

- **New Rule 2.626
of the Michigan Court Rules**
Issued: October 24, 2000

99-52

New Rule 2.626 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 new Rule 2.626 of the Michigan Court Rules is adopted, to be effective January 1, 2001.

[The following language is added.]

Rule 2.626 Attorney Fees

An award of attorney fees may include an award for the time and labor of any legal assistant who contributed nonclerical, legal support under the supervision of an attorney, provided the legal assistant meets the criteria set forth in Article 1, § 6 of the Bylaws of the State Bar of Michigan.

Staff Comment: The October 24, 2000, adoption of MCR 2.626, effective January 1, 2001, was based on a proposal from the Representative Assembly of the State Bar of Michigan, in response to *Joerger v Gordon Food Service Inc*, 224 Mich App 167 (1997).

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.

The following is Article 1, Sec 6 of the Michigan Bar Bylaws:

Section 6-Any person currently employed or retained by a lawyer, law office, governmental agency or other entity engaged in the practice of law, in a capacity or function which involves the performance under the direction and supervision of an attorney of specifically-delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts such that, absent that legal assistant, the attorney would perform the task, and which work is not primarily clerical or secretarial in nature, and:

- (a) who has graduated from an ABA approved program of study for legal assistance and has a baccalaureate degree; or
- (b) has received a baccalaureate degree in any field, plus not less than two years of in-house training as a legal assistant; or
- (c) who has received an associate degree in the legal assistant field, plus not less than two years of in-house training as a legal assistant; or
- (d) who has a minimum of four years of in-house training as a legal assistant;

may upon submitting proof thereof at the time of application and annually thereafter become a Legal Assistant Affiliate Member of the State Bar of Michigan.