

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

CHAPTER 80
THE BUSINESS COURT

600.8001 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to creation, purpose, location, staffing, and fund of cyber court.

Popular name: Cybercourt

600.8003 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to assignment of judges and designation of clerk.

Popular name: Cybercourt

600.8005 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to jurisdiction of cyber court.

Popular name: Cybercourt

600.8007 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to filing of complaint in cyber court.

Popular name: Cybercourt

600.8009 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to filing fee.

Popular name: Cybercourt

600.8011 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to transfer of action to circuit court.

Popular name: Cybercourt

600.8013 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained waiver of right to trial.

Popular name: Cybercourt

600.8015 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to electronic communication of matters heard in cyber court.

Popular name: Cybercourt

600.8017 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to subpoena of witness and production of records.

Popular name: Cybercourt

600.8019 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to action heard by judge without jury.

Popular name: Cybercourt

600.8021 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to appeal to court of appeals.

Popular name: Cybercourt

600.8023 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to alternative dispute resolution.

Popular name: Cybercourt

600.8025 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to report to legislature.

Popular name: Cybercourt

600.8027 Repealed. 2012, Act 333, Eff. Jan. 1, 2013.

Compiler's note: The repealed section pertained to adoption of rules by supreme court.

Popular name: Cybercourt

600.8029 Repealed. 2006, Act 232, Imd. Eff. June 26, 2006.

Compiler's note: The repealed section pertained to creation of legislative oversight committee on oversight.

Popular name: Cybercourt

600.8031 Definitions; business or commercial disputes.

Sec. 8031. (1) As used in this section to section 8047:

(a) "Business court" means a special docket as described and organized under section 8033 and administered as provided in this section to section 8047.

(b) "Business enterprise" means a sole proprietorship, partnership, limited partnership, joint venture, limited liability company, limited liability partnership, for-profit or not-for-profit corporation or professional corporation, business trust, real estate investment trust, or any other entity in which a business may lawfully be conducted in the jurisdiction in which the business is being conducted. Business enterprise does not include an ecclesiastical or religious organization.

(c) "Business or commercial dispute" means any of the following:

(i) An action in which all of the parties are business enterprises, unless the only claims asserted are expressly excluded under subsection (3).

(ii) An action in which 1 or more of the parties is a business enterprise and the other parties are its or their present or former owners, managers, shareholders, members of a limited liability company or a similar business organization, directors, officers, agents, employees, suppliers, guarantors of a commercial loan, or competitors, and the claims arise out of those relationships.

(iii) An action in which 1 of the parties is a nonprofit organization, and the claims arise out of that party's organizational structure, governance, or finances.

(2) Business or commercial disputes include, but are not limited to, the following types of actions:

(a) Those involving the sale, merger, purchase, combination, dissolution, liquidation, organizational structure, governance, or finances of a business enterprise.

(b) Those involving information technology, software, or website development, maintenance, or hosting.

(c) Those involving the internal organization of business entities and the rights or obligations of shareholders, partners, members, owners, officers, directors, or managers.

(d) Those arising out of contractual agreements or other business dealings, including licensing, trade secret, intellectual property, antitrust, securities, noncompete, nonsolicitation, and confidentiality agreements if all available administrative remedies are completely exhausted, including, but not limited to, alternative dispute resolution processes prescribed in the agreements.

(e) Those arising out of commercial transactions, including commercial bank transactions.

(f) Those arising out of business or commercial insurance policies.

(g) Those involving commercial real property.

(3) Notwithstanding subsections (1) and (2), business or commercial disputes expressly exclude the following types of actions:

(a) Personal injury actions including, but not limited to, wrongful death and malpractice actions.

(b) Product liability actions in which any claimant is an individual.

(c) Matters within the jurisdiction of the family division of circuit court.

(d) Proceedings under the probate code of 1939, 1939 PA 288, MCL 710.21 to 712B.41.

(e) Proceedings under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206.

(f) Criminal matters.

(g) Condemnation matters.

(h) Appeals from lower courts or any administrative agency.

(i) Proceedings to enforce judgments of any kind, including supplementary hearings.

(j) Landlord-tenant matters involving only residential property.

(k) Land contract, mortgage, construction, and condominium lien foreclosure matters and actions involving the enforcement of condominium and homeowners associations governing documents.

(l) Motor vehicle insurance coverage under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302.

(m) Insurance coverage disputes in which an insured or an alleged insured is an individual consumer.

(n) Employment discrimination.

(o) Civil rights including, but not limited to, an action brought under any of the following:

- (i) The Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to 37.2804.
- (ii) The persons with disabilities civil rights act, 1976 PA 220, MCL 37.1101 to 37.1607.
- (iii) Chapter XXI of the Michigan penal code, 1931 PA 328, MCL 750.146 to 750.148.
- (p) Wrongful discharge, except for actions involving corporate officers or directors.
- (q) Worker's compensation claims under the worker's disability compensation act, 1969 PA 317, MCL 418.101 to 418.941.

History: Add. 2012, Act 333, Eff. Jan. 1, 2013;—Am. 2017, Act 101, Eff. Oct. 11, 2017.

Compiler's note: Enacting section 2 of Act 101 of 2017 provides:

"Enacting section 2. This amendatory act applies to actions commenced on or after the effective date of this amendatory act."

600.8033 Business court; operation; plan; administrative order; purpose.

Sec. 8033. (1) Every circuit with not fewer than 3 circuit judges shall have a business court and shall submit a plan for the operation of the business court to the state court administrative office and the supreme court for approval.

