

**Public Policy Position
SB 1183**

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 1183.

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:**

There already exist court rules addressing "vexatious" appeals, which is discretionary allowing the court to evaluate the merit of each individual case. Also, this bill seems to create an obligation on the Court of Appeals to determine the reasonableness of attorney fees. Generally, the Court of Appeals will not conduct a hearing to determine facts, such as reasonableness of attorney fees, but rather, will remand to trial court for such a hearing. This bill, if passed, would result in a chilling effect on the type of creative appellate advocacy that allows our jurisprudence to develop over time. In general, the Family Law Section sees no need for this bill.

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