

**State Bar of Michigan
Board of Commissioners
Public Policy Agenda
December 2018
Teleconference Only**

A. Legislation

1. Loser-Pay Legislation

SB 1182 (Shirkey) Civil procedure; costs and fees; attorney fees; require award to prevailing party. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 2443.

SB 1183 (Shirkey) Civil procedure; costs and fees; attorney fee awards in frivolous civil actions; modify. Amends secs. 2445 & 2591 of 1961 PA 236 (MCL 600.2445 & 600.2591) & adds sec. 2446.

Status: 11/08/18 Referred to Senate Committee on Judiciary.

Referrals: 11/13/18: Civil Procedure & Courts Committee; Appellate Practice Section; Business Law Section; Consumer Law Section; Litigation Section; Negligence Law Section.

Comments: Civil Procedure & Courts Committee; Appellate Practice Section; Consumer Law Section; Family Law Section; Litigation Section; Negligence Law Section; Probate & Estate Planning Section.

Comment from the Center for Civil Justice included in materials.



To: Members of the Public Policy Committee
Board of Commissioners

From: Janet Welch, Executive Director
Peter Cunningham, Director of Governmental Relations
Kathryn L. Hennessey, Public Policy Counsel

Date: November 30, 2018

Re: SB 1182 and SB 1183

Background

Introduced in November 2018 by Senator Shirkey, SB 1182 and 1183 would mandate courts to assess attorney fees against the losing party in civil proceedings and against a party filing a vexatious appeal.

1. SB 1182

SB 1182 would enact a loser-pay regime for civil actions, expanding the spectrum of cases in which attorney fees are available and contracting the court's discretion in awarding such fees. For cases with monetary judgments, the award of attorney fees set forth in SB 1182 would not be based on the actual attorney fees incurred, but rather on the amount of the judgment and whether or not the case went to trial or was contested. If no monetary judgment is entered, then the prevailing party would be entitled to a percentage of its "reasonable actual attorney fees that were necessarily incurred." In addition, SB 1182 would require that attorney fees be awarded for default judgments based either on the amount of the judgment or actual attorney fees, whichever is less.

The following chart sets forth the fees defined by SB 1182:

	Trial	Contested but No Trial	Not Contested
Non-Monetary	30% of actual reasonable attorney fees necessarily incurred	20% of actual reasonable attorney fees necessarily incurred	
\$25,000 or under	20% of judgment	18% of judgment	10% of judgment
\$25,001-\$100,000	\$5,000 plus 10% of amount over \$25,000	\$4,500 plus 8% of amount over \$25,000	\$2,500 plus 3% of amount over \$25,000
\$100,001-\$500,000	\$5,000 plus 10% of amount over \$25,000	\$10,500 plus 6% of amount over \$100,000	\$4,750 plus 2% of amount over \$100,000
\$500,001 or more	\$5,000 plus 10% of amount over \$25,000	\$34,500 plus 2% of the amount over \$500,000	\$12,750 plus 1% of amount over \$500,000

A court may deviate from the attorney fee awards defined in SB 1182 “if, on consideration of all of the factors listed in this section, the court determines that a variation is warranted.” Section 5 lists 11 factors for judges to consider, including the attorney’s efforts to minimize fees, the reasonableness of the claims and defenses pursued by each side, and the relationship between the amount of work performed and the significance of the matter at stake. The judge is required to state the reasons for the variance on the record or in a written opinion or order.

SB 1182 applies to “civil actions.” While the bill makes clear that it does not apply to cases pending in small claims courts, it is not clear whether the legislation would extend to domestic relations and probate proceedings. In addition, the bill explicitly states that it does not apply where “otherwise provided by law or agreed to by the parties,” so it appears that it would not affect attorney fees explicitly provided for by other statutes or by contract.

2. SB 1183

This bill applies to appeals and would require a court to assess attorney fees against a party if the court determines the appeal or a proceeding within the appeal was vexatious. The bill defines vexatious appeals and vexatious proceedings in an appeal. Notably, SB 1183 defines a vexatious appellate proceeding to be any pleading, motion, argument, brief, document, or record that violates a court rule, which means, for example, that a party could be assessed attorney fees for vexatious proceedings for filing a brief that fails to fully comply with MCR 7.212 or an appendix that does not conform to the newly-enacted requirements of MCR 7.212(J).

