

Michigan's Business Courts

It is unfortunate that most business owners will find themselves involved in a legal dispute at some point. Not all scenarios will require the parties to retain attorneys and engage in protracted settlement negotiations, or worse yet, engage in contested litigation. Should your business become part of litigation some counties will place your case on their “business docket.”

Effective January 1, 2013, the Michigan Legislature required some counties to establish a “business court” as a specialized subsection of the circuit court¹. Cases that are filed which contain a business or commercial claim will be placed on the circuit court’s business court docket. Your case will still be placed on the business court docket although the pleadings may contain non-business related causes of action².

Each circuit court with more than three circuit court judges is required to establish a business court³. The business courts are intended to provide better case management that encourages an expedited resolution of business related litigations. Furthermore, the judges assigned to the business courts have an interest or background in business or commercial disputes. Although Public Act 33 is a general mandate, each circuit court is permitted to create its own administrative orders for how its business court will operate. Additionally, those circuit courts with less than three circuit court judges are permitted to create their own business court but they are not required to do so.

As referenced above, the purpose of the business court is to usher in a streamlined, litigation process for business or commercial disputes because many cases can take months or years to resolve. Often times, judges will *encourage* the parties to participate in facilitative mediation early in the litigation process to try to curb the time and costs associated with discovery. It is always a good practice to speak with an attorney sooner rather than later in order to provide maximum protection for your interests.

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¹ Public Acts of 2012, Act No. 33

² Public Acts of 2012, Act No. 33

³ Public Acts of 2012, Act No. 33

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