

# HOUSE BILL No. 4140

February 6, 2001, Introduced by Reps. Shulman, Patterson, Mead, Howell, Van Woerkom, DeVuyst, Pappageorge, DeRossett, Cassis, Birkholz, Kooiman, Meyer, Stewart, Bradstreet, Jelinek, Richardville, Pumford, Cameron Brown, Stamas, Woronchak, Bisbee, Bob Brown, Vander Roest, Julian, Caul, Newell, Richner, Hager, Allen, Ruth Johnson, Voorhees, Vander Veen, Toy, Bishop, Ehardt, DeWeese, Kuipers, Gosselin, Pestka, Minore, Switalski, Raczkowski and Neumann and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 916 (MCL 600.916), as amended by 2000 PA 112,  
and by adding chapter 80.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 916. (1) A person shall not practice law or engage in  
2 the law business, shall not in any manner whatsoever lead others  
3 to believe that he or she is authorized to practice law or to  
4 engage in the law business, and shall not in any manner whatso-  
5 ever represent or designate himself or herself as an attorney and  
6 counselor, attorney at law, or lawyer, unless the person is regu-  
7 larly licensed and authorized to practice law in this state. A  
8 person who violates this section is guilty of contempt of the  
9 supreme court and of the circuit court of the county in which the

1 violation occurred, and upon conviction is punishable as provided  
2 by law.

3 (2) This section does not apply to ~~a~~ EITHER OF THE  
4 FOLLOWING:

5 (A) A person who is duly licensed and authorized to practice  
6 law in another state while temporarily in this state and engaged  
7 in a particular matter.

8 (B) A PERSON WHO IS DULY LICENSED AND AUTHORIZED TO PRACTICE  
9 LAW IN ANOTHER STATE WHILE REPRESENTING A CLIENT IN A MATTER THAT  
10 IS BEFORE THE CYBER COURT IN THIS STATE PURSUANT TO CHAPTER 80.

11 (3) ~~(2)~~ A domestic violence victim advocate's assistance  
12 that is provided in accordance with section 2950c does not vio-  
13 late this section.

14 CHAPTER 80.

15 THE CYBER COURT

16 SEC. 8001. (1) THE CYBER COURT IS CREATED. THE PURPOSE OF  
17 THE CYBER COURT IS TO ALLOW DISPUTES BETWEEN BUSINESS AND COMMER-  
18 CIAL ENTITIES TO BE RESOLVED WITH THE SPEED AND EFFICIENCY  
19 REQUIRED BY THE INFORMATION AGE ECONOMY.

20 (2) THE CYBER COURT SHALL BE LOCATED IN 1 OR MORE COUNTIES  
21 AS DETERMINED BY THE SUPREME COURT. THE CYBER COURT SHALL SIT IN  
22 FACILITIES DESIGNED TO ALLOW ALL HEARINGS AND PROCEEDINGS TO BE  
23 CONDUCTED BY MEANS OF ELECTRONIC COMMUNICATIONS, INCLUDING, BUT  
24 NOT LIMITED TO, VIDEO AND AUDIO CONFERENCING AND INTERNET  
25 CONFERENCING.

26 (3) THE CYBER COURT SHALL HOLD SESSION AND SHALL SCHEDULE  
27 HEARINGS OR OTHER PROCEEDINGS TO ACCOMMODATE PARTIES OR WITNESSES

1 WHO ARE LOCATED OUTSIDE OF THIS STATE. A CYBER COURT FACILITY IS  
2 OPEN TO THE PUBLIC TO THE SAME EXTENT AS A CIRCUIT COURT  
3 FACILITY. WHEN TECHNOLOGICALLY FEASIBLE, ALL PROCEEDINGS OF THE  
4 CYBER COURT SHALL BE BROADCAST ON THE INTERNET.

5 (4) THE CYBER COURT SHALL MAINTAIN ITS STAFF AND SUPPORT  
6 SERVICES AT THE SEAT OF GOVERNMENT.

7 SEC. 8003. (1) THE SUPREME COURT SHALL ASSIGN JUDGES OF THE  
8 CIRCUIT COURT WHO SHALL SERVE AS JUDGES OF THE CYBER COURT. THE  
9 DURATION OF A JUDGE'S ASSIGNMENT TO THE CYBER COURT SHALL BE AT  
10 LEAST 3 YEARS. THE TOTAL NUMBER OF JUDGES ASSIGNED TO THE CYBER  
11 COURT SHALL REASONABLY REFLECT THE CASELOAD OF THE CYBER COURT.  
12 IN SELECTING JUDGES FOR ASSIGNMENT TO THE CYBER COURT, THE  
13 SUPREME COURT SHALL CONSIDER A JUDGE'S EXPERIENCE IN PRESIDING  
14 OVER COMMERCIAL LITIGATION AND HIS OR HER EXPERIENCE AND INTEREST  
15 IN THE APPLICATION OF TECHNOLOGY TO THE ADMINISTRATION OF  
16 JUSTICE. THE MICHIGAN JUDICIAL INSTITUTE SHALL PROVIDE APPROPRI-  
17 ATE TRAINING FOR JUDGES WHO ARE ASSIGNED AS JUDGES OF THE CYBER  
18 COURT.

