State Bar of Michigan

Negligence Law Section Quarterly

The Official Newsletter of the State Bar of Michigan Negligence Law Section

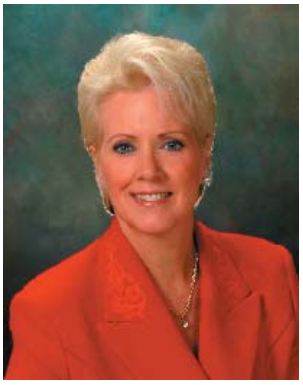
From the Chair

Summer 2005

Summer is truly here! And, to add more heat to an already sweltering atmosphere, the *Apsey* decision (regarding independent verification by county officials as to veracity of the notarization for affidavits executed out of state) was decided by the Court of Appeals, was then vacated, and ultimately reinstated with only prospective application. We do not know what the Supreme Court will decide with the application and will keep you apprised of any significant developments. Todd Tennis, our legislative lobbyist, has provided an update for us in his column for this issue.

Our Spring Seminar-Cruise, as evidenced by the photos in our Spring issue, was a huge success. We had our talented Negligence Section members and guests provide updated information about a variety of topics including; Liens, ADR, and expert witnesses, to name a few. The camaraderie was felt by all attendees! We need more of you to attend these valuable learning and networking outings.

We held our 50th Annual Past Chairperson's Dinner at the Detroit Golf Club on June 3, 2005. There were over one hundred attendees, not only to honor the past chairs, but also to present our annual "Earl Cline Award for Excellence" to Frank W. Brochert of the Plunkett & Cooney law firm. Frank was both eloquent and hilarious when giving his "acceptance" speech. Members from Plunkett & Cooney were in abundance to support their well-deserved partner. Former recipient, Judge Michael Stacey was also in attendance, as well as many members of our fine judiciary. As always, Bob Siemion and his lovely wife Jacqueline hosted



Cynthia E. Merry,
Merry, Farnen & Ryan PC

this event, which involves much planning and organizing. We thank them for their hard work. Everyone truly enjoyed the evening!

On a very sad note, we announce the death of Samuel A. Garzia, last year's recipient of the Earl Cline award. Sam was a great and wise mentor for many lawyers at Vandeveer Garzia, including Tom Peters (our treasurer) and yours truly. He will be remembered as a patient, tolerant, and even-handed leader, not only of his law firm, but also of his colleagues in the legal community.

At the annual meeting of the State Bar this fall, we will be conducting a seminar about "Ethics in Litigation." Lisa Gleicher and other council members will put on their "thespian" hats to provide interesting and controversial scenarios, including expert commentary and audience participation. We look forward to an excellent turnout on Friday, September 23 at 9:30. The room assignment will be available at the meeting. Please do not miss this "lively" performance!!

Continued on the next page

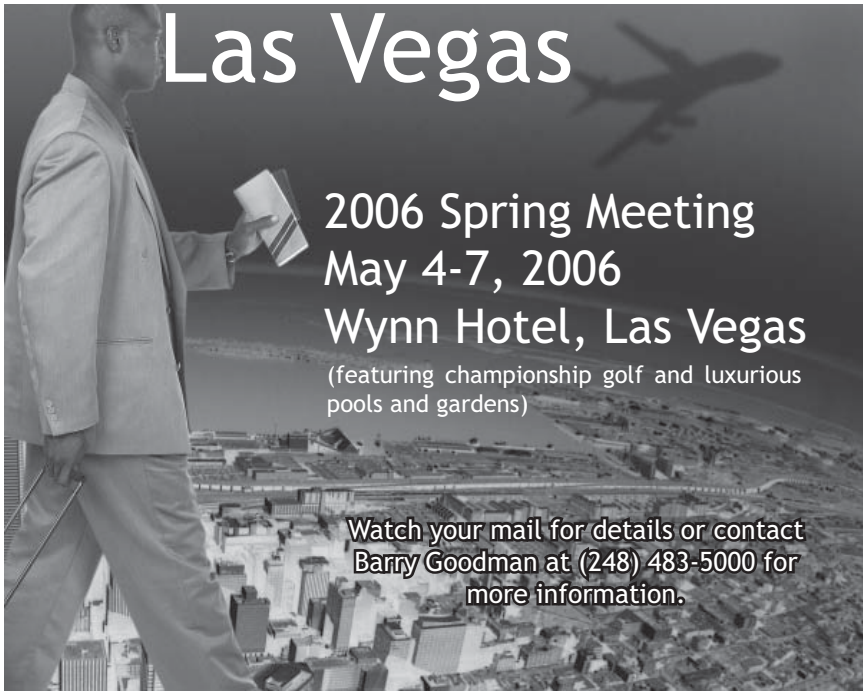
From the Chair ...
Continued from page 1

Our last council meeting was held at the lake homes of Tim and Linda Knecht and Walt and Beth Griffin. After business was conducted, we enjoyed a lovely meal and moonlight boat ride around the beautiful Fenton Lake. Our thanks to our gracious hosts for a special evening!

