



Report on Public Policy Position

Name of Section:

Real Property Law Section

Contact Person:

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Bill Number:

SB 1145

Date position was adopted:

July 24, 2004

Process used to take the ideological position:

Meeting of the Real Property Law Section Council

Number of members in the decision-making body:

15

Number who voted in favor and opposed to the position:

12 voted in favor and none opposed the position

FOR SECTIONS ONLY:

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

The Real Property Law Section opposes SB 1145 which propose changes to the Michigan Condominium Act that would remove the ability of condominium associations to recover attorney's fees as currently permitted under the Act.

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.michiganlegislature.org/mileg.asp?page=getObject&objName=2004-SB-1145>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:

Arguments for the position:

Arguments against the position (if any):

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.

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

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 competence, and the integrity of the profession.

Keller- permissible explanation: