

ATTACHMENT A

**Proposed Amendment/Addition of MCR 2.606**

1 RULE 2.606 DESIGNATED OR QUALIFIED SETTLEMENT FUND  
2 OBLIGATIONS

3 (A) A settlement agreement, judgment or order shall provide that a portion of  
4 interest earned on any settlement fund (including any Designated Settlement  
5 Fund or Qualified Settlement Fund described in Section 468B of the Internal  
6 Revenue Code and regulations promulgated thereunder) into which a defendant  
7 transfers funds shall be disbursed to the Michigan State Bar Foundation to  
8 support activities and programs that promote access to the civil justice system  
9 for low income residents of Michigan.

10 (B) This provision shall apply (i) only to interest earned on settlement funds not  
11 otherwise disbursed within the first 180 days after the deposit by the settling  
12 Defendant(s) and (ii) after that 180-day date until the distributions to the  
13 claimants have been completed and the settlement fund account is closed.

14 (C) Distributions from interest pursuant to this provision shall be limited to five  
15 percent of the interest earned after that 180-day date but shall not exceed  
16 \$250,000.

17 (D) The settlement agreement, judgment, or order shall require that settlement  
18 funds be held in an interest-bearing account with reasonable efforts to obtain a  
19 competitive rate of return.