

## FAMILY LAW SECTION

Respectfully submits the following position on:

\*

SB 0714

\*

The Family Law 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 Family Law Section only and is not the position of the State Bar of Michigan.

The State Bar's position is to support.

The total membership of the Family Law Section is 2,481.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 14. The number who voted opposed to this position was 0.

## Report on Public Policy Position

**Name of Section:**

Family Law Section

**Contact person:**

Kent Weichmann

**E-Mail:**

[weichmannk@att.net](mailto:weichmannk@att.net)

**Bill Number:**

[SB 0714](#) (Schuitmaker) Civil procedure; alternate dispute resolution; uniform collaborative law act; enact. Creates new act.

**Date position was adopted:**

January 25, 2014

**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:**

21

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

14 Voted for position

0 Voted against position

0 Abstained from vote

7 Did not vote

**Position:**

Support

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

SB 714 is the Uniform Collaborative Law Act. Collaborative Law allows a four way agreement between domestic relations parties and their attorneys to reflect their commitment to settling the case out of court. If either party chooses to go to court, both attorneys (and their firms) must step out and allow the parties to retain new attorneys. More than 95% of all domestic relations cases settle out of court, and the collaborative agreement means that the parties and attorneys don't spend their time and efforts on trial preparation, and can focus on settling the case.

Collaborative law has been practiced in Michigan for over ten years. This act seeks to regulate the practice, and require collaborative practitioners to carefully screen their clients and give them full information about the process so that the client can make an informed decision on whether to engage in the collaborative process. It also clarifies that the disqualification rule is enforceable. The Family Law Section supports this bill.

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?2014-SB-0714>

**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:**

As stated by the Senate Fiscal Analysis for the Summary of the Bill reported from committee, this bill would affect the functioning of the courts in its regulation of “collaborate law participation agreements and the collaborative law process (a procedure to resolve a dispute or issue arising under Michigan’s family laws or domestic relations laws, without the intervention of a court or other tribunal.”