

2017/2018 At the Capitol

The results of all Board and Assembly votes on proposals to support or oppose legislation will be posted on the State Bar website as soon as possible after the vote and published in the next *Michigan Bar Journal*. A comprehensive list of all State Bar positions can be found on the website at www.michbar.org/publicpolicy/home.

The vote by which the position on a bill was adopted will be listed, if not unanimous. Any member who would like more information concerning the rationale for positions taken can refer to the website at www.michbar.org/publicpolicy/home or contact Peter Cunningham at the State Bar of Michigan, 306 Townsend St., Lansing, MI 48933-2012, (800) 968-1442. For the most current status information, visit www.michiganlegislature.org.

HB 5806 (Calley) Courts: other; Mental health: other. Courts; other; juvenile mental health courts; establish. Amends 1961 PA 236 (MCL 600.101–600.9947) by adding ch. 10C.

HB 5807 (Calley) Courts: other; Mental health: other. Courts; other; references to juveniles in mental health court in revised judicature act; remove to reflect creation of juvenile mental health court. Amends secs. 1088, 1091, 1093, 1094, 1095 & 1098 of 1961 PA 236 (MCL 600.1088 *et seq.*).

HB 5808 (Calley) Courts: other; Juveniles: crimes; Mental health: other. Courts; other; reference to chapter of revised judicature act in the probate code; modify. Amends sec. 6, ch. XIII of 1939 PA 288 (MCL 712A.6).

POSITION: Support.

HB 5820 (Kesto) Mental health: code; Mental health: hospitalization; Mental health: other. Mental health; code; procedure for involuntary mental health treatment and judicial admissions; revise. Amends subheading of ch. 5 & secs. 500, 501, 502, 503, 504, 505, 508, 509, 510, 511, 512, 515, 516, 517, 518, 519, 520, 521, 525, 526, 527, 528, 531, 532, 536, 537, 540 & 541 of 1974 PA 258 (MCL 330.1500 *et seq.*).

POSITION: Support.

In the Hall of Justice

Proposed Amendment of Rules 3.201, 3.210, and 3.211 and Proposed Addition of Rules 3.222 and 3.223 of the Michigan Court Rules (ADM File No. 2018-03)—Applicability of Rules; Hearings and Trials; Judgments and Orders; Uniform Collaborative Law Act Process and Agreements; Summary Proceeding for Entry of Consent Judgment or Order (See *Michigan Bar Journal* May 2018, p 76.)

STATUS: Comment Period Expired 7/1/18;

Public Hearing to Be Scheduled

POSITION: Support 3.201, 3.210, and 3.211 as drafted; support 3.222 with amendments to effectively enforce the intent of MCL 691.1345.

Proposed Amendment of Canon 3 and Canon 7 of the Judicial Code of Conduct (ADM File No. 2017-26)—A Judge Should Perform the Duties of Office Impartially and Diligently; A Judge or a Candidate for Judicial Office Should Refrain From Political Activity Inappropriate to Judicial Office (See *Michigan Bar Journal* May 2018, p 78.)

STATUS: Comment Period Expired 7/1/18;

Public Hearing to Be Scheduled

POSITION: Support with the following amendments:

- Modify the proposed amendment of Canon 3A, paragraph (6) to delete the language precluding any nonpublic statement as vague, having the potential to interfere with protected private speech, and requiring judicial officers to be responsible for the private speech of staff and others under their supervision based on the cross reference in paragraph (8).
- Revised paragraph (6) would read as follows: “A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court.”
- Modify the proposed amendment of Canon 3A, paragraph (10) to correct a typographical error by referencing paragraph (6) instead of paragraph (A).
- Replace the word “elsewhere” in proposed Canon 3A, paragraph (10) with “other forms of communication” to improve the clarity of the provision.
- For amended Canon 3, include the comments of Rule 2.10 of the ABA Model Code of Judicial Conduct to provide further guidance.
- Modify the amendment to Canon 7B(1)(c) to change “of conduct” to “about conduct” to provide greater clarity.
- For amended Canon 7, include the comments of Rule 4.1 of the ABA Model Code of Judicial Conduct to provide further guidance.

Model Criminal Jury Instructions

M Crim JI 7.16a (See *Michigan Bar Journal* May 2018, p 68.)

STATUS: Comment Period Expired 7/1/18

POSITION: Support.

M Crim JI 11.37a and 11.37b (See *Michigan Bar Journal* May 2018, p 68.)

STATUS: Comment Period Expired 7/1/18

POSITION: Support with Amendments.

M Crim JI 11.43 and 11.43a (See *Michigan Bar Journal* May 2018, p 69.)

STATUS: Comment Period Expired 7/1/18

POSITION: Support with Amendments.

M Crim JI 11.44 and 11.44a (See *Michigan Bar Journal* May 2018, p 70.)

STATUS: Comment Period Expired 7/1/18

POSITION: Support with Amendments.



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