

# Order

Michigan Supreme Court  
Lansing, Michigan

April 23, 2014

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2013-17

Michael F. Cavanagh  
Stephen J. Markman

Proposed Amendment of  
Rule 3.206 of the  
Michigan Court Rules

Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

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On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.206 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 [Administrative Matters & Court Rules page](#).

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 3.206 Pleading

(A)-(B)[Unchanged.]

(C) Attorney Fees and Expenses.

(1) A party may, at any time, request that the court order the other party to pay all or part of the attorney fees and expenses related to the action or a specific proceeding, including a post-judgment proceeding. A party who requests attorney fees and expenses must allege facts sufficient to show that:

~~(2) A party who requests attorney fees and expenses must allege facts sufficient to show that:~~

- (a) the party in a divorce, separate maintenance, or annulment action is unable to bear the expense of the action, and that the other party is able to pay, or
- (b) the attorney fees and expenses were incurred because the other party refused to comply with a previous court order, despite having the ability to comply.

*Staff Comment:* The proposed amendments of MCR 3.206 would limit the ability of a court to require one party to pay another party's attorney fees during the proceeding to those cases that involve divorce or separation of married persons.

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 August 1, 2014, at P.O. Box 30052, Lansing, MI 48909, or [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When filing a comment, please refer to ADM File No. 2013-17. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



I, Larry S. Royster, 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 23, 2014

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk