

Order

**Michigan Supreme Court
Lansing, Michigan**

February 6, 2013

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2012-36

Michael F. Cavanagh
Stephen J. Markman

Proposed Administrative Order No. 2013-X

Mary Beth Kelly

Brian K. Zahra

Proposed Implementation
of Business Court Standards

Bridget M. McCormack,
Justices

On order of the Court, this is to advise that the Court is considering a proposed administrative order that would implement business court standards. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at <http://www.courts.mi.gov/courts/michigansupremecourt/rules/pages/public-administrative-hearings.aspx>.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

Business courts, as defined by MCL 600.8031, are specialized dockets within a circuit court. Business courts are intended to provide a case management structure that facilitates timely, effective, and predictable resolution of complex business cases. Specialized dockets improve the efficiency of the courts, which benefits all litigants. This order provides specific direction to circuit courts in the establishment of their business courts.

1. Each business court shall develop a local administrative order for operation of its business court docket. That local administrative order must be approved by the State Court Administrative Office in accordance with MCR 8.112(B).
2. Judges appointed to the business court must attend training provided by the Michigan Judicial Institute. Business court judges are encouraged also to participate in training provided by other organizations as local funding permits.

3. A business court judge should preside over the assigned business court cases from filing through disposition of the matter. If the business court judge is unable to preside over a business court matter, the chief judge may temporarily assign another judge to preside over the business court matter pursuant to MCR 8.111(C).
4. Courts shall establish specific case management practices for business court matters. These practices should reflect the specialized pretrial requirements for business court cases, and will typically include provisions relating to scheduling conferences, alternative dispute resolution (with an emphasis on mediation scheduled early in the proceeding), discovery cutoff dates, case evaluation, and final settlement conferences.
5. Case management and scheduling conferences shall be conducted by the assigned business court judge. Courts should facilitate the processing of business court cases by utilizing electronic filing (if authorized by the Supreme Court), telephonic and video conferencing.
6. Business court opinions shall be transmitted to the SCAO within 7 days after the trial court enters the opinion. Court opinions generated as part of the business court docket must meet the requirements established by the SCAO.
7. Business courts shall maintain data as prescribed by the SCAO, and shall provide data to the SCAO upon request.

Staff Comment: The proposed administrative order would establish procedures for courts that are required to or choose to implement a business court.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be sent to the Supreme Court Clerk in writing or electronically by May 1, 2013, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2012-36. Your comments and the comments of others will be posted at <http://courts.mi.gov/courts/michigansupremecourt/rules/court-rules-admin-matters/pages/administrative-orders.aspx>.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 6, 2013

Corbin R. Davis

Clerk