

FAMILY LAW SECTION

Respectfully submits the following position on:

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SB 1296

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

The State Bar position on this matter is take no position, but authorize committees and sections to advocate their position.

The total membership of the Family Law Section is 2,481.

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 20. The number who voted opposed to this position was 0.

Report on Public Policy Position**Name of section:**

Family Law Section

Contact person:

Kent Weichmann

E-Mail:weichmannk@att.net**Bill Number:**

[SB 1296](#) (Schuitmaker) Civil procedure; statute of limitations; statute of repose for actions against an attorney-at-law or a law firm; enact. Amends sec. 5838 of [1961 PA 236](#) (MCL [600.5838](#)) & adds sec. 5838b.

Date position was adopted:

December 6, 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:

20 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote

Position:

Support And Amend

Explanation of the position, including any recommended amendments:

SB 1296 is the proposed Statute of Repose for attorneys. The original language of the bill has been modified to clarify that the bill does not extend the Statute of Limitations. The revisions make it clear that the normal two-year statute of limitations continues to apply. For claims that are discovered after those two years have run, the plaintiff has six months from the date of discovery to file a suit, but in no event later than six years from the date of original conduct. This is similar to the protection accorded to doctors, architects, engineers, and building contractors. The Family Law Section supports this bill with those amendments.

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?2012-SB-1296>