

FAMILY LAW SECTION
Respectfully submits the following position on:

*
ADM File No. 2013-18

*
The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

The State Bar position on this matter is support with comments.

The total membership of the Family Law Section is 2,481.

The position was adopted by an electronic discussion and vote. The number of members in the decision-making body is 21. The number who voted in favor to this position was 19. The number who voted opposed to this position was 0.

Report on Public Policy Position**Name of section:** Family Law Section**Contact person:**

Mathew Kobliska, Co-Chair of the Court Rules & Ethics Committee

E-Mail/Phone:mkobliska@dpkzlaw.com**Proposed Court Rule or Administrative Order Number:** ADM 2013-18**Date position was adopted:**

August 21, 2013

Process used to take the ideological position:

Position adopted after an electronic discussion and vote.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

19 Voted for position

0 Voted against position

0 Abstained from vote

2 Did not vote

Position:

Support and amend

Explanation of the position, including any recommended amendments:

The Family Law Section, through its council, court rules committee, and an issue-specific work group, have reviewed and considered this proposal over the last several months. The Family Law Section supports the proposed e-filing rules, with the following amendments:

- I. That there will be no e-filing fees for Personal Protection Orders (PPOs), including motions to terminate or modify;
- II. No fee would be required on a request to waive fees. Any waiver or suspension of fees should be applied to e-filing fees as well;
- III. No fee would be required to e-file orders or judgments or proposed orders or judgments;

- IV. Each county would maintain a no cost e-filing education program;
- V. The proposed new rules refer to the development of filing policies and standards of the State Court Administrative Office which would govern e-filing. The committee believes that the development of SCAO standards should require the input in a meaningful manner of all sections of the State Bar;
- VI. The committee believes that the rules need a precise definition of “reasonable convenience fees” under proposed section 2E.005 Transaction Fees; and
- VII. The committee remains concerned that mandatory e-filing inhibits access to courts. Inasmuch as the e-filing pilot project has been expanded to 2014, the committee believes that e-filing should allow for optional counter (paper) filing as is the case in other jurisdictions.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Court%20Rules/2013-18_2013-05-01_formatted%20e-filing%20order_FINAL.pdf

and

http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Court%20Rules/2013-18_2013-05-01_E-filing%20Standards_FINAL.pdf