

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961
Chapter 14
GENERAL PROVISIONS

600.1401 Seal unnecessary on bonds, deeds and contracts.

Sec. 1401.

No bond, deed of conveyance or other contract heretofore or hereafter executed in writing, signed by any party, his agent or attorney, is invalid for want of a seal or scroll annexed thereto by such party.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1403 Nonage as defense.

Sec. 1403.

Whenever, in a suit brought for the recovery of goods, wares, merchandise or chattels, or for the value thereof, or for the balance remaining due thereon, or upon a note or promise for the recovery of a loan of money, against a person who pleads as a defense that he was under age of 18 years at the time of purchase or loan thereof, the defense shall not be available, nor shall the person upon attaining majority be permitted to disaffirm the contract of purchase or loan thereof, nor recover any money paid thereon, if:

(1) It appears upon the trial that the person against whom the action is brought wilfully represented his age to be over 18 years to the seller or his assignee of the goods, wares, merchandise or chattels for the purpose of securing them, or securing the loan of money, knowing it to be false and that the seller had no actual knowledge of the actual age of such minor.

(2) The representation was made in writing in a separate instrument containing only the statement of age, date of signing and the signature, or the representation is admitted in open court.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 1972, Act 87, Imd. Eff. Mar. 20, 1972

600.1404 Educational loans; definitions; minors, enforceability.

Sec. 1404.

(1) As used in this section:

(a) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(b) "Educational institution" means a university, college, community college, junior college, high school or technical, vocational or professional school, wherever located, approved or accredited by the state department of education for the purposes of this section, or by the appropriate official, department or agency of the state in which the institution is located.

(c) "Educational loan" means a loan or other aid or assistance for the purpose of furthering the obligor's education at an educational institution.

(2) Any written obligation signed by a minor 18 or more years of age in consideration of an educational loan received by him from any person is enforceable as if he were an adult at the time of execution if prior to the making of the educational loan, an educational institution has certified in writing to the person making the educational loan that the minor is enrolled, or has been accepted for enrollment, in the educational institution.

History: Add. 1970, Act 107, Imd. Eff. July 23, 1970

600.1405 Rights of third party beneficiaries; contracts included; time promise becomes legally binding; exceptions; promisee's rights; retroactive construction of section.

Sec. 1405.

Any person for whose benefit a promise is made by way of contract, as hereinafter defined, has the same right to enforce said promise that he would have had if the said promise had been made directly to him as the promisee.

(1) A promise shall be construed to have been made for the benefit of a person whenever the promisor of said promise has undertaken to give or to do or refrain from doing something directly to or for said person.

(2)(a) The rights of a person for whose benefit a promise has been made, as defined in (1), shall be deemed to have become vested, subject always to such express or implied conditions, limitations, or infirmities of the contract to which the rights of the promisee or the promise are subject, without any act or knowledge on his part, the moment the promise becomes legally binding on the promisor, unless there is some stipulation, agreement or understanding in the contract to the contrary.

(b) If such person is not in being or ascertainable at the time the promise becomes legally binding on the promisor then his rights shall become vested the moment he comes into being or becomes ascertainable if the promise has not been discharged by agreement between the promisor and the promisee in the meantime.

(c) If the promisee is indebted or otherwise obligated to the person for whose benefit the promise was made and the promise in question is intended when performed to discharge that debt or obligation, then the promisor and the promisee may, by mutual agreement, divest said person of his rights, if this is done without intent to hinder, delay or defraud said person in the collection or enforcement of the said debt or other obligation which the promisee owes him and before he has taken any legal steps to enforce said promise made for his benefit.

(3) Nothing herein contained shall be held to abridge, impair or destroy the rights which the promisee of a promise made for the benefit of another person would otherwise have as a result of such promise.

(4) The provisions of this section shall be construed to be applicable to contracts made prior to its enactment as well as to those made subsequent thereto, unless such construction is held to be unconstitutional, in which case they shall be held to be applicable only to contracts made subsequent to its enactment.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1410 Legal impediment to marriage as bar to action.

Sec. 1410.

If 2 person have lived together as husband and wife, and a legal impediment existed to the marriage of either of the persons, their issue and the person that entered the relation in the good faith belief that the marriage was lawful are entitled to the same damages in a civil action as though no such impediment existed, when the other of such persons or their issue is injured or dies as a result of the negligent act or omission of another.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1412 Eastern Orthodox faith; recognition as major faith.

Sec. 1412.

(1) The Eastern Orthodox faith is hereby recognized as a major faith in this state.

(2) In all forms and official papers of the government of this state and of local units of government within this state, which refer to the major faiths, the Eastern Orthodox faith shall be included as 1 of the major religious faiths in this state.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1414 Style of process.

Sec. 1414.

The style of process from courts of record shall be: "In the Name of the People of the State of Michigan."

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1416 Courts of record; seals.

Sec. 1416.

- (1) The following courts are courts of record and possess seals:
 - (a) the supreme court,
 - (b) the several circuit courts,
 - (c) the several probate courts,
 - (d) the recorder's court of Detroit,
 - (e) the court of claims, and
 - (f) any other courts the legislature designates as courts of record.
- (2) Whenever the seal of any court becomes unusable the court shall have that seal destroyed.
- (3) Whenever the seal of any court is lost or destroyed that court shall have a duplicate made which then shall become the seal of that court.
- (4) The expense of a new seal for a court shall be paid from the state treasury.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 1974, Act 297, Eff. Apr. 1, 1975

600.1417 Repealed. 1996, Act 374, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed section pertained to courtroom security in recorder's court.

600.1418 Courts of record; discontinuance, vacancy, new commission.

Sec. 1418.

No court of record shall discontinue any matter before it because of a vacancy in the office of any or all of its judges nor because of any judge being issued a new commission. Judges assigned temporarily or persons appointed in any new commissions, have power to continue, hear, determine and sign all matters that their respective predecessors could have continued, heard, determined, and signed.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1419 Continuances and postponements to assure adequate representation; "nonmeeting day" defined.

Sec. 1419.

(1) In order to assure adequate representation for the people of this state, when the court knows that a party in a civil action is a member of the legislature of this state, and the legislature is in session, the action shall be continued to a nonmeeting day.

