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September 30, 2009

Via e-mail: davisc@courts.mi.gov

Corbin R. Davis, Clerk
Michigan Supreme Court
PO Box 30052
Lansing, MI 48909

Re: ADM 2009-13

Dear Mr. Davis:

My legal career and practice has been totally concentrated on medical malpractice; the first 4 years as a defense attorney representing hospitals, and the last 35 years representing patients.

In 1993 I spent many nights in Lansing discussing what is now referred to as the medical malpractice tort reform. Two sections included the NOI and AOM. For many, their intentions were good. Unfortunately, good intentions in application don't always work. Many were sure these 2 bills would insure that only meritorious claims would be filed. Unfortunately, the application has had an unintended effect; many, many meritorious claims have been dismissed by putting form over substance. It is time to make these 2 statutes function as intended: to insure the filing of meritorious cases, not the dismissal of meritorious cases.


I will not reiterate the detailed analysis in MAJ President-Elect Barry Gates' letter of September 25, 2009, but I clearly and wholeheartedly support the proposed changes to MCR 2.112(L) and 2.118(D) as proposed in ADM 2009-13.



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If you or anyone has any questions, or would like my further input, please do not hesitate to call. Thank you for considering the above.

Very truly yours,


NORMAN D. TUCKER

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