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March 29, 2018

Larry Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

306 Townsend Street
Michael Franck Building
Lansing, MI
48933-2012

RE: ADM File Nos. 2016-19 and 2016-28: Proposed Amendments of Rules 5.125 and 5.409 of the Michigan Court Rules

Dear Clerk Royster:

At its March 20, 2018 meeting, the State Bar of Michigan Executive Committee considered the above-referenced proposed rule amendments published by the Court for comment.¹ As part of its review, the Executive Committee considered recommendations from the Civil Procedure & Courts Committee and Public Policy Committee.

After this review, the Executive Committee voted unanimously to support the proposed amendments to MCR 5.125 with the recommendation that the term "adult child" be defined in MCR 5.125(C)(1) as a "child 18 years or older." This will prevent emancipated minors from claiming that they fall within the category of "adult child."

The Executive Committee took no position on the proposed amendments to MCR 5.409. Instead, the Executive Committee recommends that the Court ask the proponent of this rule change to amend and clarify the proposed rule language to address the concerns raised in the public comments.

We thank the Court for the opportunity to convey the State Bar's position on this rule proposal.

Sincerely,

Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Donald G. Rockwell, President, State Bar of Michigan

¹ Under Article III, §9 of the State Bar of Michigan Bylaws, "[t]he Executive Committee may take a position on a proposed Court Rule if the deadline for a response does not allow for consideration by the Board, provided the position is not inconsistent with policies adopted by the Board or Representative Assembly."