(2) In order to assure adequate representation for the people of this state, when the court knows that a party in a civil action is a member of the legislature of this state who serves on a legislative committee, subcommittee, commission, or council that is scheduled to meet during the legislative session while the legislature is temporarily adjourned, or that is meeting during the interim between legislative sessions after the legislature has adjourned sine die, or when the partisan caucus of which the legislator is a member is scheduled to meet, the action shall be continued to a nonmeeting day.

(3) In order to assure adequate representation for the people of this state, when the court knows that a witness in a civil action is a member of the legislature of this state, and the legislature is in session, or when the member is serving on a legislative committee, subcommittee, commission, or council that is scheduled to meet during the legislative session while the legislature is temporarily adjourned or during the interim between legislative sessions after the legislature has adjourned sine die, or when the partisan caucus of which the witness is a member is scheduled to meet, the action need not be continued, but the taking of the legislator's testimony, as a witness, shall be postponed to the earliest practicable nonmeeting day.

(4) As used in this section, "nonmeeting day" means a day on which there is not a scheduled meeting of the house of which the party or witness is a member nor a legislative committee meeting or public hearing scheduled by a committee, subcommittee, commission, or council of which he or she is a member, nor a scheduled partisan caucus of the members of the house of which he or she is a member.

History: Add. 1984, Act 29, Imd. Eff. Mar. 12, 1984

600.1420 Courts; sittings to be public, exceptions.

Sec. 1420.

The sittings of every court within this state shall be public except that a court may, for good cause shown, exclude from the courtroom other witnesses in the case when they are not testifying and may, in actions involving scandal or immorality, exclude all minors from the courtroom unless the minor is a party or witness. This section shall not apply to cases involving national security.

History: 1961, Act 236, Eff. Jan. 1, 1963

Constitutionality: The statute authorizing suppression of a court file containing the name of a victim of criminal sexual conduct, the name of the defendant, and the details of the offense until the defendant is arraigned, the charge is dismissed, or the case is otherwise concluded is not a prior restraint upon publication, but a valid legislative restriction on the common-law right of access to public records and the statutory right of access to court proceedings. In re Midland Publishing, 420 Mich 148; 362 NW2d 580 (1984).

600.1422 Judicial officers; fees.

Sec. 1422.

Except in those situations where fees are expressly authorized by law, no judge, commissioner, or other judicial officer shall demand or receive any fee or compensation for giving advice in any matter or suit pending before him or which he has reason to believe will be brought before him for his decision, or for drafting or preparing any papers or other proceedings relating to any such suit or matter.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1425 Sunday court.

Sec. 1425.

Courts shall not transact any business on Sunday unless it is for the purpose of instructing or discharging a jury, or of receiving a verdict, or for a pressing matter; but this section shall not prevent the exercise of the jurisdiction of any court or judge when it is necessary.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1427 Writs, process, proceedings, and records; use of English language; manner and medium; signature.

Sec. 1427.

All writs, process, proceedings and records in any court within this state shall be in the English language, except that the proper and known names of process, and technical words, may be expressed in the language heretofore and now commonly used, and shall be made out in the manner and on any medium authorized by supreme court rules. If a signature is required on any document filed with or created by a court, that requirement is satisfied by an electronic signature as prescribed by supreme court rules.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 2013, Act 201, Imd. Eff. Dec. 18, 2013

600.1428 Records management policies and procedures; record retention and disposal schedule; "record" defined.

Sec. 1428.

(1) The state court administrative office shall establish and maintain records management policies and procedures for the courts, including a records retention and disposal schedule, in accordance with supreme court rules. The record retention and disposal schedule shall be developed and maintained as prescribed in section 11 of the Michigan history center act, 2016 PA 470, MCL 399.811.

(2) Subject to the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406, a court may dispose of any record as prescribed in subsection (1).

(3) A record, regardless of its medium, shall not be disposed of until the record has been in the custody of the court for the retention period established under subsection (1).

(4) As used in this section, "record" means information of any kind that is recorded in any manner and that has been created by a court or filed with a court in accordance with supreme court rules.

History: Add. 2013, Act 199, Imd. Eff. Dec. 18, 2013 ;-- Am. 2017, Act 179, Eff. Feb. 19, 2018

600.1430 Appearance in court by attorney or in person; exception.

Sec. 1430.

Every person of full age and sound mind, may prosecute or defend civil actions in any court by an attorney, or may, at his election, prosecute or defend civil actions in person. No person shall be permitted to prosecute or defend any civil action in person, when he has an attorney in such case.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1432 Mode of administering oaths; commencement of oath; administration of oath or affirmation by electronic or electromagnetic means.

Sec. 1432.

(1) The usual mode of administering oaths now practiced in this state, by the person who swears holding up the right hand, shall be observed in all cases in which an oath may be administered by law except as otherwise provided by law. The oath shall commence, "You do solemnly swear or affirm".

(2) If an oath or affirmation is administered by electronic or electromagnetic means of communication pursuant to section 1 of Act No. 189 of the Public Acts of 1966, being section 780.651 of the Michigan Compiled Laws, or pursuant to section 1 of chapter IV of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 764.1 of the Michigan Compiled Laws, the oath or affirmation is considered to be administered before the justice, judge, or district court magistrate.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;— Am. 1990, Act 45, Imd. Eff. Mar. 29, 1990

600.1434 Opposition to oath; affirmation.

Sec. 1434.

Every person conscientiously opposed to taking an oath may, instead of swearing, solemnly and sincerely affirm, under the pains and penalties of perjury.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1436 Witness; competency as affected by religion.

Sec. 1436.

No person may be deemed incompetent as a witness, in any court, matter or proceeding, on account of his opinions on the subject of religion. No witness may be questioned in relation to his opinions on religion, either before or after he is sworn.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1438 Oath by mental incompetent.

Sec. 1438.

(1) Whenever any pleading is required to be verified by the party, or accompanied by the affidavit of the party, or whenever any other oath is required in order that the party may sue or be sued, and the party is, or is alleged to be, mentally incompetent, such incompetency shall not bar the administration of the oath or affirmation for the purpose of allowing the incompetent party to sue or be sued.

