

## The Informal Hearing

“An informal hearing will be held unless (a) a party expressly requests a formal hearing.” MCR 4.101(E)(2)(A). The Court is not required to offer the defendant a choice.

An informal hearing is conducted by the District Court Magistrate and proceeds “in an informal manner so as to do substantial justice according to the rules of substantive law but shall not be bound by the statutory provisions or rules of practice, procedure, pleadings, or evidence, except provisions relating to privileged communications.” MCL 257.746(1); MSA 9.2446(1).

- “There shall not be a jury at an informal hearing.” MCL 257.746(1); MSA 9.2446(1).
- “A verbatim record of an informal hearing shall not be required.” MCL 257.746(1); MSA 9.2446(1). A record is not needed because an appeal from an informal hearing is heard by a Judge in the District Court at a formal hearing de novo.
- “[T]he person cited may not be represented by an attorney nor may the plaintiff be represented by the prosecuting attorney or attorney for a political subdivision.” MCL 257.746 (2); MSA 9.2446(2).
- “[The citing police agency...may subpoena witnesses for the plaintiff. The defendant may also subpoena witnesses.” MCL 257.746(3); MSA 9.2446(3).
- The court must determine that the defendant is responsible for violating a civil infraction “by a preponderance of the evidence.” MCL 257.746(4); MSA 9.2446(4).
- “The plaintiff and defendant shall be entitled to appeal an adverse judgment entered at an informal hearing.” MCL 257.746(5); MSA 9.2446(5).