

Michigan Paralegal News – December 2022



SBM Paralegal/Legal Assistant Council
wish you and your family a Joyful and Happy
Holiday Season!



New Amendment to Federal Court Rule 37.2

Effective 11/7/2022

This amendment requires that objections must be raised timely to discovery requests and sufficiency of the responses. If a motion to compel is to be filed, it must be within 30 days after the discovery is due:

LR 37.2 Form and Timeliness of Discovery Motions

- (a) Any discovery motion filed Fed. R. Civ. P. 26 through 37, shall include, in the motion itself or in an attached memorandum, a verbatim recitation of each interrogatory, request, answer, response, and objection which is the subject of the motion or a copy of the actual discovery document which is the subject of the motion.
- (b) Parties must raise objections timely to both discovery requests and the sufficiency of discovery responses. A motion to compel or other motion in aid of discovery is deemed forfeited if it is not filed within 30 days after the discovery response is due or the discovery response is received unless such failure to file a motion was caused by excusable neglect or by some action of the non-moving party. A discovery response includes any assertion of privilege, whether or not stated in the form of privilege.
- (c) If no response is filed timely, the court may deem the failure as a forfeiture of opposition to the motion and may consider that forfeiture of opposition as an independent basis to grant the motion.

New Amendment to Federal Court Rule 7.1(a)(2)

Effective 12/2/2022

This amendment requires a statement of concurrence and the form of the motion. Basically, you must seek concurrence from the opposing party and if not, you need to put in the motion why concurrence was not obtained:

LR 7.1 Motion Practice

(a) Seeking Concurrence in Motions and Requests.

(1) Before filing a motion relating to discovery, the movant must comply with Federal Rule of Civil Procedure 37(a)(1). Otherwise, the movant must ascertain before filing whether the contemplated motion or request under Federal Rule of Civil Procedure 6(b)(1)(A) will be opposed. To accomplish this, the movant must confer with the other parties and other persons entitled to be heard on the motion in good faith and in a manner

that reasonably explains the basis for the motion and allows for an interactive process aimed at reaching agreement on the matter or those aspects of the matter that can be resolved without court intervention, given the nature of the contemplated motion. The conference must be held sufficiently in advance of filing the motion to allow a good faith interactive exchange aimed at resolving the matter. If the movant obtains concurrence, the parties or other persons involved may make the subject matter of the contemplated motion or request a matter of record by stipulated order.

(2) If concurrence is not obtained, the motion or request must state:

(A) there was a conference between attorneys or unrepresented parties and other persons entitled to be heard on the motion in which the movant explained the nature of the motion or request and its legal basis and requested but did not obtain concurrence in the relief sought;

(B) despite reasonable and timely efforts specified in the motion or request, the movant was unable to conduct a conference; or

(C) concurrence in the motion has not been sought because of the emergent nature of the relief requested in the motion; or

(D) concurrence in the motion has not been sought because the movant or nonmovant is an incarcerated prisoner proceeding pro se.

(3) The court may tax costs impose sanctions for unreasonable withholding of consent and for violating this rule, which may include taxing costs and attorney's fees, denying the motion, and striking the filing.

(i) Restrictions. Motions must not be combined with any other stand-alone document. For example, a motion for preliminary injunctive relief must not be combined with a complaint, a counter-motion must not be combined with a response or reply, and a motion for downward departure must not be combined with a sentencing memorandum. Papers filed in violation of this rule will be stricken.

Notice of Amendments to Local Rules Page 3 Effective December 1, 2022

COMMENT: Federal Rule of Civil Procedure 6(b)(1)(A) permits a person to seek an enlargement of time “with or without motion or notice ... if a request is made before the original time or its extension expires...” Although the Court generally prefers that such relief be sought by stipulation or motion, if a person chooses to seek relief by means of a “request,” LR 7.1(a) requires contact with other parties and other persons entitled to be heard on the motion to seek concurrence in the relief requested still applies. The court retains the authority to alter the briefing schedule.

LR 7.1(a) requires that a moving party conduct a meaningful and timely conference with other parties to explain the nature of the relief sought and the grounds for the motion, to seek concurrence, and to narrow the issues. The Court's strong preference is for conferences held in a manner that facilitates discussion and debate, such as in person, by video or by telephone. Sometimes, email exchanges may suffice if the motion is rudimentary and uncomplicated, or to document conversations. But sending an email without engaging the other parties will not satisfy this rule.

MEMBERSHIP ANNOUNCEMENTS:

- **2023 DAY OF EDUCATION** – The SBM Paralegal/Legal Assistant Section Council is already hard at work planning the 2023 Day of Education. The last few years have proven difficult for event planning for all of us, and we are dedicated to holding a great event for our Section in 2023! **Please take this VERY short [survey](#) to help us organize an event that you would like to attend and tell us what you would like to see!**
- **ANNUAL DUES** – SBM Paralegal/Legal Assistant Section will be increasing its annual dues to \$125 beginning January 1, 2023. If you have not renewed your dues yet, please do so before the new year.

If you would like to be a contributor to the Michigan Paralegal News, please email Laura Traud, Chair of the Michigan Paralegal Section Newsletter Committee, at laura.traud@outlook.com for more information.