(2) Instead of, or in addition to, the verification or affidavit by the party, the guardian, guardian ad litem, or next friend may make the verification or affidavit, and may do so on information and belief.

(3) This section does not affect the competency of the witness to testify, nor does it affect the civil or criminal liability of the party for his statements under oath.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1440 Oath, affidavit, or affirmation; administration; certification by military officer; force and effect of instrument sworn or affirmed before military officer; form of certificate; oath or affirmation administered by electronic or electromagnetic means of communication.

Sec. 1440.

(1) An oath or affidavit other than an oath taken by a witness or a juror in a trial, or an oath required by law to be taken before a particular officer, may be taken before a justice, judge, or clerk of a court, or before a notary public.

(2) If the person making the oath, affidavit, or an affirmation is serving in or with the armed forces of the United States, or is a civilian employee of the armed forces, or is a dependent of a person serving in or with the armed forces or of a civilian employee thereof, whether serving in or outside of the territorial limits of the United States, such oath or affirmation may be administered by any commissioned officer in active service of the armed forces of the United States.

(3) An instrument sworn or affirmed before a military officer pursuant to this section is not invalid because the instrument fails to state the place where the oath or affirmation was taken. An authentication of a military officer's authority to administer the oath or affirmation is not required, but the officer administering the oath or affirmation shall indorse and attach to the instrument a certificate containing all of the following:

(a) A statement that the affiant or affirmant is known to be, or has satisfactorily proved to the officer that he or she is, a member of the armed forces of the United States or the dependent of a member, or a civilian employee of the armed forces or the dependent of a civilian employee.

(b) A statement that the officer is a commissioned officer in active service with the armed forces.

(c) A statement of the officer's rank, and the command to which he or she is attached.

(4) An instrument sworn or affirmed before a military officer pursuant to this section has the same force and effect as an instrument sworn or affirmed before any officer authorized by law to administer an oath or affirmation.

(5) If an acknowledgment is taken before a military officer, the certificate shall be substantially in the following form:

On this, the _____ day of _____, 19____, before me, _____, the undersigned officer, personally appeared _____, known to me (or satisfactorily proved) to be serving in or with the armed forces of the United States, or who is known to be or has satisfactorily proved that he or she is the dependent of a member, a civilian employee of the armed forces or the dependent of a civilian employee, and who is the person whose name is subscribed to the foregoing _____ and made oath that he or she knows the contents of the foregoing, and the foregoing is true to the best of his or her knowledge, except as to matters stated to be of information and belief, and as to those matters _____ he or she _____ believes them to be true. I am a commissioned officer of the rank stated below, and I am a member of the armed forces of the United States.

Signature of officer

Rank of officer, and command to which attached

(6) If an oath or affirmation is administered by electronic or electromagnetic means of communication pursuant to section 1 of Act No. 189 of the Public Acts of 1966, being section 780.651 of the Michigan Compiled Laws, or pursuant to section 1 of chapter IV of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 764.1 of the Michigan Compiled Laws, the oath or affirmation is considered to be administered before the justice, judge, or district court magistrate.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 1964, Act 1, Eff. Aug. 28, 1964 ;-- Am. 1974, Act 297, Eff. Apr. 1, 1975 ;-- Am. 1990, Act 44, Imd. Eff. Mar. 29, 1990

600.1442 Oaths or affidavits; court appointee; stipulation.

Sec. 1442.

Oaths, affidavits and depositions, in any cause, matter or proceeding in any court of record, may also be taken before any person appointed by the court for that purpose or before any person upon whom the parties agree by stipulation in writing or on the record.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1445 Physical examination of person ordered by court, board or commission, or other public body or officer.

Sec. 1445.

(1) If a court, board or commission, or other public body or officer orders an individual to submit to a physical examination, the order shall notify the individual that he or she has the right to have his or her attorney present at the physical examination.

(2) Except as otherwise determined by the court, board or commission, or other public body or officer, the order may provide that the individual shall, at least 3 days prior to the date set for the examination, be paid a fee of \$2.00 per diem for attendance and paid a mileage fee of 10 cents per mile, 1 way, estimated from the individual's residence. The court, board or commission, or other public body or officer may determine the per diem fees and mileage fees that the individual is entitled to receive.

(3) A copy of any written report and findings rendered by the examining licensed physician, licensed physician's assistant, or certified nurse practitioner relative to the condition of the individual shall be delivered forthwith to the individual or his or her attorney. X-rays, cardiograms, and like diagnostic aids shall be made available for inspection by the individual or his or her designated representative, upon reasonable notice. This subsection does not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

(4) Notwithstanding any provision of this section, the rules of the supreme court shall govern in appropriate cases.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 2006, Act 49, Imd. Eff. Mar. 9, 2006

600.1450 Judicial meetings; court administration.

Sec. 1450.

The court administrator, under the supervision and direction of the supreme court, shall call an annual statewide meeting of the circuit judges and the judges of the recorder's court of the city of Detroit and an annual statewide meeting of the probate judges of the state, and such additional statewide and regional meetings of such judges, or any number of them, as he may at the direction of the supreme court, from time to time determine, for the purpose of studying the organization, rules, methods of procedure and practice of the judicial system of this state, the problems of administration confronting the courts and the judicial system in general and making recommendations for the modification or amelioration of existing conditions, for harmonizing and improving laws or for amendments to the rules and statutes relating to practice and procedure in the judicial system of the state.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 1970, Act 238, Imd. Eff. Jan. 1, 1971

600.1451 Judicial meetings; presiding officer, secretary.

Sec. 1451.

The chief justice of the supreme court, or such person as shall be designated by him, shall preside over such meetings, and the court administrator of the supreme court or his deputy shall act as secretary therefor.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 1970, Act 238, Imd. Eff. Jan. 1, 1971

600.1452 Judicial meetings; expenses of attendance, payment.

Sec. 1452.

The judges shall attend such meetings when and as directed by the court administrator. Each justice of the supreme court, judges of the court of appeals, the circuit judges, judges of the recorder's court of the city of Detroit, the probate judges, and the court administrator who shall be in attendance at such meetings shall be reimbursed from the state treasury, upon the warrant of the state treasurer, for their actual and necessary expenses incurred in attending such meetings.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 1970, Act 238, Imd. Eff. Jan. 1, 1971

600.1455 Courts of record; powers.

Sec. 1455.

