

p 517-346-6300

p 800-968-1442

f 517-482-6248

www.michbar.org

306 Townsend Street

Michael Franck Building

Lansing, MI

48933-2012

December 22, 2008

Corbin Davis
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2007-42
Proposed Amendments of Rules 7.302, 7.314, and 7.316 of the Michigan Court Rules

Dear Clerk Davis:

At its December 16, 2008 meeting, the Executive Committee of the State Bar of Michigan considered the above rule amendment published for comment. After considering a recommendation from the Civil Procedure and Courts Committee, the Executive Committee voted to support the proposal and offer further amendments.

In general, there was support for explicitly recognizing the authority of the Supreme Court to control the appeals pending in that Court in connection with nonconforming briefs, failure to pursue the appeal, or failure to comply with applicable rules. But there was a concern that given the gravity of dismissal for failure to pursue the case in conformity with the rules under MCR 7.314(C) and 7.316(A)(9), such actions should be authorized only where the failure is a significant. Thus, the Committee recommends that "substantially" be inserted before "conformity" in both rules. The Committee recognizes that repeated minor failures could amount to substantial nonconformity, and believes that the staff comment could indicate that.

We appreciate the opportunity to offer this position for the Court's consideration. Please contact me with any further questions.

Sincerely,



Janet Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Edward Pappas, President