



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 196 (as reported by the Committee of the Whole)
Sponsor: Senator Philip E. Hoffman
Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to specify that an individual could request the court to allow another person to represent him or her in an action in the small claims division of district court (small claims court) if the individual were unable to appear in court or provided evidence that his or her appearance would constitute an undue hardship; the representative had direct and personal knowledge of the facts of that action; the representative had not been and would not be compensated for the representation; and the representative were not licensed to practice law in Michigan. The court could grant a request to allow an individual to represent another individual upon the proper submission of the affidavits required under the bill. The bill specifies that an individual who represented another in compliance with the bill would not be engaged in the unauthorized practice of law.

To request representation under the bill, an individual would have to provide the representative or the court with an affidavit containing a statement that he or she was unable to appear before the court or that appearing would constitute an undue hardship, and an explanation supporting that statement; a statement that he or she wished to be represented by the other individual; and a statement that he or she had not compensated and would not compensate the representative for those services. The representative would have to provide the court with a copy of the individual's affidavit, unless a copy already had been provided to the court, and a copy of the representative's own affidavit that contained a statement that he or she had personal knowledge of the facts of the case at issue and an explanation supporting that statement; a statement that he or she wished to represent the other individual; a statement that he or she had not been and would not be compensated for his or her representation; and a statement that he or she was not licensed to practice law in Michigan.

MCL 600.8408

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 3-16-95

Fiscal Analyst: L. Nacionales-Tafoya

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.