

Order

Michigan Supreme Court
Lansing, Michigan

June 4, 2014

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2013-19

Michael F. Cavanagh
Stephen J. Markman

Amendment of Rule 3.602
of the Michigan Court Rules

Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment is adopted, effective September 1, 2014.

[The present language is amended as indicated below by underlining for new text and strikeover for text that has been deleted.]

Rule 3.602 Arbitration

(A) Applicability of Rule. Courts shall have all powers described in MCL 691.1681 *et seq.*, or reasonably related thereto, for arbitrations governed by that statute. The remainder of this rule applies to all other forms of arbitration, in the absence of contradictory provisions in the arbitration agreement or limitations imposed by statute, including MCL 691.1683(2).~~This rule governs statutory arbitration under MCL 600.5001-600.5035.~~

(B) Proceedings to Compel or to Stay Regarding Arbitration.

(1) [Unchanged.]

(2) On motion of a party showing an agreement to arbitrate ~~that conforms to the arbitration statute,~~ and the opposing party's refusal to arbitrate, the court may order the parties to proceed with arbitration and to take other steps necessary to carry out the arbitration agreement ~~and the arbitration statute.~~ If the opposing party denies the existence of an agreement to arbitrate, the court shall summarily determine the issues and may order arbitration or deny the motion.

(3)-(4) [Unchanged.]

(C)-(E) [Unchanged.]

(F) Discovery and Subpoenas; Depositions.

(1) The court may enforce a subpoena or discovery-related order for the attendance of a witness in this state and for the production of records and other evidence issued by an arbitrator in connection with an arbitration proceeding in another state on conditions determined by the court so as to make the arbitration proceeding fair, expeditious, and cost effective. MCR 2.506 applies to arbitration hearings.

(2) A subpoena or discovery-related order issued by an arbitrator in another state shall be served in the manner provided by law for service of subpoenas in a civil action in this state and, on motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner provided by law for enforcement of subpoenas in a civil action in this state.

(3)(2) [Former subrule “(2)” renumbered as “(3)” but otherwise unchanged.]

(G)-(H) [Unchanged.]

(I) Award; Confirmation by Court. A party may move for confirmation of an arbitration award~~An arbitration award filed with the clerk of the court designated in the agreement or statute~~ within one year after the award was rendered. The court may be confirmed by the court award, unless it is vacated, corrected, or modified, or a decision is postponed, as provided in this rule.

(J) Vacating Award.

(1) A request for an order to vacate an arbitration award under this rule must be made by motion. If there is not a pending action between the parties, the party seeking the requested relief must first file a complaint as in other civil actions. A complaint or motion to vacate an arbitration award must be filed no later than 21 days after the date of the arbitration award.

(2)-(5) [Unchanged.]

(K)-(N) [Unchanged.]

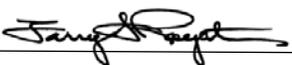
Staff Comment: The amendments of MCR 3.602 apply to all other forms of arbitration that are not described in the newly adopted Revised Uniform Arbitration Act, MCL 691.1681 *et seq.*

The staff comment is not an authoritative construction by the Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 4, 2014


Clerk