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48933-2012

Corbin Davis
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2010-33 – Proposed Adoption of New Rule 3.220 of the Michigan Court Rules

Dear Clerk Davis:

At its March 27 meeting, the Executive Committee of the State Bar of Michigan considered this proposed new rule and the Committee voted to oppose it.

The Committee was concerned that imposing sanctions on either the arbitrator or the parties could discourage lawyers from serving as arbitrators, and litigants from utilizing arbitration as an alternate dispute resolution mechanism, thereby placing an increased litigation burden upon the courts. Moreover, the requirement that the matter be tried before the Court if a judgment is not timely submitted could encourage a party who did not feel the arbitration was going his or her way to thwart the entry of a judgment despite the possibility of being ordered to pay sanctions. The unintended consequence thus would be to reward undesirable conduct and negate the effectiveness of the statutory authorization of the arbitration process.

We thank the Court for the opportunity to comment on the proposed amendments.

Sincerely,

Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Julie I. Fershtman, President