



## Report on Public Policy Position

**Name of Committee:**

Civil Procedure and Courts Committee

**Contact Person:**

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**Bill Number:**

**HB 4423** (Pastor) Torts; malpractice; affidavit of merit; require for all malpractice actions against licensed professionals. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 2912i.

**Date position was adopted:**

April 21, 2007

**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:**

21 (14 present at meeting)

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

14 Voted for position

0 Voted against position

0 Abstained from vote

0 Did not vote

**Position:**

Oppose

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

- a. An affidavit of merit requirement increases the cost of litigation without serving any useful purpose;
- b. The affidavit requirement tends to screen out meritorious cases for reasons having nothing to do with the merits; and
- c. Regulation of practice and procedure in Michigan courts is for the Supreme Court, not the Legislature.

**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?2007-HB-4423>