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March 1, 2019

VIA ELECTRONIC MAIL

Office of Administrative Counsel
PO Box 30052, Lansing, MI 48909

Re: ADM File No. 2018-19

Dear Justices of the Michigan Supreme Court:

The Michigan-based attorneys of Whiteford, Taylor & Preston LLP appreciate the opportunity to submit the following comment to the Court in response to its invitation for feedback concerning the proposed amendments to the civil discovery rules in Michigan laid out in ADM File No. 2018-19.

Consistent with our prior comment submitted to the Civil Discovery Court Rule Review Special Committee in December 2017, we generally support and welcome the proposed changes to the rules. We feel these changes will further the just, speedy and efficient determination of disputes, particularly the inclusion of proportionality, presumptive limits on interrogatories, and the recommended changes regarding corporate depositions, including the limitation on time and the inclusion of an objection procedure. However, we have one further comment for consideration by the Court.

In the proposed language of MCR 2.302 (A)(2)(a)(i) and MCR 2.401 (J)(1)(j), we request the Court reconsider the included references to a privilege log. Nothing in the current Rules, nor the proposed amendments to the Rules, requires the production of a privilege log. Including these references intermittently in MCR 2.302 (A)(2)(a)(i) and MCR 2.401 (J)(1)(j) will inadvertently lead to confusion and needless disputes regarding the necessity of a privilege log. We respectfully propose the Court remove these references as appropriate, and otherwise adopt these soundly drafted proposed amendments to the Rules.

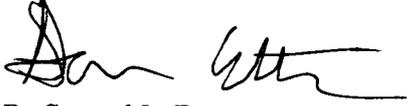
We thank the Court and appreciate the opportunity to once again submit comments and encourage the Court to consider the additional feedback to the Rules outlined above.

***Whiteford, Taylor & Preston L.L.P. is a limited liability partnership. Our Delaware offices are operated under a separate Delaware limited liability company, Whiteford, Taylor & Preston L.L.C.*

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Sincerely,

WHITEFORD TAYLOR & PRESTON, LLP

A handwritten signature in black ink, appearing to read 'Sam Estenson', written in a cursive style.

By Samuel L. Estenson