

SOLO & SMALL FIRM SECTION
Respectfully submits the following position on:

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ADM File No. 2014-13

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The Solo & Small Practice Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Solo & Small Practice Section only and is not the position of the State Bar of Michigan.

The State Bar position on this matter is to oppose the proposed amendment of Rule 2.403.

The total membership of the Solo & Small Practice Section is 1,604.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 9. The number who voted in favor to this position was 8. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of section:

Solo & Small Firm Section

Contact person:

Maury Klein

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Proposed Court Rule or Administrative Order Number:

[2014-13 – Proposed Amendment of MCR 2.403](#)

This proposed amendment, submitted by the Michigan Judges Association, would reduce the time period from 28 days to 14 days in which a party would be required to accept or reject a case evaluation award.

Date position was adopted:

January 21, 2016

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

9

Number who voted in favor and opposed to the position:

8 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote (absent)

Position:

Oppose

Explanation of the position, including any recommended amendments:

In review of the proposed rule change, we first note that many years ago, the effect of a failure to respond to case evaluation (then mediation) resulted in automatic acceptance of the award. Then it was changed to automatic rejection, likely at the behest of large established interest groups.

Still, the present 28 day time frame gives us the opportunity to contact our clients, arrange a face-to-face meeting and go over the myriad possibilities that occur and risks of actions chosen.

Our clients are much more likely the ordinary members of society whose lives and families are directly impacted by litigation and its choices. They are also frequently less educated and more in need of time to mull over the impact of acceptance or rejection.

The reduction in time frame will serve no benefit to the timely administration of justice nor was that ever its intent. It is merely another pressure tactic by those with every advantage already.

Solo and Small Firm unanimously opposes this change.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Court%20Rules/2014-13_2015-11-25_formatted%20order.pdf