***Keller* Considerations**

The State Bar of Michigan has historically opposed “loser-pay” legislation, most recently during the 2007-2008 legislative term.¹ The basis for SBM’s opposition was the impact that these bills would have on the functioning of the court, namely by limiting the judicial discretion already in place. The State Bar also has historically advocated against regulation of attorney fees by statute, arguing that such regulation belongs within the authority of the judicial branch.

A number of sections and committees have recommended that SB 1182 and 1183 are *Keller*-permissible because they affect the availability of legal services to society, the regulation of the legal profession, and the functioning of the courts.

Availability of Legal Services to Society. The Civil Procedure & Courts Committee, Negligence Law Section, Family Law Section, Litigation Section, and Appellate Practice Section found that these bills would impact the availability of legal services to society, explaining that the legislation would affect “parties’ willingness to seek redress in the courts,” “diminish the ability [of parties] to pursue legitimate claims due to concerns over paying the legal fees of the other party,” and create “a chilling effect” on litigation and appeals for parties who do not have the means to pay the attorney fees.

By mandating attorney fees and limiting judicial discretion in assessing such fees, SB 1182 would make litigation riskier, particularly for clients who do not have the means to pay an assessment of attorney

¹ During the 2007-2008 term 4 loser-pay bills were introduced: SB [1001](#) and [1002](#) and HB [4953](#) and [5037](#).

fees. This would curtail the availability of the courts to potential litigants, particularly those without deep pockets.

Likewise, by mandating the assessment of attorney fees for vexatious appeals, SB 1183 could deter appellants with legitimate claims from pursuing an appeal, particularly if the path to winning the case requires innovative appellate arguments.

Regulation and Discipline of Attorneys. The Family Law and Litigation Sections also found the bills to affect the regulation and discipline of attorneys. The Family Law Section explains that the bills would “dramatically affect the practice of law for many attorneys, their clients, and potential clients.”

Improvement in the Functioning of the Courts. These bills will likely impact the functioning of the courts. SB 1182 constricts judicial discretion and would require a judge to make a finding on the record or write an order or opinion if he or she decides to deviate from the mathematical attorney fee assessments defined in the bill. The Negligence Section also notes that SB 1182 will “make it harder to achieve settlements and will likely prolong litigation.”

SB 1183 would also affect the functioning of the courts because, as the Family Law Section explains, the bill would require the appellate courts to determine the reasonableness of attorney fees for vexatious appeals, which is currently done on remand by trial courts.

Keller Quick Guide

THE TWO PERMISSIBLE SUBJECT-AREAS UNDER <i>KELLER</i>:		
	Regulation of Legal Profession	Improvement in Quality of Legal Services
As interpreted by AO 2004-1	<ul style="list-style-type: none">✓ Regulation and discipline of attorneys• Ethics• Lawyer competency• Integrity of the Legal Profession• Regulation of attorney trust accounts	<ul style="list-style-type: none">✓ Improvement in functioning of the courts✓ Availability of legal services to society

Staff Recommendation

The bills satisfy the requirements of *Keller* and may be considered on their merits.

**Public Policy Position
SB 1182 & 1183**

OPPOSE

Explanation

The Civil Procedure & Courts Committee opposes SB 1182 and 1183, in keeping with both the committee's and the State Bar of Michigan's longstanding history of opposing loser-pay legislation. Michigan law currently gives the court authority to award attorney fees and court costs on a discretionary basis in cases where the plaintiff has brought a frivolous claim. It is important to maintain a judge's discretion to determine appropriate sanctions on a case by case basis and to avoid a mandatory system that precludes judicial review of a specific case and circumstances.

Position Vote:

Voted For position: 19

Voted against position: 0

Abstained from vote: 2

Did not vote: 6

Keller Explanation

The award of attorney fees to the party that prevails in litigation will have effects on parties' willingness to seek redress in the courts and, therefore, affects the availability of legal services to society. The award of attorney fees is a function that would be performed by the trial courts in their discretion for frivolous litigation, or by the appellate courts in their discretion as vexation damages, as already permitted by statute.

