

CRIMINAL LAW SECTION
Respectfully submits the following position on:

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HB 5191

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The Criminal 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 Criminal Law Section only and is not the position of the State Bar of Michigan.

The State Bar of Michigan's position on this matter is support.

The total membership of the Criminal Law Section is 2,186.

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 17. The number who voted opposed to this position was 0. The number who abstained from voting was 1.

Report on Public Policy Position

Name of section:

Criminal Law Section

Contact person:

Hon. David A. Hoort

E-Mail:

dhoort@ioniacounty.org

Bill Number:

[HB 5191](#) (LeBlanc) Courts; judges; magistrates; require to be licensed attorneys. Amends sec. 8507 of [1961 PA 236](#) (MCL [600.8507](#)).

Date position was adopted:

March 20, 2012

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:

17 Voted for position

0 Voted against position

1 Abstained from vote

3 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

The council believed that the proposed is appropriate in response to the increasing judicial duties required of magistrates in criminal and civil matters. The Council took into consideration existing and upcoming court reform and the reduction in judges.

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-5191>

List any arguments against the position:

Many rural or outstate jurisdiction utilize, and are completely satisfied with non-attorney magistrates. A question was raised whether the proposed legislation would affect existing appointments of non-attorney magistrates, impinge on the right of the chief judge to appoint magistrates of his/her own choosing, and whether it may be difficult for certain jurisdictions to financially afford attorneys as magistrates.

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 issue of attorney or non-attorney magistrates affects the integrity of the profession by the public's perception of judicial determinations made by magistrates.