

NEGLIGENCE LAW SECTION
ANNUAL REPORT

The Negligence Law Section Council is comprised of plaintiff and defense lawyers who represent individuals, corporate defendants and insurance carriers in the civil justice system. Over the past year, it has been the goal of this Section to reach out and engage justices, judges, legislators, our governor and others to discuss meaningful ways to improve and strengthen the civil justice system in Michigan.

Our organization is committed to the fundamental concept that an injured person has a right to trial by jury and a right to seek evenhanded justice on a level playing field in our court system.

The following is a list of the individuals with whom the Negligence Law Section Council has met with personally in the past year:

Governor Jennifer Granholm

Justice Michael Cavanagh

Justice Betty Weaver

Judge Elizabeth Gleicher

Andy Dillon
Speaker of the House

State Senator Bruce Patterson
(R Plymouth)

Kenneth Ross
Insurance Commissioner

Justice Elizabeth Weaver

Justice Diane Hathaway

Todd Berg, Editor
Michigan Lawyers Weekly

Ellen Cogen-Lipton, (D-Huntington Woods)

Judge Pat Donofrio

State Bar President Ed Pappas

In many instances, these meetings constituted "firsts" for the Negligence Law Section Council. It is believed that this is the first time that this Council has ever had a meeting with a sitting governor

and the Speaker of the House.

Not all individuals were willing to meet and talk with the members of our Council. Senate Majority Leader Michael Bishop was repeatedly invited to meet with our Council. We offered to meet with him "any place and any time." We could never obtain a response from Mr. Bishop. Former Justice Clifford Taylor also refused to meet with the Negligence Law Section indicating that he could see no purpose in doing so. Likewise, the president of the Michigan State Medical Society was repeatedly invited to have dinner with the members of the Negligence Law Section Council and engage in a dialogue with us. He declined to respond to our invitation.

Nevertheless, the past year has been largely regarded as very successful and very positive by the members of our section.

We held our first ever law school forum at Michigan State University School of Law in February presided over by Michigan Court of Appeals Judge Jane Beckering. It was a very useful interchange with students about the status of tort law in Michigan and the prospect of practicing law in this area.

Our Council held a first-ever reception with lawyers and judges in Genesee and Saginaw counties in January of 2009. It was reported to be the first time that the Council had ever journeyed to Genesee County for such a meeting.

In May of 2009, the Negligence Law Section sponsored a seminar devoted to understanding the concept of the federal government's right to subrogation for Medicare benefits paid to victims of personal injury pursuant to the Medicare Secondary Payor statute. More than 150 lawyers assembled on May 19 to have a meaningful exchange with Mr. Matt Garretson of the Garretson law firm in Cincinnati, a noted national expert on Medicare reimbursement.

On May 29, we held our Past Chair Dinner which honors past chairpersons of our Section as well as members of the judiciary in Michigan. At this event, we bestowed the Earl Cline Award on Mr. George Googasian. The award is given annually to a lawyer who has demonstrated outstanding abilities, not only in the practice of law, but in terms of helping guide the profession and protect the public.

The Negligence Law Section also sponsored an outstanding spring trip to Casa de Campo in the Dominican Republic where a large number of Council members and spouses spent four days. The trip was organized by the Council's past chair, Mr. Barry Goodman. It was regarded by all to be a resounding success.

As chairperson of the Council, I appeared twice before the House Judiciary Committee to testify in support of legislation to reform the effects of *Kreiner v Fischer*, 471 Mich 109, 683 NW2d 611 (2004),

and to clarify medical malpractice statutes pertaining to Affidavits of Merit and Notices of Intent.

Our Council is a true "Team of Rivals."¹ Although competitors with regard to who we represent and, in many cases, competitors in terms of representing plaintiffs or defendants against one another, the Negligence Law Section Council believes that we are a strong, unified voice speaking on behalf of the public and the legal profession. We believe that we can effectuate positive changes in the civil justice system that will provide for a meaningful recovery for an injured person in a forum that is fair and free of agendas and political bias.

¹ Doris Kearns Goodwin, Team of Rivals (New York: Simon & Schuster, 2005). Reference to President Lincoln's formation of a cabinet that included prior rivals for the Republican nomination for president.