

Public Policy Position
SB 0865

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,556 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. The State Bar's position in this matter is to oppose SB 0865.

The Family Law Section has a public policy decision-making body with 21 members. On June 6, 2020, the Section adopted its position after an electronic discussion and vote. 19 members voted in favor of the Section's position, 0 members voted against this position, 1 member abstained, 1 member did not vote.

Oppose

Explanation:

This bill will allow individuals to bring a cell phone into courthouses, subject to rules and limitations placed by presiding judges. This seems to follow the Michigan Supreme Court amendment to court rules in January of this year, which were to take effect by May 1st. But codifying that court rule into statute seems to be legislative overreach on the operation and function of the court. The Section viewed this bill as an erosion of the separation of powers since what can and cannot be brought into a courtroom was with the authority of the judiciary not the legislature. The Administrative Order earlier this year changed the rule statewide as to cell phones and electronic devices in a courthouse, but if modifications to that order become necessary over time, the Supreme Court should be able to do so without legislative action.

Contact Person: James Chryssikos

Email: jwc@chryssikoslaw.com