

Administrative Order No. 2015-8 Authorization of Pilot Project to Study Feasibility and Effectiveness of Mediation in the Court of Appeals

Administrative Order No. 2015-9 Authorization of a One-year Pilot Project Related to the SADO/MAACS Merger)

To read ADM File No. 2015-02, dated September 16, 2015; and ADM File No. 2014-36, dated September 16, 2015; visit <http://courts.michigan.gov/courts/michigansupremecourt> and click “Administrative Matters & Court Rules” and “Proposed & Recently Adopted Orders on Admin Matters.”

Revision of Administrative Order No. 2004-4 Adoption of Concurrent Jurisdiction Plans for Genesee and Van Buren Counties, and the 23rd Circuit Consisting of Alcona, Arenac, Iosco and Oscoda Counties

On order of the Court, dated September 16, 2015, effective immediately, to coincide with the adoption of Administrative Order No. 2015-6 that adopts a revised concurrent jurisdiction plan in the 23rd Circuit Court, the 81st District Court, and the Alcona, Arenac, Iosco, and Oscoda County Probate Courts, the following changes in this administrative order are necessary.

[Changes are provided in overstriking.]

Administrative Order No. 2003-1 and MCL 600.401 *et seq.* authorize Michigan trial courts to adopt concurrent jurisdiction plans within a county or judicial circuit, subject to approval of the Court.

The Court hereby approves adoption of concurrent jurisdiction plans for the following trial courts effective October 1, 2004:

GENESEE COUNTY

7th Circuit Court
Genesee County Probate Court
67th District Court
68th District Court

VAN BUREN COUNTY

36th Circuit Court
Van Buren County Probate Court
7th District Court

~~ALCONA, ARENAC, IOSCO AND OSCODA COUNTIES~~

~~23rd Circuit Court
Alcona County Probate Court
Arenac County Probate Court
Iosco County Probate Court
Oscoda County Probate Court
81st District Court~~

The plans shall remain on file with the State Court Administrator.

Amendments to concurrent jurisdiction plans may be implemented by local administrative order pursuant to MCR 8.112. Plan amendments shall conform to the requirements of Administrative Order No. 2003-1 and MCL 600.401 *et seq.*

MARKMAN, J. (*concurring*). I wish to incorporate by reference the views that I expressed in concurring with Administrative Order No. 2004-2.

Amendment of Administrative Order Nos. 2007-3, 2010-3, and 2011-1 Extension of E-filing Expiration Dates in the 6th Circuit Court and the 3rd Circuit Court

On order of the Court, dated September 16, 2015, Administrative Order No. 2007-3 (relating to general Oakland Circuit Court proceedings) and Administrative Order No. 2010-3 (relating to Oakland Circuit Court family division cases) are amended to extend their expiration dates through December 31, 2015.

On further order of the Court, Administrative Order No. 2011-1 (relating to Wayne Circuit Court proceedings) is amended to extend its expiration date through December 31, 2015.

Amendment of Administrative Order No. 2014-12

On order of the Court, dated September 16, 2015, effective immediately, Administrative Order No. 2014-12, the order that established the Michigan Tribal State Federal Judicial Forum, is amended to add a new federal member with the following term:

- Assistant U.S. Attorney Hannah N. Bobee (Western District of Michigan) (for a term ending July 1, 2017)

Administrative Order No. 2015-5 Adoption of Administrative Order Requiring Trial Courts to Comply With Certain ADA-Related Practices (Dated September 16, 2015)

Trial Court Requirements for Providing Equal and Full Access to Courts for Persons with Disabilities

On order of the Court, to ensure that persons with disabilities have equal and full access to Michigan courts and that all trial courts and court-operated programs and services have implemented procedures in compliance with the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, Michigan’s Deaf Persons’ Interpreters Act (1982 PA 202), and the Persons with Disabilities Civil Rights Act (1976 PA 220), the Michigan Supreme Court orders that each trial court shall:

Adopt a local administrative order that describes the procedure to be followed for a person to request accommodations in that court. The local administrative order shall include the provisions incorporated in Model LAO 35, but may include additional provisions. The local administrative order shall be submitted to and approved by the State Court Administrative Office as a local administrative order under MCR 8.112.

Designate a court employee to be the court’s ADA coordinator.

Ensure that the chief judge and ADA coordinator participate in training regarding the duties and obligations of a court in compliance with the ADA, the ADA Amendments Act of 2008, the Deaf Persons’ Interpreters Act, and the Persons with Disabilities Civil Rights Act.

Further, courts shall comply with any additional requirements established by the SCAO regarding compliance with these acts.

