

Report on Public Policy Position

Name of committee:

Civil Procedure and Courts Committee

Contact person:

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Bill Number:

[SB 1001](#) (Richardville) Civil procedure; civil actions; sanctions for advocating a frivolous claim or defense in a civil action; allow court to impose sanctions in addition to costs and attorney fees. Amends sec. 2591 of [1961 PA 236](#) (MCL [600.2591](#)).

Date position was adopted:

February 16, 2008

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:

20

Number who voted in favor and opposed to the position:

15 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The State Bar opposed a similar Bill during a previous legislative session on the ground that current statutes and court rules provide the courts with the authority necessary to impose sanctions for the bring of frivolous lawsuits. The Committee supports that view. The measures currently available to the courts are adequate to deal with the matters the bill seeks to address.

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?2007-SB-1001>

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: The subject matter of the bill directly affects the functioning of the courts.