



## NEGLIGENCE LAW SECTION

Chairperson  
**Timothy A. Diemer**  
Detroit

Vice Chair  
**Donna M. MacKenzie**  
Berkley

Secretary  
**Mark A. Gilchrist**  
Grand Rapids

Treasurer  
**Debra A. Freid**  
Saginaw

Council  
**Diana Lee Khachaturian**  
Troy

**Dora A. Brantley**  
Detroit

**Michael J. Behm**  
Flint

**Jenna Wright Greenman**  
Detroit

**Deborah A. Lujan**  
Southfield

**David P. Shafer**  
Muskegon

**Sarah S. Stempky-Kime**  
Southfield

**Bryan J. Waldman**  
Lansing

**Ronald K. Weiner**  
Southfield

**John W. Whitman**  
Ann Arbor

Young Lawyer Committee

**Robbie Gaines**  
Royal Oak

**Stephanie B. Burnstein**  
Southfield

Advisory Committee  
**Mark R. Granzotto**  
Berkley

**James R. Bradley**  
Lansing

Ex-Officio  
**Chad D. Engelhardt**  
Ann Arbor

Commissioner Liaison  
**James William Low**  
Southfield

ABOTA-Michigan Chapter Liaison  
**Cameron R. Getto**  
Farmington Hills

Administrator  
**Madelyne C. Lawry**  
PO Box 66  
Grand Ledge, MI 48837  
(517) 627-8700 (P)  
(517) 627-3950 (F)  
Neglaw@sharedresources.us

### VIA EMAIL ONLY

Chair, Rep. Kara Hope  
Clerk, Melissa Sweet  
Criminal Justice Committee  
124 N. Capitol Ave.  
Lansing, MI 48933  
[karahope@house.mi.gov](mailto:karahope@house.mi.gov)  
[msweet@house.mi.gov](mailto:msweet@house.mi.gov)

Letter in Support of House Bill 5046/Senate Bill 514

Representative Hope and Clerk Sweet,

Yesterday I submitted a letter in support of these bills in my individual capacity. With this letter, I want to also advise that the negligence law section of the state bar of Michigan also supports passage of HB 5046 and SB 514 for the reasons stated in the attached letter.

Sincerely yours,

/s/

Timothy A. Diemer,  
Chair Negligence Law Section

TAD/

# Jacobs and Diemer

PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS AT LAW

John P. Jacobs\*  
Timothy A. Diemer  
Eric P. Conn\*\*  
Samantha M. McLeod  
Thamara E. Sordo-Vieira  
Nathan Peplinski

THE GUARDIAN BUILDING  
500 GRISWOLD STREET, SUITE 2825  
DETROIT, MICHIGAN 48226-3480  
[tad@jacobsdiemer.com](mailto:tad@jacobsdiemer.com)  
[www.jacobsdiemer.com](http://www.jacobsdiemer.com)

Telephone (313) 965-1900

Facsimile (313) 965-1919

\* Deceased

\*\* Licensed in MI and FL

October 15, 2023

## **VIA EMAIL ONLY**

Chair, Rep. Kara Hope  
Clerk, Melissa Sweet  
Criminal Justice Committee  
124 N. Capitol Ave.  
Lansing, MI 48933  
[karahope@house.mi.gov](mailto:karahope@house.mi.gov)  
[msweet@house.mi.gov](mailto:msweet@house.mi.gov)

Letter in Support of House Bill 5046/Senate Bill 514

It has been 37 years since Michigan Court Reporters received a raise. The maximum rate court reporters can charge per page of transcript was set in 1986 without any adjustments for inflation or otherwise. This is a problem for court reporters, themselves, as well as attorneys like me who depend on the timely production of transcripts to do my job.

In my role as an appellate attorney, ordering trial and hearing transcripts is a regular feature of my law practice. When I first started my career, court reporters could regularly produce transcripts in 7 to 10 days on an expedited basis, an enormous help when confronting an emergency faced by a client. Now, because of the shortage of court reporters, expedited transcripts are an exception not the rule.

By way of example, my law firm is working on a case that went to trial in July of 2022. The transcripts were ordered immediately and paid for up front. To date, we have received two of the seven volumes of trial transcripts. Another case went to trial in December of 2022 and we have received even less of those trial proceedings. In a case my firm was just hired for last week, we were given an expected timeline of 90 days for the production of two days of trial. As a result, we will be asking the trial judge to grant our client a new trial based on the collective memories

**Jacobs and Diemer, P.C.**

Chair, Rep. Kara Hope  
Clerk, Melissa Sweet  
Criminal Justice Committee  
October 15, 2023

of the trial lawyers rather than the transcripts of the proceedings, themselves.

The exceedingly long timeline for the production of transcripts is not the fault of the individual court reporters. Far from it, court reporters are responsive, diligent and dutifully produce transcripts as soon as they can.

The problem is that there are too few of them and they are stretched too thin. The paltry page rate has caused many court reporters to leave the profession while discouraging others from joining.

An increase in the allowable page rate would go a long way toward alleviating the problem many of us in the legal profession face. The two bills under consideration should be passed and signed into law.

In addition to an immediate page rate increase, the bill beneficially includes mandatory cost-of-living increases every 5 years to ensure that the current 37-year wait does not happen again. Mandatory cost-of-living increases are found in many other areas of the law and have proven to be an effective and objective method of accounting for cost-of-living increases.

I would be more than happy to discuss my experiences further with the Criminal Justice Committee as House Bill 5046/Senate Bill 514 is under consideration. Although I am not a criminal practitioner, the rights at stake in criminal proceedings are even more important than what is typically at stake in civil proceedings and a delay in transcript production is assuredly an even bigger problem for criminal law practitioners.

Sincerely yours,

/s/

Timothy A. Diemer

TAD/