

FAMILY LAW SECTION
Respectfully submits the following position on:

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ADM File No. 2007-18

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

The State Bar of Michigan's position on this matter is to oppose ADM File No. 2007-18.

The total membership of the Family Law Section is 2,481.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 21. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of committee:

Family Law Section

Contact person:

Amy A. Yu

E-mail:

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Proposed Court Rule Amendment:

[2007-18 Proposed Amendment of Rule 2.117 of the Michigan Court Rules](#)

The proposed amendment would revise MCR 2.117 to provide that an attorney-client relationship continues until a final judgment is reached and the period allowed to appeal by right has expired unless the attorney discontinued the relationship before that time. Also the proposal would clarify that follow-up or ministerial actions performed by the attorney following notice of termination do not extend the attorney-client relationship.

Date position was adopted:

March 1, 2011

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

21 Voted for position

0 Voted against position

0 Did not vote

Position:

Oppose

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://courts.michigan.gov/supremecourt/Resources/Administrative/2007-18-11-23-10.pdf>



FAMILY LAW SECTION

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March 1, 2011

Michigan Supreme Court
925 W. Ottawa St.
Lansing, Michigan 48913

Re: Supreme Court Adm File No. 2007-18

Dear Clerk:

The Family Law Council of the State Bar of Michigan, the governing body for the State Bar Family Law Section, has reviewed the proposed changes to MCR 2.117 and believes that there is no reason to change the rule.

The Council concurs with the comments of the State Bar of Michigan Civil Procedure and Courts Committee Report on the proposed amendment. Specifically, once a lawyer has appeared in a case, the lawyer's role is not limited to lawyer and client. The courts and other parties have expectations that the lawyer continues to represent the client. The uncertainty created by the proposed amendment (by simply allowing a lawyer to notify his client concerning withdrawal) affects notice and creates potential ethical problems for the opposing counsel in determining whether to contact the opposing party directly.

The current rule clearly provides that an attorney's appearance applies only in the specific court where it is made and continues until expiration of the appeal period after entry of a final judgment. The appearance also applies in an appeal taken before entry of a final judgment by the trial court. This provides clarity as discussed above.

Sincerely,

Amy A. Yu
Chair, Family Law Section