

Negligence Law Section

E - JOURNAL

Volume 17 #1 & #2
Fall/Winter

Calendar of Events

February 20, 2025 – Young Lawyers Social – [Register Now](#)
May 2 – May 5, 2025 – Spring Meeting – [Email for More Info](#)

Message from the Chair



Donna MacKenzie

Olsman MacKenzie Peacock & Wallace
[Email](#)

I am sincerely honored to have been sworn in as the Chair of the Negligence Law Section, representing a dynamic group of more than 1,700 litigators. Together, we represent both the plaintiff and defense sides of the bar, working collaboratively to uphold the principles of our justice system and ensure the fair and just administration of negligence law. Charting the path ahead, we face new challenges and opportunities to strengthen our profession and adapt to an evolving legal landscape...

[Read More](#)

Section Amicus Briefs

On August 11, 2021, the Negligence Council adopted guidelines governing the submission of amicus briefs.

The Michigan Supreme Court routinely requests that the Negligence Section address important matters before it. Every submission to the courts is scrutinized by these guidelines.

In addition, consistent with our mission, our voting requirements mandate consensus among plaintiff and defense council members. This affords a balanced approach to the most critical matters impacting negligence law.

These guidelines are set forth below.

[Full Guidelines Here](#)

Journal Articles

The section encourages authors to submit articles regarding relevant and timely issues. Articles may not reflect the opinions of the section or its council.

Journal editors:

David Shafer

[Email](#)

D. Lee Khachaturian

[Email](#)

Improving Jury Selection



Michael J. Behm

Behm & Behm

[Email](#)

Jury trials are addressed in sub-chapter 2.500 of the Michigan Court Rules. MCR 2.510 and 2.511 address the juror personal history questionnaire and impaneling the jury. During the past few decades, jury selection in civil trials has become increasingly important. It is no coincidence...

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Legislative Update



Todd Tennis
Capitol Services, Inc.
[Email](#)

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What's old is new again: Recent decisions on legal duty harken back to time-honored precedent



John W. Whitman
Garan, Lucow, Miller
[Email](#)

Michigan jurisprudence has never questioned whether an insurer may be held liable to its insured for failing to make a good faith effort to settle a tort claim brought by a third-party plaintiff against the insured. But the Michigan Supreme Court has debated the proper measure of the insurer's liability to the insured; i.e., how to truly measure the damage caused by the insurer's bad faith. The Court has considered the issue multiple times - and reached conflicting results....

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The Seven Habits of Civil Lawyers



Trent Collier
Collins Einhorn Farrell PC
[Email](#)

In the late eighties and early nineties, Steven Covey's *The 7 Habits of Highly Effective People* was everywhere. It was on every bestseller list and in every bookstore. 7-Habits-themed stores were popping up in shopping malls. Even President Bill Clinton consulted with Covey on management...

[Read More](#)

Disney's Litigation Strategy and Near Public Relations Blunder Underscores the Need to Revisit Michigan's Rejection of the Adhesion

Contract Doctrine



Bryan Waldman

*Sinas, Dramis, Larkin, Graves &
Waldman, PC*

[Email](#)



Max Waldman

*Sinas, Dramis, Larkin, Graves &
Waldman, PC*

[Email](#)

An “adhesion contract” is a standardized contract offered to consumers on essentially a “take it or leave it” basis without affording the consumer a realistic opportunity to bargain, such that the consumer cannot obtain the desired product or services except by acquiescing in the form contract. The distinctive feature of a contract of adhesion is that the weaker party has no realistic choice as to its terms...

[Read More](#)

Call for Young Lawyers!

The Young Lawyers Committee encourages young lawyers to submit articles to be featured in the E-Newsletter! This is a great opportunity for newer attorneys to get their name in front of the members of the Negligence Law Section.

If you are interested, please contact the Young Lawyer Committee Co-Chairs:

Amanda P. Waske: amwaske@gmail.com

Robbie Gaines: robbie@gaineslawyers.com

New Council Members

Michael J. Jolet

Hewson & Van Hellemont PC

[Email](#)

Sarah Stempky-Kime

Christensen Law

[Email](#)

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Civility in Civil Litigation Webinar

For those who couldn't attend the live session with Dale Hebert, Amy Blackwell, and Chad Engelhardt, the full recording is available for viewing on the State Bar of Michigan Negligence Law Section YouTube channel, or by using the link below.

[View Recording](#)

Supreme Court Decisions Webinar

For those who couldn't attend the live session with Tim Diemer, Beth Wittmann, and Donna MacKenzie, or wish to revisit the content, we are delighted to provide you with access to the recording with each case discussed timestamped. You can watch the webinar at your convenience by clicking on the following link:

[View Recording](#)

Succession Planning

New requirements for Michigan private practice attorneys became effective

September 1, 2023. Read the Supreme Court Order [here](#). Required information is being collected during the current license renewal process for the 2023-2024 Bar Year.

Supreme Court Order

Photo Gallery



Fall Seminar 2024

Click the links below to view photos from the past events

[Annual Meeting and Awards Reception 2024](#)

[Past Chair 2024](#)

[Spring Meeting 2024](#)

[Young Lawyers Rock 'n Bowl 2024](#)

[Annual Meeting and Awards Reception 2023](#)

[Past Chair 2023](#)

[Spring Meeting 2023](#)

[Building Allies 2023](#)

Michigan Lawyers Weekly wants to hear about your 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 MLW 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.

Be on the Lookout for Phishing Scams

- Emails may appear to come from the Section's leadership, but may be from scammers
- Always verify payments verbally before making them

- Once you have identified a scammer, alert us and delete it
- There is no harm in waiting

Civility in the Courtroom



Civility is extremely important in our courts, and many of these courts have released court orders regarding civility guidelines. Click below to check them all!

US District Court -
Eastern Michigan

US District Court -
Western Michigan

Supreme Court Order

Top Ten Civility Tips

1. Act conscientiously and responsibly in your interactions with others.
2. To the extent possible, always cooperate with others.
3. Do not disparage or attack others.
4. Treat others fairly and respectfully notwithstanding the fact you may have differing perspectives, viewpoints or politics.
5. Always act in good faith.
6. Always accord professional courtesy whenever reasonably possible.
7. Seek to exemplify the best of our profession in all interactions with others.
8. Do not act upon or exhibit bias toward others and seek to reasonably accommodate the needs of those who may require such accommodations.
9. Strive to be the best version of yourself.
10. Be patient with others and seek to follow the Golden Rule.

State Bar Michigan Calendar of Events

Want to see what other events are going on in the State Bar? Check out the calendar below!

Calendar

Social Media



Negligence Section YouTube



Rule 21: Law Practice Succession Planning Webinar

[YouTube Channel](#)

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Olsman MacKenzie Peacock & Wallace

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