

p 517-346-6300 July 31, 2007

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The Honorable John Pastor  
State Representative  
State Capitol  
P.O. Box 30014  
Lansing, MI 48909-7514

306 Townsend Street

Michael Franck Building

Lansing, MI

48933-2012

**Re: HB 4423 Affidavits of Merit**

Dear Representative Pastor:

At its July 20, 2007 meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to **actively oppose**<sup>1</sup> **HB 4423**. The position was adopted after review of a recommendation from the State Bar's Civil Procedure and Courts Committee. The Committee advised that requiring affidavits of merit as prescribed in HB 4423 would increase the cost of litigation without significant benefit to the plaintiff or defendant. Additional concerns included the scope of individuals who would be included under the definition of licensed professional.

The State Bar of Michigan also has an historical position that matters of this nature fall under the jurisdiction of the Michigan Supreme Court. Changes of this nature to the practice and procedures of court filing are more appropriately made in the Michigan Court Rules.

If you would like to discuss this position in further detail or have questions, please contact Janet Welch directly at (517) 346-6331, [jwelch@mail.michbar.org](mailto:jwelch@mail.michbar.org); or Elizabeth Lyon directly at (517) 346-6325, [elyon@mail.michbar.org](mailto:elyon@mail.michbar.org).

Sincerely,



Janet Welch  
Executive Director



Elizabeth K. Lyon  
Director, Governmental Relations

CC. Kimberly M. Cahill, President  
Nell Kuhnmuensch, Governmental Consultant Services, Inc.

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<sup>1</sup> Definition of active opposition: pending legislation that the State Bar opposes and which is the subject of active lobbying effort.