

Order

Michigan Supreme Court
Lansing, Michigan

June 29, 2022

Bridget M. McCormack,
Chief Justice

ADM File No. 2019-16

Amendments of Rules
7.212, 7.215, 7.305, 7.311,
and 7.312 of the Michigan
Court Rules

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

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 7.212, 7.215, 7.305, 7.311, and 7.312 of the Michigan Court Rules are adopted, effective September 1, 2022.

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

Rule 7.212 Briefs

(A) Time for Filing and Service.

(1) Appellant's Brief.

(a) Filing. The appellant must~~shall~~ file ~~5 typewritten, xerographic, or printed copies of~~ a brief with the Court of Appeals within

(i)-(iii) [Unchanged.]

(b) Service. The appellant~~Within the time for filing the appellant's brief,~~ ~~1 copy~~ must serve the brief~~be served~~ on all other parties to the appeal and file proof of that service ~~filed with the Court of Appeals and served~~ with the brief.

(2) Appellee's Brief.

(a) Filing. The appellee may~~shall~~ file ~~5 typewritten, xerographic, or printed copies of~~ a brief with the Court of Appeals within

(i)-(ii) [Unchanged.]

- (b) ~~Service. An appellee's brief~~Within the time for filing the appellee's brief, 1 copy must be served on all other parties to the appeal and proof of that service must be filed with the ~~brief~~Court of Appeals.
- (3) ~~Earlier Filing and Service.~~ The time for filing ~~and serving the appellant's or the appellee's~~ brief may be shortened by order of the Court of Appeals on motion showing good cause.
- (4) ~~Late Filing.~~ Any party failing to timely file ~~and serve a brief~~ underrequired by this rule forfeits the right to oral argument.
- (5) [Unchanged.]
- (B) ~~Length and Form of Briefs. Except as permitted by order of the Court of Appeals, and except as provided in subrule (G),~~ briefs are limited to 50 pages double spaced, exclusive of tables, indexes, and appendixes. Quotations and footnotes may be single spaced. At least one inch margins must be used, and printing shall not be smaller than 12 point type. A motion for leave to file a brief in excess of the page limitations of this subrule must be filed by the due date of the brief and shall accompany the proposed brief. Such motions are disfavored and will be granted only for extraordinary and compelling reasons. If the motion is denied, the movant shall file a conforming brief within 21 days after the date of the order deciding the motion.
- (1) Except as otherwise provided in this rule or by court order, briefs are limited to no more than 16,000 words. A self-represented party who does not have access to a word-processing system may file a typewritten or legibly handwritten brief of not more than 50 pages.
- (2) The only elements of a brief included in the word or page limit are those elements listed in subrules (C)(6)-(8). Footnotes and text contained in embedded graphics are also included in the word or page limit.
- (3) A brief filed under the word limitation of this subrule must include a statement after the signature block stating the number of countable words. The filer may rely on the word count of the word-processing system used to prepare the brief.
- (4) A motion for leave to file a brief in excess of the word or page limitations must be filed by the due date of the brief and must accompany the proposed brief. Such motions are disfavored and will be granted only for extraordinary and compelling reasons. If the motion is denied, the movant must file a

conforming brief within 21 days after the date of the order deciding the motion.

- (5) Briefs must have at least one-inch page margins, 12-point font, and 1.5-line-spaced text, except quotations and footnotes may be single-spaced. If a self-represented party is filing a typewritten brief under the page limitation exception contained in subrule (B)(1), the brief must have page margins of at least one-inch, 12-point font, and double-spaced text, except quotations, headings, and footnotes may be single-spaced.

(C)-(E) [Unchanged.]

- (F) Supplemental Authority. Without leave of court, a party may file ~~an original and four copies of~~ a one-page communication, titled “supplemental authority,” to call the court’s attention to new authority released after the party filed its brief. Such a communication,

(1)-(3) [Unchanged.]

- (G) Reply Briefs. ~~An appellant or a cross-appellant may reply to the brief of an appellee or cross-appellee w~~Within 21 days after service of an~~the brief of the~~ appellee’s or cross-appellee’s brief, appellant or cross-appellant may file a reply brief. ~~Reply briefs must be confined to rebuttal of the arguments in the appellee’s or cross-appellee’s brief, and must be limited to 10 pages, exclusive of tables, indexes, and appendices, and must include a table of contents and an index of authorities. No additional or supplemental briefs may be filed except as provided by subrule (F) or by leave of the Court. Reply briefs are limited to no more than 3,200 words, but are otherwise governed by subrule (B). A self-represented party who does not have access to a word-processing system may file a typewritten or legibly handwritten reply brief of not more than 10 pages.~~

(H)-(J) [Unchanged.]

