

Negligence Law Section

E-NEWS

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Message From the Chair



Michael R. Janes
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I am honored to serve as the new Chair for the Negligence Law Section. I am pleased that, again, our section's officers and council members reflect the statewide cross-section of interests and concerns of our membership. I am looking forward to working with this Council in serving our membership and in promoting the ideals of our profession.

We all owe our thanks to our outgoing Chairperson, Jody Aaron. We have had an outstanding year under Jody's leadership. Our membership has increased. We continue to foster dialogue with our state representatives. The respect that our Section has earned from our Appellate Courts continues to be evidenced by the regularly requested amicus briefs. Continuing on this path will only make our Section stronger.

I am pleased to introduce our new officer, Bobby Raitt, who will be our Treasurer. I am also pleased to introduce our new Council member, Donna MacKenzie. As always, we look forward to the participation as well as the thoughts and suggestions of our membership.

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Gov. Snyder names Joan Larsen to Michigan

Supreme Court

Credit: Local 4 - [ClickOnDetroit news staff](#), local4@clickondetroit.com



LANSING, Mich. - Gov. Rick Snyder has named Joan Larsen, currently special counsel to the University of Michigan law school dean, to the state Supreme Court.

Snyder announced his choice at a late-morning news conference Wednesday in Lansing. Justice Mary Beth Kelly is leaving the bench to return to private practice, effective Thursday.

"Joan is a superb attorney who brings experience from the highest levels of government, private practice and academia to the state's highest court," Snyder said. "She is highly regarded by her peers, and is a nationally recognized constitutional scholar. I'm confident she'll be an invaluable addition to the Michigan Supreme Court."

"I believe in enforcing the laws as written by the legislature," Larsen said Wednesday morning, explaining her judicial philosophy.

This is Snyder's third appointment to the seven-member high court, where GOP nominees have a 5-2 edge. His first two appointments, Brian Zahra and David Viviano, have since been elected to their posts.

Both previously were judges at the state appellate or circuit court levels.

Oakland Circuit Judge Colleen O'Brien appointed to Michigan appeals court

Credit: [Lindsay Vanhulle](#) of Crain's Detroit Business

Photo by State of Michigan



LANSING - Gov. Rick Snyder today appointed **Oakland Circuit Court Judge Colleen O'Brien** to the **Michigan Court of Appeals** bench.

O'Brien, of Clarkston, will replace retiring appellate Judge Pat Donofrio and serve the remainder of his term, which ends Jan. 1, 2017. She would be eligible to seek re-election in 2016 for her own six-year term.

O'Brien was elected in 1998 to serve on the Oakland Circuit Court and is presiding judge of its civil-criminal division. Before that, O'Brien worked in private practice at **Cummings, McClorey, Davis & Acho PLC**, which has offices in Livonia, Clinton Township, Grand Rapids and Traverse City.

O'Brien has a bachelor's degree from the **University of Michigan** and a law degree from

Detroit College of Law, now the **Michigan State University College of Law**. She is president of the **Michigan Judges Association**.

Donofrio, of Macomb Township, was appointed to the appeals court in 2002 and re-elected in 2004 and 2010. He served on the **Macomb Circuit Court** bench from 1997 until his appointment to the state Court of Appeals. His retirement is effective Wednesday.

Assisted Living Facilities - A Brief Primer



By Emily M. Peacock
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It is currently estimated that there are 31,000 assisted living facilities (ALFs) in the United States with a total of 1 million elderly residents living in them.¹ In Michigan, it is estimated that over 21,000 elderly adults live in a licensed form of an ALF and tens of thousands of other elderly adults are estimated to live in unlicensed ALFs.² As the "gray tsunami" continues to build, it is important for lawyers to know the different kinds of ALFs that exist in Michigan.

