

SENATE BILL No. 1328

May 15, 2002, Introduced by Senators PETERS, BYRUM, DE BEAUSSAERT, YOUNG, KOIVISTO, MILLER and SMITH and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8408 (MCL 600.8408), as amended by 1991 PA
192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8408. (1) An attorney at law, except on the attorney's
2 own behalf, a collection agency or agent or employee of a collec-
3 tion agency, or a person other than the plaintiff and defendant,
4 except as is otherwise provided in this chapter, shall not take
5 part in the filing, prosecution, or defense of litigation in the
6 small claims division. HOWEVER, AN ATTORNEY AT LAW MAY APPEAR
7 FOR THE PLAINTIFF OR DEFENDANT AFTER ENTRY OF A JUDGMENT IN THE
8 SMALL CLAIMS DIVISION FOR THE PURPOSE OF ENFORCING THAT JUDGMENT.

9 (2) A sole proprietorship, partnership, or corporation as
10 plaintiff or defendant may be represented by an officer or

1 employee who has direct and personal knowledge of facts in
2 dispute. If the officer or employee who has direct and personal
3 knowledge of facts in dispute is no longer employed by the
4 defendant or plaintiff or is medically unavailable, the represen-
5 tation may be made by that person's supervisor, or by the sole
6 proprietor, a partner, or an officer or a member of the board of
7 directors of a corporation.

8 (3) A county, city, village, township, or local or interme-
9 diate school district as plaintiff or defendant may be repre-
10 sented only by an elected or appointed officer or an employee who
11 has direct and personal knowledge of the facts in dispute. If
12 the officer or employee who has direct and personal knowledge of
13 the facts in dispute is no longer an officer or employee of the
14 plaintiff or defendant, the representation may be made by that
15 officer's successor or that employee's supervisor, or by a member
16 of the governing body of the county, city, village, township, or
17 local or intermediate school district. In addition, a person may
18 not represent a county, city, village, township, or local or
19 intermediate school district in the small claims division unless
20 authorized to appear in the case by the governing body of the
21 county, city, village, township, or local or intermediate school
22 district.

23 (4) Before commencement of a trial, the plaintiff or
24 defendant may, upon demand, require that the trial be conducted
25 before a district court judge and not a magistrate, or may remove
26 the case from the small claims division to the general civil
27 division of the district court. If the parties commence a trial

1 of the case in the small claims division, both parties waive all
2 rights mentioned in section 8412.