

HOUSE BILL No. 5293

October 11, 2007, Introduced by Reps. Byrnes, Stakoe, Polidori, Miller, Meadows, Mayes, Pearce, Spade, Nitz, Booher, Steil, Nofs, Meekhof, Gaffney and David Law and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2978.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2978. (1) THE JUDGES OF EACH CIRCUIT SHALL DETERMINE AND
2 PUBLISH A FAIR AND EQUITABLE PROCESS FOR THE CREATION AND
3 MAINTENANCE OF THE LIST OF ELIGIBLE REFEREES IN THE COUNTY FOR
4 PURPOSES OF SECTION 2977.

5 (2) TO BE ELIGIBLE TO SERVE AS A REFEREE FOR PURPOSES OF
6 SECTION 2977, UNLESS THE PARTIES STIPULATE TO A PERSON TO SERVE AS
7 REFEREE IN A CASE, AN INDIVIDUAL MUST MEET THE FOLLOWING MINIMUM
8 QUALIFICATIONS:

9 (A) HE OR SHE SHALL HAVE COMPLETED A TRAINING PROGRAM APPROVED
10 BY THE STATE COURT ADMINISTRATOR PROVIDING THE GENERALLY ACCEPTED

1 COMPONENTS OF TRIAL SKILLS.

2 (B) HE OR SHE SHALL BE ADMITTED TO THE PRACTICE OF LAW IN THIS
3 STATE, AND BE A MEMBER OF THE STATE BAR OF MICHIGAN IN GOOD
4 STANDING, AND SHALL HAVE ACTIVELY PRACTICED IN THE AREA OF PLANNING
5 AND ZONING LAW FOR A MINIMUM OF 10 YEARS, WITH AT LEAST 25% OF HIS
6 OR HER PRACTICE DEVOTED TO PLANNING AND ZONING LAW.

7 (3) THE PARTIES TO A PARTICULAR CASE MAY SPECIFY OTHER
8 QUALIFICATIONS IN ADDITION TO THOSE SPECIFIED IN SUBSECTION (2) FOR
9 AN APPOINTED REFEREE BY WRITTEN STIPULATION, AND THOSE ADDITIONAL
10 QUALIFICATIONS SHALL BE HONORED TO THE EXTENT AN INDIVIDUAL WITH
11 THOSE ADDITIONAL QUALIFICATIONS IS AVAILABLE.

12 (4) THE STATE COURT ADMINISTRATOR SHALL DEVELOP AND APPROVE
13 STANDARDS OF CONDUCT FOR REFEREES DESIGNED TO PROMOTE HONESTY,
14 INTEGRITY, AND IMPARTIALITY IN PROVIDING COURT-RELATED DISPUTE
15 RESOLUTION SERVICES. THESE STANDARDS SHALL BE MADE A PART OF ALL
16 TRAINING AND EDUCATIONAL REQUIREMENTS FOR COURT-RELATED PROGRAMS,
17 SHALL BE PROVIDED TO ALL REFEREES INVOLVED IN COURT-RELATED
18 PROGRAMS, AND SHALL BE AVAILABLE TO THE PUBLIC.

19 Enacting section 1. This amendatory act does not take effect
20 unless Senate Bill No.____ or House Bill No. 5292(request no.
21 00307'07 **) of the 94th Legislature is enacted into law.