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March 12, 2008

The Honorable Dave Agema
State Representative
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

RE: HB 5037 Costs and Attorney Fees for Actions under NREPA

Dear Representative Agema:

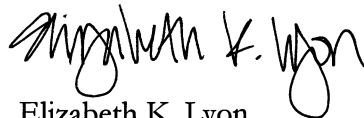
At its January 2007 meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to **oppose HB 5037**. The State Bar has a long history of opposing loser-pay legislation. Michigan law currently gives the court authority to award attorney fees and court costs on a discretionary basis 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.

If you would like to discuss this position in further detail or have questions, please contact us directly at your convenience.

Sincerely,



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