
From: David Lee <dlee@boothpatterson.com>
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To: ADMcomment
Subject: Ammendment to 2.43

I do not believe shortening the period to accept or reject a case evaluation reward would be beneficial. I served on some of the first panels when the process was called mediation and have represented plaintiffs and defendants in the process of case evaluation. The award is the first shot or reality in litigation and there is a natural process of anger and denial when confronted by an authoritarian opportunity to put up or shut up, except or take the consequences. I have had a number of cases over the years when the client went back and forth between emotion and good judgment as to their response.

Twenty eight days is a substantial period of time but it allows for the emotions to give way to good judgment. I strongly believe that shortening the period of time to decide will increase emotional rejections and to a degree defeat the underlying purpose supporting Case Evaluation under MCR 2.403.

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