

Michigan Judges Association

Founded 1927

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January 20, 2014

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

RE: ADM File: 2013-14

Dear Clerk Royster:

At the January 14, 2014 meeting of the Michigan Judges Association, the Executive Board, Rules Committee, and Family Law Committee considered the above-referenced proposed amendments.

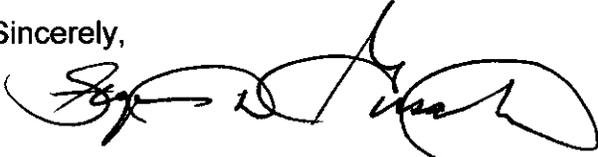
We oppose the proposed amendment to MCR 3.705 as reflected in 2013-14. This proposal prohibits publication of information on the Internet that could publicly reveal the identity or location of a party protected under a personal protection order. The language of the proposed court rule references 18 USC 2265(d)(3), and repeats the language of that statute nearly verbatim.

We are concerned that the court rule is a repetition of existing federal law for the benefit of the bench, bar, and the public, and to that extent is redundant. More to the point, it fails to give any guidance to court staff and clerks, who are directly involved in the posting of court file information on local county websites. Personal protection orders are frequently issued to persons who are also named in domestic relations and other actions, and pleadings in those actions often contain references or citations to existing personal protection orders. Each of these files is likely to contain identity and location information of a protected party.

Distinguishing among these cases and pleadings to determine what may not be posted to a county website as "likely to reveal" protected information requires more than a repetition of the federal prohibition. We suggest the Michigan Supreme Court consider a more detailed Administrative Order, as the Court has done, for example, in AO 2002-03 (Family Violence Indicator) and AO 2006-02 (Privacy Policy and Access to Court Records).

We thank the Court for considering our input on these matters. If the Michigan Judges Association may provide any further information or assistance, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen D. Gorsalitz". The signature is fluid and cursive, with a large initial "S" and "G".

Hon. Stephen D. Gorsalitz, President
Michigan Judges Association

CC: Hon. Robert Young, Chief Justice Michigan Supreme Court
Hon. Jon Van Allsburg, Rules Committee Chairperson, Michigan Judges Association
Hon. Joan E. Young, Family Law Committee Chairperson, Michigan Judges Association
Hon. Colleen A. O'Brien, President-Elect, Michigan Judges Association
Anne Boomer, Administrative Counsel, Michigan Supreme Court