The courts of record of this state have the power:

- (1) To issue process of subpoena, requiring the attendance of any witness in accordance with court rules, to testify in any matter or cause pending or triable in such courts;
- (2) To administer oaths to witnesses in any such matter or cause, and in all other cases where it may be necessary in the exercise of the powers and duties of such courts;
- (3) To devise and make such new orders as may be necessary to carry into effect the powers and jurisdiction possessed by them.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1461 Newspaper; definition; publication of notices.

Sec. 1461.

As used in this act, "newspaper", with respect to the publication of a notice, means that term as defined in section 1 of 1963 PA 247, MCL 691.1051, with the required area being the county in which the court is located, unless a different required area is designated in this act.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 1963, Act 246, Eff. Sept. 6, 1963 ;-- Am. 2022, Act 74, Imd. Eff. May 12, 2022

600.1465 Funds deposited with county officer unavailable for payment; appropriation for restitution; audit of claims; allowance; limitation; right of action.

Sec. 1465.

(1) Whenever any funds shall be deposited with or paid to, or which heretofore have been deposited with or paid to any court, county officer, or the clerk or employee of such court or county officer by virtue of a judgment, decree or order of any court of record or division thereof in this state, or pursuant to any statute of this state, and for any reason such funds shall have become unavailable for payment, the board of supervisors of the county concerned may appropriate such sums of money as are required to make restitution to the lawful owner of such funds.

(2) Claims for moneys by the lawful owner shall be audited as provided by law; and no claim shall be allowed unless filed within 6 years from the date when the right to payment or repayment of such funds arose.

(3) Upon payment by the county it shall have a right of action for the recovery of such money paid, against the person or persons responsible for such funds being unavailable for payment.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1471 Law clerks; employment; qualifications; compensation; period of employment; duties.

Sec. 1471.

(1) The circuit court in each circuit and the district court in each district may employ law clerks for the court or for each judge of the court.

(2) Each law clerk shall be a resident of the state of Michigan, and shall be either licensed to practice law in this state, or be a graduate of or a student at a reputable and qualified law school.

(3) The compensation of a law clerk shall be fixed by the judges of the court within the sum appropriated for that purpose by the county board of commissioners or by the governing body of the district control unit. Effective September 1, 1981, in the thirty-sixth district, the compensation of a law clerk shall be paid by the state and fixed as provided in section 8272. In the third judicial circuit, the compensation of a law clerk shall be paid by the state and fixed as provided in section 592. If a circuit has 2 or more counties, the salary of the law clerk shall be paid by that county which contributes the greater portion of the judges' salaries, unless the county board of commissioners of the respective counties elect to share in paying the compensation of the law clerk.

(4) The period of employment of a law clerk shall be 1 year, subject to renewal for a similar period. The court may discharge a law clerk at any time.

(5) A law clerk shall conduct legal research and prepare memoranda under the direction of the judges of the court, and under the general supervisory control of the chief judge of the court. The court may prescribe other duties by local rule.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 1980, Act 438, Eff. Sept. 1, 1981

Compiler's Notes: Sections 2 and 4 of Act 438 of 1980 provide: "Conditional effective date; action constituting exercise of option; effect of exercising option." "Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect." "(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978." "The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981." "Effective date of certain sections." "Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981."

600.1475 Collection on judgment; restitution on reversal; interest.

Sec. 1475.

In case any amount is collected on any judgment or decree, if such judgment or decree be afterward reversed the court shall award restitution of the amount so collected, with interest from the time of collection.

History: 1961, Act 236, Eff. Jan. 1, 1963

600.1481 Judicial assistant; appointment; oath; certificate; qualifications; duties; compensation; term; public officer; civil service regulation or compulsory retirement inapplicable; removal.

Sec. 1481.

(1) In every state court of record in Michigan inferior to the supreme court which has 10 or more judges, the judges may appoint an attorney to serve as judicial assistant to their court. A judicial assistant shall subscribe a constitutional oath of office administered by the presiding judge of the court and shall file the oath with the secretary of state, whereupon the governor shall issue to the judicial assistant an official certificate of appointment under seal. A judicial assistant shall be an attorney in good standing, licensed to practice in all courts of the state of Michigan and in the United States supreme court, shall have at least 5 years of active practice, including appellate experience, and preferably shall have had prior experience in government service in a legal capacity.

(2) A judicial assistant, acting under the direction of the judges, shall confer with the judges upon pending matters of procedure and substantive law; conduct legal research, analyze briefs submitted and referred to the judicial assistant for comment and recommendation; study pending legislation and current decisions for their possible impact on court problems, and keep the judges and court officers advised thereon; recommend remedial legislation and draft that legislation, and draft legislation suggested or requested by judges or court officials; act as official legal advisor to all departments of the court; represent the court, the judges or court officers in court matters arising out of their official duties in situations wherein the prosecuting attorney or attorney general has conflicting interest or responsibilities, or is otherwise disqualified; including court matters of original, as well as appellate jurisdiction affecting the court; and act as amicus curiae in appellate matters of interest to the court.

(3) The compensation of a judicial assistant shall be fixed by the recommending judges within the sum appropriated therefor by the legislative body of the governmental unit, other than the state of Michigan, which pays the compensation of those judges. In case 2 or more governmental units contribute to the compensation of those judges, the salary of the judicial assistant shall be paid by the unit, other than the state of Michigan, which contributes the greater portion of such salaries, unless the legislative bodies of the respective units elect to share in paying the compensation of the judicial assistant.

(4) The term of office of the judicial assistant shall be coextensive with the term of the recommending judges, subject to reappointments for like terms. The assistant shall be a public officer. The judicial assistant shall not be subject to civil service regulation, nor to compulsory retirement. Removal during any given term shall be by the governor upon recommendation by the judges of the court.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 1980, Act 438, Eff. Sept. 1, 1981 ;-- Am. 1996, Act 374, Eff. Oct. 1, 1996

Compiler's Notes: Sections 2 and 4 of Act 438 of 1980 provide: "Conditional effective date; action constituting exercise of option; effect of exercising option." "Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect." "(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes

effective on or after December 23, 1978."The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981."Effective date of certain sections."Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981."

