

p 517-346-6300

June 3, 2008

p 800-968-1442

f 517-482-6248

www.michbar.org

The Honorable Randy Richardville
State Senator
State Capitol
P.O. Box 30036
Lansing, MI 48909-7536

306 Townsend Street

Michael Franck Building

Lansing, MI

48933-2012

RE: SB 1001 Frivolous Lawsuit Sanctions and SB 1002 Civil Lawsuit Costs

Dear Senator Richardville:

At its April 2008 meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to **oppose SB 1001 and SB 1002**.

Michigan judges already have the ability under both statute and court rule to award reasonable attorney fees and costs to a nonprevailing party. The State Bar is now engaged in efforts to evaluate the effectiveness of current sanction options. At the present time, there is no compelling evidence that the existing sanctions are not an adequate means of sanctioning those parties who bring forward frivolous claims. In the absence of that evidence, it is unwise to impose additional provisions sanctions that have the potential to thwart access to justice by discouraging the filing of meritorious claims.

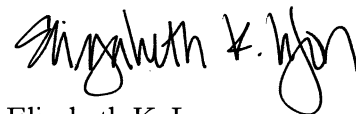
In the considered judgment of the State Bar, it is important to maintain a judge's discretion to determine appropriate sanctions on a case by case basis, and to avoid a mandatory system that preclude judicial review of a specific case and circumstances.

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

Sincerely,



Janet Welch
Executive Director
Direct dial: (517) 346-6331
Email: jwelch@mail.michbar.org



Elizabeth K. Lyon
Director of Governmental Relations
Direct dial: (517) 346-6325
Email: elyon@mail.michbar.org

CC. Ronald D. Keefe, President
Nell Kuhnmuensch, Governmental Consultant Services, Inc.