HONIGMAN

Honigman Miller Schwartz and Cohn LLP
Attorneys and Counselors

Mark A. Stern

(313) 465-7568
Fax: (313) 465-7569
mstern@honigman.com

via e-mail

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Mr. Corbin R. Davis
Clerk of the Court
Michigan Supreme Court
925 W. Ottawa Street
P.O. Box 30052
Lansing, MI 48909-7522

Re: ADM File No. 2011-05

Dear Mr. Davis:

I am writing to you in my capacity as general counsel for Honigman Miller Schwartz and Cohn LLP. I and other attorneys in our firm, who have particular responsibility for monitoring compliance with the Michigan Rules of Professional Conduct ("MRPC"), have reviewed the proposed revisions to the MRPC in ADM File No. 2011-05. We also have reviewed comments submitted by the Board of Commissioners of the State Bar of Michigan and the Standing Committee on Professional Ethics (letter dated June 29, 2011 enclosing memorandum dated May 25, 2011), the Attorney Grievance Commission (letter dated June 27, 2011), and John W. Allen, Esq. (letter dated June 29, 2011).

In general, we believe that the MRPC should be modified to address specifically articulated problems or to bring Michigan's rules into conformity with national standards. There should be a strong rationale for changing any rule, and at least an equally strong rationale for adopting a change that does not conform to the ABA Model Rules. The current proposals, however, do not identify problems to be addressed by, or otherwise explain the rationale behind, the proposed amendments. Moreover, rather than conforming to national standards, the proposed changes differ significantly from the ABA Model Rules, which are generally followed in most states. Multi-jurisdictional practice is a fact of life and growing. It is important for lawyers to have clear and consistent rules to follow, and not a patchwork of rules that differ from jurisdiction to jurisdiction.

We agree with the other commentators noted above that language from comments in the MRPC should not be moved to the text of the rules. The comprehensive analyses submitted by these commentators demonstrate in detail how this results in confusion, undefined terms, ambiguities, inconsistencies with other rules, and a general lack of clarity. Again, it is important that the MRPC, which establish mandatory standards of conduct that can lead to disciplinary proceedings, be as clear and consistent as possible.

In summary, to the extent that changes are made to any of the rules in ADM File 2011-05, we believe the changes should be limited to bringing those rules into conformity with the ABA Model Rules.

Thank you for your consideration of these comments.

Respectfully submitted,

HONIGMAN MILLER SCHWARTZ AND COHN LLP

Mark A. Stern