

CIVIL PROCEDURE & COURTS COMMITTEE

Respectfully submits the following position on:

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SB 0632 – SB 0633

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The Civil Procedure & Courts Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Civil Procedure & Courts Committee only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar position on this matter is to support the bills.

The total membership of the Civil Procedure & Courts Committee is 23.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 23. The number who voted in favor to this position was 15. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of Committee:

Civil Procedure & Courts Committee

Contact person:

Karen H. Safran

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Bill Numbers:

[SB 0632](#) (Schuitmaker) Courts; jurisdiction; jurisdiction on appeals from orders and judgments of the probate court; provide to the court of appeals. Amends secs. 308, 846, 866 & 867 of [1961 PA 236](#) (MCL [600.308](#) et seq.) & repeals secs. 861 & 863 of 1961 PA 236 (MCL [600.861](#) & [600.863](#)).

[SB 0633](#) (Schuitmaker) Courts; jurisdiction; appellate review of certain court orders by probate court; preclude. Amends sec. 1303 of [1998 PA 386](#) (MCL [700.1303](#)).

Date position was adopted:

January 16, 2016

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

23

Number who voted in favor and opposed to the position:

15 Voted for position

0 Voted against position

0 Abstained from vote

8 Did not vote (absent)

Position:

Support

Explanation of the position, including any recommended amendments:

The committee voted to support the bills, but questioned the reference to MCL 710.65 in SB 0632.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2015-SB-0632>

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FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller-permissible explanation:

As discussed in the Senate Fiscal Agency Bill Analysis, the bills affect the functioning of the courts in remedying the current “bifurcated system of appeals from the probate court.” Currently, the Court of Appeals has jurisdiction on appeals on final judgments from circuit courts and the Court of Claims as a whole, but not on the entirety of appeals from probate court.

SB 632 specifies that “the Court of Appeals would have jurisdiction on appeals from final judgments and final order from the probate court,” repealing the two sections of the Revised Judicature Act providing for the bifurcated system of appeals.

SB 633 removes a provision from the Estates and Protected Individuals Code “under which another court that had concurrent jurisdiction with the probate court may hear the action by appeal or review.”