

CIVIL PROCEDURE & COURTS COMMITTEE
Respectfully submits the following position on:

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SB 0520

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The Civil Procedure & Courts Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Civil Procedure & Courts Committee. The State Bar of Michigan has authorized the Civil Procedure & Courts Committee to advocate its position.

The State Bar's position on this matter is oppose.

The total membership of the Civil Procedure & Courts Committee is 23.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 23. The number who voted in favor to this position was 16. The number who voted against it was 0.

Report on Public Policy Position

Name of Committee:

Civil Procedure & Courts Committee

Contact person:

Daniel D. Quick

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Bill Number:

[SB 0520](#) (Emmons) Crime victims; restitution; restitution orders for crime of nonpayment of support; clarify. Amends sec. 165 of [1931 PA 328](#) (MCL [750.165](#)).

Date position was adopted:

November 16, 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:

23

Number who voted in favor and opposed to the position:

16 Voted for position

0 Voted against position

0 Abstained from vote

7 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The Committee was joined by Mr. Kent Weichmann of the Family Law Section for consideration of this bill. The Committee opposes the bill in its current form. The substitute bill hinges upon “personal jurisdiction” over the defendant. However, the court having personal jurisdiction over a defendant is not necessarily the same as the defendant having actual (or even constructive) notice of the support order. Absent such notice, the bill raises significant due process questions.

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-0520>

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 bill would negatively impact the functioning of the court by raising significant due process questions.