

REAL PROPERTY LAW SECTION  
Respectfully submits the following position on:

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HB 5052

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The Real Property 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 Real Property 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 Real Property Law Section is 3,184.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 18. The number who voted in favor to this position was 13. The number who voted opposed to this position was 0.

## Report on Public Policy Position

**Name of section:**

Real Property Law Section

**Contact person:**

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**Bill Number:**

[HB 5052](#) (Shirkey) Civil procedure; evictions; persons entitled to appear in eviction proceedings; allow certain individuals to appear for landlord. Amends [1961 PA 236](#) (MCL [600.101](#) - [600.9947](#)) by adding sec. 916a.

**Date position was adopted:**

December 7, 2011

**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:**

18

**Number who voted in favor and opposed to the position:**

13 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:**

A. The proposed legislation conflicts with the fundamental policy reflected in MCL 600.901, which states that "[n]o person is authorized to practice law in this state unless he complies with the requirements of the supreme court with regard thereto."

B. The Section believes that the requirements of the Michigan Supreme Court, the various obligations imposed upon attorneys by the Rules of Professional Conduct, and their status as officers of the court, bring an important level of professionalism to these proceedings as well as some basic assurance that the fundamental due process requirements of the Michigan Court Rules and the Summary Proceedings Act are being honored. Unrestricted and typically unlicensed management "agents" are not bound by the Rules of Professional Conduct and are not likely to share an attorney's training, experience or concern regarding legal procedure.

C. The requirements of the Michigan Supreme Court, the various obligations imposed upon attorneys by the Rules of Professional Conduct, and their status as officers of the court, all impose important restrictions and obligations on attorneys. These restrictions and obligations are as important to the legal and equitable interests adjudicated in the summary proceeding context as in the courtroom. The practice of law of the District Court in summary proceedings should be restricted to those professionals who are bound by these restrictions and obligations.

**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?2011-HB-5052>