[Read More](#)

Insurance Coverage Advisor



Reading The Policy
By Hal O. Carroll
www.HalOCarrollEsq.com

One of the more important exclusions, at least for construction site injuries, is the exclusion for contractual liability. This is usually exclusion number 2 in the typical General Liability (GL) policy. The normal language is:

"This insurance does not apply to

2. Bodily injury or property damage for which the insured is obligated to pay by reason of the assumption of liability in a contract or agreement."

[Read More](#)

Save the Date!

State Bar of Michigan Negligence Law Section
In conjunction with
**Michigan Association for Justice &
MDTC-Promoting Excellence in Civil Litigation**

Presents 2016 Seminar at:
The Palazzo in Las Vegas
May 6-9, 2016



[Register Here](#)

Michigan Lawyers Weekly Wants to About You

Verdicts and Settlements:

Please submit recent civil cases (within the past six months) where you prevailed - whether in a jury verdict or a settlement -- so they may publish them.

Questions about Lawyers Weekly's Verdicts and Settlements policy may be directed to the editor at (800) 678-5297 or editor@mi.lawyersweekly.com.

Legislative Update



[Todd Tennis](#)
Capitol Services, INC.

When You Come to a Fork in the Road, Take It (Godspeed, Yogi)

The State Legislature has returned from their summer recess and will remain in regular session until December (with a small break in mid-November for deer season and Thanksgiving). The major issue at hand continues to be transportation funding, and the debate there revolves around how best to add \$1.2 billion to road, bridge and transit needs. When it comes to the Michigan Legislature, you can observe a lot just by watching. Some lawmakers, particularly in the House of Representatives, are reluctant to increase taxes and prefer to shift existing revenues to the roads from other areas of the budget.

[Read More](#)

The Michigan Association for Justice

in Cooperation with

The Michigan Defense Trial Counsel

offer their membership and the public this first opportunity to purchase:

Motor Vehicle No-Fault Law in Michigan

2011 Edition includes 2015 supplement

[Download Form](#)

**Remember to Renew Your Membership to the
Negligence Section When You Renew Your
State Bar Annual Dues!**



Jennifer Grieco

Would you spend \$50 per year to protect the practice of negligence law in the State of Michigan?

By joining (**OR RENEWING YOUR MEMBERSHIP TO**) the State Bar of Michigan's Negligence Section, you will be doing just that. joining the Section's efforts to stop the onslaught of legislation intent on frustrating an individual's ability to bring a negligence claim.

We need your help and support!

Please act NOW by completing the attached form and sending in \$50 to join the Negligence Section and increase our strength and ability to monitor, oppose and advocate against such legislation in 2015-2016 and beyond.

Membership News Update:

The Negligence Council has approved offering free membership to the Negligence Section to newly admitted lawyers in accordance with the State Bar of Michigan's policy (SBM Bylaws Article VII, section 5) permitting newly admitted lawyers to select one (1) free membership for two (2) years in a section of their choice, in addition to their free membership in the Young Lawyers Section. This free membership will permit newly admitted lawyers to attend our membership events and to receive the informative Negligence Law Section E-News. We hope that you will encourage newly admitted lawyers in your firms and/or that you interact with to take advantage of the two years of free membership in the Negligence Section.

Join Today!

Thank you.
Jennifer Grieco
Membership Chair

Negligence Law Section Annual Meeting Photos



Donna MacKenzie, Linda Gabraith

and Jody Aaron



Conor Dugan and Raymond Morganti



Steven Hicks and Christopher Desmond



Jody Aaron and Michael Janes

Other Legal Events

Michigan Association for Justice (MAJ) Upcoming Seminars

Advanced Depositions Strategies & Practice

October 23, 2015

Westin, Southfield

[Click here to register.](#)

MDTC - Promoting Excellence in Civil Litigation 2015 Winter Meeting and Conference

No-Fault Nuances & More

November 13, 2015

Sheraton Detroit Novi Hotel, Novi, Michigan

[Click here to register](#)

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As of October 1, 2015

Negligence Law Section

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