Rule 7.215 Opinions, Orders, Judgments, and Final Process for Court of Appeals

(A)-(H) [Unchanged.]

- (I) Reconsideration.

- (1) A motion for reconsideration may be filed within 21 days after the date of the order or the date stamped on an opinion. The motion shall include all facts, arguments, and citations to authorities in a single document and shall not exceed 3,200 words or, for self-represented litigants without access to a

word-processing system, 10 double-spaced pages. A copy of the order or opinion of which reconsideration is sought must be included with the motion. Motions for reconsideration are subject to the restrictions contained in MCR 2.119(F)(3).

- (2) A party may answer a motion for reconsideration within 14 days after the motion is served on the party. An answer to a motion for reconsideration shall be a single document and shall not exceed 2,500 words or, for self-represented litigants without access to a word-processing system, 7 double-spaced pages.

(3)-(4) [Unchanged.]

(J) [Unchanged.]

Rule 7.305 Application for Leave to Appeal

(A)-(D) [Unchanged.]

- (E) Reply. The appellant may file 1 signed copy of a reply within 21 days after service of the answer, along with proof of its service on all other parties. The reply must:

(1)-(2) [Unchanged.]

- (3) be no longer than 3,200 words or, for self-represented litigants without access to a word-processing system, 10 pages, exclusive of tables, indexes, and appendixes.

(F)-(I) [Unchanged.]

Rule 7.311 Motions in Supreme Court

(A)-(E) [Unchanged.]

(F) Motion for Rehearing.

- (1) To move for rehearing, a party must file within 21 days after the opinion was filed:

(a)-(b) [Unchanged.]

The motion for rehearing must include reasons why the Court should modify its opinion and shall not exceed 16,000 words or, for self-represented

litigants without access to a word-processing system, 50 double-spaced pages. Motions for rehearing are subject to the restrictions contained in MCR 2.119(F)(3).

(2)-(5) [Unchanged.]

- (G) Motion for Reconsideration. To move for reconsideration of a court order, a party must file the items required by subrule (A) within 21 days after the date of certification of the order. The motion shall include all facts, arguments, and citations to authorities in a single document and shall not exceed 3,200 words or, for self-represented litigants without access to a word-processing system, 10 double-spaced pages. A copy of the order for which reconsideration is sought must be included with the motion. Motions for reconsideration are subject to the restrictions contained in MCR 2.119(F)(3). The clerk shall refuse to accept for filing a late-filed motion or a motion for reconsideration of an order denying a motion for reconsideration. The filing of a motion for reconsideration does not stay the effect of the order addressed in the motion.

Rule 7.312 Briefs and Appendixes in Calendar Cases and Oral Arguments on the Application

- (A) Form and Length. Briefs in calendar cases must be prepared in conformity with subrule (B), MCR 7.212(B), (C), (D), and (G) as to form and length. Briefs shall be printed on only the front side of the page of good quality, white unglazed paper by any printing, duplicating, or copying process that provides a clear image. Typewritten, handwritten, or carbon copy pages may be used so long as the printing is legible.
- (B) Citation of Record; Summary of Arguments.
- (1) [Unchanged.]
- (2) If the argument of any one issue in a brief exceeds 6,500 words or, for self-represented litigants without access to a word-processing system, 20 pages, a summary of the argument must be included. The summary must be a succinct, accurate, and clear condensation of the argument actually made in the body of the brief and may not be a mere repetition of the headings under which the argument is arranged. The summary of argument is included in the brief's word or page limit.

(C)-(J) [Unchanged.]

Staff Comment: The amendments establish word limits for briefs, motions, and other documents submitted to the Court of Appeals and Supreme Court and provide new procedures to facilitate this limitation. Briefs can be submitted using wider margins, larger line spacing, or larger fonts than the minimum requirements set forth in MCR 7.212(B)(5). A page limit is still available for self-represented parties who do not have access to a word-processing system.

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.



I, Larry S. Royster, 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.

June 29, 2022

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk