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Comment:

I fully support this amendment eliminating automatic appeals in cases involving governmental immunity. Automatic appeals have weaponized the appellate process to the detriment of injured parties and caused significant delay and needless expense. In my legal career, I have handled hundreds of cases involving governmental immunity. Even without an automatic interlocutory appeal, these cases are difficult, costly, and time consuming.

The automatic appeal process has been abused to make these cases more difficult, more costly, and more time consuming, effectively closing the courthouse doors to many genuinely aggrieved citizens in Michigan who have otherwise valid cases.

Take, for example, a case that was recently before the Michigan Supreme Court, *Audrey West v Michigan Department of Natural Resources*. This case involved a young girl who was catastrophically injured on a snowmobile when a DNR officer ran her off the road, causing her to be thrown into a river, and sustain brain damage and other serious injuries. *West v. Dep't of Nat. Res.*, 508 Mich. 1028, 969 N.W.2d 328 (2022).

The complaint in this case filed on November 7, 2018. Defendant immediately filed a motion for summary disposition based on the pleadings, thereby staying discovery and preventing any movement on the case. On March 25, 2019, the trial judge in the Court of Claims issued an order denying the motion. The Defendants immediately filed an appeal. It took the Court of Appeals until August 6, 2020, to issue an opinion. Defendants then appealed to this Court. On January 28, 2022, this Court denied leave.

The case then returned to the trial court. After some discovery, Defendants filed their second motion for summary disposition on January 30, 2023. That motion has not been decided as of the time I am writing this comment. Once it is, and assuming Defendant's motion is denied, Defendants have indicated they will once again appeal this successive motion for summary disposition. Then the appellate process will start all over again. We are now almost 5 years after filing the complaint and based on the current rules, we will have many more to go. Meanwhile, the young girl has been denied an opportunity to the courthouse while suffering through the last 7 years with no answers.

This is not an isolated case. I can provide dozens of similar examples. Some defense attorneys have candidly admitted that they reflexively file these automatic appeals, even if they are known to be meritless. Some do so because they are overworked. Some because have been ordered to do so by a client or an insurance carrier, that knows that the longer the case is delayed, the more advantage to the Defendant.

Martin Luther King Jr. once said "We must come to see with the distinguished jurist of yesterday that 'justice too long delayed is justice denied.'" I pray that this Court will adopt the proposed amendment to fulfill its promise of "justice for all" and not just justice for the few.