

Order

Michigan Supreme Court
Lansing, Michigan

March 20, 2013

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2011-31

Michael F. Cavanagh
Stephen J. Markman

Proposed Amendment of
Rules 7.105, 7.111, and 7.205
of the Michigan Court Rules

Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

On order of the Court, this is to advise that the Court is considering an amendment of Rules 7.105, 7.111, and 7.205 of the Michigan Court Rules. 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.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 7.105 Application for Leave to Appeal

(A)-(C) [Unchanged.]

(D) Reply. Within 7 days after service of the answer, the appellant may file a reply brief that conforms to MCR 7.212(G).

~~(D)~~(E)-~~(F)~~(G) [Former subsections (D)-(F) are relettered, but otherwise unchanged.]

Rule 7.111 Briefs

(A) Time for Filing and Service.

(1)-(2) [Unchanged.]

(3) Within 14 days after the appellee's brief is served on appellant, the appellant may file a reply brief. The brief must conform to MCR 7.212(G) and must be served on all other parties to the appeal.

(4) *Briefs in cross appeals.* The filing and service of briefs by a cross appellant and a cross appellee are governed by subrules (A)(1)-~~(2)~~-(3).

~~(4)(5)~~-~~(5)~~(6) [Former subsections (4)-(5) renumbered, but otherwise unchanged.]

(B)-(D) [Unchanged.]

Rule 7.205 Application for Leave to Appeal

(A)-(C) [Unchanged.]

(D) Reply. A reply brief may be filed as provided by MCR 7.212(G).

~~(D)~~(E)-~~(G)~~(H) [Former subsections (D)-(G) are relettered, but otherwise unchanged.]

Staff Comment: The proposed changes would permit the filing of a reply brief in support of an application for leave to appeal in the circuit court and the Court of Appeals. The proposed changes were submitted by the Appellate Practice Section of the State Bar of Michigan.

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 July 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. 2011-31. Your comments and the comments of others will be posted under the chapter affected by this proposal at <http://courts.mi.gov/courts/michigansupremecourt/rules/court-rules-admin-matters/pages/chapter-7-appellate-rules.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.

March 20, 2013

Corbin R. Davis

Clerk