



Report on Public Policy Position

Name of committee:

Civil Procedure and Courts Committee

Contact Person:

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Bill Number:

HB 4267 (Caswell) Civil procedure; costs and fees; attorney contingency fees based on a sliding scale; provide for. Amends sec. 919 of 1961 PA 236 (MCL 600.919).

Date position was adopted:

April 21, 2007

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 (14 present at meeting)

Number who voted in favor and opposed to the position:

14 Voted for position

0 Voted against position

0 Abstained from vote

0 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

- a. The subject of maximum contingency fees is already covered by MCR 8.121(B);
- b. The Michigan Rules of Professional Conduct already prohibit excessive attorney fees;
- c. The bill singles out a particular type of litigation for regulation of attorney fees without good reason;
- d. Government price controls in general should be avoided in a free market economy;
- e. No abuse exists to justify legislating in this area;
- f. Nothing precludes attorneys and their clients from reaching such a fee arrangement on their own; and
- g. Such legislative proposals have been repeatedly rejected in the past.

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

<http://legislature.mi.gov/doc.aspx?2007-HB-4267>