

WHERE DO “WE” GO FROM HERE

I have been honored to serve as the Chair of the State Bar of Michigan’s Negligence Section over the past year. This group of attorneys is in the best position to effect change to our laws while promoting the section’s mission of protecting the right to jury trial. We have always been active through our Amicus committee in the Court of Appeals and Michigan Supreme Court, and our members are regular guests in Lansing to educate the Legislature on areas of the law that are important to our clients.

The make up of our organization with both Plaintiff and Defense attorneys truly engaged and active in promoting the right to jury trial makes our voice heard and respected throughout the legal community.

In my last article, **“No Fault Fix? Hire An Attorney!”**, I encouraged the House Select Committee on Reducing Car Insurance Rates to invite us to Lansing so that we could help educate the committee members and effectuate positive change to our no-fault law. In April, Vice-Chair James Bradley and I spoke to the committee, answered questions and had a very positive experience when the committee reached out and asked for our assistance. Following our talk, we were asked if we would come back to informally speak to some of the committee members. It was obvious to me and Jim that our combination of experience representing injured people and auto insurance companies was a key factor in having the committee invite us back.

Unfortunately, the meeting never took place as the committee was forced to go in a different direction, legislation was quickly pushed through the House and Senate and eventually the Governor signed the new no-fault legislation.

I have been very vocal about my disappointment in the legislators that voted for this bill, and certainly the Governor who very quickly signed the legislation. As I concluded in a two-page statement, **“The likelihood is that this bill will result in negligible savings to the average driver, and it comes at the cost of being a devastating blow to severely injured accident victims and the caregivers that currently treat them. We could have done so much.”** For many reasons, this is bad legislation.

So now what? For those that practice in the area of no-fault, we will adapt as we always do. Unfortunately, our clients and the citizens of this State will not see positive changes and, in fact, will most likely see many of their rights stripped with no corresponding reduction in premiums. Interestingly, most people believe this law will create a large increase in litigation and, therefore,

negligence section members will be asked to further shape the no-fault law. We will do so with the goal of protecting our clients rights under the no-fault law as well as their right to jury trial.

The disappointment many of us feel with the passing of this bill should not deter us as an organization from realizing our worth in shaping future legislation as well as court cases in various areas important to our clients.

As we move forward, the Negligence Section has exciting events on the calendar: On August 8, at Tam-O-Shanter Country Club in West Bloomfield, we have our Annual Meeting and Summer Award Reception. We will be presenting Wayne Miller with the Outstanding Achievement Award and Justice Elizabeth Clement with the Judge of the Year. On October 10, we have an outstanding seminar where Professor Steve Easton will present "Thinking Inside the Box", discussing all aspects of jury selection. At the beginning of this seminar, we will be honored to have Chief Justice Bridget McCormack and State Bar President Jennifer Grieco joining me to discuss summary jury trials and how we can effectively promote the use of SJT's to get our members back in the courtroom trying cases. On November 18 we will put on another seminar speaking specifically about the new Michigan Court Rule changes.

We have added three new members to the council: I want to congratulate Deborah Lujan, Bryan Waldman and Debra Freid, all three outstanding additions to the council. I also want to congratulate Chad Engelhardt, who has been appointed as the council's treasurer. No one works harder than Chad, who is moderating the seminars in October and November and has been a tremendous addition to the council over the last several years.

As this is my last report, I want to thank all the council members for making this past year wonderful. The officers who joined me in leading the council, Treasurer Robert Riley, Secretary Thomas Behm and Vice-Chair James Bradley have been terrific. Lastly, our legislative lobbyist Todd Tennis and our Executive Director Madelyn Lawrey are invaluable to our organization and we all appreciate everything both of you do on a regular basis.

Good luck to the council in the coming year. We are a tremendous group fighting the good fight. Our makeup of intelligent and active attorneys who practice on both sides of the v give us unmatched credibility. Continue to use our collective voice to help educate and further the Negligence Section's mission of promoting the right to trial by jury.