(2) A circuit other than a circuit described in subsection (1) may submit an administrative order for the operation of a business court to the state court administrative office and the supreme court for review as part of a concurrent jurisdiction plan.

(3) The purpose of a business court is to do all of the following:

- (a) Establish judicial structures that will help all court users by improving the efficiency of the courts.
- (b) Allow business or commercial disputes to be resolved with the expertise, technology, and efficiency required by the information age economy.
- (c) Enhance the accuracy, consistency, and predictability of decisions in business and commercial cases.

History: Add. 2012, Act 333, Eff. Jan. 1, 2013.

600.8035 Business court; jurisdiction; venue; assignment.

Sec. 8035. (1) A business court has jurisdiction over business and commercial disputes in which equitable or declaratory relief is sought or in which the matter otherwise meets circuit court jurisdictional requirements.

(2) Venue of a suit in the business court is as provided in chapter 16.

(3) An action must be assigned to a business court if all or part of the action includes a business or commercial dispute. An action that involves a business or commercial dispute that is filed in a court with a business docket must be maintained in a business court although it also involves claims that are not business or commercial disputes, including excluded claims under section 8031(3).

(4) An action must be assigned to a business court judge by blind draw, unless the jurisdiction and venue of the case lies in a county described in section 8033(2).

(5) An action assigned to a business court judge may be reassigned by blind draw to another judge as prescribed by the plan submitted under section 8033(1) or (2), as applicable, if the action ceases to include a business or commercial dispute.

(6) An action that does not initially include a business or commercial dispute but that subsequently includes a business or commercial dispute as a result of a cross-claim, counterclaim, third-party complaint, amendment, or any other modification of the action must be reassigned by blind draw to a business court after the action is modified to include a business or commercial dispute as prescribed by the plan submitted under section 8033(1) or (2), as applicable.

(7) Upon motion of a party, the chief judge of the judicial circuit may review assignments under subsections (3), (5), and (6). The ruling of the chief judge under this subsection is not an order that may be appealed under section 308.

History: Add. 2012, Act 333, Eff. Jan. 1, 2013;—Am. 2017, Act 101, Eff. Oct. 11, 2017.

Compiler's note: Compiler's note: Enacting section 2 of Act 101 of 2017 provides:

"Enacting section 2. This amendatory act applies to actions commenced on or after the effective date of this amendatory act."

600.8037 Business court; judges.

Sec. 8037. (1) Except as provided in subsection (7), a business court consists of sitting circuit judges assigned by the supreme court in a number reasonably reflecting the caseload of the business court. While sitting as a judge of a business court, a circuit judge may exercise the jurisdiction of the business court as provided by law.

(2) A circuit judge assigned as a judge of a business court is assigned for a term of 6 years and may be reassigned at the expiration of the judge's term.

(3) The term of a judge of a business court expires on April 1, 2019, and on April 1 of every sixth year after that.

(4) If a circuit judge acting as a business court judge before whom a case has been tried or a motion heard is disabled or absent from the place where court is held, another circuit judge designated to sit as the judge of a business court may continue to hear, determine, and sign all matters that his or her predecessor could have heard, determined, and signed.

(5) If a circuit judge designated to sit as a judge of the business court leaves office for any reason before signing a judgment and after a finding of fact or rendering an opinion upon proof submitted and argument of counsel disposing of all or part of the issues in the case involved, a successor as judge of the business court may proceed with that action in a manner consistent with the finding of fact or opinion. The successor judge has the same powers as if the finding of fact had been made or the opinion had been rendered by the successor judge.

(6) If a circuit judge leaves office while sitting as a judge of a business court, the supreme court may assign a circuit judge to serve for the remainder of the judge's term on the business court.

(7) A concurrent jurisdiction plan adopted under chapter 4 and approved by the supreme court may provide that 1 or more probate judges or district judges within the circuit may exercise the power and jurisdiction of the business court.

History: Add. 2012, Act 333, Eff. Jan. 1, 2013.

600.8039 Commencement of action; electronic filing; standards; availability of written opinions; practice and procedure.

Sec. 8039. (1) Whenever possible, an action commenced in a business court shall be filed by electronic communications.

(2) A business court shall meet minimum standards as determined by the state court administrative office, which may include electronic filing, telephone or video conferencing, and early alternative dispute resolution intervention.

(3) All written opinions in business court cases shall be made available on an indexed website.

(4) The practice and procedure of a business court not otherwise governed by the provisions of sections 8031 to 8047 shall be governed by practices and procedures prescribed for the circuit court. The supreme court may adopt rules governing practice and procedure in the business court.

History: Add. 2012, Act 333, Eff. Jan. 1, 2013.

600.8041 Appeal.

Sec. 8041. (1) An appeal from a business court shall be to the court of appeals, as prescribed by supreme court rules.

(2) The time within which an appeal as of right from a business court may be taken shall be governed by supreme court rules concerning appeals from the circuit court.

History: Add. 2012, Act 333, Eff. Jan. 1, 2013.

600.8043 Judges; training.

Sec. 8043. The Michigan judicial institute shall provide appropriate training for all circuit judges serving as business court judges.

History: Add. 2012, Act 333, Eff. Jan. 1, 2013.

600.8045 Fees.

Sec. 8045. The fees payable in civil actions in circuit court apply to cases in a business court, unless otherwise provided by law.

History: Add. 2012, Act 333, Eff. Jan. 1, 2013.

600.8047 Case pending on pilot business court docket.

Sec. 8047. Any case that is pending on a pilot business court docket on January 1, 2013 shall remain on that pilot business court docket and assigned to the judge who was initially assigned to that case until its completion.

History: Add. 2012, Act 333, Eff. Jan. 1, 2013.