

**Public Policy Position**  
**HB 5304**

The Appellate Practice Section is a voluntary membership section of the State Bar of Michigan, comprised of 766 members. The Appellate Practice Section is not the State Bar of Michigan and the position expressed herein is that of the Appellate Practice Section only and not the State Bar of Michigan. The State Bar's position is to support HB 5304.

The Appellate Practice Section has a public policy decision-making body with 24 members. On February 21, 2020, the Section adopted its position after a discussion and vote at a scheduled meeting. 23 members voted in favor of the Section's position on HB 5304, 0 members voted against this position, 0 members abstained, 1 member did not vote.

**Support**

**Explanation:**

The Appellate Practice Section Council has voted unanimously in support of HB 5304, under which the Michigan Court of Claims would consist of four or more geographically representative circuit court judges, rather than judges of the Court of Appeals as under the current scheme.

We support this legislation for the same reasons we opposed SB 652 in 2013, under which the functions of the Court of Claims were transferred from the Ingham County Circuit Court to a newly reconstructed body consisting of four judges of the Court of Appeals. Specifically, we argued that this legislation would have an adverse impact on the fair and efficient administration of appellate justice in Michigan, both because of inefficiencies and delay caused by the new trial-level responsibilities of appellate judges, and because of the structural irregularities inherent in relying on the Court of Appeals to review the decisions of its own judges.

Time and experience have not dispelled our concerns. We support HB 5304 because it proposes a more sensible separation of the Court of Claims from the Court of Appeals.

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