600.1482 Medical malpractice claim; applicable provisions; definitions.

Sec. 1482.

(1) Notwithstanding any other law to the contrary, in an action that alleges a medical malpractice claim, both of the following apply:

(a) The damages recoverable for past medical expenses or rehabilitation service expenses shall not exceed the actual damages for medical care that arise out of the alleged malpractice.

(b) Except for evidence of the actual damages for medical care, the court shall not permit a plaintiff to introduce evidence of past medical expenses or rehabilitation service expenses at trial.

(2) As used in this section:

(a) "Actual damages for medical care" means both of the following:

(i) The dollar amount actually paid for past medical expenses or rehabilitation service expenses by or on behalf of the individual whose medical care is at issue, including payments made by insurers, but excluding any contractual discounts, price reductions, or write-offs by any person.

(ii) Any remaining dollar amount that the plaintiff is liable to pay for the medical care.

(b) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

History: Add. 2016, Act 556, Eff. Apr. 10, 2017

Compiler's Notes: Enacting section 2 of Act 556 of 2016 provides: "Enacting section 2. Section 1482 of the revised judiciary act of 1961, 1961 PA 236, as added by this amendatory act, applies to an action filed on or after the effective date of this amendatory act."

600.1483 Claim for damages alleging medical malpractice; limitation on noneconomic damages; exceptions; itemizing damages into economic and noneconomic loss; "noneconomic loss" defined; adjusting limitations on noneconomic loss.

Sec. 1483.

(1) In a claim for damages alleging medical malpractice by or against a person or party, the total amount of damages for noneconomic loss recoverable by all plaintiffs, resulting from the medical malpractice of all defendants, shall not exceed \$280,000.00 unless, as the result of the negligence of 1 or more of the defendants, 1 or more of the following exceptions apply as determined by the court pursuant to section 6304, in which case damages for noneconomic loss shall not exceed \$500,000.00:

(a) The plaintiff is hemiplegic, paraplegic, or quadriplegic resulting in a total permanent functional loss of 1 or more limbs caused by 1 or more of the following:

(i) Injury to the brain.

(ii) Injury to the spinal cord.

(b) The plaintiff has permanently impaired cognitive capacity rendering him or her incapable of making independent, responsible life decisions and permanently incapable of independently performing the activities of normal, daily living.

(c) There has been permanent loss of or damage to a reproductive organ resulting in the inability to procreate.

(2) In awarding damages in an action alleging medical malpractice, the trier of fact shall itemize damages into damages for economic loss and damages for noneconomic loss.

(3) As used in this section, "noneconomic loss" means damages or loss due to pain, suffering, inconvenience, physical impairment, or physical disfigurement, loss of society and companionship, whether claimed under section 2922 or otherwise, loss of consortium, or other noneconomic loss.

(4) Beginning April 1, 1994, the state treasurer shall adjust the limitations on damages for noneconomic loss set forth in subsection (1) by amounts determined by the state treasurer at the end of each calendar year to reflect the

cumulative annual percentage change in the consumer price index. As used in this subsection, "consumer price index" means the most comprehensive index of consumer prices available for this state from the bureau of labor statistics of the United States department of labor.

History: Add. 1986, Act 178, Eff. Oct. 1, 1986 ;-- Am. 1993, Act 78, Eff. Apr. 1, 1994 ;-- Am. 2012, Act 608, Eff. Mar. 28, 2013

Compiler's Notes: Enacting section 3 of Act 178 of 1986 provides:“(1) Sections 2925b, 5805, 5838, and 5851 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to causes of action arising before October 1, 1986.”(2) Sections 1483, 5838a, and 6304 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to causes of action arising on or after October 1, 1986.”(3) Sections 1629, 1653, 2169, 2591, 2912c, 2912d, 2912e, 6098, 6301, 6303, 6305, 6306, 6307, 6309, and 6311 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after October 1, 1986.”(4) Sections 1651 and 6013 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to cases filed before October 1, 1986.”(5) Chapter 49 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after January 1, 1987.”(6) Chapter 49a of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed in judicial circuits which are comprised of more than 1 county on or after July 1, 1990 and shall apply to cases filed in judicial circuits which are comprised of 1 county on or after October 1, 1988.”Enacting section 4 of Act 78 of 1993 provide:”Section 4. (1) Sections 1483, 2912a, 5838a, 5851, and 5856 of Act No. 236 of the Public Acts of 1961, as amended by by this amendatory act, do not apply to causes of action arising before October 1, 1993.”(2) Section 2912f of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, applies to causes of action arising on or after October 1, 1993.”(3) Sections 2169, 2912d, 2912e, 6013, and 6304 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, do not apply to cases filed before October 1, 1993.”(4) Sections 2912b, 2912g, and 2912h of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, apply to cases filed on or after October 1, 1993.”Enacting section 1 of Act 608 of 2012 provides:”Enacting section 1. Sections 1483, 2959, 6306, and 6307 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1483, 600.2959, 600.6306, and 600.6307, as amended by this amendatory act and section 6306a of the revised judicature act of 1961, 1961 PA 236, MCL 600.6306a, as added by this amendatory act apply only to actions in which the cause of action arose on or after the effective date of this amendatory act.”

600.1485 Indigent civil legal assistance.

Sec. 1485.

(1) The money in the state court fund created in section 151a that is designated for indigent civil legal assistance shall be expended as provided in this section.

(2) The money designated for indigent civil legal assistance shall be administered by the state court administrator upon the recommendation of the Michigan state bar foundation. Subject to the standards and requirements prescribed in this section, the Michigan state bar foundation annually shall receive bids for the awarding of contracts to service providers for the provision of those legal services and shall, subject to the approval of the state court administrator, award the contracts. Upon approval of the contracts, the state treasurer shall distribute the entire amount available each fiscal year for indigent legal services as follows:

(a) To service providers pursuant to contracts, to be distributed according to the schedule, eligibility criteria, and fund distribution criteria set forth in this section.

(b) Subject to approval by the state court administrator, to the Michigan state bar foundation for reimbursement for performing its duties under this section, in an amount equal to 1% of the total amount distributed each year for indigent legal services, or \$40,000.00, whichever is greater.

