

# Order

Michigan Supreme Court  
Lansing, Michigan

January 19, 2007

Clifford W. Taylor,  
Chief Justice

132174

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

TRACI WEBBER, Personal  
Representative of the Estate of  
Janie L. Webber, Deceased,  
Plaintiff-Appellee,

v

SC: 132174  
COA: 267582  
Oakland CC: 2003-055071-NM

GEORGE HILBORN, and  
HILBORN & HILBORN, P.C.,  
Defendants-Appellants.

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On order of the Court, the application for leave to appeal the August 17, 2006 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(G)(1). At oral argument, the parties shall address whether the Court of Appeals erred in holding that plaintiff adequately stated a prima facie case of legal malpractice, in light of the observation in *Charles Reinhart Co v Winiemko*, 444 Mich 579, 585-586 (1994), that “a plaintiff ‘must show that but for the attorney’s alleged malpractice, he would have been successful in the underlying suit;’” and, if so, whether it is necessary to remand this case to the trial court for a determination of whether further amendment of the complaint to allege proximate cause would be futile. The parties may file supplemental briefs within 42 days of the date of this order, but they should avoid submitting a mere restatement of the arguments made in their application papers.



10116

I, Corbin R. Davis, 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.

January 19, 2007

*Corbin R. Davis*

Clerk