Contact Person: Randy Wallace

Email: rwallace@olsmanlaw.com

**Public Policy Position
SB 1182 and SB 1183**

Oppose

Explanation

The Appellate Practice Section opposes SB 1182 and SB 1183 for a number of reasons, including overbreadth, ambiguity, and lack of sufficient time for more meaningful input concerning the necessity for this legislation, as well as its impact on a variety of cases.

Position Vote:

Voted For position: 14

Voted against position: 0

Abstained from vote: 0

Did not vote: 6

Keller Explanation

The improvement of the functioning of the courts.

The availability of legal services to society.

Contact Person: Bridget Brown Powers

Email: bbrownpowers@brownpowers.com

**Public Policy Position
SB 1182 and SB 1183**

Oppose

Explanation

A detailed explanation is included in the attached document.

Position Vote:

Voted For position: 11

Voted against position: 0

Abstained from vote: 0

Did not vote: 3

Keller Explanation

The regulation and discipline of attorneys.

The availability of legal services to society.

The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Contact Person: Lorry S.C. Brown

Email: lorry@mplp.org

STATEMENT OF THE COUNCIL OF THE CONSUMER LAW SECTION
IN OPPOSITION TO SENATE BILLS 1182 and 1183

Senate Bill 1182 allows the court to award attorney fees based on some arbitrary percentages of the amount of judgment. The bill also allows the court to vary the attorney fee award based on an enumerated list of factors the court should consider. Some of the factors the court may consider are: 1) the complexity of the litigation, 2) the length of trial, 3) the reasonableness of the hourly rates and the number of hours expended, 4) the reasonableness of the number of attorneys used, 5) the attorney's efforts to minimize fees, 6) the reasonableness of the claims and defenses pursued by each side, and 7) the relationship between the amount of work performed and the significance of the matters at stake, etc. Senate Bill 1183 also allows the appellate court, on its own initiative, to assess attorneys' fees if it determines that the appeal was vexatious.

These bills are unnecessary as Michigan case law and its court rules already set out standards and factors to ascertain attorneys' fees. For example, the factors to determine what constitutes reasonable attorney fees are listed in the Michigan Rule of Professional Conduct 1.5(a).¹ Moreover, in *Kennedy v Robert Lee Auto Sales*, 313 Mich App 277; 882 NW2d 563 (2015), the Michigan Court of Appeals, incorporating the MRPC factors, set out the framework to determine attorneys fees. To follow the framework to determine attorney fees, the *Kennedy* court held that:

the court should first determine the fee customarily charged in the locality for similar legal services. In general, the court shall make this determination using reliable surveys or

¹ MRPC 1.5(a) - Fees

(a) A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee. A fee is clearly excessive when, after a review of the facts, a lawyer of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee. The factors to be considered in determining the reasonableness of a fee include the follow:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) whether the fee is fixed or contingent.

other credible evidence. Then, the court should multiply that amount by the reasonable number of hours expended in the case. The court may consider making adjustments up or down to this base number in light of the other factors listed in . . . *MRPC 1.5(a)*. *Kennedy* at 303.

Thus it is clearly unnecessary for the legislature to now set out its own arbitrary method in calculating attorney fees and its own standards that are contrary to existing case law. The proper place to determine attorney fees is in the judiciary not the legislature.

Another concern of Senate Bill 1182, is the provision that allows the court to consider certain factors when varying from the calculated attorney fee award. Specifically, the court may vary the award if the court takes into consideration “the relationship between the amount of work performed and the significance of the matters at stake.” As consumer lawyers, the Council is concerned that this specific factor will undermine the goals of most consumer protection statutes. In addition, it would not be economical for consumer lawyers to continue to represent consumers, most of whom are low-income consumers, if the courts consider the value of the case when awarding attorney fees.

