

Order

Michigan Supreme Court
Lansing, Michigan

January 20, 2009

Marilyn Kelly,
Chief Justice

ADM File No. 2007-42

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

Amendments of Rules 7.302,
7.314, and 7.316 of the
Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 7.302, 7.314, and 7.316 of the Michigan Court Rules are adopted, effective May 1, 2009.

[Additions are indicated in underlining and deletions are indicated in strikeover.]

Rule 7.302 Application for Leave to Appeal

(A)-(E)[Unchanged.]

(F) If, on its own initiative or on a party's motion, the court concludes that a brief does not substantially comply with the requirements of this rule, it may order the party who filed the brief to file a supplemental brief within a specified time correcting the deficiencies, or it may strike the nonconforming brief.

(F)-(H)[Unchanged but relettered (G)-(I).]

Rule 7.314 Appeals in Which No Progress Has Been Made

(A)-(B)[Unchanged.]

(C) The court may dismiss an appeal, application, or an original proceeding for lack of jurisdiction or failure of a party to pursue the case in substantial conformity with the rules.

Rule 7.316 Miscellaneous Relief Obtainable in Supreme Court

(A) Relief Obtainable. The Supreme Court may, at any time, in addition to its general powers:

(1)-(8)[Unchanged.]

(9) dismiss an appeal, application, or an original proceeding for lack of jurisdiction or failure of a party to pursue the case in substantial conformity with the rules.

(B)-(D)[Unchanged.]

Staff Comment: These amendments authorize the Supreme Court to require a party to submit a corrective brief or to strike a nonconforming brief, similar to the authority given the Court of Appeals in MCR 7.212(I). The amendments also allow the Supreme Court to dismiss a case that the appellant failed to pursue in substantial conformity with the rules.

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



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.

January 20, 2009

Corbin R. Davis

Clerk