As this year as chairperson comes to a close, my hope is that we keep focused on our mission of access to the courts, to increase our membership, and to remain relevant and viable to our members. The council would like to offer our services to attend any upcoming legal or association meeting throughout the state. Any council member would be happy to attend such meetings and provide information or answer questions about what is happening in Negligence Law, the section, or whatever other relevant topics you would like us to address. We look forward to hearing from you.

On that note, this message will close, and it will leave you with our "Thoughts from the Council": Difficulties are Lessons…
Obstacles are Challenges…
Impossibilities are Invitations.

Enjoy the summer!!!!



Elected and Appointed Governmental Officials' Tort Immunity - MCL 691.1407(5)

(Immunity Means Never Having to Say You're Sorry)

By John A. Schapka, Supervising Assistant Corporation Counsel, City of Detroit Law Department

The highest appointive executive officials of all levels of Michigan government are immune from tort liability for injuries to persons, or damages to property, whenever they are acting within the scope of their executive authority.[1] Such individuals share a degree of immunity the same as that afforded to judges and prosecutors.

The Michigan Supreme Court has emphatically held that highest executive officials of all levels of government are absolutely immune to all tort liability whenever they are acting within their executive authority.[2] The Legislature's grant of immunity reflected in MCL 691.1407(5) is expressed with utter clarity and without exception.[3] Notably, neither the statute, nor its interpreting case law reflect any exceptions predicated upon intent, motive, or malevolence.[4]

> "The Michigan Supreme Court has emphatically held the highest executive officials of all levels of government are absolutely immune from all tort liability whenever they are acting within their executive authority."

This reflects the position taken by the Michigan Legislature when it enacted MCL 691.1407(5). The Legislature's resolve in this regard is demonstrated by the statute's legislative history and the absence of amendment since its 1986 enactment.[5]

The determination whether a particular act is within an executive's authority depends, however, on a number of factors. These include the nature of the specific act alleged; the position held by the official alleged to have performed the act; the charter, ordinances, or other local law defining the official's authority; and the structure and allocation of powers in the particular level of government.[6]

The analysis of any claim against an elected or appointed official must therefore focus on two points. First, whether the individual is in fact the highest elected or appointed official of a governmental entity, and second, whether the questioned conduct constitutes the exercise of governmental authority.

In *Grahovac v Munising Township,*[7] the Michigan Court of Appeals strictly construed the language of MCL 691.1407(5) and found the chief of Munising Township's volunteer fire department was not entitled to the absolute immunity otherwise provided by the statute because the township's fire department was not a "level of government"[8]

The court reached this conclusion after reasoning that neither the subject individual, nor the fire department, enjoyed the aspects of governance common to a governmental entity, such as 'the power to levy taxes, the power to make decisions having a wide effect on members of the community, or the power of eminent domain'[9] or 'broad-based jurisdiction or extensive authority similar to that of a judge or legislator.'[10] The court cautioned that its decision was premised solely on the legislative provisions governing townships, and noted that a different result would appertain in a matter involving a city.

So long as the subject individual meets the highest elected or appointed threshold, the analysis must then scrutinize the nature of the questioned act. In this regard, the focus of the inquiry is not on whether the official acted within the contemplated

⇨ ⇨ ⇨

scope of his or her duties as delineated in an express or implied job description, but rather, it must fix upon whether he or she exercised the authority inuring to them by virtue of their appointed or elected positions.[11]

American Transmissions, Inc v Attorney General[12] is very instructive in this regard. There, the Michigan Supreme Court held that defendant Attorney General was immune from a claim of defamation pursuant to MCL 691.1407(5) when he made statements regarding the business operation of plaintiff American Transmissions, Inc.

During a television interview, the Attorney General stated an investigation by his office found that American Transmissions was operating a fraudulent business: "I proved these people...to be crooks and cheats and operating crooked transmission shops."[13] The Court recognized that the Attorney General was responding to questions regarding his department's conduct throughout the investigation, and that such response was well within his executive authority, and thus immune from tort liability.[14]

Accordingly, so long as the questioned act constitutes the exercise of authority, which is bestowed on the subject individual by virtue of his or her office, it is immaterial whether the act was, or was not, otherwise tortious. While it may appear to be unfair to those aggrieved by an elected or appointed official's exercise of the authority of his or her office, such reflects the simple reality that executive level officials, like judges and prosecutors, must, on occasion, do unpopular things which are necessary to the fundamental function of government.

