

FAMILY LAW SECTION
Respectfully submits the following position on:

*

ADM File No. 2014-04

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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.

The State Bar's position in this matter is to support the proposed amendments.

The total membership of the Family Law Section is 2,962.

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 19. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of section:

Family Law Section

Contact person:

Christopher J. Harrington

E-Mail:

cjh@jjharringtonlaw.com

Proposed Court Rule or Administrative Order Number:

[ADM File No. 2014-04 – Proposed Amendments of Rule 2.306 of the Michigan Court Rules](#)

The proposed amendments of MCR 2.306(C)(5) and (C)(5)(b) would replace references to the word “conferring” or “confer” with “communicating” or “communicate.” The proposed amendment of MCR 2.306(C)(5)(c) would clarify that the term “communicate” would include electronic transmission by text message, email or other electronic manner.

Date position was adopted:

February 6, 2016

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:

19 Voted for position

0 Voted against position

0 Abstained from vote

2 Did not vote (absent)

Position:

Support

Explanation of the position, including any recommended amendments:

° The Family Law Council unanimously supports the proposed amendments to MCR 2.305(A)(1), as written, by a vote of 19 to 0.

° The Council raised the question on whether any additional clarification would be necessary to outline consequences for violation of this Court Rule, or whether the other rules on Discovery adequately address violations of this Court Rule.

° The Council believes the proposed amendments will help preserve the integrity of the deposition process and prevent abusive Discovery practices that are difficult for the Court to micro-manage on a day-to-day basis.

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/2014-04_2015-12-23_formatted%20order.pdf



STATE BAR OF MICHIGAN

p (517) 346-6300
p (800) 968-1442
f (517) 482-6248

306 Townsend Street
Michael Franck Building
Lansing, MI 48933-2012

www.michbar.org

OFFICERS

CHAIR

Carol F. Breitmeyer, Detroit
breitmeyer@bcfamlaw.com

CHAIR-ELECT

Hon. Richard B. Halloran, Detroit
hewhodreams@comcast.net

TREASURER

Kent Weichmann, Ann Arbor
weichmann@att.net

CORRESPONDING SECRETARY

Robert Charles Treat, Jr., Taylor
bob.treat@qdrexpressllc.com

RECORDING SECRETARY

Elizabeth K. Bransdorfer, Grand Rapids
ebrandsdorfer@mmbjlaw.com

COUNCIL MEMBERS

Daniel B. Bates, Bloomfield Hills
dan@danbateslaw.com

J. Matthew Catchick, Royal Oak
mattca606@gmail.com

James W. Chryssikos, Troy
jwc@chryssikoslaw.com

Shon Cook, Whitehall
shon@shoncooklaw.com

Christopher J. Harrington, Novi
cjh@jhharringtonlaw.com

Sahera Housey, Pontiac
houseys@oakgov.com

Mathew Kobliska, Farmington Hills
mkobliska@dpczlaw.com

Peter Kulas, Grand Rapids
pnkulas@lulaslawoffice.com

Vanessa Marie Moss-Wilson
vanmosswilson@hotmail.com

Anthea Papista, Detroit
aep@papistalaw.com

Steven D. Reinheimer, Bloomfield Hills
steven@stevenreinheimer.com

Kristen L. Robinson, Troy
kristen@mellinrobinson.com

Amy M. Spilman, Birmingham
spilman@aeslaw.com

Gail M. Towne, Kalamazoo
gtowne@lennonmiller.com

Randall L. Velzen, Grand Rapids
revelzen@westmichigandivorce.com

Tina M. Yost, Battle Creek
tyost@calhouncountymi.gov

EX OFFICIO

Rebecca Shiemke, Ann Arbor
rshiemke@lsscm.org

COMMISSIONER LIAISON

Victoria A. Radke, Escanaba
victoria@victoriaaradkepc.com

To: Clerk of the Michigan Supreme Court

The Court Rules Committee of the Family Law Council of the State Bar of Michigan reviewed ADM File No. 2014-04 regarding the proposed changes to MCR 2.306 during its February 2, 2016 Committee Telephone Conference.

The Committee then presented the issue to the Family Law Council at the February 6, 2016 meeting. The following position and comments were provided at that Council meeting:

- The Family Law Council unanimously supports the proposed amendments to MCR 2.305(A)(1), as written, by a vote of 19 to 0.
- The Council raised the question on whether any additional clarification would be necessary to outline consequences for violation of this Court Rule, or whether the other rules on Discovery adequately address violations of this Court Rule.
- The Council believes the proposed amendments will help preserve the integrity of the deposition process and prevent abusive Discovery practices that are difficult for the Court to micro-manage on a day-to-day basis.

Respectfully Submitted,

/s/ Christopher J. Harrington
Chair of the Court Rules Committee of the
Family Law Section