

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE
Respectfully submits the following position on:

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HB 5191

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The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar position on this matter is to support HB 5191.

The total membership of the Criminal Jurisprudence & Practice Committee is 20.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 19. The number who voted in favor to this position was 14. The number who voted opposed to this position was 2.

Report on Public Policy Position

Name of committee:

Criminal Jurisprudence & Practice Committee

Contact persons:

Hon. David Hoort

Gretchen Schlaff

E-mail:

Hon. David Hoort - dhoort@ioniacounty.org

Gretchen Schlaff - Gretchen.Schlaff@macombcountymi.gov

Bill Number:

[HB 5191](#) (LeBlanc) Courts; judges; magistrates; require to be licensed attorneys. Amends sec. 8507 of [1961 PA 236](#) (MCL [600.8507](#)).

Date position was adopted:

January 9, 2012

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting and further e-vote.

Number of members in the decision-making body:

19

Number who voted in favor and opposed to the position:

14 Voted for position

2 Voted against position

0 Abstained from vote

3 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

Although the committee recognizes the existing worth and value of non-lawyer magistrates, a best practice analysis would seemingly indicate a law degree should be required in conjunction with the judicial duties required of a magistrate.

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?2011-HB-5191>

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: HB 5191 regulates the legal profession, focusing on the requirement of magistrates to be attorneys.