FAMILY LAW SECTION
Respectfully submits the following position on:

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HB 5124

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Family Law Section is 2,481.

The position was adopted after discussion and vote at a regularly scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 19. The number who voted opposed to this position was 0.

SBM | FAMILY LAW SECTION

Report on Public Policy Position

Name of section:
Family Law Section

Contact person:
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Bill Number:
HB 5124 (Cotter) Courts; circuit court; concurrent jurisdiction in certain courts; establish. Amends secs. 401, 406, 407, 408, 410, 601, 841 & 8304 of 1961 PA 236 (MCL 600.401 et seq.) & repeals sec. 411 of 1961 PA 236 (MCL 600.411).

Date position was adopted:
December 3, 2011

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:
21

Number who voted in favor and opposed to the position:
19 Voted for position
0 Voted against position
0 Abstained from vote
2 Did not vote

Position:
Oppose

Explanation of the position, including any recommended amendments:
HB 5124 requires each judicial circuit to adopt a plan of concurrent jurisdiction, essentially making circuit, district and probate judges fungible. It also gives district judges jurisdiction within the entire circuit, even if their district is a limited portion of the circuit. This legislation affects the Bar as a whole, and will be a Keller-permissible subject, i.e., the State Bar of Michigan will solicit input from the sections and take a position binding on all sections.

The benefit of this legislation is that it allows an optimal distribution of workload across all available judges. The disadvantage is that it makes election of judges to a particular office meaningless. The family law section has often advocated for the election of specific family court judges with skills tailored to family court. Under this legislation, any of the judges within a circuit could be assigned to family court. In many circuits, the least experienced judge is

routinely assigned to family court. In circuits which rotate judges through family court, this will make the pool larger, and inhibit the specialization that we seek.

The Family Law Section opposes this bill.

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?2011-HB-5124

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.**