

## NEGLIGENCE LAW SECTION

Respectfully submits the following position on:

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SB 0189 – SB 0190

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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.

To date, the State Bar does not have a position on this matter.

The total membership of the Negligence Law Section is 1,874.

The position was adopted after a discussion and vote at a scheduled meeting. The number of members in the decision-making body is 15. The number who voted in favor to this position was 8. The number who voted opposed to this position was 0. The number who abstained from voting was 2.

## Report on Public Policy Position

**Name of section:**

Negligence Section

**Contact person:**

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**Bill Numbers:**

[SB 0189](#) (Casperson) Civil procedure; costs and fees; recovery of costs and fees in an action involving this state; remove certain restrictions. Amends secs. 2421b, 2421c, 2421d & 2421e of [1961 PA 236](#) (MCL [600.2421b](#) et seq.).

[SB 0190](#) (Robertson) Administrative procedure; contested cases; award of costs and fees to prevailing party in a case involving this state; remove certain restrictions. Amends sec. 123 of [1969 PA 306](#) (MCL [24.323](#)).

**Date position was adopted:**

April 27, 2016

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

15

**Number who voted in favor and opposed to the position:**

8 Voted for position

0 Voted against position

2 Abstained from vote

5 Did not vote (absent)

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

While there is some merit in easing the awarding of attorney's fees to successful plaintiffs, the section has a longstanding position against "Loser Pay" systems which we believe place unfair burdens on both the plaintiff and defendant.

**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-0189> ; <http://legislature.mi.gov/doc.aspx?2015-SB-0190>