
From: Robert Rottach <RRottach@cityofjackson.org>
Sent: Tuesday, December 01, 2015 4:39 PM
To: ADMcomment
Subject: ADM File no. 2014-13, Proposed Amendment to MCR 2.403

Dear Michigan Supreme Court,

The City of Jackson City Attorney's Office is opposed to the proposed amendment of MCR 2.403, which would shorten the time to respond (accept or reject) to a case evaluation panel's evaluation from the current twenty-eight (28) days to fourteen (14) days. Many cities and other municipalities have a policy or requirement that its city council or governing body must approve of most, if not all, settlements to lawsuits. The city council for the City of Jackson, along with most other municipalities, usually only has two (2) council meetings per month; however, in some months, the city council only meets once (1) per month.

The current twenty-eight (28) day response time to a panel's evaluation is normally sufficient to allow the city council or governing body to have a public meeting and vote on the panel's evaluation. The proposed fourteen (14) day response time to a panel's evaluation would, in many cases, require a municipality to provide a response to a panel's evaluation before the city council's or governing body's next regularly scheduled meeting. In order to comply with the proposed fourteen (14) day response time to a panel's evaluation, the city council or governing body of the municipality will have to call a special meeting in accordance with the open meetings act. If a special meeting is even possible, because a quorum of the council or governing body must be present, it is an unnecessary burden on the local community and municipality because the money used to pay for the costs and expenses of the special meeting will come from money previously allocated to providing services to the local community and municipality.

If this proposed amendment is intended to reduce the duration of open cases, shortening the response time to a panel's evaluation from the current twenty-eight (28) days to fourteen (14) days would hardly have an effect on the total duration of an open case. Cases stay open for numerous reasons, but in our experience, the twenty-eight (28) day response time to a panel's evaluation has never been the reason a case persisted for months or even years beyond when it should have concluded.

Thank you for your consideration.

Sincerely,

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