

Order

Michigan Supreme Court
Lansing, Michigan

October 27, 2021

Bridget M. McCormack,
Chief Justice

ADM File No. 2021-45

Amendment of Rule
7.306 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, this is to advise that the amendment of Rules 7.306 of the Michigan Court Rules is adopted, effective immediately. Concurrently, individuals are invited to comment on the form or the merits of the amendment during the usual comment period. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for public hearing are posted on the [Public Administrative Hearings](#) page.

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

Rule 7.306 Original Proceedings

(A) Superintending Control~~When Available~~. A complaint may be filed to invoke the Supreme Court's superintending control power:

(1)-(2) [Unchanged.]

When a dispute regarding court operations arises between judges within a court that would give rise to a complaint under this rule, the judges shall participate in mediation as provided through the State Court Administrator's Office before filing such a complaint. The mediation shall be conducted in compliance with MCR 2.411(C)(2).

(B) A complaint may be filed to invoke the Supreme Court's original jurisdiction under Const 1963, art 4, § 6(19).

~~(C)~~ What to File. To initiate an original proceeding, a plaintiff must file with the clerk:

(1) 1 signed copy of a complaint prepared in conformity with MCR 2.111(A) and ~~(B)7.212(B)~~ and entitled, for example,

“[Plaintiff] v [Court of Appeals, Board of Law Examiners, Attorney Discipline Board, ~~or~~ Attorney Grievance Commission, or Independent Citizens Redistricting Commission].”

The clerk shall retitle a complaint that is named differently.

- (2) [Unchanged.]
- (3) proof that the complaint and brief were served on the defendant, and, for a complaint filed against the Attorney Discipline Board or Attorney Grievance Commission, on the respondent in the underlying discipline matter; for purposes of a complaint filed under Const 1963, art 4, §6(19), service of a copy of the complaint and brief shall be made on any of the following persons: (1) the chairperson of the Independent Citizens Redistricting Commission; (2) the secretary of the Independent Citizens Redistricting Commission or (3) upon an individual designated by the Independent Citizens Redistricting Commission or Secretary of State as a person to receive service. Service shall be verified by the Clerk of the Court; and
- (4) [Unchanged.]

Copies of relevant documents, record evidence, or supporting affidavits may be attached as exhibits to the complaint.

(D€) Answer.

- (1) A defendant in an action filed under Const 1963, art 4, § 6(19) must file the following with the clerk within 7 days after service of the complaint, unless the Court directs otherwise:
 - (a) 1 signed copy of an answer in conformity with MCR 2.111(C);
 - (b) 1 signed copy of a supporting brief in conformity with MCR 7.212(B) and (D); and
 - (c) Proof that a copy of the answer and supporting brief was served on the plaintiff.
- (2) In all other original actions, tThe defendant must file the following with the clerk within 28 days after service of the complaint:
 - (a±) 1 signed copy of an answer in conformity with MCR 7.212(B) and (D). The grievance administrator's answer to a complaint against the Attorney Grievance Commission must show the investigatory steps taken and any other pertinent information.

(b2) Proof that a copy of the answer was served on the plaintiff.

(E~~D~~) [Relettered but otherwise unchanged.]

(F~~E~~) Reply Brief. 1 signed copy of a reply brief may be filed as provided in MCR 7.305(E). In an action filed under Const 1963, art 4, § 6(19), a reply brief may be filed within 3 days after service of the answer and supporting brief, unless the Court directs otherwise.

(F)-(I) [Relettered (G)-(J) but otherwise unchanged.]

Staff Comment: The amendment of MCR 7.306 creates procedure specific to original actions relating to cases filed involving the Independent Citizens Redistricting Commission.

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 submitted by February 1, 2022 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2021-45. Your comments and the comments of others will be posted under the chapter affected by this proposal.



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.

October 27, 2021

Clerk