John Schapka is a 1984 graduate of the Thomas M. Cooley Law School. He served as a commissioned officer and attorney with the United States Army Judge Advocate Corps in Germany, Virginia, and California. After leaving the military, he joined the City of Detroit Law Department were he serves as a litigation team supervisor. In addition to his supervisory responsibilities, he maintains an active litigation practice concentrating on police matters, fire fighting operations, and federal civil rights defense actions.

Endnotes

1 MCL 691.1405.

2 *Ross v Consumers Power Co.* (on Reh), 420 Mich 567; 363 NW2d 641 (1984); *American Transmissions, Inc. v Attorney General*, 454 Mich 135; 560 NW2d 50 (1997) (reversing *Gracey v Wayne County Clerk*, 213 Mich App 412; 540 NW2d 710 (1995) which misinterpreted *Marrocco v Randlett*, 431 Mich 700; 433 NW2d 68 (1988) as creating an intentional tort exception to an executive level employee's governmental immunity predicated upon the intentional use or misuse of a badge of governmental authority for a purpose unauthorized by law).

3 *American Transmissions v Attorney General*, supra.

4 *American Transmissions, Inc v Attorney General*, supra.; See also, *Nalepa v Plymouth-Canton Community School District*, 207 Mich App 580 (1994) (school board members and superintendent acting within the scope of their authority when showing film depicting attempted hanging to second grade class, after which Plaintiff's seven year old son hung himself and died); *Bischoff v Calhoun County Prosecutor*, 173 Mich App 802 (1988) (prosecuting attorney was acting within the scope of his executive authority, for the purposes of the governmental immunity statute, when revealing to a village attorney that a recently hired village police officer had been the subject of a police investigation for possible criminal activities several years earlier).

5 When the Legislature considered amending the governmental immunity statute in 1985 and 1986, it consistently provided fro immunity for judges, legislators, elective officials, and the highest appointive officials when they are acting within the scope of their judicial, legislative, or executive authority. *See,* House Legislative Analysis, HB 5163 Substitute H-2, November 19, 1985; Senate Analysis HB 5163 (S-3), March 20, 1986; House Legislative Analysis, HB 5163, July 23, 1986. This is in direct contrast to the Legislature's treatment of lower echelon governmental employees where serious consideration was given to conditioning immunity on some manner of intent-based standard (e.g., "acting in good faith", "not acting in bad faith"), in addition to other prerequisites

(e.g., the employee's "reasonable belief" he or she was acting withing the scope of his or her authority, and the "gross negligence" standard. *See*, House Legislative Analysis HB 5163, Substitute H-2, November 19, 1985; House Legislative Analysis, HB 5163, January 16, 1986.

6 *Marrocco v Randlett*, supra. at 710-711.

7 *Grahovac v Munising Township*, 263 Mich App 589 (2004).

8 See, *O'Leary v Marquette Board of Fire and Water Commissioners*, 79 Mich 281, 44 NW 608 (1890); *McPherson v Fitzpatrick*, 63 Mich App 461, 234 NW 2d. 566 (1975) (component departments or divisions of governmental agencies are not, in and of themselves, governmental entities).

9 *Grahovac v Munising Township*, supra, citing *Chivas v Koehler*, 182 Mich App 467 (1990); *Harrison v Director of Department of Corrections*, 194 Mich App 446, (1992).

10 *Grahovac v Munising Township*, supra, citing *Nalepa v Plymouth-Canton Community School District*, 207 Mich App 580 (1995).

11 *American Transmissions, Inc*, 454 Mich 135; 560 NW2d 50 (1997) (reversing *Gracey v Wayne County Clerk*, 213 Mich App 412; 540 NW2d 710 (1995) which misinterpreted *Marrocco v Randlett*, 431 Mich 700; 433 NW2d 68 (1988) as creating an intentional tort exception to an executive level employee's governmental immunity predicated upon the intentional use or misuse of a badge of governmental authority for a purpose unauthorized by law).

12 *American Transmissions, Inc*, supra.

13 *American Transmissions, Inc*, supra at 137.

14 *American Transmissions, Inc*, supra at 144.

Trial Practice Book Available

About the Author

David R. Parker is a shareholder in the firm of Charfoos & Christensen, P.C.

