Michigan Judges Association
Founded 1927

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May 21, 2014

Anne Boomer
Administrative Counsel
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: Proposed Amendments of the Michigan Court Rules

Dear Ms. Boomer:

At the May 20, 2014 meeting of the Michigan Judges Association, the Executive Board considered and acted upon several proposed amendments to the Michigan Court Rules:

ADM File No. 2013-11. These proposed amendments of MCR 9.106 and MCR 9.128 are requested by the Attorney Grievance Commission, and would identify costs and restitution imposed on an attorney in a disciplinary proceeding as a fine, penalty, or forfeiture. These amendments have been given immediate effect, pending public comment and a future public hearing. The Michigan Judges Association takes no position on these amendments.

ADM File No. 2014-06. The MJA Executive Board supports the proposed revisions of MCR 2.004. This amendment would change the service provisions with regard to an inmate's participation in a hearing or conference so that service would be required on MDOC's Central Records Section, instead of service on individual wardens or supervisors at the MDOC facilities; the proposed changes also would allow an inmate's participation by video or videoconferencing. This amendment should greatly simplify a court's or litigant's ability to serve an inmate with notice of a hearing. It will also resolve a recurring issue in serving inmates with notice of court hearings as inmates are sometimes moved between facilities while efforts to serve notice are in process, sometimes requiring the adjournment of court hearings. The amendment to permit participation of the inmate by video or videoconferencing is an update that recognizes improving technology in the courts.

ADM File No. 2013-17. The MJA Executive Board strongly opposes the proposed amendment of MCR 3.206. This amendment would limit the discretion of the court to order one party to pay another party's attorney fees during a proceeding (based upon a showing of need and the ability of the other party to assist) to those cases that involve divorce, separate maintenance, or annulment. The domestic relations cases that would thus be excluded from that discretion would include custody and Family Support Act cases between married parties, as well as all domestic relations cases involving unmarried parties, including cases brought under the Child Custody Act, the Family Support Act, and the Paternity Act, among others. The MJA Executive Board is concerned that the ability of the Family

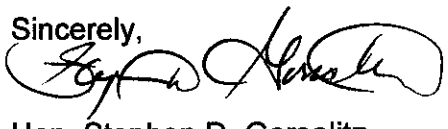
Division of the Circuit Court to do equity and promote the best interests of children would be undermined in those cases which would be excluded from the application of the court rule by this amendment.

ADM File No. 2013-21. The MJA Executive Board supports this amendment to MCR 6.112 and 6.113, in order to clarify how a prosecutor's notice of enhanced sentence required under MCL 769.13(1) is to be provided in courts in which arraignment has been eliminated by local administrative rule under MCR 6.113(E).

ADM File No. 2013-22. The MJA Executive Board supports this proposed amendment to MCR MCR 4.201, to clarify that the general default judgment rule [MCR 2.603] applies in landlord/tenant cases that result in a money judgment.

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,



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