

APPELLATE PRACTICE SECTION
Respectfully submits the following position on:

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SB 0652

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The Appellate Practice Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Appellate Practice Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Appellate Practice Section is 667.

The position was adopted after an electronic discussion and vote. 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 opposed to this position was 0.

Report on Public Policy Position**Name of section:**

Appellate Practice Section

Contact person:

Jill M. Wheaton

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[SB 0652](#) (Jones) Courts; judges; court of claims; provide for certain number of court of appeals judges to serve as court of claims judges, and expand jurisdiction. Amends secs. 308, 841, 6404, 6407, 6410, 6413, 6419, 6421 & 8304 of [1961 PA 236](#) (MCL [600.308](#) et seq.) & repeals sec. 6419a of 1961 PA 236 (MCL [600.6419a](#)).

Date position was adopted:

October 31, 2013

Process used to take the ideological position:

Position adopted after an electronic discussion and vote.

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

6 Abstained from vote

1 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

SB 652 would change the makeup of the Court of claims so it is made up of 4 Court of Appeals judges. However, the bill does not change or address MCL 600.308, which provides that final judgments of the Court of Claims are appealable of right to the Court of Appeals, thus, appeals from the Court of Appeals judges sitting as Court of Claims judges will be taken to the Court of Appeals, which is unprecedented. It is questionable how this will proceed, whether this comports with due process, how the appellate judges will be selected for this task, etc. The Section also believes that having four judges of the COA having to serve as trial court judges will also delay the processing of appeals.

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-0652>