He is an appellate specialist who became associated with the firm in 1983. In his present role with the firm, he has primary responsibility for appeals in the Michigan Supreme Court, the Michigan Court of Appeals, the United States Sixth Circuit Court of Appeals, and the United States Supreme Court. He also heads the firm's research department, assists in briefing dispositive motions in trial court, and prepares seminar material. Parker's keen interest in the art of writing briefs and his strong presentational skills have earned him the well deserved respect of the state legal community.

Parker assisted in researching, drafting, and editing the widely used book *Personal Injury Practice: Technique and Technology*, which he updates periodically for the publisher. His other works include *Starting the Case in the 90's: A Current Manual of Michigan Complaints, Michigan Medical Malpractice Cases Annotated: 1987-1993, Still Starting the Case-2001: An Updated Collection of Michigan Complaints," The Works: Medical Malpractice 1993-1997*, and *The Works Part II: Medical Malpractice Cases 1998-2003*.

David R. Parker
Charfoos & Christensen, P.C.
5510 Woodward Ave
Detroit MI 48202
313-875-8080 -- Phone
313-875-8522 -- Fax
drparker@c2law.com

"The Negligence Law Section's Trial Handbook is concise, yet useful. This book is a great resource for both new and experienced lawyers."

D. Andrew Portinga
Miller, Johnson, Snell & Cummiskey, P.L.C.
Chair of the Young Lawyers, Section, 2004

"A handy primer that will benefit the new practitioner as well as the seasoned trial lawyer."

Robert June
Law Offices of Robert June, P.C.
Chair of the Litigation Section, 2004

Cost: Section Members $26
Non-Member $36

To order your copy of the Negligence Law Section - Trial Practice Book send your name, firm and mailing address, along with your check made payable to the **State Bar of Michigan**, to:

Madelyne C. Lawry
Negligence Law Section
PO Box 66
Grand Ledge MI 48837

Top Ten Reasons to be a Member of the Negligence Law Section

Dear Members:

We need your support recurring members to the Negligence Law Section. We have compiled a list of the top ten reasons someone should be a member. Use this when you are introducing your colleague to the section.

For just $35.00 please do your part to help us continue to do the job the section is in place to do:

- *To promote the fair and just administration of negligence law.*
- *To advance professional and ethical standards on the part of negligence law practitioners.*
- *To preserve and promote trial advocacy skills in the practice of negligence law.*
- *To recognize by way of awards and scholarships excellence in tort law and outstanding contribution to the practice of the profession.*

You can help by recruiting just one more member from your firm. Please use the form on page 8 to register them to become a member.

Thank you in advance for your support!

Cynthia Merry, Chair

1. "If you agree that lawsuits are frivolous, do not join the negligence section of the State Bar. If you think lawsuits are important to our system of justice, then we need you to join the negligence section of the State Bar now and become involved."
2. "The Negligence Law Section is the only group that is made up of lawyers from BOTH sides (plaintiff and defense) who is actively attempting to preserve our civil jury system and to preserve the practice of negligence law. We promote access to the courts with fairness! We are not a partisan group, so our lobbying efforts and our message is more credible."
3. "We need more members in the Negligence Section because our area of practice is broader in legal scope than other sections. To accomplish our mission, all litigants in the personal injury arena must receive fair and balanced treatment from lawyers, laws, and the judiciary. We cannot achieve this with a decline in membership."
4. "A larger membership will help in our lobbying efforts."
5. "There is no area of law that has been attacked more than negligence law; we need support to stay active."
6. "This area of the law allows all individuals and corporations, regardless of social stature or wealth, to resolve disputes in a fair and civil manner. An active and healthy Negligence Section is important to promote and protect our jury system."
7. "It is essential that we have a direct and unified means of addressing the apparently limitless forces that regularly threaten the continued vitality of the civil jury system and the rights of litigants to a fair forum for resolution of civil disputes. The Negligence Section provides us with a continuous monitor of those challenges, and a powerful voice to address these concerns on behalf of our clients and ourselves.

   More simply put, the Negligence Section, through lobbying efforts and dissemination of vital information, is one of the few entities out there that I can count on to be watching my back."
8. "There is no better way to ensure civility in your practice with those practicing opposite your client's position than to establish a network with them on issues of common interest."
9. "The Negligence Section allows me to interact with the "best and the brightest" in this specialized field. This helps educate me to maintain some level of competence in representing my clients."
10. The Negligence Section affords people who practice personal injury litigation a chance for meaningful dialogue with those on the opposite side of the fence. We have far more in common in terms of our concerns than one may think.

