



January 12, 2016

Michigan Supreme Court
Office of Administrative Counsel
P.O. Box 30052
Lansing, MI 48909

RE: ADM File #2014-13 Proposed Amendment of MCR 2.403

To the Court:

The Michigan Association of Municipal Attorneys (MAMA) is a specialized organization that provides a variety of services for municipal attorneys practicing in Michigan. Through its partnership with the Michigan Municipal League, Michigan's communities are strengthened by the services provided municipal attorneys by MAMA. Since its inception, MAMA has provided educational programs and information sharing designed for attorneys in both public and private practice who counsel Michigan's cities and villages.

The MAMA Board of Directors has authorized us to submit this comment to the proposed amendment to MCR 2.403(L) which would reduce the amount of time to file a written acceptance or rejection of a case evaluation from 28 to 14 days.

The MAMA Board, all of whom are an appointed city or village attorney, of communities both large and small, is opposed to the proposed change to the Court Rule. Local units of government often regularly meet as infrequently as once a month, many only as often as twice a month. The present 28 days to accept or reject a case evaluation does not work a hardship on local communities as the timeframe of the Court Rule is easily accommodated. However, reducing the time period to take action to 14 days will, in many cases, cause practical difficulties and additional expense for municipalities.

In order to comply with the proposed 14 day deadline, many local bodies would have to call a special meeting, thereby incurring the costs of complying with the notice provisions of the Open Meetings Act, MCL 15.261, et seq. and additional per diem fees for those communities which pay their elected officials on that basis. Additionally, other communities use a committee or subcommittee structure to review and consider matters before action is taken by the governing board as a whole. In this circumstance, the proposed amendment will not permit sufficient time for thorough review and recommendation by communities using this decision-making structure. To be sure, the decision to accept or reject a case evaluation is not one that elected officials take lightly, and which should be permitted due consideration when public funds are at stake.

For these reasons, the MAMA Board does not believe the proposed amendment improves the administration of justice, but rather works a hardship on governmental entities who find themselves as parties to a lawsuit, more often than not as a defendant. The MAMA Board asks that the Court not adopt the proposed amendment to MCR 2.403 to reduce the time to file a written acceptance or rejection of a case evaluation to 14 days.

The Court's consideration of the MAMA Board's comment on this matter is appreciated.

Respectfully Submitted,



Clyde J. Robinson,
MAMA Board President



William C. Mathewson,
General Counsel
Michigan Municipal League