

How A Case Is Decided

The initial papers filed in the Michigan Supreme Court are ordinarily titled "application for leave to appeal." Applications are filed with the Clerk of the Supreme Court in Lansing, during regular business hours.

The Court receives several thousand applications each year. Of that number, the Court "grants" only about a hundred applications. Typically, these are cases that involve interpretation of the Michigan Constitution, an important Michigan statute, or a point of law upon which the courts below are in disagreement.

Of the remaining applications, the great majority are "denied." A denial order normally contains only the explanation that the Justices "are not persuaded that the question(s) presented should be reviewed by this Court." Occasionally a denial order will note that the case is not yet ripe for final disposition. Thus the Justices may state that they are not persuaded that the case should be reviewed before the completion of further proceedings in the lower courts.

A denial order is not a decision to uphold (affirm) the decision made by the lower court. It is simply a decision that the Michigan Supreme Court will not hear the case. It does not imply approval or disapproval of what was decided below.

In a small number of cases, the Court will respond to the application with an order that resolves the case, or that directs a lower court to consider the case again in accordance with directions supplied by the Michigan Supreme Court.

Applications are decided by the Court on the basis of the written materials submitted by the parties.

Because of the large number of applications filed with the Michigan Supreme Court, an application generally remains pending for several months before a decision is reached. However, the time for any particular application can vary greatly, depending on a variety of circumstances. In a true emergency, the Court sometimes acts on an application within hours of its receipt.

If the application is granted, then there is a hearing (called "oral argument") in the Michigan Supreme Court courtroom located on the sixth floor of the Hall of Justice at 925 W. Ottawa Street in Lansing. The arguments are ordinarily heard during the first week of the month, starting in October and continuing until May. These are public hearings, open to all citizens and members of the media.

During the hearing, the Justices sometimes ask questions or offer comments, but the

Court will not decide the case during the public hearing. The questions and comments of a Justice do not indicate the manner in which that Justice intends to vote or analyze the case. At the conclusion of the hearing, the case is deemed to have been "submitted" to the Court for decision.

Following the hearing, the Court meets in private to discuss the case and to agree preliminarily on how the case is to be decided. A justice is selected to author an opinion of law, explaining the Court's decision. When the proposed opinion is written, it is circulated among the Justices. Some agree, some ask for revisions, and some disagree. In response to the proposed opinion, another Justice may write a dissenting opinion or an opinion expressing a separate point of view. During the process, the justices sometimes change their minds regarding the proper outcome of the case. When each justice has signed the final draft of one of the circulating opinions, the case is decided. All of the grant cases submitted to the Court are expected to be decided by July 31 of each year.

In addition to the applications for leave to appeal and the other papers concerning appeals from lower courts, the Michigan Supreme Court also reviews a great number of administrative matters. The Michigan Constitution places on the Supreme Court the responsibility to supervise the entire state court system. As a result, the Supreme Court must consider a wide variety of matters relating to court rules, rules of evidence, disciplinary rules, administrative orders, appointments to various boards, budgetary matters, and a host of related concerns.

These administrative matters are handled by the Court during regular conferences and, beginning in 1998, at public hearings during the year. Where there is a proposal to change a court rule or take other action, the Court will often publish the proposal for comment, and then decide what to do only after reviewing the comments of all those who respond.

Taken from http://courts.michigan.gov/supremecourt/Clerk/msc_howdecided.htm