SBM
STATE BAR OF MICHIGAN

SECTION MEMBERSHIP APPLICATION

Please check the section(s) you would like to join and submit with prepayment.

	SECTION	NO.	COST
❑	Administrative Law	01	$20
❑	Alternative Dispute Resolution	02	$30
❑	American Indian Law	31	$20
❑	Animal Law	32	$25
❑	Antitrust, Franchising & Trade Regulstion	03	$20
❑	Appellate Practice	30	$25
❑	Arts, Communication, Entertainment & Sports	04	$20
❑	Aviation Law	23	$25
❑	Business Law	05	$30
❑	Children's Law	13	$35
❑	Computer Law	06	$25
❑	Consumer Law	33	$15
❑	Criminal Law	07	$20
❑	Elder Law and Advocacy	26	$30
❑	Environmental Law	08	$30
❑	Family Law	09	$60
❑	General Practice	10	$20
❑	Health Care Law	28	$35
❑	Intellectual Property Law	11	$35
❑	International Law	12	$30
❑	Labor & Employment Law	14	$30
❑	Latin American Bar Activities	15	$15
❑	Law Practice Management	16	$25
❑	Legal Administrators	24	$20
❑	Legal Assistants	25	$25
❑	Litigation	29	$25
❑	Negligence Law	17	$35
❑	Prisons & Corrections	35	$20
❑	Probate & Estate Planning	18	$20
❑	Public Corporation Law	19	$20
❑	Real Property Law	20	$35
❑	Senior Lawyers	27	$25
❑	Social Security Lawyers	34	$25
❑	Taxation	21	$30
❑	Workers' Compensation Law	22	$30

Prepayment total: $ _____
(add both columns)

All orders must be accompanied with payment.

P Number _____

Name _____

Address _____

_____

City _____

State, Zip _____

Phone _____

Email _____

Check # _____ is enclosed, made payable to the State Bar of Michigan.

Please charge the below credit card:

VISA: Exp. Date:

MasterCard: Exp. Date:

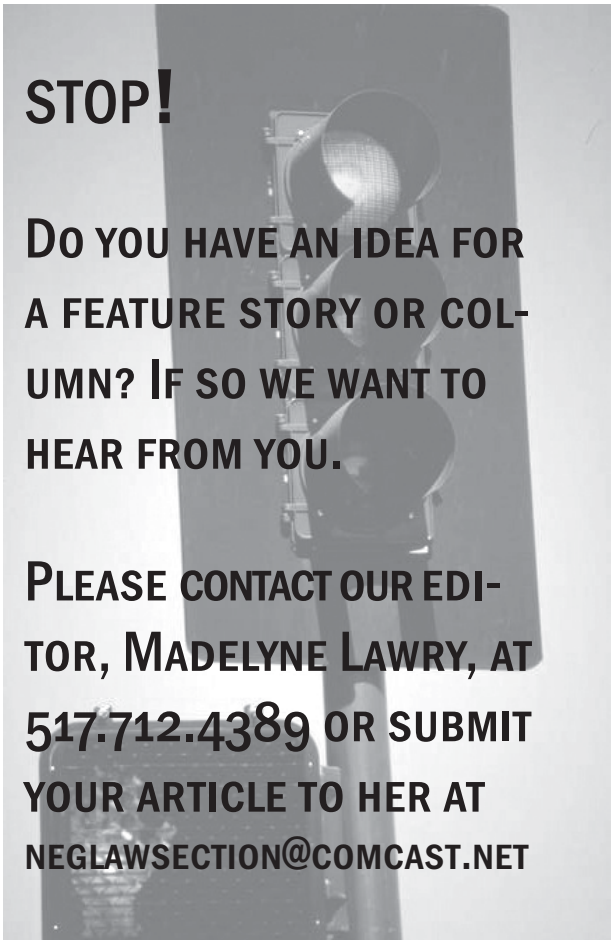
American Express: Exp. Date:

Authorized Signature:

Please Return to: State Bar of Michigan
Finance Department
306 Townsend Street
Lansing, MI 48933-2083
Fax: (517) 367-6433

Prices are subject to change without notice.

Revised 10/04



Negligence Law Section Mission

The Negligence Law Section of the State Bar of Michigan provides education, information and analysis about issues of concern through meetings, seminars, this site, public service programs, and publication of a newsletter. Membership in the Section is open to all members of the State Bar of Michigan. Statements made on behalf of the Section do not necessarily reflect the views of the State Bar of Michigan.

