

Report on Public Policy Position

Name of committee:

Civil Procedure and Courts Committee

Contact person:

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Bill Number:

[SB 0989](#) (Kuipers) Courts; juries; submission of written questions to witnesses by jurors; allow. Amends [1961 PA 236](#) (MCL [600.101](#) - [600.9947](#)) by adding sec. 2170.

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 this was a subject that should be left to the Supreme Court to regulate under its authority over practice and procedure in the courts. The Committee supports that view. On the merits of the bill, the Committee opposes the bill. Allowing jurors to submit questions may occasionally be appropriate, but should not be mandatory. See generally *United States v Collins*, 226 F3d 457 (CA6, 2000).

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-0989>

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 proposed legislation directly affects the conduct of trials.