

September 30, 2022

Larry S. Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2021-35 – Proposed Amendment of Rule 7.202 of the Michigan Court Rules

Dear Clerk Royster:

At its September 16, 2022 meeting, the Board of Commissioners of the State Bar of Michigan considered ADM File No. 2021-35. In its review, the Board considered recommendations from the Civil Procedure & Courts Committee and the Appellate Practice Section. The Board voted to oppose the proposed amendment, because it is unnecessary, confusing, and potentially ripe for abuse. As noted by the Appellate Practice Section, the proposed amendment of Rule 7.202 is an incomplete recitation of the entities and individuals that can claim governmental immunity (including judges under MCL 691.1407(5)) and it is inconsistent with the recitation of entities and individuals to which governmental immunity applies under both Rule 7.202(6)(a)(v) and MCL 691.1407.

We thank the Court for the opportunity to convey the Board's position.

Sincerely,



Peter Cunningham
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court
James W. Heath, President