The Negligence Law Section has as its purpose the study of the procedures, rules and statutes which embody the law of negligence to promote scholarship among its members and to unwaveringly promote the fair, equitable and speedy administration of negligence litigation in the Michigan trial and appellate courts.

Role and Responsibilities

The Negligence Law Section is the largest single section of the bar composed of over 4,300 litigators. The section is governed by a council composed of 14 representatives (this includes the officers and ex-officio) of the plaintiff and defense bar who are elected in equal numbers to serve three-year terms. The representatives and officers of the council are dedicated to serving its members by improving the quality of legal services through:

- Publication of the NLS Monthly Bulletin of case summaries of all reported state and federal court matters pertaining to the practice of its membership;
- Providing continuing legal education in the form of written commentary, articles, and formal seminars;
- Representation of its membership before public bodies with respect to legislation and proposed court rule changes; and,
- The endowment of scholarships to worthy law students at each of the accredited law schools in the State of Michigan.

Member Profile

Brenda Braceful has origins in Detroit, Michigan. She figures it was natural for her to become a lawyer, seeing how, as a child, she was always the one mediating disputes and advocating hers and others position(s) to adults.

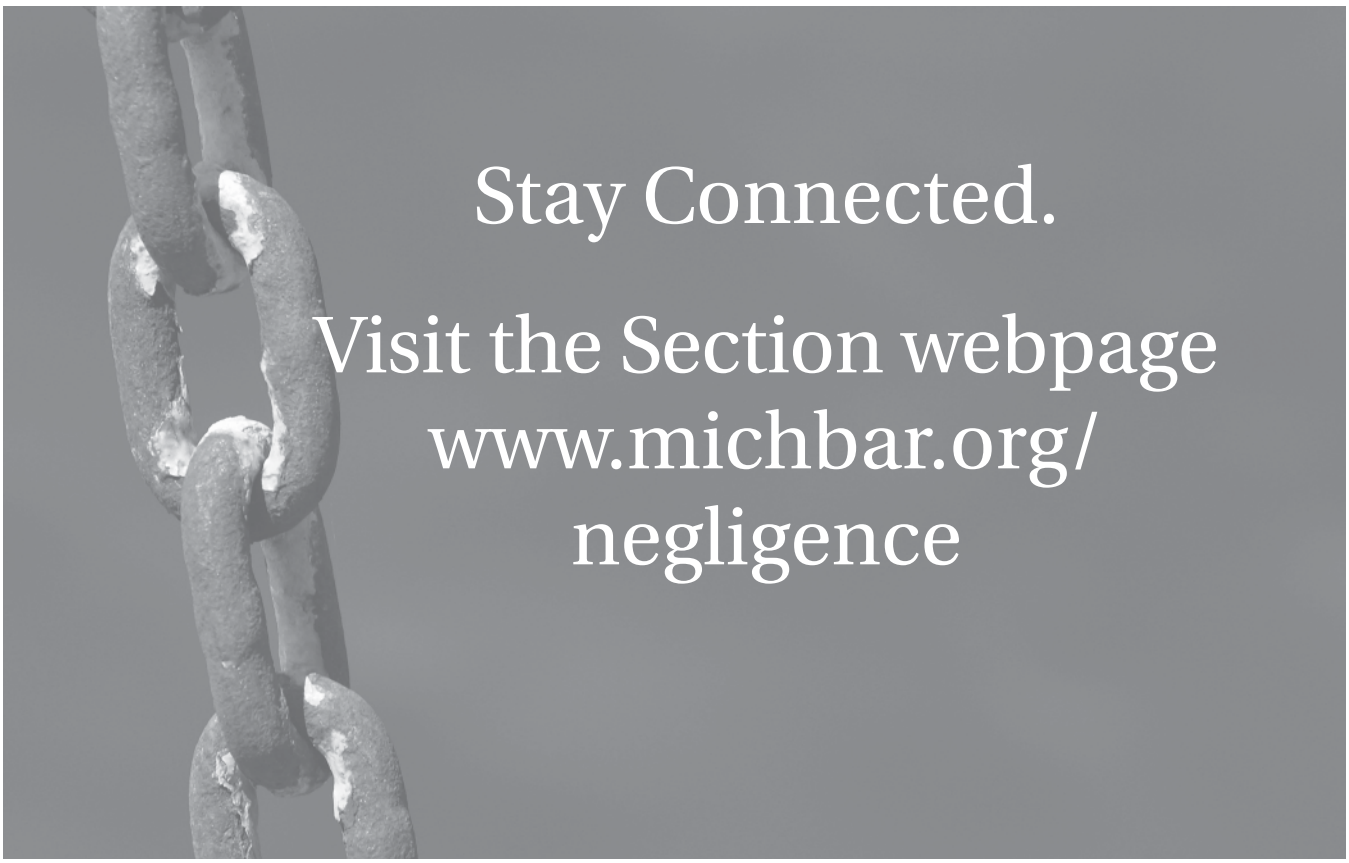
Braceful is a graduate of Cass Technical High School. She holds an undergraduate degree from Wayne State University. She is also a graduate of the University of Michigan Law School.

