

Negligence Law Section

JOURNAL

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Winter 2022

Proposed Amendment to EDM I LR 37.2

On November 7, 2022, the Judges of the United States District Court for the Eastern District of Michigan approved the publication of proposed amendments to the following local rules:

- LR 5.2, Enjoined Filers
- LR 37.2, Form of Discovery Motions
- LR 83.11, Assignment and Reassignment of Civil Cases to Judges

To be assured consideration, comments in writing, which may include recommended changes to the proposed amendments, should be received no later than January 2, 2023. Comments may be sent to Local_Rules@mied.uscourts.gov or to Local Rules, 539 Theodore Levin United States Courthouse, 231 W. Lafayette Boulevard, Detroit, Michigan 48226.

The text of the proposed amendments may be found at <https://link.edgepilot.com/s/b5173c38/1CCFr-CnsEqGdxBxBwuOYw?u=http://www.mied.uscourts.gov/>

The section has filed the following response, which you can read [here](#). A big thank you to Debra Fried for her research and analysis of this issue!

Negligence Section Response

Message from the Chair



Chad Engelhardt
Goethel Engelhardt PLLC
[Email](#)

Congratulations to Executive Director Madelyne Lawry

Madelyne's work on behalf of the legal profession was recently recognized by Michigan Lawyer's Weekly. She was bestowed the Unsung Hero of the Legal Profession Award. Anyone who has served on the leadership of the Section (or ABOTA, ICBA or MDTC) can verify this award is extremely well-deserved. Please join us in congratulating her....

 [Read More](#)

Sponsorship Made Easy!

This year, the section is unveiling its brand-new sponsor packages! Now, instead of sponsoring each event individually, there is one package that describes all of the provided sponsorship opportunities, making it easier to market your services. Check out the packages below!

[Sponsorship Packages](#)

Section Amicus Briefs

On August 11, 2021, the Negligence Council adopted guidelines governing the submission of amicus briefs. These Guidelines are set forth below.

Negligence Law Section Amicus Brief Guidelines

The Council is consistently requested by the Michigan Supreme Court to address important matters before the court. Every submission to the courts is scrutinized by these Guidelines.

In addition, our voting requirements mandate consensus among plaintiff and defense council members. Accordingly, this balanced approach is consistent with our mission and our views on the most critical matters impacting negligence law.

Journal Articles

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

Journal editors:

David Shafer

[Email](#)

Deborah Lujan

[Email](#)

Legislative Update



Todd Tennis

Capitol Services

[Email](#)

Governor Whitmer will have her second inauguration on January 1, and the new Legislature will convene on January 11. Lansing will have a very new vibe in 2023: for the first time in 40 years, Democrats will have a majority in both the State House and State Senate. The seismic shift in political control came as a surprise to leaders from both parties, and Lansing insiders are still adjusting to the change, and probably will be well into the new session...

[Read More Here](#)

Insurance Coverage Advisor



Rabih Hamawi, CPCU®, CIC, CRM, LIC, MSF

Law Office of Rabih Hamawi PC

[Email](#)

“The purpose of insurance is to insure against a [fortuitous] loss.” That’s why insurance contracts are “aleatory” contracts, which means that the duty to perform depends on the “happening of some event that is not certain to occur and that is not within the control of either party.” An aleatory contract involves a “hazard, chance, or risk.” More than a century ago, the Michigan Supreme Court stated it perfectly: one can’t insure a sinking ship...

[Read More Here](#)

Meet Judge Christopher P. Yates



Interviewed:

Hon. Chris Yates

Third District Court of Appeals

[Email](#)



Written by:

Conor Dugan

Warner Norcross & Judd

[Email](#)

We meet in late-September on one of those days where summer still lingers. Despite the busyness of having just started a new position in April, Judge Christopher Yates makes time in his schedule to discuss his upbringing, his multi-faceted legal career, and his first months on the Court of Appeals. What follows are highlights of our enjoyable interview...

[Read More Here](#)

Michigan Appellate Courts Struggle to Make an Antiquated Concept Fit in Today's World and, in Doing so, Defeat the Very Purpose of the No-Fault Act for the Children of Divorced Parents



Bryan Waldman
Sinas Dramis Law Firm
[Email](#)

The goal of the no-fault insurance system was to provide victims of motor vehicle accidents assured, adequate, and prompt reparation for certain economic losses. Shavers v Attorney General, 402 Mich 554, 267 N.W.2d 72 (1978).

When a Michigan resident is injured in an incident involving a motor vehicle, they are almost always going to be entitled to no-fault personal protection insurance (PIP) benefits. To identify the insurance company obligated to pay those benefits, lawyers, claimants, and insurers perform an analysis commonly referred to as...

