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September 2, 2009

Corbin Davis
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

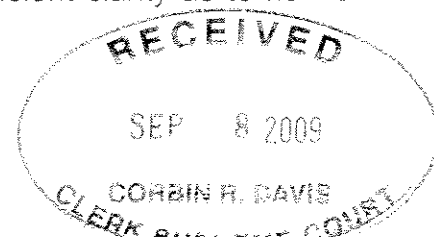
**RE: ADM File No. 2009-13
The Proposed Amendments of Michigan Court Rule 2.112 and 2.118**

Dear Mr. Davis:

I am a medical malpractice lawyer. I am very pleased to see the Court's proposed amendments to MCR 2.112 and MCR 2.118 regarding Notices of Intent and Affidavits of Merit. I believe the amendments will help to provide much-needed clarity in these areas of the law.

I have been greatly frustrated by the unfair "gamesmanship" that has been going on when parties make hypertechnical challenges to Notices of Intent and Affidavits of Merit. These challenges are made to meritorious claims even when prudent and careful lawyers attempt to meet all statutory regulations. Oftentimes, the challenges are frivolous. However, as a result, litigants with meritorious cases have their cases delayed or dismissed, due to arguments regarding minor technicalities in wording or descriptions. I believe the citizens of this state who have meritorious cases deserve to have their claims adjudicated on the merits. I believe our Tort Reform laws provide adequate protection against frivolous actions. The cases where justice is being delayed and denied are typically cases that are meritorious.

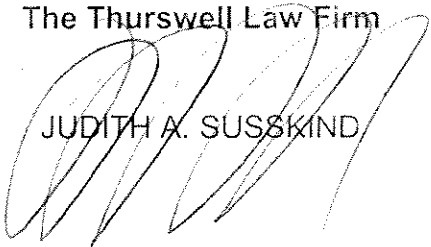
In addition to reading the proposed amendments to the Court Rules, I have also read the letter submitted by the Michigan Association for Justice. MAJ supports the amendments, but also requests minor changes to the proposals in order to clarify what constitutes a "challenge". I agree with MAJ's suggestion. Certainly, if the Court Rules are being adopted to provide guidance and clarity, it would be appropriate to adopt a Court Rule that provides sufficient clarity as to how a challenge to a Notice of Intent to File Claim or an Affidavit must be made.



As a medical malpractice lawyer in this state, I am very appreciative of the Court's proposed amendments to MCR 2.112 and MCR 2.118. I believe that the proposed amendments will help to provide well-needed clarity and guidance in this area of the laws.

Respectfully Submitted,

The Thurswell Law Firm

A handwritten signature in black ink, appearing to read 'J. Susskind', is written over the printed name.

JUDITH A. SUSSKIND

JAS/jld