

HOUSE BILL NO. 4712

A bill to amend 1961 PA 236, entitled

"An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," by amending sections 916, 934, and 2950b (MCL 600.916 600.934, and 600.2950b), section 934 as amended by 1980 PA 271 and section 2950b as amended by 1994 PA 403, and by adding section 2950c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 916. (1) ~~It is unlawful for any~~ A person ~~to~~ SHALL
2 NOT practice law ~~—~~, or ~~to~~ engage in the law business, ~~or~~
3 SHALL NOT in any manner whatsoever ~~to~~ lead others to believe
4 that he OR SHE is authorized to practice law or to engage in the
5 law business, ~~or~~ AND SHALL NOT in any manner whatsoever ~~to~~
6 represent or designate himself OR HERSELF as an attorney and
7 counselor, attorney at law, or lawyer, unless the person ~~so~~
8 ~~doing~~ is regularly licensed and authorized to practice law in
9 this state. ~~Any~~ A person who violates ~~the provisions of~~ this

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[House amendments (dated April 27, 2000) shown in brackets]

1 section is guilty of contempt of the supreme court and of the
2 circuit court of the county in which the violation occurred, and
3 upon conviction is punishable as provided by law. This section
4 does not apply to a person who is duly licensed and authorized to
5 practice law in another state while temporarily in this state and
6 engaged in a particular matter.

7 (2) A DOMESTIC VIOLENCE VICTIM ADVOCATE'S ASSISTANCE THAT IS
8 PROVIDED IN ACCORDANCE WITH SECTION 2950C DOES NOT VIOLATE THIS
9 SECTION.

Sec. 934. (1) A person is qualified for admission to the bar of this state who proves to the satisfaction of the board of law examiners that he or she is a person of good moral character, is 18 years of age or older, is a resident of 1 of the states or territories or the District of Columbia, has the required general education, learning in the law, and fitness and ability to enable him or her to practice law in the courts of record of this state, and that he or she intends in good faith to practice or teach law in this state. Additional requirements concerning the qualifications for admission are contained in subsequent sections of this chapter.

(2) As used in this section: ~~—, "good—~~

(A) "GOOD moral character" means good moral character as defined and determined under ~~Act No. 381 of the Public Acts of 1974, as amended, being sections 338.41 to 338.47 of the Michigan Compiled Laws— 1974 PA 381, MCL 338.41 TO 338.47.~~

[(B) "RESIDENT" INCLUDES, BUT IS NOT LIMITED TO, A MEMBER OF THE MILITARY SERVICE OF THE UNITED STATES OR ITS ALLIES WHO HOLDS A TEMPORARY VISA OR PERMANENT RESIDENT VISA ISSUED BY THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE.]

(3) A person may elect to use the multi-state bar examination scaled score ~~—which—~~ THAT the person achieved on a multi-state bar examination administered in another state or territory when applying for admission to the bar of this state, but only if all of the following occur:

(a) The score ~~—which—~~ THAT the person elects to use was achieved on a multi-state examination administered within the 3 years immediately preceding the multi-state bar examination in this state for which the person would otherwise sit.

(b) The person achieved a passing grade on the bar examination of which the multi-state examination the score of which the person elects to use was a part.

(c) The multi-state examination the score of which the person elects to use was administered in a state or territory ~~—which—~~ THAT accords the reciprocal right to elect to use the score achieved on the multi-state examination administered in this state to Michigan residents seeking admission to the bar of that state or territory.

(d) The person earns a grade on the essay portion of the bar examination ~~—which—~~ THAT when combined with the transferred multi-state scaled score constitutes a passing grade for that bar examination.

(e) The person otherwise meets all requirements for admission to the bar of this state.

(4) The state board of law examiners shall disclose to a person electing under subsection (3) to transfer the multi-state bar examination scaled score achieved on an examination administered in another state or territory the score the person achieved as soon as that score is received by the board regardless of whether the person could have obtained that score in the jurisdiction in which the examination was administered. This subsection does not require disclosure by the board of the score achieved on a multi-state bar

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examination administered in another state or territory until the scores achieved on that examination administered in Michigan are released.

