

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

June 27, 2013

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

RE: ADM File No. 2011-26 – Proposed Amendment of Rule 2.403 of the Michigan Court Rules

Dear Clerk Royster:

At its June 14, 2013 meeting, the Board of Commissioners of the State Bar of Michigan considered the above rule amendment published for comment. In its review, the Board considered a recommendation from Civil Procedure & Courts Committee. The Board voted unanimously to support the amendment with the revisions proposed by the Civil Procedure & Courts Committee:

- Insert “denying a timely motion:” to (O)(8) after “order” so it modifies all subparts, and delete that language from (O)(8)(1).
- Delete subparagraph (iv). The concern is that a party could file a very belated or frivolous post-judgment motion simply in order to resurrect an otherwise time-barred motion for case evaluation sanctions. Given subparagraphs (i)-(iii), the Board could not imagine a scenario where this sort of provision would be necessary. It is recognized that MCR 2.625(F) includes such language, but the dollar value between costs and fees suggests less likelihood of manipulation of the cost rule.
- Make changes to the offer of judgment rule.
- Add rehearing/reconsideration to MCR 2.625(F).

We thank the Court for the opportunity to comment on the proposed amendments.

Sincerely,



Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Bruce A. Courtade, President