

NEGLIGENCE LAW SECTION

Respectfully submits the following position on:

*

SB 0149

*

The Negligence Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Negligence Law Section only and is not the position of the State Bar of Michigan.

The State Bar's position in this matter is to oppose the bill.

The total membership of the Negligence Law Section is 2,017.

The position was adopted after an electronic discussion and vote. The number of members in the decision-making body is 15. The number who voted in favor to this position was 11. The number who voted opposed to this position was 1.

Report on Public Policy Position

Name of section:

Negligence Law Section

Contact person:

Todd Tennis

E-Mail:

ttennis@capitolervices.org

Bill Number:

[SB 0149](#) (Brandenburg) Torts; nonmedical malpractice; affidavit of merit; require for malpractice action against architect or professional engineer. Amends [1961 PA 236](#) (MCL 600.1 - [600.9947](#)) by adding sec. 2912i.

Date position was adopted:

June 10, 2015

Process used to take the ideological position:

Position adopted after an electronic discussion and vote

Number of members in the decision-making body:

15

Number who voted in favor and opposed to the position:

11 Voted for position

1 Voted against position

0 Abstained from vote

3 Did not vote (absent)

Position:

Oppose with recommended amendments

Explanation of the position, including any recommended amendments:

Currently, only medical malpractice has a requirement for an affidavit of merit - and it also has a requirement for an affidavit of meritorious defense. The section feels that such a requirement in malpractice actions against architects and engineers is unnecessary. The bill also only places the requirement on plaintiffs, not defendants, which is unfair.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2015-SB-0149>

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- ✓ The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.