

JUSTICE POLICY INITIATIVE
Respectfully submits the following position on:

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HB 5795

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The Justice Policy Initiative is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Justice Policy Initiative 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 total membership of the Justice Policy Initiative is 12.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 12. The number who voted in favor to this position was 7. The number who voted opposed to this position was 0.

Report on Public Policy Position**Name of Committee:**

Justice Policy Initiative

Contact Person:

Lorray Brown

Michael Blau

E-mail:lorryb@lsscm.orgmblau@sambernstein.com**Bill Number:**

[HB 5795](#) (Constan) Courts; records; digital court records and electronically filing court papers; allow. Amends secs. 832, 859, 1427, 2137 & 8344 of [1961 PA 236](#) (MCL [600.832](#) et seq.); adds secs. 1426 & 1428 & repeals [1949 PA 66](#) (MCL [780.221](#) - [780.225](#)).

Date position was adopted:

October 22, 2012

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:

12

Number who voted in favor and opposed to the position:

7 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

This bill will allow court records to be maintained electronically and would authorize the keeper of records (County Clerk or Court Clerk) to charge a fee for the “enhanced access” to court records. The manner, length of retention and fee schedule for this enhanced access is subject to Supreme Court rules. Any court desiring to utilize this process must submit a detailed plan including a proposed recoupment fee to SCAO. No court is required to implement such a plan or process. Currently most court records are retained in their original form, usually on paper. E-filing is developing rapidly in the state and this statute accommodates that growth. Nothing in this bill changes the length of retention or the availability of fee waivers for copies of records. Companion court rules are being

promulgated. With the advent of e-filing some records are never filed on paper. Additionally this bill will potentially save the local control unit the cost of record storage space.

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?2012-HB-5795>

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:

This bill improves the functioning of the court with regards to the keeping of court records via electronic resources and the allowance of those courts to charge a fee for access to these electronic records.