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**From:** Broaddus, Drew <dbroaddus@secrestwardle.com>  
**Sent:** Friday, February 26, 2016 3:51 PM  
**To:** ADMcomment  
**Subject:** ADM File No. 2014-13

Dear Michigan Supreme Court:

I am writing on behalf of Secrest Wardle. Secrest Wardle specializes in defense litigation and counsel for insurance, municipal, and commercial clients. Secrest Wardle strongly opposes the proposed rule change that would shorten the time to accept or reject case evaluation from 28 days to 14 days.

In a large number of our cases, an insurance company is either a party or is providing a defense on behalf of an insured. There are therefore multiple individuals who need to have input on whether to accept or reject a particular award. For example, a claim adjuster will often need authority from his or her supervisor. This may also require review by a claim committee or conference and in certain first-party no-fault cases, will also require the involvement of the Michigan Catastrophic Claims Association. Coordinating and scheduling these meetings in 14 days is problematic. Counsel will likely need to discuss the award with multiple decision makers. Also, in certain situations the insured will also need to be apprised of the pro and cons of accepting and rejecting. Fourteen days would not give our attorneys sufficient time to fully evaluate the options will all of the interested individuals.

Also, a significant number of our clients are municipalities. Reducing the number of days a municipality has to consider, then accept or reject, case evaluation would cause undue hardship and not serve the public's interest. Many municipalities convene a public body in order to consider case evaluation; and since many municipalities meet monthly, semi-monthly or every two weeks, having only 14 days to respond to case evaluation would cause unnecessary expense in calling a special meeting (if a quorum can be assembled) and jeopardize the ability of the public body to give due consideration to case evaluation. The public is not served by creating more costs and calling special meetings, which require only 18 hours' notice to the public. Also, some 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. The current 28-day time period normally is sufficient for a municipality to consider and decide whether to accept or reject case evaluation.

I appreciate the opportunity to comment on this proposed rule change.

SECRET  
**SW**  
WARDLE

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