10 Sec. 2950b. (1) ~~Before October 1, 1995, the~~ THE state
11 court administrative office shall develop and make available
12 forms for use by an individual who wishes to proceed without an
13 attorney. The forms shall include at least ~~petitions~~ A
14 PETITION for relief, A notice of hearing, and proof of service
15 for A personal protection ~~orders~~ ORDER under ~~sections~~ SECTION
16 2950 ~~and~~ OR 2950a. The forms shall be written in plain English
17 in a simple and easily understood format, and shall be limited,
18 if practicable, to 1 page in length. Instructions for the forms
19 shall be written in plain English and shall include a simple and
20 easily understood explanation of the proper method of service and
21 filing of the proof of service.

22 (2) The standard personal protection order ~~forms~~ FORM, at
23 a minimum, shall contain all of the information required under
24 ~~sections 2950(10) and 2950a(7)~~ SECTION 2950 OR 2950A.

25 (3) The state court administrative office shall develop and
26 make available standardized forms for use by individuals

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1 restrained or enjoined without notice to move to modify or to
2 rescind a personal protection order and TO request a hearing.

3 (4) The court shall provide ~~the forms~~ A FORM prepared
4 under this section without charge. Upon request, the court may
5 provide assistance, but not legal assistance, to an individual in
6 completing ~~those forms~~ A FORM PREPARED UNDER THIS SECTION and
7 the personal protection order FORM if the court issues such an
8 order, and may instruct the individual regarding the requirements
9 for proper service of the order.

10 (5) TO THE EXTENT NOT PROTECTED BY THE IMMUNITY CONFERRED BY
11 1964 PA 170, MCL 691.1401 TO 691.1415, AN INDIVIDUAL OTHER THAN A
12 COURT EMPLOYEE WHO PROVIDES ASSISTANCE UNDER SECTION 2950C IS
13 PRESUMED TO BE ACTING IN GOOD FAITH AND IS NOT LIABLE IN A CIVIL
14 ACTION FOR DAMAGES FOR ACTS OR OMISSIONS IN PROVIDING THE ASSIST-
15 ANCE, EXCEPT ACTS OR OMISSIONS AMOUNTING TO GROSS NEGLIGENCE OR
16 WILLFUL AND WANTON MISCONDUCT.

17 SEC. 2950C. (1) THE FAMILY DIVISION OF THE CIRCUIT COURT IN
18 EACH COUNTY MAY PROVIDE A DOMESTIC VIOLENCE VICTIM ADVOCATE TO
19 ASSIST VICTIMS OF DOMESTIC VIOLENCE IN OBTAINING A PERSONAL PRO-
20 TECTION ORDER. THE COURT MAY USE THE SERVICES OF A PUBLIC OR
21 PRIVATE AGENCY OR ORGANIZATION THAT HAS A RECORD OF SERVICE TO
22 VICTIMS OF DOMESTIC VIOLENCE TO PROVIDE THE ASSISTANCE. A DOMES-
23 TIC VIOLENCE VICTIM ADVOCATE MAY PROVIDE, BUT IS NOT LIMITED TO
24 PROVIDING, ALL OF THE FOLLOWING ASSISTANCE:

25 (A) INFORMING A VICTIM OF THE AVAILABILITY OF, AND ASSISTING
26 THE VICTIM IN OBTAINING, SERVING, MODIFYING, OR RESCINDING, A
27 PERSONAL PROTECTION ORDER.

HB4712, As Passed House, April 27, 2000

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as amended by the Senate December 9, 1999

1 (B) PROVIDING AN INTERPRETER FOR A CASE INVOLVING DOMESTIC
2 VIOLENCE INCLUDING A REQUEST FOR A PERSONAL PROTECTION ORDER.

3 (C) INFORMING A VICTIM OF THE AVAILABILITY OF SHELTER,
4 SAFETY PLANS, COUNSELING, OTHER SOCIAL SERVICES, AND GENERIC
5 WRITTEN MATERIALS ABOUT MICHIGAN LAW.

6 (2) NOTWITHSTANDING SUBSECTION (1), A DOMESTIC VIOLENCE
[VICTIM]
7 ADVOCATE SHALL NOT REPRESENT OR ADVOCATE FOR A DOMESTIC VIOLENCE
8 VICTIM IN COURT.

9 (3) PROVIDING ASSISTANCE IN ACCORDANCE WITH THIS SECTION
10 DOES NOT VIOLATE SECTION 916.

11 Enacting section 1. (1) Section 934 of the revised judicature
12 act, 1961 PA 236, MCL 600.934, as amended by this amendatory act,
takes effect the date it is enacted.
(2) Except as otherwise provided in subsection (1), this
amendatory act takes effect July 1, 2000.