(3) Except as provided in subsection (6), an organization that provides legal services within this state may bid to be awarded a contract under this section for the provision of legal services during the calendar year following the calendar year in which the bid is submitted. Except as provided in subsection (6), an applicant shall bid for a contract not later than November 1 of the calendar year immediately before the calendar year to which the contract applies. The application shall include all of the following:

(a) Evidence that the provision of legal services will be on a nonprofit basis.

(b) The proposed budget of the applicant for the funds for the calendar year to which the contract applies.

(c) A summary of the services to be offered by the applicant in the calendar year to which the contract applies.

(d) Evidence that the applicant provides a client grievance procedure to investigate any claim of discrimination, poor quality of service, or inappropriate denial of service.

(e) A specific description of the area to be served by the applicant.

(f) An estimate of the number of indigents to be served by the applicant during the calendar year for which financial assistance is requested.

(g) A general description of additional sources of funds available to the applicant.

(h) The amount of the applicant's total budget for the calendar year in which the application is filed and the amount that the applicant will expend in that calendar year for legal services to indigents in the area to be served by the applicant.

(i) A specific description of any services, programs, training, or legal technical assistance to be delivered by

private attorneys or through programs using private attorneys including, but not limited to, reduced fee plans, judicare panels, and organized pro bono programs. The description shall include a detailed list of the conditions, if any, pursuant to which compensation will be provided to private attorneys for providing the services, programs, training, or legal technical assistance.

(j) A general description of the ability of the applicant to provide the legal services required by the contract, including the ability to provide any necessary training and supervision for persons providing those services, supported by any evidence of those abilities as the Michigan state bar foundation considers necessary.

(k) An explanation of the procedures to be used by the service providers to establish the legal services priorities described in subsection (8)(d).

(l) Any other information the Michigan state bar foundation considers necessary.

(4) Except as provided in subsection (6), and subject to the approval of the state court administrator under subsection (2), on or before December 15 of each calendar year, the Michigan state bar foundation shall notify each applicant that submitted a bid under subsection (3), in writing, whether the applicant has been awarded a contract under this section. If a contract is awarded, the Michigan state bar foundation shall estimate the amount that will be available for that applicant for each 3-month distribution period, as determined under subsection (5).

(5) The state court administrator shall allocate money under this section quarterly for distribution to service providers. Except as provided in subsection (6), the state court administrator shall allocate all money available for indigent legal assistance on January 1 of a calendar year to service providers and the state treasurer shall distribute the money to the service providers on or before January 15 of that calendar year. Except as provided in subsection (6), the state court administrator shall allocate all money available for indigent legal assistance on April 1 of a calendar year to service providers and the state treasurer shall distribute the money to the service providers on or before April 15 of that calendar year. Except as provided in subsection (6), the state court administrator shall allocate all money available for indigent legal assistance on July 1 of a calendar year to service providers and the state treasurer shall distribute the money to service providers on or before July 15 of that calendar year. Except as provided in subsection (6), the state court administrator shall allocate all money available for indigent legal assistance on October 1 of a calendar year to service providers and the state treasurer shall distribute the money to the service providers on or before October 15 of that calendar year.

(6) For the awarding of contracts for the provision of legal services during the calendar year 1994, the following special provisions apply:

(a) The period of provision of legal services shall be from July 1, 1994 to December 31, 1994, and the bids for those contracts shall be submitted not later than May 1, 1994.

(b) On or before June 15, 1994, the Michigan state bar foundation shall notify each applicant that submitted a bid for a contract for the provision of legal services, in writing, whether the applicant has been awarded a contract.

(c) The state court administrator shall allocate all money available for indigent legal services on July 1, 1994, to service providers and the state treasurer shall distribute the money to service providers on or before July 15, 1994.

(7) A service provider shall provide civil legal assistance to indigents under this section in compliance with the standards described in the standards for providers of civil legal services to the poor first approved by the American bar association delegates in August, 1986.

(8) The Michigan state bar foundation and the state court administrator, in awarding contracts, shall comply with all of the following:

(a) The contracts awarded, taken together, shall provide for indigent legal services to be provided in every area of the state, on a nonprofit basis.

(b) A contract shall provide that funds paid under a contract shall be expended only for the provision of civil legal services to indigent persons, as described in subsection (9).

(c) Contracts shall be awarded so that civil legal services are provided on a statewide basis for support and training for other service providers, civil legal services for persons who are Native Americans, and civil legal services for persons who are migrant agricultural workers. Ten percent of the total amount awarded under all contracts, taken together, shall be earmarked for services described in this subdivision.

(d) A contract shall require that a service provider shall have a procedure for determining priorities among the civil legal services needed by the indigent population in its service area, which procedure shall include obtaining regular input from those indigent persons as to those priorities. The priorities among legal needs shall include, at a minimum, legal services related to residential housing and domestic violence, except for legal services funded by contract awarded to meet the requirements of subdivision (c).

(e) A contract shall require that the service provider include the participation of the private bar, on a pro bono basis, in its provision of legal services.

(f) The amount of funding provided under any contract shall be proportional to the number of indigent persons residing in that service area, as a percentage of all indigent persons in the state, according to the most recent federal decennial census.

(9) A service provider that receives money under this section shall use the money for 1 or more of the following purposes:

(a) To defray the costs of providing legal services to indigents.

(b) To provide legal training and legal technical assistance to other eligible legal aid societies.

(c) If the service provider has entered into an agreement with a local bar association, a private attorney, or a group of private attorneys pursuant to subsection (15) and pursuant to the description and list of conditions set forth in the service provider's application under subsection (3)(i), to provide funds for the services, programs, training, and legal technical assistance provided by the local bar association, private attorney, or group of private attorneys.

(10) A service provider shall not use money received under this section to provide legal services in relation to any criminal case or proceeding or in relation to any fee-generating case.

(11) A service provider shall not do either of the following:

(a) Use money received under this section to provide legal services in relation to any lawsuit against the state of Michigan unless the claim against the state had been the subject of an administrative proceeding.

(b) Use money received under this section for cases that are not permissible under the legal services corporation act, title X of the economic opportunity act of 1964, Public Law 88-452, 42 U.S.C. 2996 to 2996 I, and related regulations.

