

Report on Public Policy Position

Name of committee:

Civil Procedure and Courts Committee

Contact person:

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Bill Number:

[SB 1002](#) (Richardville) Civil procedure; costs and fees; attorney fees; require losing party to pay winning party's fees in a civil lawsuit. Amends [1961 PA 236](#) (MCL [600.101](#) - [600.9947](#)) by adding sec. 2443.

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 Committee, and the State Bar, have historically opposed “loser pays” legislation. The current rules provide sufficient tools to impose costs in appropriate cases. Such provisions can discourage even meritorious claims.

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-1002>

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 operation of the courts as well as access to the court system.