



## Report on Public Policy Position

**Name of Section:**

General Practice Section

**Contact Person:**

Maury Klein

**Phone:**

248-423-9333

**Bill Number:**

HB 5680

**Date position was adopted:**

5-20-04

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

Council vote

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

Nine

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

Six for, one abstain, zero opposed

**FOR SECTIONS ONLY:**

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

*If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.*

**Position:**

Oppose – See report

**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.michiganlegislature.org/mileg.asp?page=getObject&objName=2004-HB-5680>

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

**Arguments for the position:**

See report

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

None

**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.**

N/A

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

Unknown

**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 competence, and the integrity of the profession.

**Keller- permissible explanation:**

See report

**Maury Klein**  
Attorney at Law

18930 W. Ten Mile Road Ste. 2500  
Southfield, Mich. 48075  
(248) 423-9333  
Fax (248) 557-6344

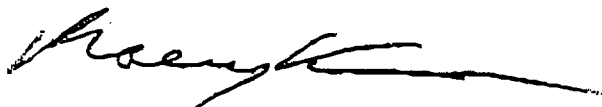
**GENERAL PRACTICE SECTION'S OPPOSITION TO HB 5680**

At its counsel meeting May 20, 2004, attended by a quorum of members White, Roy, Silverman, Klein, Beeghly, Davis and Soklah. The Counsel voted to oppose the above bill by a vote of six opposing and one abstention

The above bill would effectively shield wage earners from execution by means of seizure of tax refunds or bank accounts. We note that, currently, the first \$500.00 of a bank account is exempt from garnishment in any event and numerous other sources of funds are exempt from execution as well. What if the Judgment-Debtor has \$100,000.00 dollars in the account? Or three accounts?

The bottom line safeguard remains that if individuals cannot pay their debts, they may seek protection in the Bankruptcy Courts. How can any Plaintiff whose claim either exceeds insurance or exists against an uninsured and negligent driver ever hope to receive her just due?

Accordingly we oppose.



Maury Klein  
Council Member  
May 21, 2004