

Order

Michigan Supreme Court
Lansing, Michigan

September 23, 2015

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2015-09

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

Amendments of
Rule 2.403 of the
Michigan Court Rules

On order of the Court, notice of the proposed changes 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 MCR 2.403 are adopted, effective January 1, 2016.

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

Rule 2.403 Case Evaluation

(A)-(N) [Unchanged.]

(O) Rejecting Party's Liability for Costs.

(1)-(5) [Unchanged.]

(6) For purposes of this rule, actual costs are

(a) those costs taxable in any civil action, and

(b) a reasonable attorney fee based on a reasonable hourly or daily rate as determined by the trial judge for services necessitated by the rejection of the case evaluation, which may include legal services provided by attorneys representing themselves or the entity for whom they work, including the time and labor of any legal assistant as defined by MCR 2.626.

For the purpose of determining taxable costs under this subrule and under MCR 2.625, the party entitled to recover actual costs under this rule shall be considered the prevailing party.

(7)-(11) [Unchanged.]

Staff Comment: The amendments of MCR 2.403(O) allow a reasonable attorney fee to be included in a request for costs by attorneys who represent themselves or who are employed by a party to the case for services provided after case evaluation is rejected.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.



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.

September 23, 2015


Clerk