[Read More Here](#)

Award Recipients - Past Chair Dinner

The following recipients will receive their awards at the Past Chair Dinner on June 6, 2023.

Earl J. Cline & Sherwin Schreier Award For Excellence



Thomas R. Behm
Gruel Mills Nims & Pylman PLLC
[Email](#)

Distinguished Service Award



Jules B. Olsman
Olsman MacKenzie Peacock & Wallace
[Email](#)



Steven B. Galbraith
Law Offices of Steven B. Galbraith
PC
[Email](#)

2022 Michigan Lawyers Weekly Unsung Hero Award Recipient

Madelyne Lawry has dedicated decades of outstanding service to significant legal organizations in Michigan. The Negligence Law Section of the State Bar of Michigan is one such organization and is among the largest, most active Sections of the Bar. It has represented thousands of members on a bipartisan, mission driven basis. The Negligence Section, often in partnership with the American Board of Trial Advocates-Michigan Chapter ("ABOTA") where Madelyne likewise serves as executive director, provides exceptional continuing legal education, amicus and legislative expertise, and analysis of legal issues of concern.

Madelyne is at the center of everything the Section and ABOTA does, including the financial analysis, member services, seminar planning and coordinating multiple programs every month. She is the "glue" that holds all of this together for both the Negligence Section and ABOTA. We congratulate her on this well deserved recognition and honor.



[Read the Publication Here](#)

Attorney Mandated Succession Planning

Below are new court rules that are important for section members to know for their practice.

- On June 15, 2022, the Michigan Supreme Court issued [ADM File No 2020-15](#), amending State Bar Rule 2, adding State Bar Rule 21, Subchapter 9.300 of the Michigan Court Rules, and amending [MCR 9.119](#). The amendments, effective **September 1, 2023**, require attorneys in private practice to designate an interim administrator "to protect clients by temporarily managing the attorney's practice if the attorney becomes unexpectedly unable to practice law." State Bar Rule 21(A).

Photo Gallery

Click the links below to view photos from the event

[Young Lawyers Deck Party 2022](#)

[Annual Meeting and Awards Reception 2022](#)

[Past Chair Event 2022](#)

[Spring Meeting 2022](#)

[Summer Meeting 2021](#)

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.

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

Michigan Courts Website



The Michigan Courts is a new resource that the Supreme Court has created for lawyers, non lawyers and anyone in between. They have many resources for anyone who wants to know more about the court system. Some of those things include:

- | | |
|---|--|
| <ul style="list-style-type: none">• Case Information• Information About Justices• Court Programs• Attorney Name Change• Self-Represented Litigations• Public Administrative Hearings• News Releases | <ul style="list-style-type: none">• Business Court Search• Trial Court Directory• Court Communications• MiFILE Systems• Court Livestreams• Attorney Certification• Committees and Boards |
|---|--|

And so much more! Click the button below to visit The Michigan Courts website.

Michigan Courts

Remember to renew your membership to the Negligence Section when you renew your State Bar Annual Dues!

 Download Form

Social Media

Negligence Law Section's LinkedIn



Did you know that the Negligence Law Section has a LinkedIn page & group? We share lots of information, including when events are taking place, interesting articles from both our own members and other pages. We encourage you to follow our page & group! Click the link below and then click the follow button in the upper left corner.

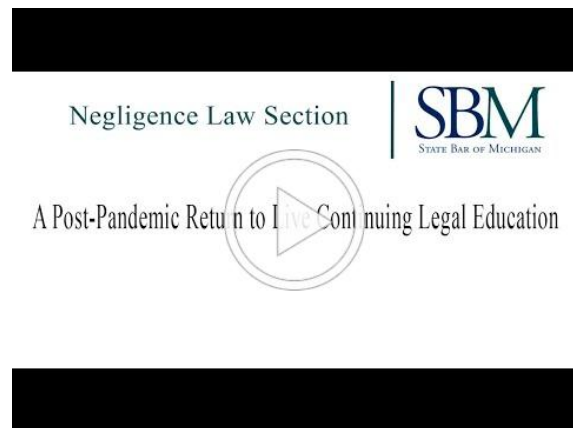
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Negligence Section YouTube



Virtual Annual Meeting and Awards



A Post-Pandemic Return to Live Continuing Legal Education

[YouTube Channel](#)

Negligence Law Section Council Members



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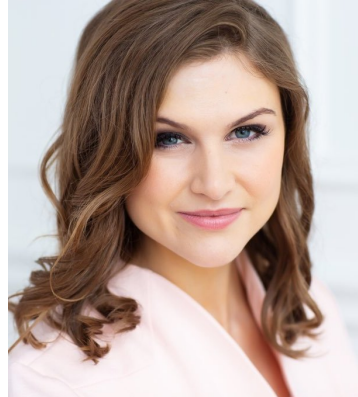
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