



## Report on Public Policy Position

**Name of Committee:**

Standing Committee on Justice Initiatives

**Contact Person:**

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**Bill Number:**

**HB 4160** (Pastor) Civil procedure; civil actions; limitation on recovery amount allowed in small claims suits; revise. Amends sec. 8401 of 1961 PA 236 (MCL 600.8401).

**Date position was adopted:**

April 21, 2005

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

In-person discussion and vote

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

Seventeen

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

Fifteen in favor, none opposed

**Position:**

The SCJI opposes this legislation.

**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-4160>

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

**Arguments for the position:**

Many low-income people use small claims court. A \$10,000 limit is very high, especially because there is no appeal.

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

None reported.

**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.**

On June 10, 2005, the State Bar of Michigan unanimously voted to adopt a position of oppose in principle.

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

None reported.

**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:**

This is Keller permissible because it deals with the functioning of the courts.