

CIVIL PROCEDURE & COURTS COMMITTEE
Respectfully submits the following position on:

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HB 5795

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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 HB 5795.

The total membership of the Civil Procedure & Courts Committee is 17.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 17. The number who voted in favor to this position was 10. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of committee:

Civil Procedure & Courts Committee

Contact person:

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Bill Number:

[HB 5795](#) (Constan) Courts, records; Courts, other; Civil rights, public records. 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 13, 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:

17

Number who voted in favor and opposed to the position:

10 Voted for position

0 Voted against position

0 Abstained from vote

7 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

The Committee thinks justice is best served in the State by having a common electronic filing and access system across the State, in accord with the Judicial Task Force recommendations of the Bar. However, in the absence of that, this bill is a step in the right direction in that it validates SCAO authority and its role in the process. The Committee notes that it should be reinforced that in-person access at terminals at the courthouse remains available. In addition, the Committee questioned the interplay of 1426(1) and (5)(C).

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.