The requirements established in this order shall become effective 90 days after the date this order enters.

Administrative Order No. 2015-6 Adoption of Concurrent Jurisdiction Plan for the 23rd Circuit Court, the 81st District Court, and the Alcona, Arenac, Iosco, and Oscoda County Probate Courts

On order of the Court, dated September 16, 2015, adoption of this concurrent jurisdiction plan replaces the plan for the 23rd Circuit Court, the 81st District Court, and the Alcona, Arenac, Iosco, and Oscoda County Probate Courts originally adopted in Administrative Order No. 2004-4, which has been revised to eliminate references to these courts.

Administrative Order No. 2003-1 and MCL 600.401 *et seq.* authorize Michigan trial courts to adopt concurrent jurisdiction plans within a county or judicial circuit, subject to approval of the Court.

The Court hereby approves adoption of the following concurrent jurisdiction plan effective immediately:

- The 23rd Circuit Court, the 81st District Court, and the Alcona, Arenac, Iosco, and Oscoda County Probate Courts.

The plan shall remain on file with the state court administrator.

Amendments to concurrent jurisdiction plans may be implemented by local administrative order pursuant to MCR 8.112. Plan amendments shall conform to the requirements of Administrative Order No. 2003-1 and MCL 600.401 *et seq.*

Administrative Order No. 2015-7 Adoption of Concurrent Jurisdiction Plan for the 26th Circuit Court, the 88th District Court, and the Montmorency County Probate Court (Dated September 16, 2015)

Administrative Order No. 2003-1 and MCL 600.401 *et seq.* authorize Michigan trial courts to adopt concurrent jurisdiction plans within a county or judicial circuit, subject to approval of the Court.

The Court hereby approves adoption of the following concurrent jurisdiction plan effective immediately:

- The 26th Circuit Court, the 88th District Court, and the Montmorency County Probate Court.

The plan shall remain on file with the state court administrator.

Amendments to concurrent jurisdiction plans may be implemented by local administrative order pursuant to MCR 8.112. Plan amendments shall conform to the requirements of Administrative Order No. 2003-1 and MCL 600.401 *et seq.*

Proposed Amendments of Rules 8.126 and 9.108 of the Michigan Court Rules and of Rule 15 of the Rules Concerning the State Bar of Michigan

On order of the Court, dated September 16, 2015, this is to advise that the Court is considering amendments of Rules 8.126 and 9.108 of the Michigan Court Rules, and Rule 15 of the Rules Concerning the State Bar of Michigan. 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 Administrative Matters & Court Rules page.

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 8.126 Temporary Admission to the Bar

(A) Temporary Admission. Any person who is licensed to practice law in another state or territory, or in the District of Columbia, of the United States of America, or in any foreign country, and who is not disbarred or suspended in any jurisdiction, and who is eligible to practice in at least one jurisdiction, may be permitted to appear and practice in a specific case in a court, before an administrative tribunal or agency, or in a specific arbitration proceeding in this state when associated with and on motion of an active member of the State Bar of Michigan who appears of record in the case. An out-of-state attorney may ~~appear and be temporarily admitted~~ be temporarily admitted to practice under this rule in no more than five cases in a 365-day period. Permission to appear and practice is within the discretion of the court, administrative tribunal or agency, or arbitrator and may be revoked at any time for misconduct. For purposes of this rule, an out-of-state attorney is one who is licensed to practice law in another state or territory, or in the District of Columbia, of the United States of America, or in a foreign country and who is not a member of the State Bar of Michigan.

(1) Procedure.

(a) Motion. An attorney seeking temporary admission must be associated with a Michigan attorney. The Michigan attorney with whom the out-of-state attorney is associated shall file with the court or administrative tribunal or agency an appearance and a motion that seeks permission for the temporary admission of the out-of-state attorney. The motion shall be supported by a current certificate of good standing issued by a jurisdiction where the out-of-state attorney is licensed and eligible to practice, the document supplied by the State Bar of Michigan showing that the required fee has been paid and an affidavit of the out-of-state attorney seeking temporary admission, which affidavit shall verify.

(i)–(iv) [Unchanged.]

The out-of-state attorney must attach to the affidavit copies of any disciplinary dispositions, ~~and a copy of the acknowledgment letter supplied by the State Bar of Michigan showing that the required fee has been paid.~~ The motion shall include an attestation of the Michigan attorney that the attorney has read the out-of-state attorney's affidavit, has made a reasonable inquiry concerning the averments made therein, believes the out-of-state

attorney's representations are true, and agrees to ensure that the procedures of this rule are followed. The motion shall also include the addresses and email addresses of both attorneys.

