



Report on Public Policy Position

Name of Committee:

Standing Committee on Justice Initiatives

Contact Person:

Hon. Cynthia Stephens

Email:

judgecyn@yahoo.com

Bill Number:

HB 4732 (Sak) Civil procedure; evictions; property managers and other nonlawyers to represent businesses in certain eviction proceedings; allow. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 5707.

Date position was adopted:

May 24, 2005

Process used to take the ideological position:

In-person discussion and vote

Number of members in the decision-making body:

Nine in favor, one abstention

Number who voted in favor and opposed to the position:

Fifteen in favor, none opposed

Position:

The SCJI opposes this bill.

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-4732>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:**Arguments for the position:**

The bill permits non-lawyers to represent corporations in certain proceedings without providing the regulation of these individuals by the State Bar of Michigan and the court rules pertaining to lawyers. This process would permit corporations, through their agents, to act as quasi-professionals in summary proceedings while the defendants in such cases are not permitted to send non-lawyers to represent them if they have difficulty attending court proceedings, and they would be at a disadvantage when up against professional agents who regularly appear in a quasi-lawyer role in these venues.

Arguments against the position (if any):

None reported.

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 July 29, 2005, the State Bar of Michigan unanimously adopted a position of active opposition.

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

This will have a negative financial consequences to bar members who are retained by corporations to represent them in these proceedings.

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:

None provided.