

## JUDICIAL SECTION

Respectfully submits the following position on:

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HB 5154 & HB 5155

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The Judicial 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 Judicial 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 Judicial Section is 27.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 27. The number who voted in favor to this position was 17. The number who voted opposed to this position was 0.

## Report on Public Policy Position

**Name of Section:**

Judicial Section

**Contact person:**

Hon. Susan L. Dobrich

**E-Mail:**

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**Bill Numbers:**

[HB 5154](#) (Leonard) Criminal procedure; preliminary examination; certain rules and procedures for conducting a preliminary examination; revise. Amends secs. 4, 7, 11a, 11b & 13, ch. VI of 1927 PA 175 (MCL 766.4 et seq.).

[HB 5155](#) (Walsh) Courts; district court; probable cause conferences in felony and misdemeanor cases; clarify district court's jurisdiction. Amends secs. 8311 & 8511 of 1961 PA 236 (MCL 600.8311 & 600.8511) & repeals sec. 2167 of 1961 PA 236 (MCL 600.2167).

**Date position was adopted:**

December 9, 2013

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

27

**Number who voted in favor and opposed to the position:**

17 Voted for position

0 Voted against position

0 Abstained from vote

10 Did not vote

**Position:**

See comments.

**Explanation of the position, including any recommended amendments:**

The Judicial Section reviewed HB 5154 and HB 5155 at its December 9, 2013 meeting. The Section voted to maintain the preliminary exam with relaxed hearsay, while allowing additional time for conference before the preliminary exam, and allowing a plea to be taken in district court.

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-HB-5154>

<http://legislature.mi.gov/doc.aspx?2013-HB-5155>

**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 5154 affects the functioning of the courts in its removal of judicial discretion in making pre-exam or probable cause conferences mandatory.

HB 5155 affects the functioning of the courts in its clarification of a district court's jurisdiction.