Brenda spent 10 years as a City of Detroit litigator. In her second tenure with the city, she is currently appointed as Deputy Corporation Counsel, which is an administrative position. She finds the position can be challenging due to finding ways to maintain quality legal services with shrinking public financing. She takes pride in her ongoing record of trials every year since 1979, and for presiding on some of the city's major trials. She also appreciates that she has been able to preserve jobs.

Brenda joined the Negligence Law Section on the suggestion of Victor Bowman. She believes that the greatest benefit she has received since becoming involved with the section is a greater appreciation for the impact of (pending) legislation on the practice. She finds the advocacy, networking/contact opportunities, the newsletter, seminars, and other information sources offered by the Negligence Section very useful. She believes that others could broaden their legal experience by participating in the Section.

Other than the practice of law, Brenda enjoys bridge, reading (mystery knowledge), motivational speaking, and volunteering for autism related causes.

Brenda E. Braceful
Deputy Corporation Counsel
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226
(313) 237-3059
Fax (313) 224-5505
E:*braceb@law.ci.detroit.mi.us*



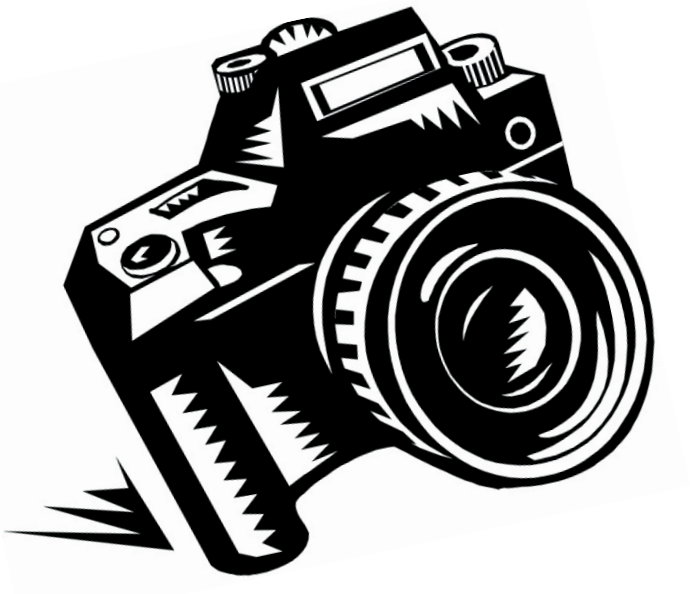
2005 Past Chair Event on June 3, 2005
Detroit Golf Club

Frank and Sue Brochert

The Frank Brochert Family

Gene Esshaki and Cindy Merry

Jim Bodary, Stan Prokopp, and Jim Kohl



Hon. Richard Caretti and Hon. William Giovan

Legislative Update

By Todd N. Tennis

Apsey-lute Chaos

Every so often, a court decision is rendered that sends shock waves through the legal system. The decision from the Michigan Court of Appeals in *Apsey v. Memorial Hospital* certainly fits that description. When the appellate panel ruled that 19th century certification requirements for out of state affidavits (which most had thought were superseded by the Uniform Recognition of Acknowledgements Act) were in fact still applicable, it set off a firestorm of activity.

The Negligence Law Section helped take the lead in the response to this decision that threatened to make Michigan a pariah in terms of affidavit and notary requirements. The Section, joined by the Elder Law and Advocacy Section, and the State Bar as a whole, filed amicus briefs in support of the plaintiff's request for rehearing. In addition, briefs were accepted on behalf of the plaintiff from the Michigan Defense Trial Counsel, the Michigan Trial Lawyers Association, the Department of Community Health, the United Auto Workers, and Citizens for Better Care.

Even the Michigan State Medical Society announced their intention to file a brief on behalf of the plaintiff, but was not able to submit it before the deadline. However, MSMS attorney Daniel Schulte expressed the Medical Society's concerns regarding the *Apsey* decision and its effect on medical malpractice affidavits of merit. In the May 30 edition of *Michigan Lawyers Weekly*, Mr. Schulte stated,

> "The Negligence Law Section helped take the lead in the response to this decision that threatened to make Michigan a pariah in terms of affidavit and notary requirements."

