

May 1, 2023

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

RE: ADM File No. 2022-13 – Proposed Amendment of Rule 9.123 of the Michigan Court Rules

Dear Clerk Royster:

At its April 28, 2023 meeting, the Board of Commissioners of the State Bar of Michigan considered ADM File No. 2022-13. In its review, the Board considered recommendations from the Access to Justice Policy Committee and Civil Procedure & Courts Committee. The Board voted unanimously to support the amendment of Rule 9.123.

This proposal will resolve an interpretive ambiguity that exists today under a strict and literal reading of Rule 9.123(D)(3), which concerns the treatment of reinstatement petitions filed by attorneys who have been disbarred—as opposed to suspended—as a result of a felony conviction for which a term of incarceration was imposed. The Board believes that the distinction in treatment between suspended and disbarred attorneys that results from this ambiguity is unintended and illogical, and that the rule should be clarified via the proposed amendment to eliminate it.

Thank you for the opportunity to comment on the proposed amendment.

Sincerely,



Peter Cunningham
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court
James W. Heath, President