

Public Policy Position
MHS Westland et al v. City of Westland et al

The Negligence Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 1,857 members. The Negligence Law Section is not the State Bar of Michigan and the position expressed herein is that of the Negligence Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Negligence Law Section has a public policy decision-making body with 14 members. On June 5, 2023, the Section adopted its position after an electronic discussion and vote. 14 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 0 members did not vote.

Support

Explanation:

On recommendation of the Amicus Committee, there is a Motion by Mark Gilchrist, Seconded by Donna MacKenzie to submit the Section's prior MCOA Amicus position to the MI Supreme Court on application for leave. The position of the Section is the legal issue of a local government avoiding judicial review of its actions through a compelled waiver in violation of Michigan's Constitution. The Section's brief at MCOA is attached. The Section does not take a position on the facts, or which party should prevail in the underlying action, but rather focuses on the immunity, due process and constitutional issues.

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