

APPEAL OF ORDER GRANTING RELIEF FROM JUDGMENT BASED ON JURY VERDICT

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Senate Bill 408 as passed by the Senate
Sponsor: Sen. Roger Victory
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety
Complete to 6-14-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 408 would add a section to the Revised Judicature Act (RJA) to provide procedures that would apply only if a party in a civil action seeks relief from a circuit court judgment entered in a civil action based on a jury verdict on any of the following grounds:

- Mistake, inadvertence, surprise, or excusable neglect.
- Newly discovered evidence.
- Fraud, misrepresentation, or other misconduct of an adverse party.
- That the judgment is void.
- Any other reason the party believes justifies relief from the operation of the judgment.

Under the bill, if a circuit order grants relief to a party as described above, an opposing party could file an appeal of right from that order to the Court of Appeals. Action in the circuit court would have to be stayed while the matter is on appeal. The Court of Appeals would have to take appropriate steps toward ensuring a timely processing of the appeal, consistent with appellate court rules. An opposing party could file an appeal of right no later than 42 days before the date the circuit court has ordered a new trial to start.

The new section would not apply to an action where section 6098 of the RJA applies regarding the review of verdicts in medical malpractice and personal injury actions.¹

Finally, the bill includes these three legislative findings:

- That the right to trial by jury, as preserved by the state constitution of 1963, is sacrosanct and the decisions of juries should not be lightly discarded.
- That it is the public policy of the state that litigants be afforded the highest possible degree of certainty that jury verdicts will be respected and enforced.
- That the section added by the bill is intended to be remedial.

Proposed MCL 600.309a

¹ <http://legislature.mi.gov/doc.aspx?mcl-600-6098>

FISCAL IMPACT:

Senate Bill 408 would have an indeterminate fiscal impact on the state and on local units of government. Under provisions of the bill, parties would be allowed to seek relief from circuit court judgments entered in civil actions based on jury verdicts, and opposing parties could file appeals of right to the Court of Appeals not later than 42 days before the date a new trial is ordered to start. These provisions could lead to an increase in costs for courts statewide that would depend on how court caseloads and related administrative costs are affected.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.