



Report on Public Policy Position

Name of Committee:

Committee on Justice Initiatives

Contact Person:

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Bill Number:

HB 5625 (Mortimer) Courts; district court; small claims division; allow real estate agents to represent landlords in small claims court in security deposit disputes under certain circumstances. Amends sec. 8408 of 1961 PA 236 (MCL 600.8408).

Date position was adopted:

3-9-06

Process used to take the ideological position:

Conference call with 13 committee members in attendance.

Number of members in the decision-making body:

16

Number who voted in favor and opposed to the position:

Favor: 13

Opposed: 0

Position:

The Justice Policy Committee recommends that the Committee on Justice Initiative oppose the bill for the same reasons that CJI opposed SB 815. The Bar has traditionally opposed legislation that permits non-lawyers to practice law and that puts some unrepresented individuals at a substantial disadvantage. It also does not assure that those appearing before the court on behalf of another party are subject to the same ethical constraints and regulation as attorneys.

The Bar's position should be consistent with its position on SB 815.

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/\(tiwggdbhxcmmdt4501jwrc45\)/mileg.aspx?page=BillStatus&objectname=2006-HB-5625](http://www.legislature.mi.gov/(tiwggdbhxcmmdt4501jwrc45)/mileg.aspx?page=BillStatus&objectname=2006-HB-5625)

RECOMMEND STATE BAR ACTION ON THIS ISSUE:**Arguments for the position:**

It is consistent with position taken on SB 815 involving same subject matter.

Arguments against the position (if any):

No committee member raised arguments. Proponents of the legislation sometimes want small “mom and pop” landlords to have the ability to represent themselves even if they have a corporate identity.

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.

At its June 9, 2006 meeting, the Board of Commissioners of the State Bar of Michigan unanimously voted to actively oppose HB 5625.

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

None

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:

Not reported.