



S T A T E B A R O F M I C H I G A N

p 517-346-6300 March 2, 2011

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

306 Townsend Street

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Lansing, MI

48933-2012

RE: ADM File No. 2008-11 Proposed Amendment of Rule 2.507 of the Michigan Court Rules

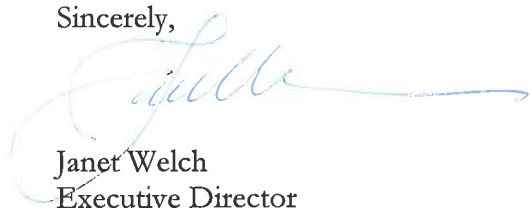
Dear Clerk Davis:

At its March 1, 2011 meeting, the Executive Committee of the State Bar of Michigan considered the above rule amendments published for comment. The Executive Committee voted to support the proposed amendment.

The Committee also voted to request the Court's consideration of additional language to MCR 2.507 (G) suggested by the State Bar's Civil Procedure and Courts Committee. The Committee recommends that the rule should be amended to add an additional circumstance in which agreements should be binding, when agreements are made on the record at a deposition. Current case law construes MCR 2.507(G) as excluding agreements at depositions. This is a reasonable interpretation of the current rule, but it is an undesirable result. The purpose of the in writing or in open court requirement is to provide assurance that there was an agreement and to establish its terms. Extending the rule to agreements shown by a deposition record would provide similar assurance.

We thank the Court for its publication of the proposed amendment. Please contact me with any further questions.

Sincerely,



Janet Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
W. Anthony Jenkins, President
Hon. Terry L. Clark, President, Michigan District Judges Association
Hon. Annette M. Jurkiewicz-Berry, President, Michigan Judges Association
Hon. Kenneth L. Tacoma, President, Michigan Probate Judges Association