

## Report on Public Policy Position

**Name of committee:**

Civil Procedure and Courts Committee

**Contact person:**

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**Bill Number:**

[HB 4723](#) (Green) Torts; malpractice; qualifications to testify as expert witness in medical malpractice case; revise. Amends sec. 2169 of [1961 PA 236](#) (MCL [600.2169](#)).

[HB 4724](#) (Jones, Rick) Occupations; physicians; practice of medicine to include testimony on the appropriate standard of practice or care in an action alleging medical malpractice; provide for and create limited expert witness license. Amends secs. 16221, 16226, 16245, 17001 & 17501 of [1978 PA 368](#) (MCL [333.16221](#) et seq.) & adds sec. 16182a.

**Date position was adopted:**

October 20, 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:**

20

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

16 Voted for position

4 Did not vote

**Position:**

Oppose

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

1. There is no problem in this area that needs to be addressed.
2. It is inappropriate to single out a single class of cases for a rule such as this.
3. The procedure for implementing the limited license requirement is very unworkable.
4. It is questionable whether this is an appropriate subject for legislation. This is a procedure that should be governed by the rules of evidence and implemented by trial courts in individual cases.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

[http://www.legislature.mi.gov/\(S\(ddswnzxfwcf2oybuh2vce45\)\)/mileg.aspx?page=getObject&objectName=2007-HB-4723](http://www.legislature.mi.gov/(S(ddswnzxfwcf2oybuh2vce45))/mileg.aspx?page=getObject&objectName=2007-HB-4723)

[http://www.legislature.mi.gov/\(S\(ddswnzxfwcf2oybuh2vce45\)\)/mileg.aspx?page=getObject&objectName=2007-HB-4724](http://www.legislature.mi.gov/(S(ddswnzxfwcf2oybuh2vce45))/mileg.aspx?page=getObject&objectName=2007-HB-4724)

**FOR LEGISLATIVE ISSUES ONLY:**

This position falls within the following Keller-permissible category:

The regulation and discipline of attorneys

✓ The improvement of the functioning of the courts

The availability of legal services to society

The regulation of attorney trust accounts

The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

**Keller-permissible explanation:**

The bills would directly affect trial courts' performance of their judicial function of determining the qualifications of expert witnesses.