



Report on Public Policy Position

Name of Section:

Negligence Law Section

Contact Person:

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Bill Number:

HB 5338 and HB 5905

Date position was adopted:

May 11, 2004

Process used to take the ideological position:

Vote

Number of members in the decision-making body:

13

Number who voted in favor and opposed to the position:

12 in favor, 1 opposed

FOR SECTIONS ONLY:

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

The Negligence Council supports the reform of the medical malpractice Affidavit of Merit and Affidavit of meritorious defense statutes to prevent various injustices that have become apparent. For example, meritorious cases and meritorious defenses should not be dismissed/defaulted because of minor technical defects in the Affidavit and/or the filing process. There should be a reasonable opportunity for both sides to cure alleged defects.

The section supports reform in this regard and we therefore support HB 5338 and HB 5905.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.michiganlegislature.org/mileg.asp?page=getObject&objName=2003-HB-5338>

<http://www.michiganlegislature.org/mileg.asp?page=getObject&objName=2004-HB-5905>