



Senate Fiscal Agency  
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Senate Bill 408 (as reported without amendment)  
Sponsor: Senator Roger Victory  
Committee: Judiciary and Public Safety

### **CONTENT**

The bill would amend the Revised Judicature Act to do the following:

- Allow a party to seek relief from a circuit court judgment entered in a civil action based on a jury verdict on certain grounds, including newly discovered evidence, or fraud or misconduct of an adverse party.
- Allow an opposing party to file an appeal of right to the Michigan Court of Appeals if a circuit court order granted relief.
- Require an opposing party to file an appeal of right within 42 days before the date the circuit court had ordered a new trial to start.
- Require the Court of Appeals to take appropriate steps towards ensuring a timely processing of an appeal of right.
- Specify that the bill would not apply to review of verdicts in actions alleging personal injury or medical malpractice.

Proposed MCL 600.309a

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill could have a negative fiscal impact on the State and local circuit courts.

The bill would add an additional appellate procedure to circuit court civil litigation in which a jury trial renders a verdict. According to the 2019 Court Caseload Report issued by the State Court Administrative Office, there were 215 civil jury verdicts in circuit courts statewide for that calendar year (39 of these were medical malpractice jury verdicts, which would be exempted in the bill's language). As such, the bill could allow for roughly 200 additional post-judgment requests for relief from jury verdicts annually. It is unknown what type of process would be used to grant or deny a request for relief from a civil judgment in circuit court but, assuming it would be through post-judgment motion, this could add additional court costs to circuit courts statewide.

It also should be noted that for circuit court civil matters, the Michigan Court Rules (MCR) allow for motions for new trials and provide an existing framework and set of procedures to accommodate those motions. For civil trials, MCR 2.611 permits any party to move for a new trial, or to amend a judgment, within 21 days after the entry of a judgment under a variety of circumstances, including new evidence, jury misconduct, error of law or fact, and other reasons. A sitting judge also may order a new trial on his or her own initiative if he or she feels it is warranted.

Date Completed: 5-17-21

Fiscal Analyst: Michael Siracuse