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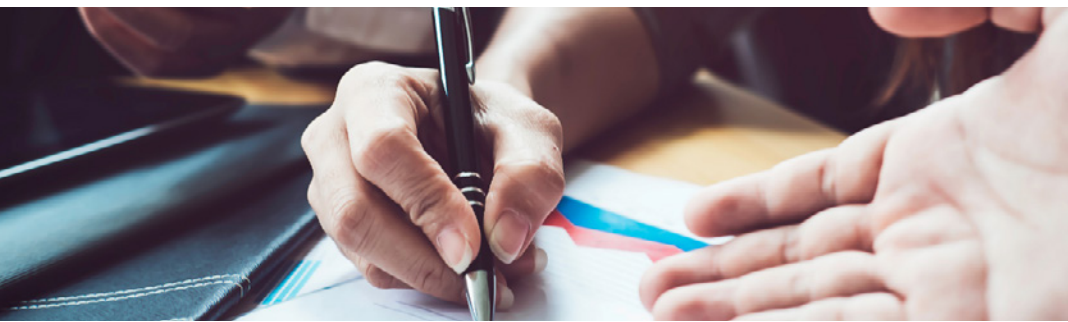
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Appellate Practice Report

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The Michigan Court of Appeals' Internal Operating Procedures (a/k/a "the IOPs")

When it comes to handling a case in the Michigan Court of Appeals, one of the most useful resources may be the Court's Internal Operating Procedures (commonly known as the "IOPs"). Although much of the information in the IOPs can be obtained from the court rules themselves, the IOPs, which are updated regularly, provide many helpful details about the Court's internal processing of appeals. Here are some of the highlights:

- The IOPs explain the intake process for both claims of appeal and applications for leave to appeal, including the assigning of docket numbers, the processing of appeals involving multiple lower court case number or orders, and, in the case of appeals as of right, the Court's initial determination of its jurisdiction.
- The IOPs provide details about the filing of interlocutory appeals, including how to seek emergency relief and a stay of proceedings. The IOPs also explain the process for submission of emergency appeals and related motions to hearing panels.
- The IOPs provide guidance for securing the transcript for appeal, including how the Court addresses late transcript orders, the late filing of transcripts, and situations when the transcript is not available.
- The IOPs explain motion practice in the Court of Appeals, including the various types of motions that can be filed and when they should be filed.
- Perhaps most useful for practitioners, the IOPs contain comprehensive information relating to the filing of briefs, including timing, form, and how to go about seeking an extension of time. The IOPs also explain the filing of adoptive briefs, joint briefs (e.g., appellant/cross-appellee or appellee/cross-appellant), supplemental authority, and amicus briefs (including the availability of a response).
- The IOPs explain how cases are placed on the Court's calendar for oral argument, the ability of parties to advise the Court of scheduling conflicts, and how to seek an adjournment or disqualification of a judge.
- The IOPs explain the process for obtaining an audio recording of an oral argument.
- The IOPs provide helpful information on the issuance of opinions and orders, filing motions for reconsideration, and taxing costs.
- Finally, the IOPs explain the various circumstances that can lead to the involuntary dismissal of an appeal and how to avoid them.



Phillip J. DeRosier

Phil DeRosier has more than 20 years' experience representing industry-leading corporations, banks, insurance companies, and individuals in the Michigan Supreme Court, Michigan Court of Appeals, and U.S. Courts of Appeals. Phil has briefed and argued a wide variety of appeals, ranging from commercial contracts to insurance to business torts. He also devotes a significant part of his practice to briefing dispositive motions and working with trial counsel on pre- and post-trial motions, jury instructions, and preserving issues for appeal.

Phil is a past Chair of the Governing Council of the State Bar of Michigan's Appellate Practice Section, and is consistently recognized in Best Lawyers and Michigan Super Lawyers in the area of appellate practice. Phil is co-chair of the Michigan Appellate Bench Bar Conference and a contributing author to the Institute for Continuing Legal Education's *Michigan Appellate Handbook*. Before joining the firm, Phil served as a law clerk for former Michigan Supreme Court Chief Justice Robert P. Young, Jr., and was a staff attorney at the Michigan Court of Appeals.



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