

Order

Michigan Supreme Court
Lansing, Michigan

April 5, 2011

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2007-17

Michael F. Cavanagh
Marilyn Kelly

Amendment of Rule 8.121
of the Michigan Court Rules

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

On order of the Court, notice of the proposed change and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rule 8.121 of the Michigan Court Rules are adopted, effective September 1, 2011.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 8.121 Contingent Fees in Claims or Actions for Personal Injury, ~~and~~ Wrongful Death, and No-Fault Benefits

(A) Allowable Contingent Fee Agreements. In any claim or action for personal injury or wrongful death based upon the alleged conduct of another or for no-fault benefits, in which an attorney enters into an agreement, expressed or implied, whereby the attorney's compensation is dependent or contingent in whole or in part upon successful prosecution or settlement or upon the amount of recovery, the receipt, retention, or sharing by such attorney, pursuant to agreement or otherwise, of compensation which is equal to or less than the fee stated in subrule (B) is deemed to be fair and reasonable. The receipt, retention, or sharing of compensation which is in excess of such a fee shall be deemed to be the charging of a "clearly excessive fee" in violation of MRPC 1.5(a), unless such fee is received as a result of an award of attorney fees payable pursuant to MCL 500.3148, or other award or sanction made pursuant to statute, court rule, or the common law.

(B)-(G)[Unchanged.]

Staff Comment: The amendment of MCR 8.121 extends the rule to contingent fee agreements in no-fault cases, except for attorney fees or other sanction awarded pursuant to statute or other authority.

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



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.

April 5, 2011

Corbin R. Davis

Clerk