



Report on Public Policy Position

Name of Committee:

Judicial Conference

Contact Person:

Judge Milton Mack

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Bill Numbers:

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.).

SB 907 (Cropsey) Courts; judges; number of judgeships in various circuits and districts; revise. Amends secs. 507, 508, 517, 518, 549a, 549g, 803, 8134 & 8135 of 1961 PA 236 (MCL 600.507 et seq.).

Date position was adopted:

December 16, 2005

Process used to take the ideological position:

An electronic vote of the Executive Committee of the Judicial Conference was conducted over a period of 10 days.

Number of members in the decision-making body:

27

Number who voted in favor and opposed to the position:

22 Yes, 0 No

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:

HB 5374, and the companion bill in the Senate, SB 907, propose to eliminate a probate judge in Wayne and Oakland Counties. The legislature previously eliminated two circuit judges and one probate judge in Wayne County in 2004. This legislation would seriously limit access to justice by reducing the number of probate judges in two of the busiest courts in Michigan. The Southeast Michigan Council of Governments (SEMCOG) predicts that the population over age 65 will increase by 69% in Wayne County and by 104% in Oakland County by 2030. This is the population that is the biggest user of probate courts.

Unlike the circuit and district courts, probate courts serve many people outside their jurisdictional boundaries.

Most cases have multiple interested persons who live all over the State of Michigan. Degradation of service in these courts necessarily affects those who live in other counties but are heirs, creditors or otherwise interested in the efficient timely administration of estates. This legislation would adversely affect the ability of these probate courts to provide access to justice by further limiting the time available to hear matters and schedule hearings.

The methodology used to make this recommendation is flawed in that it ignores open cases. In Wayne County, the six probate judges have over 50,000 open estates.

Although it has been suggested that the probate judge being eliminated is serving in the juvenile division, the Chief Judge of the Circuit Court has stated that she will insist that one of the remaining probate judges replace the one that would be lost.

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/\(r40q10554ivk0s55run03a45\)/mileg.aspx?page=BillStatus&objectname=2005-HB-5374](http://www.legislature.mi.gov/(r40q10554ivk0s55run03a45)/mileg.aspx?page=BillStatus&objectname=2005-HB-5374)

[http://www.legislature.mi.gov/\(swklph45t4z5ikyanoaw0m55\)/mileg.aspx?page=BillStatus&objectname=2005-SB-0907](http://www.legislature.mi.gov/(swklph45t4z5ikyanoaw0m55)/mileg.aspx?page=BillStatus&objectname=2005-SB-0907)