



Report on Public Policy Position

Name of Committee:

Civil Procedure and Courts Committee

Contact Person:

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Bill Number:

HB 4160 (Pastor) Civil procedure; civil actions; limitation on recovery amount allowed in small claims suits; revise. Amends sec. 8401 of 1961 PA 236 (MCL 600.8401).

Date position was adopted:

4/21/05

Process used to take the ideological position:

Discussion and vote

Number of members in the decision-making body:

20

Number who voted in favor and opposed to the position:

10 in favor, 4 opposed

Position:

10 members voted to oppose, because insufficient procedural due process is provided by the small claims court procedures, and pro se litigants may not understand the notice provided with the summons that they have a right to remove to district court. However, 2 of the 10 would support an increase to \$5,000.

4 members voted to support, because participation in small claims court is voluntary, and the bill would increase litigants' options by providing a low-cost forum in cases involving between \$3,000 and \$10,000 for those who choose to avail themselves of it.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-HB-4160>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:

Arguments for the position:

None provided.

Arguments against the position (if any):

None provided.

If the State Bar currently has a position on this subject matter, state the position, and an analysis of whether the recommended position and the current State Bar position are in conflict.

On June 10, 2005, the State Bar of Michigan unanimously voted to adopt a position of oppose in principle.

Fiscal implications of the recommended policy to the State Bar of Michigan:

None provided.

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:

Not provided.