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State Bar panel urges test of court devoted to business cases

By [Chad Halcom](#)



Michigan should roll out a three-year pilot program of dedicated business-court dockets throughout the state for an efficient and consistent approach to complex business and commercial litigation statewide, a task force convened by the **State Bar of Michigan** recommended today.

The 28-member Judicial Crossroads Task Force offered up the business court proposal as one of 13 proposals to streamline trial courts, make better use of technology and collaboration and prevent current systemic problems from worsening.

"It's important to have a judge on business cases who's familiar with the law and have a certainty within the system of what certain orders and opinions are going to be like and helping the case to move along in an expeditious manner," said Edward Pappas, co-chairman at the Detroit law firm **Dickinson Wright PLLC** and co-chairman of the task force.

"In this economy, Michigan has got to be perceived as giving business a priority. So we've got to be more efficient and shorten the amount of time that causes greater business uncertainty and fees."

The task force recommended two to three business dockets in the state, each staffed by up to three local judges — with at least one docket each for matters in Wayne and Oakland counties.

The courts would handle complex commercial litigation, class actions and automotive supplier disputes and other involved business litigation, under judges who handle cases from start to finish and make written opinions in all rulings.

An oversight body would monitor and evaluate the success rate of the pilot program. After three years, the State Court Administrative Office and a trial court judicial council also recommended by the task force would review the number of cases and resolution time of business-docket matters compared with general civil dockets.

The advantages of the business court, task force members said, would be to clear up the dockets of other trial courts handling criminal cases and more general civil matters. In addition, judges with business law experience would help ensure greater certainty for the business community about Michigan's court system.

"Under a statutory priority system in this state, the first cases up for judges are criminal cases where a defendant is in custody, then ones where they're not in custody, then maybe a business case," said Barry Howard, task force co-chairman and attorney of counsel at **Lipson, Neilson Cole Seltzer & Garin PC** in Bloomfield Hills.

"So securities, commercial and civil cases all go the bottom of the heap, unfortunately, and, because they involve a lot of expensive and involved pre-trial discovery and motions, do not get tried or adjudicated as quickly as they could have."

Other task force recommendations include adjusting the number of trial court judges through attrition and

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retirements; eliminating disparities in judges' compensation through a uniform, state-funded system of benefits; collaboration and "concurrent jurisdiction" for some trial court judges; and the creation of a trial council.

The task force was convened in late 2009 to review and make recommendations on changes to the judiciary to reflect Michigan's contracting economy.

In a statement today, Chief Justice Robert Young of the **Michigan Supreme Court** said the task force "has produced a thoughtful and detailed report that merits serious consideration."

"As the report notes, some of our state courts simply have more judges than they need to keep up with their workload; also, many of our courts could benefit from consolidating some functions with other courts in the same judicial circuit. The Supreme Court has long urged the right-sizing of our court system and appropriate court consolidation."



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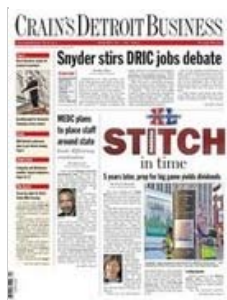
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