

# 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](http://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](http://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](http://www.michiganlegislature.org).

**SB 0951** (Gregory) Criminal procedure: jurisdiction; Crimes: controlled substances; Crimes: homicide. Criminal procedure; jurisdiction; jurisdiction for prosecution for delivery of a controlled substance causing death; modify. Amends 1927 PA 175 (MCL 760.1-777.69) by adding sec. 5a to ch. II.

**SB 0952** (Zorn) Criminal procedure: jurisdiction; Crimes: controlled substances; Crimes: homicide. Criminal procedure; jurisdiction; venue for prosecution of delivery of a controlled substance causing death; modify. Amends sec. 317a of 1931 PA 328 (MCL 750.317a).

POSITION: Support. (Unanimous support with the abstention of Commissioner Daniel D. Quick.)

## 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 amendments to Rules 3.201, 3.210, and 3.211 as drafted. Support amendments to Rule 3.222 with amendments to effectively enforce the intent of MCL 691.1345. Support amendments to Rule 3.223 with additional language proposed by the Family Law Section to Paragraph (D) to provide the court with verification that the parties consent to the agreement, either by each party being present at the hearing or submitting a signed and notarized copy of the final judgment or order.

**Proposed Amendment of Rule 2.002 of the Michigan Court Rules (ADM File No. 2002-37/2018-20)**—Waiver or Suspension of Fees and Costs for Indigent Persons (See *Michigan Bar Journal* August 2018, p 70.)

**STATUS: Comment Period Expires 9/1/18;**

**Public Hearing to Be Scheduled**

POSITION: Support Alternative C, adopting the procedural changes recommended by the State Court Administrator's Office while retaining the substantive standards adopted by the Representative in April 2018 with the following additional amendments, highlighted in bold font:

- (A)(1)—Only an individual natural person is eligible for the waiver ~~or suspension~~ of fees and costs under this rule. A private or public organization is not eligible for a waiver of fees **unless an applicable statute provides that no fee(s) shall be required.**
- (B)—The request must be on ~~the a~~ form approved by the State Court Administrative Office.
- (F)—Denial of a Request to Waive/Suspend Fees. A judge shall enter an order either granting or denying the request within **one three** business days.
- (G)—If a party is entitled to relief in an action for divorce...

## In the Hall of Justice (continued)

**Proposed Amendment of Rule 6.302 of the Michigan Court Rules (ADM File No. 2017-16)**—Pleas of Guilty and Nolo Contendere (See *Michigan Bar Journal* July 2018, p 70.)

**STATUS: Comment Period Expires 9/1/18;**

**Public Hearing to Be Scheduled**

**POSITION: Support.**

**Proposed Amendment of Rule 6.502 of the Michigan Court Rules and Rule 3.8 of the Michigan Rules of Professional Conduct (ADM File No. 2013-05/2014-46)**—Motion for Relief from Judgment; Special Responsibilities of a Prosecutor (See *Michigan Bar Journal* May 2018, p 76.)

**STATUS: Comment Period Expires 9/1/18;**

**Public Hearing to Be Scheduled**

**POSITION: Support** amendments to Rule 6.502 with a further amendment to (3)(a) removing the proposed language after “shifts in scientific consensus.” Support the amendments to Rule 3.8 as drafted.

**Proposed Amendment of Rule 7.202 of the Michigan Court Rules (ADM File No. 2017-20)**—Definitions (See *Michigan Bar Journal* June 2018, p 87.)

**STATUS: Comment Period Expired 8/1/18;**

**Public Hearing to Be Scheduled**

**POSITION: Support.**

**Proposed Amendment of Rule 4.4 of the Michigan Rules of Professional Conduct (ADM File No. 2017-29)**—Respect for Rights of Third Persons (See *Michigan Bar Journal* July 2018, p 70.)

**STATUS: Comment Period Expires 9/1/18;**

**Public Hearing to Be Scheduled**

**POSITION: Support.**

**Proposed Amendment of Rule 7.1 of the Michigan Rules of Professional Conduct (ADM File No. 2017-25)**—Communications Concerning a Lawyer’s Services (See *Michigan Bar Journal* July 2018, p 71.)

**STATUS: Comment Period Expires 9/1/18;**

**Public Hearing to Be Scheduled**

**POSITION: Support.**

## FOCUS ON YOUR PET’S CARE NOT THE COST

Pets’ medical emergencies never happen when you expect them. Pet insurance reimburses you for covered vet bills, so you can give your pet the best care possible.

**SAVE 10% WITH YOUR MEMBER DISCOUNT\***

1-877-343-5314  
aspcapetinsurance.com/sbm  
Priority Code: SBMPET

**SBM**  
STATE BAR OF MICHIGAN

**PREFERRED PARTNER**

**ASPCA**® PET HEALTH INSURANCE

\* Discounts apply to base plan premium. Plans are underwritten by the United States Fire Insurance Company and administered by Fairmont Specialty Insurance Agency (FSIA Insurance Agency in CA), companies of Cum & Forster. The ASPCA® does not offer insurance. Through a strategic licensing agreement, in exchange for the use of ASPCA trademarks, the ASPCA is paid a royalty fee of up to 10% of the purchase price, with a minimum of \$335,000 per year.

U0816-SBM04