(12) In providing legal assistance to indigents, each service provider that receives money under this section shall ensure all of the following:

(a) That quality service and professional standards are maintained.

(b) That no person interferes with any attorney funded in whole or in part by this section in carrying out his or her professional responsibility to his or her client as established by the rules of professional responsibility.

(c) That the funds received pursuant to this section are expended only in accordance with this act.

(d) That client confidentiality is preserved.

(13) A service provider that receives money under this section shall file an annual report with the Michigan state bar foundation detailing the number and types of cases handled and the amount and types of legal training and legal technical assistance provided, by means of that money. The information contained in the report shall not identify or enable the identification of any person served by the service provider or in any other way breach client confidentiality.

(14) The Michigan state bar foundation, with the assistance of the state court administrator and the state treasurer, shall make an annual report to the governor, the legislature, and the supreme court on the distribution and use of money distributed under this section. The information contained in the report shall not identify or enable the identification of any person served by a service provider, or in any way breach client confidentiality.

(15) A service provider may enter into an agreement with a local bar association, a private attorney, or a group of private attorneys pursuant to which the bar association, private attorney, or group of private attorneys provide services, programs, training, or legal technical assistance for the service provider or to indigent persons.

(16) As used in this section:

(a) "Fee-generating case" means a case or matter that, if undertaken on behalf of an indigent by an attorney in private practice, reasonably would be expected to result in payment of a fee for legal services from an award to a client, from public funds, or from the opposing party. A case shall not be considered a fee generating case if adequate representation is unavailable and if any of the following circumstances exist concerning the case:

(i) The service provider that represents an indigent in the case has determined that free referral is not possible for any of the following reasons:

(A) The case has been rejected by the local lawyer referral service or, if there is no such service, by 2 attorneys in private practice who have experience in the subject matter of the case.

(B) Neither the local lawyer referral service, if one exists, nor an attorney in private practice will consider the case without payment of a consultation fee.

(C) The case is of a type that an attorney in private practice in the area ordinarily does not accept or does not accept without initial payment of a fee.

(D) Emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate and consistent with professional responsibility, referral will be attempted at a later time.

(ii) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other nonpecuniary relief, or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims.

(iii) A court has appointed the service provider or its employee to represent the indigent in the case pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction.

(iv) The case involves the right of a claim under a publicly supported benefit program for which entitlement is based on need.

(b) "Indigent" means either of the following:

(i) An individual whose income is not greater than 125% of the official poverty line established in the poverty guidelines issued by the secretary of health and human services under authority of section 673(2) of the community services block grant act, subtitle B of title VI of the omnibus budget reconciliation act of 1981, Public Law 97-35, 42 U.S.C. 9902.

(ii) An organizational client or group of clients if 1 or more of the following apply:

- (A) The client is composed of a minimum of 75% of persons eligible for legal assistance under this section.
- (B) The client is organized for the purpose of furthering the interests of indigent persons.
- (C) The client provides information showing it lacks and has no practical means of obtaining funds to retain private counsel.

History: Add. 1993, Act 189, Imd. Eff. Oct. 8, 1993

600.1486 Hiring member of immediate family as court employee or process server.

Sec. 1486.

A judge or justice shall not hire or employ a member of his or her immediate family as a court employee or a process server or in any judicial support-related capacity. As used in this section, "member of his or her immediate family" means a person related to the judge or justice by blood or affinity to the third degree. This section does not apply to employees hired before the effective date of this section.

History: Add. 1996, Act 374, Imd. Eff. July 17, 1996

600.1487 Contract for good or service.

Sec. 1487.

A court of this state shall not enter into a contract for \$10,000.00 or more for a good or service, but excluding a contract for indigent legal assistance, unless the court first follows the competitive bid procedures described in section 261 of the management and budget act, Act No. 431 of the Public Acts of 1984, being section 18.1261 of the Michigan Compiled Laws. This section does not apply to the basic grant money from the family independence agency.

History: Add. 1996, Act 374, Imd. Eff. July 17, 1996

Compiler's Notes: Another Sec. 1487, as added by Act 428 of 1996, was originally compiled at MCL 600.1487[1], to distinguish it from this Sec. 1487, as added by Act 374 of 1996. Former MCL 600.1487[1], which pertained to creation of state court information management commission, was repealed by Act 225 of 2006, Imd. Eff. June 26, 2006.

600.1487[1] Repealed. 2006, Act 225, Imd. Eff. June 26, 2006.

Compiler's Notes: Sec. 1487, as added by Act 428 of 1996, appears here as MCL 600.1487[1] to distinguish the section from another sec. 1487, deriving from Act 374 of 1996. The repealed section pertained to creation of state court information management system.

600.1490 Definitions; court reporter, court recorder, stenomask reporter, or owner of firm; familial relationship with party or attorney; disclosure required; financial interest.

Sec. 1490.

(1) As used in this section and sections 1491, 1492, and 1493:

(a) "Blanket contract" means a contract under which a court reporter, court recorder, stenomask reporter, or court reporting firm agrees to perform all court reporting or court recording services for a client for 2 or more

cases at a rate of compensation fixed in the contract.

(b) "Court reporting firm" means a business entity that provides the services of court reporters, court recorders, or stenomask reporters.

(c) "Owner" means a person who has any ownership interest in a court reporting firm.

(2) A court reporter, court recorder, stenomask reporter, or owner of a court reporting firm shall not provide or arrange to provide court reporting or recording services if he or she is a relative, employee, attorney, or counsel of any of the parties, or is a relative or employee of an attorney or counsel of any of the parties, without disclosing that familial relationship.

(3) A court reporter, court recorder, stenomask reporter, or owner of a court reporting firm shall not provide or arrange to provide court reporting or recording services if he or she is financially interested in the action.

History: Add. 1998, Act 249, Imd. Eff. July 10, 1998

Compiler's Notes: Enacting section 1 of Act 249 of 1998 provides: "Enacting section 1. By enacting this legislation, the legislature does not intend to unduly interfere with fair competition between and among certified court reporters, court recorders, stenomask recorders, or court reporting firms, where that competition does not involve financial arrangements that tend to, or appear to, compromise that impartiality. This amendatory act is to be construed and applied in a manner consistent with this purpose."