The Michigan Court of Appeals in *Jordan v Transnational Motors*, 212 Mich App 94; 537 NW2d 471 (1995), aptly articulated this concern when courts vary the attorney fee awards based on the value or significance of the case. The *Jordan* court explained:

In consumer protection [cases], the monetary value of the case is typically low. If courts focus only on the dollar value and the result of the case when awarding attorney fees, the remedial purposes of the statutes in question will be thwarted. Simply put, if attorney fee awards in these cases do not provide a reasonable return, it will be economically impossible for attorneys to represent their clients. Thus, practically speaking, the door to the courtroom will be closed to all but those with either potentially substantial damages, or those with sufficient economic resources to afford the litigation expenses involved. Such a situation would indeed be ironic: it is but precisely those with ordinary consumer complaints and those who cannot afford their attorney fees for whom these remedial acts are intended. *Jordan*, at 98-99. See also *Kennedy v Robert Lee Auto Sales*, 313 Mich App 277; 882 NW2d 563 (2015) quoting *Jordan*.

Consequently, these bills, if passed, will significantly impact the poor and deny them access to the courts at a time when they are exploited by unscrupulous businesses. Accordingly, the Council of the Consumer Law Section opposes Senate Bills 1182 and 1183.

Contact Person:
Lorray Brown, lorryb@mplp.org
Chair of Legislative Committee, Consumer Law Council

**Public Policy Position
SB 1182**

Oppose

Explanation

While it was unclear how/if this bill, if passed, would impact family law matters, as domestic relations cases were not specifically excluded in the bill, the Family Law Section had concerns over how this could be applied in family law matters such as divorce, child custody, parenting time, and support issues, where there is often no "prevailing party". Moreover, the existing Court Rules, statutory law and case law provide ample guidance and discretion for family court judges to award attorney fees where appropriate. If and when it could apply in family law cases, it could result in a significant chilling effect where one party chooses not to pursue a valid issue, particularly regarding minor children, due to concerns over paying the other party's legal fees. The Section further questioned the need for such a law, which would represent a major shift in American and Michigan jurisprudence.

Position Vote:

Voted For position: 20

Voted against position: 0

Abstained from vote: 0

Did not vote: 1

Keller Explanation

The regulation and discipline of attorneys.

The availability of legal services to society.

The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Passage of SB 1182 effectively replaces the long-standing "American Rule" on attorney fees with the "English Rule", which is a "loser pays" approach to attorney fees. This would dramatically affect the practice of law for many attorneys, their clients, and potential clients. It may result in the public having less access to the legal system and diminish the ability to pursue legitimate claims due to concerns over paying the legal fees of the other party.

Contact Person: James Chryssikos

Email: jwc@chryssiokoslaw.com

**Public Policy Position
SB 1183**

Oppose

Explanation

There already exist court rules addressing "vexatious" appeals, which is discretionary allowing the court to evaluate the merit of each individual case. Also, this bill seems to create an obligation on the Court of Appeals to determine the reasonableness of attorney fees. Generally, the Court of Appeals will not conduct a hearing to determine facts, such as reasonableness of attorney fees, but rather, will remand to trial court for such a hearing. This bill, if passed, would result in a chilling effect on the type of creative appellate advocacy that allows our jurisprudence to develop over time. In general, the Family Law Section sees no need for this bill.

Position Vote:

Voted For position: 20

Voted against position: 0

Abstained from vote: 0

Did not vote: 1

Keller Explanation

The regulation and discipline of attorneys.

The availability of legal services to society.

The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Similar to the Family Law Section's explanation as to SB 1182, this bill appears to regulate attorneys and the legal profession by instituting mandatory attorney fees for "vexatious" appeals. It has the potential for restricting the availability of legal services by creating a chilling effect on appeals.

Contact Person: James Chryssikos

Email: jwc@chryssiokoslaw.com

**Public Policy Position
SB 1182 and SB 1183**

Oppose

Explanation

The Governing Council of the Litigation Section of the State Bar of Michigan opposes Senate Bill No. 1182.

The Governing Council of the Litigation Section of the State Bar of Michigan opposes Senate Bill No. 1183.

Position Vote:

Voted For position: 13

Voted against position: 0

Abstained from vote: 0

Did not vote: 8

Keller Explanation

The regulation and discipline of attorneys.

The improvement of the functioning of the courts.

