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June 18, 2013

The Honorable Peter Pettalia  
State Representative  
State Capitol  
P.O. Box 30014  
Lansing, MI 48909-7514

**Re: HB 4704 – County Financing**

Dear Representative Pettalia:

At its June 14, 2013 meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to **oppose HB 4704**. In its review, the Board considered a recommendation from the Civil Procedure & Courts Committee.

Opposition is based on the sections of the bill that address the courts. First, the Board of Commissioners questions the need for the legislation given existing law and procedures established by administrative order and overseen by State Court Administrative Office. Second, the Board does not believe that the Court of Appeals is properly equipped to adjudicate factual questions and that the trial courts remain the proper place for such matters. Third, the Board believes that Section 18(5) raises serious constitutional concerns, and continues to support the recognition of the separation of powers as held by the Supreme Court in *Judicial Attorneys Ass'n v State*, 459 Mich 291 (1998).

If you would like to discuss this position in further detail or have questions, please contact me directly at your convenience.

Sincerely,

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CC. Bruce A. Courtade, President  
Nell Kuhnmuensch, Governmental Consultant Services, Inc.