600.1491 Court reporter, court recorder, stenomask reporter, or owner of firm; prohibited conduct.

Sec. 1491.

(1) A court reporter, court recorder, stenomask reporter, or owner of a court reporting firm shall not do either of the following:

(a) Enter into or arrange for any financial relationship that compromises the impartiality of court reporters, court recorders, or stenomask reporters or that may result in the appearance that the impartiality of a court reporter, court recorder, or stenomask reporter has been compromised.

(b) Enter into a blanket contract with parties, litigants, attorneys, or their representatives unless all parties to the action are informed on the record in every deposition of the fees to be charged to all parties for original transcripts, copies of transcripts, and any other court reporting services to be provided. This subdivision does not apply to contracts for court reporting or recording services for the courts, agencies, or instrumentalities of local units of government, this state, or the United States.

(2) A court reporter, court recorder, stenomask reporter, or owner of a court reporting firm shall not do any of the following:

(a) Give, directly or indirectly, any incentive, reward, or anything else of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$25.00 per transaction or \$100.00 in the aggregate per recipient each year.

(b) Charge more than 2/3 of the price of an original transcript for a copy of that transcript.

History: Add. 1998, Act 249, Imd. Eff. July 10, 1998

Compiler's Notes: Enacting section 1 of Act 249 of 1998 provides: "Enacting section 1. By enacting this legislation, the legislature does not intend to unduly interfere with fair competition between and among certified court reporters, court recorders, stenomask recorders, or court reporting firms, where that competition does not involve financial arrangements that tend to, or appear to, compromise that impartiality. This amendatory act is to be construed and applied in a manner consistent with this purpose."

600.1492 Court reporter, court recorder, stenomask reporter; duties.

Sec. 1492.

(1) A court reporter, court recorder, or stenomask reporter shall do all of the following in the performance of his or her duties:

(a) Deliver a transcript or statement of facts to a client or court in a timely manner as determined by law, by court order, or by agreement of the parties.

(b) Produce an accurate transcript or statement of facts.

(c) Produce complete transcripts or statements of facts, unless an excerpt of a transcript is authorized by court order, agreement of the parties, or request of a party.

(d) Before accepting an assignment as an independent contractor or employee to provide court reporting or recording services, request information from the person, employer, or entity engaging his or her services as to the existence and nature of the contract between the person, employer, or entity and the client to confirm that the contract is not a blanket contract in violation of section 1491(1)(b). A person, employer, or entity who is party to a blanket contract and who knowingly provides false information in reply to an inquiry required under this subdivision shall be considered to have committed an act that is grounds for discipline or censure under section 1493. This subdivision does not apply to contracts for court reporting or recording services for the courts, agencies, or instrumentalities of local units of government, this state, or the United States.

(e) Advertise or represent truthfully that he or she is a certified court reporter, court recorder, or stenomask reporter and that only a certified individual will be making the record.

(f) Charge all parties or their attorneys to an action the same price for an original transcript or statement of facts and charge all parties or their attorneys the same price for a copy of a transcript or statement of facts or for like services performed in an action.

(g) Stay "on the record" during a deposition unless agreed to by all parties or their attorneys or unless otherwise ordered by the court.

(2) All court reporting firms and court reporters, recorders, and stenomask reporters, including out-of-state court reporting firms and court reporters, recorders, and stenomask reporters, shall register with the state court administrative office by completing an application in a form adopted by the state court administrative office. Rules applicable to court reporters and court recorders are also applicable to court reporting firms. If a court reporting firm or a court reporter, recorder, or stenomask reporter fails to comply with this subsection, the state court administrative office may assess a reasonable administrative fine that is prescribed by rule of the supreme court, that does not exceed \$500.00, and that is payable to the state general fund.

History: Add. 1998, Act 249, Imd. Eff. July 10, 1998

Compiler's Notes: Enacting section 1 of Act 249 of 1998 provides: "Enacting section 1. By enacting this legislation, the legislature does not intend to unduly interfere with fair competition between and among certified court reporters, court recorders, stenomask recorders, or court reporting firms, where that competition does not involve financial arrangements that tend to, or appear to, compromise that impartiality. This amendatory act is to be construed and applied in a manner consistent with this purpose."

600.1493 Enforcement of MCL 600.1490, 600.1491, and 600.1492; violation.

Sec. 1493.

(1) The state court administrative office is responsible for enforcing sections 1490, 1491, and 1492 through the court recording and reporting board of review or by other administrative means.

(2) Any violation of section 1490, 1491, or 1492 shall be cause for refusal of the state court administrative office's board of review to issue renewal certificates to certified court reporters, court recorders, or stenomask reporters. Any willful violation of section 1490, 1491, or 1492 shall be grounds for discipline or censure, or suspension or revocation of certification as a Michigan certified court reporter, court recorder, stenomask reporter, or court reporting firm.

History: Add. 1998, Act 249, Imd. Eff. July 10, 1998

Compiler's Notes: Enacting section 1 of Act 249 of 1998 provides: "Enacting section 1. By enacting this legislation, the legislature does not intend to unduly interfere with fair competition between and among certified court reporters, court recorders, stenomask recorders, or court reporting firms, where that competition does not involve financial arrangements that tend to, or appear to, compromise that impartiality. This amendatory act is to be construed and applied in a manner consistent with this purpose."

600.1494 Applicability of MCL 600.1490 to 600.1493; exception.

Sec. 1494.

Sections 1490 to 1493 do not apply to official court stenographers, recorders, reporters, or stenomask reporters appointed under chapter 8, 11, or 86 while in the performance of their official duties or to a court stenographer, recorder, or reporter appointed to serve in a municipal court while in the performance of his or her official duties.

History: Add. 1998, Act 249, Imd. Eff. July 10, 1998

Compiler's Notes: Enacting section 1 of Act 249 of 1998 provides:“Enacting section 1. By enacting this legislation, the legislature does not intend to unduly interfere with fair competition between and among certified court reporters, court recorders, stenomask recorders, or court reporting firms, where that competition does not involve financial arrangements that tend to, or appear to, compromise that impartiality. This amendatory act is to be construed and applied in a manner consistent with this purpose.”