

2009-13

>>> "Randy Wallace" <RWallace@olsmanlaw.com> 9/29/2009 11:16 AM >>>

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

Dear Mr. Davis:

The purpose of this letter is to endorse the changes to ADM File No. 2009-13 (proposed amendments of MCR 2.112 & 2.118) which were contained in a letter sent to you on September 25, 2009, by Barry Gates, President-Elect of the Michigan Association for Justice (formerly MTLA). Our law firm, Olsman, Mueller, Wallace & MacKenzie, P.C., represents plaintiffs in medical malpractice cases, with an emphasis on the representation of people who have been abused in nursing homes and other custodial care facilities. We have witnessed the injustices and added costs that have resulted from the rules governing notices of intent and affidavits of merit in medical malpractice cases. We applaud the efforts of the Court in its attempts at amending the Court Rules to restore fairness and judicial economy to these rules. With these ideas in mind, I strongly encourage the Court to adopt the changes contained in Mr. Gates' letter of September 25, 2009. These simple changes will ensure that the rules are balanced and consistent. As an added benefit, the changes proposed by Mr. Gates will save the citizens of this state and the courts of this state a tremendous amount of money as they will prevent needless litigation. In contrast, the changes proposed by Justice Markman and the Michigan Osteopathic Association will do just the opposite. Under their proposed changes, the result of even slight punctuation or grammatical errors contained in an affidavit of merit could cost thousands of dollars to remedy in both legal costs incurred by the plaintiff and time spent by trial court staff, not to mention the inevitable slew of appellate court cases. Again, I urge the Court to adopt those changes contained in Mr. Gates' letter.

Thank you for your kind attention to this matter.

Very truly yours,

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