

ELDER LAW & DISABILITY RIGHTS SECTION
Respectfully submits the following position on:

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SB 0652

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The Elder Law & Disability Rights 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 Elder Law & Disability Rights 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 Elder Law & Disability Rights Section is 1,771.

The position was adopted after a discussion and vote at a scheduled meeting. The number of members in the decision-making body is 20. The number who voted in favor to this position was 18. The number who voted opposed to this position was 0. The number who abstained was 1.

Report on Public Policy Position

Name of section:

Elder Law & Disability Rights Section

Contact person:

John B. Payne

E-Mail:

jpayne@law-business.com

Bill Number:

[SB 0652](#) (Jones) Courts; judges; court of claims; provide for certain number of court of appeals judges to serve as court of claims judges, and expand jurisdiction. Amends secs. 308, 841, 6404, 6407, 6410, 6413, 6419, 6421 & 8304 of [1961 PA 236](#) (MCL [600.308](#) et seq.) & repeals sec. 6419a of 1961 PA 236 (MCL [600.6419a](#)).

Date position was adopted:

November 2, 2013

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:

18 Voted for position

0 Voted against position

1 Abstained from vote

1 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The bill strips Ingham Circuit Court of responsibility for claims against the state. Ingham Circuit Court is handling the responsibilities of the Court of Claims well and has made a significant investment in upgrading its facilities for the benefit of litigants in claims cases. The Section is concerned that the court of appeals may be a less hospitable forum for the Section's constituency.

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-SB-0652>

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 current composition and functioning of the Court of Claims is working well. Moving the Court of Claims to the Court of Appeals would not be an improvement in the handling of claims cases and may make it more difficult and expensive for claimants to litigate their cases.