Contact Person: Jeffrey Crapko

Email: crapko@millercanfield.com

**Public Policy Position
SB 1182**

Oppose

Explanation

The section opposes SB 1182 because it creates an unnecessary barrier to the courtroom. The "loser pay" concept will also make it harder to achieve settlements and will likely prolong litigation.

Position Vote:

Voted For position: 13

Voted against position: 0

Abstained from vote:

Did not vote: 4

Keller Explanation

The availability of legal services to society.

SB 1182 will create a chilling effect on potential litigants who do not have the means to sustain a loss in court. This gives an unfair advantage to litigants with "deep pockets" and is inherently unfair.

Contact Person: Todd Tennis

Email: ttennis@capitol-services.org

**Public Policy Position
SB 1183**

Oppose

Explanation

The courts have created case law dealing with "vexatious appeals," and the Section feels that the proper place for issues surrounding such findings to be decided is in the judiciary, not the legislature.

Position Vote:

Voted For position: 13

Voted against position: 0

Abstained from vote:

Did not vote: 4

Contact Person: Todd Tennis

Email: ttennis@capitol-services.org

**Public Policy Position
SB 1182 and SB 1183**

Oppose

Explanation

Unless the State Bar of Michigan takes a position on the legislation, the Probate and Estate Planning Section opposes Senate Bills 1182 and 1183 regarding assessing the prevailing party's attorney fees against the non-prevailing party in civil litigation.

Position Vote:

Voted For position: 15

Voted against position: 0

Abstained from vote: 0

Did not vote: 8

Contact Person: David Skidmore

Email: dskidmore@wnj.com



436 S. Saginaw St., Suite 400 • Flint, Michigan 48502-1829
Toll-free: (800) 724.7441 • Phone: (810) 244.8044 • Fax: (810) 244.5550

**Comments on Senate Bill 1182 and 1183
For Members, Senate Judiciary Committee
Submitted by Kelly Bidelman, Executive Director
November 26, 2018**

Thank you for the opportunity to submit these comments expressing our concerns regarding Senate Bills (SBs) 1182 and 1183, legislation addressing attorney fees and costs in civil actions and appeals. The Center for Civil Justice (CCJ) is a law firm that focuses on addressing legal and policy issues surrounding the programs, services and opportunities that are intended to help low-income people.

In Brief:

Senate Bill 1182 would add a section to the Revised Judicature Act awarding attorney fees to the prevailing party in a civil action. Senate Bill No. 1183 would amend the Revised Judicature Act to award costs and actual attorney fees in appeals that are considered vexatious.

CCJ respectfully opposes SBs 1182 and 1183. CCJ is concerned that these bills would have the unintended consequences of: limiting access to justice for low- and middle-income individuals; exacerbating systemic racial inequities; and eliminating judicial discretion. Further, CCJ believes that the bills are redundant; that provisions are already available under court rule to sanction frivolous or “vexations” lawsuits.

Background

There is a long history in United States concerning attorney fee recovery. Legal scholars have long linked this issue to the right of access to courts. This right is fundamental to the preservation and enforcement of every other legal right, freedom, and obligation which exists under the rule of law in our society.

Senate Bill 1182

The proposed legislation would allow for a right of recovery of attorney fees for the prevailing party in *all civil actions* in Michigan based on a percentage of a monetary award, whether or not

a trial was held. Most concerning is that this legislation would limit the recovery of attorney fees for a prevailing party in a non-monetary civil action to 30 percent of the reasonable *actual* attorney fees if the case was tried, or 20 percent if there was no trial.

Under the current law in most state and federal courts, a successful party to a lawsuit is not generally entitled to recover attorney fees, unless the recovery of fees is allowed by applicable statute, or the parties contracted for recovery, or under common law. This “American Rule” is supported by the theory that our courts should be freely available to parties that have legitimate disputes and the automatic awarding of attorney fees to prevailing parties would prevent some parties from seeking redress in the courts.

Non-monetary civil actions include actions such as stopping discriminatory practices and are typically brought by non-profit law firms. Since they do not charge their clients an hourly rate for their services, public interest law firms can only survive by recovering attorney fees in successful cases.

