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BILL ANALYSIS

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Senate Bill 1252 (as introduced 5-20-04)  
Sponsor: Senator Michael Switalski  
Committee: Judiciary

Date Completed: 6-29-04

### **CONTENT**

The bill would amend the Revised Judicature Act to authorize the Supreme Court to increase the payment due to circuit court reporters or recorders for transcripts ordered and timely filed for appeals of certain civil cases.

The Act provides that circuit court reporters or recorders are entitled to \$1.75 per original page and 30 cents per page for each copy of a transcript ordered by any person, unless a lower rate is agreed upon. For a transcript ordered by the circuit judge, reporters and recorders are entitled to receive the same compensation from the county.

The bill would add that the Supreme Court, by administrative order or court rule, could authorize the payment to circuit court reporters or recorders of \$3 per original page and 50 cents for each copy for transcripts ordered and timely filed as part of a program of differentiated case management for appeals of civil cases in which circuit courts either granted or denied summary disposition. If a transcript ordered under such a program were not timely filed, the reporter or recorder would not be entitled to receive the increased rate for that transcript.

MCL 600.2543

### **BACKGROUND**

Administrative Order 2002-5 of the Michigan Supreme Court states, "The Court of Appeals is engaged in a delay-reduction initiative, with the goal of disposing of 95 percent of its cases within 18 months of filing beginning in October 2003." The Order authorizes the Court of Appeals to give precedence on the session calendar to any appeals that the Court of Appeals determines are appropriate for differentiated case management.

According to the Case Management Work Group of the Michigan Supreme Court and the Michigan Court of Appeals, the Administrative Order "has provided the flexibility to modify the traditional plan" of case management, without focusing "solely on advancing the shorter, younger cases" ("Case Management Work Group First Report", February 17, 2004).

According to the U.S. Department of Justice Bureau of Justice Assistance, differentiated case management "is a technique courts can use to tailor the case management process to the requirements of individual cases...[and] provides a mechanism for processing each case in accordance with the timeframe and judicial system resources required. Thus, each case can move as expeditiously as possible toward disposition, rather than waiting in line." (Bureau of Justice Assistance Fact Sheet, November 1995)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

Civil litigants would incur the additional costs of increased transcript fees under the circumstances specified in the bill, so there would be no cost to either the State or local court funding units, unless either was a party in an applicable case. To the extent that it would promote timely filing and the success of case management programs, the bill could provide for administrative efficiencies and related savings for the Judiciary.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.