

FAMILY LAW SECTION
Respectfully submits the following position on:

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ADM File No. 2013-20

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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.

To date, the State Bar does not have a position on this matter.

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

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 18. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of section:

Family Law Section

Contact person:

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Proposed Court Rule or Administrative Order Number:

[2013-20 – Proposed Amendment of Rule 2.305 of the Michigan Court Rules](#)

The proposed changes of MCR 2.305 would make subrule (E) applicable only to actions pending in another country, while new subrule (F) would cross reference the Uniform Interstate Depositions and Discovery Act, which establishes the procedures to be used in seeking a deposition or discovery subpoena in Michigan for use in an action that is pending in another state or territory.

Date position was adopted:

June 1, 2013

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

18 Voted for position

0 Voted against position

0 Abstained from vote

3 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

The proposed amendment of MCR 2.305 clarifies the rules that apply only to subpoenas issued in other states. Of greater concern to our membership is the streamlining of the process for submission of subpoenas to deponents in other states. Widespread adoption of the Uniform Law Commission's model Uniform Interstate Depositions and Discovery Act should address these concerns. In the interim, the Family Law Section supports the proposed court rule revisions to be consistent with legislative enactment of MCL 600.2201, et seq.

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/Adopted/2013-20_2013-05-22_formatted%20order.pdf