19 SEC. 8005. (1) THE CYBER COURT HAS CONCURRENT JURISDICTION  
20 OVER COMMERCIAL LITIGATION ACTIONS IN WHICH THE AMOUNT IN CONTRO-  
21 VERSY EXCEEDS \$25,000.00.

22 (2) ANY COUNTY IN WHICH THE CYBER COURT HAS BEEN LOCATED BY  
23 THE SUPREME COURT UNDER SECTION 8001 IS A PROPER COUNTY IN WHICH  
24 TO COMMENCE AN ACTION IN THE CYBER COURT.

25 SEC. 8007. (1) AN ACTION MAY BE FILED IN THE CYBER COURT BY  
26 FILING A COMPLAINT WITH THE CLERK OF THE CYBER COURT. A

1 DEFENDANT MAY REMOVE THE ACTION TO CIRCUIT COURT AT ANY TIME  
2 BEFORE FILING AN ANSWER TO THE COMPLAINT.

3 (2) PRACTICE AND PROCEDURE IN THE CYBER COURT, THE FORM AND  
4 MANNER OF PLEADINGS, AND THE MANNER OF SERVICE OF PROCESS SHALL  
5 BE IN ACCORDANCE WITH SPECIAL RULES FOR THE CYBER COURT ADOPTED  
6 BY THE SUPREME COURT.

7 SEC. 8009. UNLESS A PARTY REMOVES AN ACTION FILED IN THE  
8 CYBER COURT TO THE CIRCUIT COURT PURSUANT TO SECTION 8007, ALL  
9 PARTIES TO AN ACTION IN THE CYBER COURT SHALL BE CONSIDERED TO  
10 HAVE WAIVED THE RIGHT TO TRIAL BY JURY AND TO HAVE WAIVED THE  
11 RIGHT TO MOVE FOR A CHANGE OF VENUE.

12 SEC. 8011. ALL MATTERS HEARD IN THE CYBER COURT SHALL BE  
13 HEARD BY MEANS OF ELECTRONIC COMMUNICATIONS, INCLUDING, BUT NOT  
14 LIMITED TO, VIDEO AND AUDIO CONFERENCING AND INTERNET CONFERENC-  
15 ING AMONG THE JUDGE AND COURT PERSONNEL, PARTIES, WITNESSES, AND  
16 OTHER PERSONS NECESSARY TO THE PROCEEDING.

17 SEC. 8013. THE CYBER COURT HAS THE SAME POWER TO SUBPOENA  
18 WITNESSES AND REQUIRE THE PRODUCTION OF BOOKS, PAPERS, RECORDS,  
19 DOCUMENTS, ELECTRONIC DOCUMENTS, AND ANY OTHER EVIDENCE AND TO  
20 PUNISH FOR CONTEMPT AS THE CIRCUIT COURT HAS. THE JUDGE AND  
21 CLERK OF THE CYBER COURT MAY ADMINISTER OATHS AND AFFIRMATIONS  
22 AND TAKE ACKNOWLEDGMENTS OF INSTRUMENTS BY ELECTRONIC MEANS. AN  
23 OATH OR AFFIRMATION TAKEN FROM A PERSON LOCATED OUTSIDE OF THIS  
24 STATE AND PURSUANT TO THE LAWS OF THE JURISDICTION IN WHICH THE  
25 PERSON IS LOCATED SHALL BE CONSIDERED TO BE AN OATH OR AFFIRMA-  
26 TION AUTHORIZED BY THE LAWS OF THIS STATE.

1        SEC. 8015. AN ACTION IN THE CYBER COURT SHALL BE HEARD BY  
2 THE JUDGE WITHOUT A JURY. THE COURT MAY GRANT A NEW TRIAL UPON  
3 THE SAME TERMS AND UNDER THE SAME CONDITIONS AND FOR THE SAME  
4 REASONS AS PREVAIL IN THE CASE OF THE CIRCUIT COURT OF THIS  
5 STATE, IN A CASE HEARD BY A JUDGE WITHOUT A JURY.

6        SEC. 8017. (1) AN APPEAL FROM THE CYBER COURT SHALL BE TO A  
7 SPECIAL PANEL OF THE COURT OF APPEALS, AS PRESCRIBED BY SUPREME  
8 COURT RULES.

9        (2) THE CLERK OF THE CYBER COURT SHALL IMMEDIATELY FURNISH  
10 THE PARTIES TO EVERY ACTION WITH AN ELECTRONIC NOTICE OF ENTRY OF  
11 ANY FINAL ORDER OR JUDGMENT. THE TIME WITHIN WHICH AN APPEAL AS  
12 OF RIGHT MAY BE TAKEN SHALL BE GOVERNED BY SUPREME COURT RULES.

13        Enacting section 1. This amendatory act takes effect  
14 January 1, 2002.