

UNAUTHORIZED PRACTICE OF LAW COMMITTEE

Respectfully submits the following position on:

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HB 4528

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The Unauthorized Practice of Law Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Unauthorized Practice of Law Committee only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar position on this matter is to support.

The total membership of the Unauthorized Practice of Law Committee is 23.

The position was adopted after an electronic discussion and vote. The number of members in the decision-making body is 23. 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 committee:

Unauthorized Practice of Law Committee

Contact person:

Barbara BakerOmerod

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Bill Number:

[HB 4528](#) (Kesto) Occupations; immigration clerical assistants; regulation of immigration clerical assistants; revise. Amends title & secs. 3, 13, 17 & 21 of [2004 PA 161](#) (MCL [338.3453](#) et seq.) & repeals secs. 4, 7, 9 & 15 of 2004 PA 161 (MCL [338.3454](#) et seq.).

Date position was adopted:

April 18, 2013

Process used to take the ideological position:

Position adopted after an electronic discussion and vote.

Number of members in the decision-making body:

23

Number who voted in favor and opposed to the position:

13 Voted for position

0 Voted against position

0 Abstained from vote

10 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

The UPL Committee supports the proposed bill to amend the Michigan Immigration Clerical Assistant Act because it strengthens the Act by allowing for an award of treble damages to victims for willful violations, eliminates the notice of noncompliance requirement for first time violators, continues to offer criminal penalties as well as private causes of action against violators, and most importantly saves the Act from repeal as originally proposed to achieve administrative cost cutting measures being undertaken by the State of Michigan. The UPL Committee recognizes that the proposed bill eliminates the MICA bonding and listing requirements because of the associated administrative costs to the State of Michigan. The UPL Committee is not unduly concerned that the registration requirements are eliminated as they have proven to be ineffective based on the limited number of persons

registering with the State of Michigan and lawyers pursuing claims under the MICA act have successfully collected under notary bonds that most persons engaging in immigration clerical assistant activities routinely obtain.

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?2013-HB-4528>

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:

This bill concerns the regulation of the legal profession and protection of the public from the unauthorized practice of law.