): OPPOSE
 - MCR 9.223-9.224 (JTC appendix requirement eliminated): OPPOSE

- **Court Rules Changes Proposed by Committee**
 - Amendment of MCR 3.602 (arbitration)
 - Amendment of MCR 2.403 (case evaluation)

- **Legislation Proposed by Committee**
 - Adoption of a provision paralleling 28 U.S.C. §1746, providing for the validity of a declaration under penalty of perjury in all cases where a sworn declaration, verification, certification, statement, oath, or affidavit is legally required.
 - Repeal of MCL 600.2102, effective as to all currently pending cases.

- **Matters Under Consideration by Committee**
 - Electronic Discovery Rules
 - Proposed new rule governing appeals from municipal zoning decisions

Resources Provided by the State Bar of Michigan in Support of Committee Work:

The bar provided meeting space for committee meetings, circulated meeting materials and notices (both in hard copy and by email), and arranged for conference call participation for members who could not attend meetings in person.

Future Goals and Activities:

The Committee is continuing to work on the pending matters listed above, and expects to continue both to review proposed rule amendments and legislation, and to initiate its own proposals.

Chair Contact Information:

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