

PRESS RELEASE

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**Oakland Circuit Judge Michael Warren
Initiates Significant Revisions to Michigan Court Rules**

Oakland County, MI (June 12, 2007) – Revisions to two significant Michigan Rules of Court proposed by Oakland County Circuit Judge Michael Warren have been adopted by the Michigan Supreme Court. Addressing the timing of motions for summary disposition and the findings judges must make in connection with violations of probation, the rules will be effective September 1, 2007.

Changes to Rule 2.116(D) (Summary Disposition): Aware that this has been a source of confusion for many Michigan attorneys, Judge Warren asked the Supreme Court to consider clarifying when dispositive motions must be filed to be heard. Currently the rule provides defenses and objections under subrule (C) (4), (8), (9), and (10) may be raised at any time; however, caselaw provided that courts could strike filings that were untimely under a governing scheduling order. As amended, MCR 2.116(D) provides that motions filed for the reasons listed in subrule (C) (8), (9) and (10) after a filing date in a scheduling order need not be heard; however, it is within the court's the discretion to consider such an untimely motion.

The Supreme Court also amended the rule to allow motions raising the defense of governmental immunity at any time, even if the time set in the scheduling order has expired.

Thousands of motions for summary disposition are filed each year in Michigan.

Change to Rule 6.445(F) (Probation Revocation): As the rule is currently written, the court must ascertain that a plea of guilty to a probation revocation violation is “understandingly, voluntarily, and *knowingly*” made. Judge Warren proposed an amendment to subrule (F)(3) that parallels the plea requirements with those for the underlying criminal charges in Rule 6.302, thereby creating uniformity between the two rules. Now every court in the State of Michigan must establish that a violation of probation plea is “accurately” made as opposed to “knowingly” made. In Michigan, thousands of violation of probation guilty pleas are taken each year.

“I am pleased to have offered amendments that will enhance the fair and effective administration of justice.” Judge Warren commented. “The amendments will result in greater uniformity and enhance the ability of trial courts to manage their dockets fairly and efficiently.”

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An electronic photograph of Judge Michael Warren is available. For a copy, please contact Marcia Travis at travism@oakgov.com