From the Medical Society's perspective, the affidavit of merit requirement is aimed at preventing the filing of frivolous lawsuits, just as the affidavit of meritorious defense is aimed at preventing frivolous defenses. This *Apsey* decision – which requires certification from a court of another state that the notary is, in fact, a notary in that other state – has absolutely nothing at all to do with fulfilling the purpose of either affidavit requirement.

Happily, the Court of Appeals vacated its original decision on *Apsey*. It was hoped that upon further review the court would find, as over a dozen circuit court judges had previously ruled on similar defense motions regarding out-of-state affidavits, that the Uniform Recognition of Acknowledgements Act (URAA) trumped the certification requirements found in MCL 600.2102. Alas, this was not the case. Instead the court issued a new ruling which applied the certification requirements prospectively. The court reasoned that, in light of the fact that the requirements were unclear, only future affidavits would require the antiquated certification requirements of MCL 600.2102. They also opined that the Legislature should take action to make a permanent correction to this problem.

Such legislative action was already in the works by the time the court reached its second decision. Senator Alan Cropsey (R-DeWitt), the chair of the House Judiciary Committee, was equally concerned that the enforcement of archaic certification requirements could cause havoc in the Michigan judicial system. To correct the problem, he drafted an amendment to the Revised Judicature Act that would delete the certification requirement in MCL 600.2102 and replace it with a reference to the URAA. Most observers (including your humble scribe who should have known better) expected that such a sensible fix would fly quickly through the Legislature and land on the Governor's desk by summer.

What was not expected were two things that have so far held up the passage of a legislative solution

to *Apsey*. First, the court's decision to vacate their original ruling and issue a new one led many legislators who had supported the Cropsey amendment to feel that it was no longer necessary. Much time was lost in efforts to reconvince them that legislative action was still needed. Second, certain other interest groups began lobbying against the Cropsey amendment on the basis that the court's final action was proper and that the requirements it imposed should not be changed.

The latter effort is being led by the insurance and hospital lobbies. Their position is that certification of out-of-state affidavits is a reasonable requirement to ensure proper notarization. As long as the court gives Michigan attorneys clear guidelines on what is required regarding out of state affidavits – something they feel the final appellate ruling gave in the *Apsey* case – they are against further legislative action. The Michigan State Medical Society, though not officially weighing in on the issue, has expressed similar sentiments.

On the other side of the coin, the State Bar has made passage of the Cropsey amendment a top priority. Many in the legal profession feel the *Apsey* decision might create pitfalls regarding affidavit certification requirements (requirements that cannot even be fulfilled in many states) in areas ranging from credit law to estate planning. This ruling could open up the door for the types of legal wrangling on technicalities that the Negligence Law Section has fought for years to avoid. Cases of all sorts should be tried on their merits. The *Apsey* decision could potentially lead to legitimate cases being disqualified on a technicality, and at worst make it impossible to obtain some affidavits at all.

Even though the legislative fix is not proceeding as rapidly as we would have liked, all is not lost. There is still ample time in the current legislative session for lawmakers to take action. For those inclined to contact their state legislator about this issue (and all are encouraged to), the specific bill into which the Cropsey amendment would be inserted is Senate Bill 448. The bill makes several technical changes to the Revised Judicature Act, and makes an appropriate vehicle for correcting the *Apsey* decision. Please urge your state representative and state senator to support the Cropsey amendment to SB 448.

Todd N. Tennis has been a lobbyist with Capitol Services, Inc., a multi-client lobbying firm that specializes in representing non-profit organizations, since 1995. Prior to becoming a lobbyist, Todd earned a degree in political science from the University of Michigan, and worked as a staff representative for former State Senator Fred Dillingham. He has represented the Negligence Law Section of the State Bar since 1999. Todd lives in Lansing with his wife Cheryl and son Troy.

Todd N. Tennis
Capitol Services Inc.
526 Townsend
Lansing, MI 48933
Phone: 517-372-0860
Fax: 517-372- 0723

SBM

STATE BAR OF MICHIGAN

MICHAEL FRANCK BUILDING
306 TOWNSEND STREET
LANSING, MI 48933-2083

www.michbar.org

NON-PROFIT
U.S. POSTAGE PAID
LANSING, MI
PERMIT NO. 191

Elected and Appointed Governmental Officials' Tort Immunity 3

Top 10 Reasons to be a Member of the Negligence Section 7

Member Profile 11

2005 Past Chair Event Photos 13

Legislative Update 14