

**Public Policy Position
SB 1182**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,492 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 on this legislation is to oppose SB 1182.

The Family Law Section has a public policy decision-making body with 21 members. On November 26, 2018, the Section adopted its position after an electronic discussion and vote. 20 members voted in favor of the Section's position on SB 1182, 0 members voted against this position, 0 members abstained, 1 member did not vote.

OPPOSE**Explanation:**

While it was unclear how/if this bill, if passed, would impact family law matters, as domestic relations cases were not specifically excluded in the bill, the Family Law Section had concerns over how this could be applied in family law matters such as divorce, child custody, parenting time, and support issues, where there is often no "prevailing party". Moreover, the existing Court Rules, statutory law and case law provide ample guidance and discretion for family court judges to award attorney fees where appropriate. If and when it could apply in family law cases, it could result in a significant chilling effect where one party chooses not to pursue a valid issue, particularly regarding minor children, due to concerns over paying the other party's legal fees. The Section further questioned the need for such a law, which would represent a major shift in American and Michigan jurisprudence.

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