

**Public Policy Position
SB 1182 and SB 1183**

The Business Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 3,097 members. The Business Law Section is not the State Bar of Michigan and the position expressed herein is that of the Business Law Section only and not the State Bar of Michigan. The State Bar's position on this legislation is to oppose SB 1182 and SB 1183.

The Business Law Section has a public policy decision-making body with 15 members. On December 1, 2018, the Section adopted its position after a discussion and vote at a scheduled meeting. 12 members voted in favor of the Section's position on SB 1182 and SB 1183, 0 members voted against this position, 0 members abstained, 3 members did not vote.

Oppose

Explanation:

The Business Law Section, acting through its council, is opposed generally to Senate Bill No. 1182 and No. 1183. Specific grounds voiced in opposition, include (a) that the award of attorney fees would be arbitrarily determined, (b) the likely detrimental impact on the efficiency of the court system, which would be tasked with determining the amount of attorney fees to award, (c) the "fast-track" nature under which the legislation has been introduced and is expected to move through legislature, which does not provide time to properly vet such significant pieces of legislation, and (d) the likelihood of unintended consequences that could impact both how litigation is conducted in Michigan State courts by members of the Business Law Section and how contracts are drafted by members of the Business Law Section.

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