

Order

Michigan Supreme Court
Lansing, Michigan

May 2, 2012

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2011-03

Michael F. Cavanagh
Marilyn Kelly

Proposed Amendment of
Rule 9.113 of the
Michigan Court Rules

Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

On order of the Court, this is to advise that the Court is considering an amendment of Rule 9.113 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at <http://courts.michigan.gov/supremecourt/Resources/Administrative/PH.htm>.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 9.113 Answer by Respondent

(A) Answer. Within 21 days after being served with a request for investigation under MCR 9.112(C)(1)(b) or such further time as permitted by the administrator, the respondent shall file with the administrator a written answer signed by respondent in duplicate fully and fairly disclosing all the facts and circumstances pertaining to the alleged misconduct. Misrepresentation in the answer is grounds for discipline. Respondent's signature constitutes verification that he or she has read the document. The administrator shall provide a copy of the answer and any supporting documents, or documents related to a refusal to answer under MCR 9.113(B)(1), to the person who filed the request for investigation ~~unless~~. If the administrator determines that there is cause for not disclosing some or all of the documents supporting the answer, then the supporting documents need not be provided to the person who filed the request for investigation.

(B)-(D)[Unchanged.]

Staff Comment: This proposed amendment would clarify that the grievance administrator is required to disclose an answer in a Request for Investigation to the complainant, but may decline to disclose supporting documents if there is good cause not to do so.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be sent to the Supreme Court Clerk in writing or electronically by September 1, 2012, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2011-03. Your comments and the comments of others will be posted at <http://courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#proposed>.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 2, 2012

Corbin R. Davis

Clerk