

FAMILY LAW SECTION
Respectfully submits the following position on:

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SB 0519

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Family Law Section is 2,481.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 20. The number who voted opposed to this position was 0.

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

Family Law Section

Contact person:

Kent Weichmann

E-Mail:weichmannk@att.net**Bill Number:**

[SB 0519](#) (Proos) Civil procedure; other; fines, costs, and other indebtedness to courts; require SCAO to establish a database, and require civil litigants to check database before paying or collecting on a judgment. Amends [1961 PA 236](#) (MCL [600.101](#) - [600.9947](#)) by adding sec. 1477.

Date position was adopted:

October 5, 2013

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:

21

Number who voted in favor and opposed to the position:

20 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote

Position:

Oppose and Amend

Explanation of the position, including any recommended amendments:

SB 519 requires the SCAO to compile a list of individuals who owe money to the state, and requires the Treasury department to compile a list of individuals who owe support, and to provide these lists to the clerk of each trial court. The attorney for any party who wins a monetary award in a civil suit would have to check these lists and pay off the indebtedness before remitting any money to their client.

The Family Law Section believes it is be a conflict of interest to require the plaintiff's attorney to police this issue, and any duty to check the lists and withhold funds should be placed on the civil defendant's attorney. The plaintiff's attorney fees should also take priority over the other obligations of the plaintiff, since the civil judgment is only achieved by the efforts of the attorney.

The Family Law Section opposes this bill unless those amendments are made.

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?2013-SB-0519>