

Supreme Court Authorization for the State Bar of Michigan to Produce Records in its Possession

On order of the Court, and pursuant to Rule 15, § 1(7) of the Rules Concerning the State Bar of Michigan, the State Bar of Michigan is authorized to produce the records in its possession covered by the "Subpoena to Testify Before Grand Jury" issued by the United States District Court for the Western District of Michigan on August 10, 2005 (GJ04-1).

Supreme Court Appointments to the Committee on Model Civil Jury Instructions

On order of the Court, dated December 6, 2005, pursuant to Administrative Order No. 2001-6, the following persons are appointed to the Committee on Model Civil Jury Instructions for terms beginning January 1, 2006, and ending December 31, 2008:

Helen K. Joyner
Honorable Brian Zahra

The following persons are reappointed to terms beginning January 1, 2006, and ending December 31, 2008:

David S. Mittleman
Honorable Brian R. Sullivan
Honorable Christopher M. Murray
Honorable Deborah A. Servitto
Kelvin W. Scott

In addition, Angela J. Nicita is appointed to fill the remainder of a term ending December 31, 2006, and Paul C. Smith is appointed to fill the remainder of a term ending December 31, 2007.

Amended Administrative Order No. 2004-5 Expedited Summary Disposition Docket in the Court of Appeals

On order of the Court, dated December 21, 2005, notice of the proposed expedited docket 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 proposal is adopted for a two-year period, effective January 1, 2005. Pursuant to Administrative Order No. 2004-5, this Court adopted an expedited summary disposition docket in the Court of Appeals to take effect on January 1, 2005, and to expire on December 31, 2006. We now order that the expedited summary disposition docket continue in effect, as modified *infra*, for a twelve-month period.

1. **Applicability.** This amended administrative order applies to appeals filed on or after January 1, 2005, arising solely from orders granting or denying motions for summary disposition under MCR 2.116. These appeals are to be placed on an expedited appeal track under which they shall generally be briefed, argued, and disposed of within six months of filing. A motion to remove is required to divert such appeals to the standard appeal track.
2. **Time Requirements.** Appeals by right or by leave in cases covered by this order must be taken within the time stated in MCR 7.204 or MCR 7.205. Claims of cross-appeal must be filed within 14 days after the claim of appeal is filed with the Court of Appeals or served on the cross-appellant, whichever is later, or within 14 days after the clerk certifies the order granting leave to appeal.
3. **Trial Court Orders on Motions for Summary Disposition.** If the trial court concludes that summary disposition is warranted under MCR 2.116(C), the court shall render judgment without delay in an order that specifies the subsection of MCR 2.116(C) under which the judgment is entered.
4. **Claim of Appeal—Form of Filing.** With the following exceptions, a claim of appeal filed under this order shall conform in all respects with the requirements of MCR 7.204.
 - (A) A docketing statement will not be required as long as the case proceeds on the summary disposition track.
 - (B) When the claim of appeal is filed, it shall be accompanied by:
 - (1) evidence that the transcript of the hearing(s) on the motion for summary disposition has been ordered, or
 - (2) a statement that there is no record to transcribe, or
 - (3) the stipulation of the parties a statement that the transcript has been waived. Failure to file one of the above three documents with the claim of appeal will not toll subsequent filing deadlines for transcripts or briefs. Sustained failure to provide the required documentation may result in dismissal of the appeal under MCR 7.201(B)(3), as long as the Court of Appeals provides a minimum 7-day warning.
5. **Application for Leave—Form of Filing.** An application for leave to appeal, or an answer to an application for leave to appeal, filed under this administrative order shall conform in all pertinent respects with the requirements of MCR 7.205. At the time an application or an answer is filed, the filing party must provide the Court of Appeals with 5 copies of that party's trial court summary disposition motion or response, brief, and appendices.
6. **Claim of Cross-Appeal.** Subject to the filing deadline contained in section 2, a claim of cross-appeal filed under this administrative order shall conform in all other pertinent respects with the requirements of MCR 7.207.
7. **Removal from Summary Disposition Track.** A party may file a motion to remove the case from the summary disposition track to the standard track.
 - (A) **Time to File.** Motions to remove by the appellant or the cross-appellant must be filed with the claim of appeal or claim of cross-appeal, respectively, or within 7 days after the date of certification of an order granting application for leave to appeal. Motions to remove by the appellee or cross-appellee must be filed no later than the time for filing of the appellee's brief. A motion to remove may be filed by any party at any time. However, filing of the motion most closely in time to discovery of the basis for removal will maximize the likelihood that the motion will be granted.
 - (B) **Form.** Motions to remove shall concisely state the basis for removal, and must be in the form prescribed by the Court of Appeals. This form shall include a statement advising whether the appellee is expected to oppose the motion.
 - (C) **Answer.** An answer to a motion to remove must be filed within 7 days after service of the motion. If applicable, the answer should state whether the appellee is expected to file a claim of cross-appeal.
 - (D) **Disposition.** Within 14 days after the filing of the motion to remove, the Court of Appeals shall issue an order disposing of the motion and setting the time for further filings in the case. The time for further filings in the case will commence on the date of certification of the order on the motion.
 - (E) **Docketing Statement.** If the case is removed from the summary disposition track, a docketing statement must be filed within 14 days after the date of certification of the order on the motion.
 - (F) **Administrative Removal.** The Court of Appeals may remove a case from the summary disposition track at any time, on its own motion, if it appears to the Court that the case is not an appropriate candidate for processing under this administrative order.
 - (G) **Effect of Removal.** If the Court of Appeals removes a case from the summary disposition track, the order shall state whether, and the deadlines by which, the parties are entitled to file briefs in accordance with the time and page limitations set forth in MCR 7.212. The time for filing the briefs commences from the date of certification of the order removing the case from the summary disposition docket.
8. **Transcript—Production for Purposes of Appeal.**
 - (A) **Appellant.**
 - (i) The appellant must order may waive the transcript of the hearing(s) on the motion for summary disposition before or contemporaneously with the filing of the claim of appeal or application for leave to appeal, unless there is