The entire reason that our major civil rights and environmental statutes include recovery of reasonable attorney fees to the prevailing party is to allow access to justice. The success of our society relies on the knowledge that the courts will be there to enforce our rights when they are violated. If that trust breaks down, the rule of law is eroded. It cannot be stressed enough that a plaintiff of limited means should be able to bring a meritorious suit. Limiting the amount of attorney fee recovery to a plaintiff that has suffered from discrimination will inhibit the ability of people to sue on meritorious claims and be effectively assisted by counsel.

U.S. Supreme Court Justice Hugo Black once famously stated: “There can be no equal justice where the kind of trial a man gets depends on the amount of money he has.” The enactment of this proposed legislation would create a two-tiered system of justice—one for the rich and one for the poor. The rich will be able to pay their attorneys an hourly fee and if they prevail in their case, will be able to recover a small percentage of the fees they paid. The poor will not be able to pay their attorneys an hourly fee, and therefore will be unable to obtain legal counsel for their cases in the first place, regardless of the merits of their claim.

Allowing the prevailing party in *all* civil actions to recover an attorney fee award based on the percentage of a monetary award will also result in inequitable outcomes. The poor and middle-class will be afraid of engaging in meritorious litigation because no case is perfect and there is always the risk of an unfavorable outcome. While losing a case presents enough of a setback, when that loss is coupled with having to pay a “penalty” consisting of the opposing party’s attorney fees, many lower-income people may decide that the litigation is not worth the risk of losing their life’s savings. On the other hand, wealthy citizens with deep pockets will have no problem in taking such a chance.

CCJ is also concerned that there is a significant potential for fraud and abuse under SB 1182. For instance, debt collection abuse is already widespread. Under the proposed legislation, junk

debt buyers suing for less than \$25,000 on an invalid debt that is contested but which no trial was held, will be able to claim 18 percent of the amount as an attorney fee.

Further, SB 1182 would likely exacerbate systemic racial inequalities that already exist within our justice system by widening the gap in case outcomes along economic lines, due to the large gap between the wealth of minority households and white households.

Senate Bill 1183

This bill would allow for the assessment of attorney fees for vexatious appeals and assess costs and fees against a non-prevailing party's attorney in a frivolous action or defense for each and any count of a claim that is deemed to be frivolous.

The Michigan Court Rules and Rules of Professional Responsibility already have procedures in place to prevent vexatious appeals and frivolous actions and defenses. Michigan Court Rule 2.114(D), (E) and (F) reads as follows:

Effect of Signature. The signature of an attorney or party, whether or not the party is represented by an attorney, constitutes a certification by the signer that (1) he or she has read the document; (2) to the best of his or her knowledge, information and belief formed after reasonable inquiry, the document is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and (3) the document is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(E) **Sanctions for Violation.** If a document is signed in violation of this rule, the court, on motion of a party or on its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the document, including reasonable attorney fees. The court may not assess punitive damages.

(F) **Sanctions for Frivolous Claims and Defenses.** In addition to sanctions under this rule, a party pleading a frivolous claim or defense is subject to costs as provided in MCR 2.625(A)(2). The court may not assess punitive damages.

As you can see, our courts already have a wide array of tools at their disposal to discourage bad-faith behavior. Under this legislation, judicial discretion would be limited, as there would be an automatic motion for fees from victorious appellants at the conclusion of each appeal.

Contrary to what some may believe, lawyers do not benefit from filing frivolous lawsuits. For instance, many lawyers that represent injured people do not get paid unless they win the case. Lawyers also advance costs in order to pursue a case. Lawyers cannot afford to bring actions unless they have a chance of winning.

Ultimately, the changes proposed in this bill will severely limit the judiciary's independent ability to properly penalize and compensate parties involved in vexatious or frivolous actions, defenses and appeals.

Conclusion

Thank you for your consideration of these comments and our concerns. The Center for Civil Justice believes that SBs 1182 and 1183 are unnecessary, will not have the intended effect of preventing vexatious or frivolous proceedings, and are far more likely to harm our system of justice in Michigan. Please do not hesitate to contact me with any questions or concerns at (810 244-8044 or kbidelman@ccj-mi.org