

**Public Policy Position
HB 5169**

The Negligence Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 1,763 members. The Negligence Law Section is not the State Bar of Michigan and the position expressed herein is that of the Negligence Law Section only and not the State Bar of Michigan. The State Bar's position on this matter is to oppose HB 5169.

The Negligence Law Section has a public policy decision-making body with 14 members. On January 22, 2020, the Section adopted its position after a discussion and vote at a scheduled meeting. 12 members voted in favor of the Section's position on HB 5169, 0 members voted against this position, 0 members abstained, 2 members did not vote.

Oppose**Explanation:**

The imposition of an affidavit of merit requirement for cases of malpractice against architects and engineers creates an unnecessary barrier to the courtroom for victims of negligence. There is no evidence that courts are overburdened with spurious malpractice claims against architects or engineers, and the legislation places an unreasonable burden on plaintiffs. Moreover, there is no reciprocal requirement for an affidavit of meritorious defense like there is in medical malpractice cases which demonstrates a one-sided approach to this legislation.

Contact Person: Todd Tennis**Email:** ttennis@capitolservices.org