

Report on Public Policy Position

Name of committee:

Criminal Jurisprudence & Practice Committee

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Bill Number:

[SB 0989](#) (Kuipers) Courts; juries; submission of written questions to witnesses by jurors; allow. Amends [1961 PA 236](#) (MCL [600.101](#) - [600.9947](#)) by adding sec. 2170.

[SB 0990](#) (Sanborn) Courts; juries; jury summons; require to clearly explain conditions for exemption from jury service. Amends sec. 1332 of [1961 PA 236](#) (MCL [600.1332](#)).

[SB 0991](#) (Cropsey) Courts; juries; various requirements regarding jurors; implement. Amends [1961 PA 236](#) (MCL [600.101](#) - [600.9947](#)) by adding sec. 1350a.

[SB 0992](#) (Kahn) Courts; juries; exemption from jury service for individuals who have served within the preceding 24 months; provide for. Amends sec. 1307a of [1961 PA 236](#) (MCL [600.1307a](#)).

[SB 0995](#) (George) Courts; juries; peremptory challenges when selecting jurors; eliminate. Amends [1961 PA 236](#) (MCL [600.101](#) - [600.9947](#)) by adding sec. 1350b & repeals secs. 12 & 13, ch. VIII & sec. 17, ch. XIV of [1927 PA 175](#) (MCL [768.12](#) et seq.).

[SB 0996](#) (George) Civil procedure; costs and fees; separate filing fee for each defendant named in a lawsuit; require. Amends secs. 2529 & 8371 of [1961 PA 236](#) (MCL [600.2529](#) & [600.8371](#)).

Date position was adopted:

February 14, 2008

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:

19

Number who voted in favor and opposed to the position:

12 Voted for position

0 Voted against position

Position:

Oppose

Explanation of the position, including any recommended amendments:

A very similar package was introduced in the Senate during the 2005-2006 Session. The Board of Commissioners previously took the position to oppose in principle the bills due to the long-standing position of the State Bar that the reform intended by the legislation was primarily within the jurisdiction of the Supreme Court and that such legislative action raised concerns with the separation of powers.

The Committee voted to adopt the already decided position from the Board for the above bills.

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?2007-SB-0989><http://legislature.mi.gov/doc.aspx?2007-SB-0990><http://legislature.mi.gov/doc.aspx?2007-SB-0991><http://legislature.mi.gov/doc.aspx?2007-SB-0992><http://legislature.mi.gov/doc.aspx?2007-SB-0995><http://legislature.mi.gov/doc.aspx?2007-SB-0996>**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: These bills directly affect the functioning of the courts and many of them take away judicial discretion by mandating procedures of trial process, over which judges now have discretion, such as note taking. Matters of non constitutional trial procedure are within the purview of the Supreme Court and it is unnecessary and potentially violates the separation of powers doctrine for the Legislature to regulate trial procedure.