



## Report on Public Policy Position

**Name of Section:**

Probate and Estate Planning Section

**Contact Person:**

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**Bill Number:**

[HB 5374](#) (Van Regenmorter) Courts; judges; number of judgeships in various circuits and districts; revise. Amends secs. 507, 508, 517, 518, 542, 549a, 549g, 803, 8134 & 8135 of [1961 PA 236](#) (MCL [600.507](#) et seq.).

**Date position was adopted:**

11/12/05

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

Discussion and hand vote at the regularly scheduled meeting of the probate and estate planning section's council

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

23 – 20 attended

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

19 in favor, 1 abstention (Harold Schuitmaker)

**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:**

See below.

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.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-HB-5374>

## **RECOMMEND STATE BAR ACTION ON THIS ISSUE:**

### **Arguments for the position:**

- Elimination of probate judgeship in Oakland and Wayne County would produce unacceptable reduction in access to justice for the public.
- Demand for probate services will increase re: aging of baby boomer population.
- Over next 25 years, 65 & older population will increase by 104% in Oakland and 69% in Wayne County.
- Elimination of probate judgeship from each of Michigan's two most populous counties would severely degrade court's ability to protect the elderly – one of society's most vulnerable segments.

### **Arguments against the position (if any):**

None provided.

### **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.**

As of November 22, 2005, the State Bar does not have a position on this legislation.

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

No fiscal implications.

### **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:**

- Retention of current number of probate judgeships in Wayne and Oakland Counties will allow these courts to continue to function at their current levels of efficiency.
- Retention of judgeships is crucial to maintaining the current scope of availability of legal services and access to justice for society, especially for senior citizens.