- (b) Fee. In each case in which an out-of-state attorney seeks temporary admission in Michigan, the out-of-state attorney must pay a fee equal to the discipline and client-protection portions of a bar member's annual dues. The fee must be paid electronically to the State Bar of Michigan, in conjunction with submission of an electronic copy of the motion, the certificate of good standing and the affidavit to the State Bar of Michigan, pursuant to procedures established by the State Bar of Michigan. Upon receipt of the fee remitted electronically, confirmation of payment will issue electronically to the out-of-state attorney through the State Bar of Michigan's automated process.

~~The Michigan attorney shall send a copy of the motion and supporting affidavit to the Attorney Grievance Commission. Within seven days after receipt of the copy of the motion and fee, the Attorney Grievance Commission State Bar of Michigan must notify the court, administrative tribunal or agency, or arbitrator and both attorneys whether the out-of-state attorney has been granted permission to appear temporarily in Michigan within the past 365 days, and, if so, the number of such appearances. The notification will be issued electronically, pursuant to the procedures established by the State Bar of Michigan. No order or other writing granting permission to appear in a case shall be entered by a court, administrative tribunal or agency, or arbitrator until the electronic notification is received from the Attorney Grievance Commission State Bar of Michigan.~~

The State Bar of Michigan shall retain the discipline portion of the fee for administration of the request for temporary admission and disciplinary oversight and allocate the client-protection portion to the Client Protection Fund. If a request for investigation is filed with the grievance administrator against an attorney while temporarily admitted to practice in Michigan, the entire amount of the administration fee paid by that attorney for the case in which the allegations of misconduct arose would be transferred to the disciplinary system.

- (c) Order. Following notification by the Attorney Grievance Commission State Bar of Michigan, if the out-of-state attorney has been granted permission to appear temporarily in fewer than 5 cases within the past 365 days, the court, administrative tribunal or agency, or arbitrator may enter an order granting permission to the out-of-state attorney to appear temporarily in a case. If an order or other writing granting permission is entered, the court, administrative tribunal or agency, or arbitrator the Michigan attorney shall submit an electronic send a copy of the order or writing to the Michigan attorney, the out-of-state attorney, and the

State Bar of Michigan within seven days Attorney Grievance Commission.

- ~~(d) Fee. In each case in which an out-of-state attorney seeks temporary admission in Michigan, a fee equal to the discipline and client-protection portions of a bar member's annual dues must be paid. The discipline portion of the fee shall be paid to the State Bar of Michigan for allocation to the attorney discipline system, and the client-protection portion shall be paid to the State Bar of Michigan for allocation to the Client Protection Fund. Upon receipt of payment of the fee, the State Bar of Michigan shall within three business days send to the out-of-state attorney an acknowledgment letter that the fee has been paid.~~

- ~~(e)~~(d) [Relettered former paragraph (e) as (d), but otherwise unchanged.]

Rule 9.108 Attorney Grievance Commission

(A)–(D) [Unchanged.]

(E) Powers and Duties. The commission has the power and duty to:

(1)–(5) [Unchanged.]

(6) submit to the Supreme Court proposed changes in these rules; and

~~(7) compile and maintain a list of out-of-state attorneys who have been admitted to practice temporarily and the dates those attorneys were admitted, and otherwise comply with the requirements of MCR 8.126, and~~

~~(7)~~(8) [Renumbered former paragraph (8) as (7), but otherwise unchanged.]

Rule 15 Admission to the Bar

Section 1. Character and Fitness Committees. [Unchanged.]

Section 2. Foreign Attorney: Temporary Permission. Any person who is duly licensed to practice law in another state or territory, or in the District of Columbia, of the United States of America, or in any foreign country, may be temporarily admitted under MCR 8.126. ~~The State Bar of Michigan shall inform the Attorney Grievance Commission when an applicant for temporary admission pays the required fee pursuant to MCR 8.126.~~

Section 3. Procedure for Admission; Oath of Office. [Unchanged.]

STAFF COMMENT: These proposed amendments of MCR 8.126 and MCR 9.108, and SBR 15 were submitted jointly by the Attorney Grievance Commission and the State Bar of Michigan to improve effectiveness of the pro hac vice program by consolidating ministerial functions within the Bar.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this 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 Office of Administrative Counsel in writing or electronically by January 1, 2016, at P.O. Box 30052, Lansing, MI 48909, or ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2004-08. Your comments and the comments of others will be posted under the chapter affected by this proposal at Proposed & Recently Adopted Orders on Admin Matters page.