

# 2019/2020 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).

**HB 4378** (Pagan) Civil rights: public records; Crime victims: rights; Crimes: criminal sexual conduct. Civil rights; public records; identity of parties proceeding anonymously in civil actions alleging sexual misconduct; exempt from disclosure under freedom of information act. Amends sec. 13 of 1976 PA 442 (MCL 15.243).

**POSITION:** Support with an amendment that the exemption set forth in the bill also apply to survivors of human trafficking.

**HB 4535** (Berman) Law enforcement: law enforcement information network (LEIN); Law enforcement: records; Criminal procedure: defenses; Criminal procedure: prosecuting attorneys. Law enforcement; law enforcement information network (LEIN); access to law enforcement information network (LEIN); allow for defense attorneys under certain circumstances. Amends sec. 4 of 1974 PA 163 (MCL 28.214) & adds sec. 4a.

**POSITION:** Support the concept of defense attorneys having access to LEIN information; oppose the bill as drafted.

**SB 0231** (Runestad) Civil procedure: service of process. Civil procedure; service of process; proof of service; provide for verification of service. Amends sec. 1910 of 1961 PA 236 (MCL 600.1910).

**POSITION:** Support.

## In the Hall of Justice

**Proposed Amendments of Rules 1.109, 2.107, 2.113, 2.116, 2.119, 2.222, 2.223, 2.225, 2.227, 3.206, 3.211, 3.212, 3.214, 3.303, 3.903, 3.921, 3.925, 3.926, 3.931, 3.933, 3.942, 3.950, 3.961, 3.971, 3.972, 4.002, 4.101, 4.201, 4.202, 4.302, 5.128, 5.302, 5.731, 6.101, 6.615, 8.105, and 8.119, and rescission of Rule 2.226 and 8.125 of the Michigan Court Rules (ADM File No. 2002-37)**—Court Records Defined; Document Defined; Filing Standards; Signatures; Electronic Filing and Service; Access; Service and Filing of Pleadings and Other Documents; Form, Captioning, Signing, and Verifying of Documents; Summary Disposition; Motion Practice; Change of Venue; Venue Proper; Change of Venue; Venue Improper; Joinder of Party to Control Venue; Transfer of Actions on Finding of Lack of Jurisdiction; Initiating a Case; Judgments and Orders; Postjudgment Transfer of Domestic Relations Cases; Action Under Uniform Acts; Habeas Corpus to Inquire into Cause of Detention; Definitions; Persons Entitled to Notice; Open Proceedings; Judgments and Orders; Records Confidentiality; Destruction of Court Records; Setting Aside Adjudications; Transfer of Jurisdiction; Change of Venue; Initiating Delinquency Proceedings; Acquiring Physical Control of Juvenile; Trial; Waiver

of Jurisdiction; Initiating Child Protective Proceedings; Pleas of Admission or No Contest; Trial; Transfer of Actions from District Court to Circuit Court; Civil Infraction Actions; Summary Proceedings to Recover Possession of Premises; Summary Proceedings; Land Contract Forfeiture; Statement of Claim; Change of Venue; Commencement of Decedent Estates; Confidential Access to Records; The Complaint; Misdemeanor Traffic Cases; General Duties of Clerks; Court Records and Reports; Duties of Clerks; Electronic Filing of Citation (See *Michigan Bar Journal* July 2019, p 86.)

**STATUS:** Comment Period Expires 9/1/19;

**Public Hearing to Be Scheduled**

**POSITION:** Support.

**Proposed Amendment of Rule 2.612 of the Michigan Court Rules (ADM File No. 2018-12)**—Relief from Judgment or Order (See *Michigan Bar Journal* June 2019, p 73.)

**STATUS:** Comment Period Expired 8/1/19;

**Public Hearing to Be Scheduled**

**POSITION:** Support with an amendment to change “are abolished” to “remain abolished.”

## In the Hall of Justice (continued)

**Proposed Amendment of Rule 3.106 of the Michigan Court Rules (ADM File No. 2018-18)**—Procedures Regarding Orders for the Seizure of Property and Orders of Eviction (See *Michigan Bar Journal* July 2019, p 87.)

**STATUS: Comment Period Expires 9/1/19;**

**Public Hearing to Be Scheduled**

**POSITION: Support.**

**Proposed Amendment of Rule 3.201 and Proposed Addition of Rule 3.230 of the Michigan Court Rules (ADM File No. 2018-16)**—Applicability of Rules; Actions Under the Summary Support and Paternity Act (See *Michigan Bar Journal* June 2019, p 72.)

**STATUS: Comment Period Expired 8/1/19;**

**Public Hearing to Be Scheduled**

**POSITION: Support** the proposed amendments to Rule 3.201 and the proposed addition of Rule 3.230 with two amendments requiring that

- (1) the agency file a domestic violence screening tool completed by each party and that the court be required to hold a hearing if domestic violence is indicated, and
- (2) the IV-D agency must file a waiver signed by each party that they were informed of their right to opt out of the process.

**Proposed Amendment of Rule 3.501 of the Michigan Court Rules (ADM File No. 2018-02)**—Class Actions (See *Michigan Bar Journal* July 2019, p 86.)

**STATUS: Comment Period Expires 9/1/19;**

**Public Hearing to Be Scheduled**

**POSITION: Take no position** on the policy presented in Rule 3.501, but recommend alternative language to clarify the proposed amendments.

**Proposed Amendment of Rule 6.508 of the Michigan Court Rules (ADM File No. 2017-02)**—Procedure; Evidentiary Hearing; Determination (See *Michigan Bar Journal* June 2019, p 73.)

**STATUS: Comment Period Expires 9/1/19;**

**Public Hearing to Be Scheduled**

**POSITION: Support.**

**Proposed Amendment of Rule 8.115 of the Michigan Court Rules (ADM File No. 2018-30)**—Courtroom Decorum; Policy Regarding Use of Cell Phones or Other Portable Electronic Communication Devices (See *Michigan Bar Journal* July 2019, p 86.)

**STATUS: Comment Period Expires 9/1/19;**

**Public Hearing to Be Scheduled**

**POSITION: Support.**

**Proposed Amendment of Court of Claims Local Court Rule 2.119 (ADM File No. 2018-28)**—Motion Practice (See *Michigan Bar Journal* July 2019, p 87.)

**STATUS: Comment Period Expires 9/1/19;**

**Public Hearing to Be Scheduled**

**POSITION: Support.**

## Model Criminal Jury Instructions

**M Crim JI 3.8**—Less Serious Crimes (See *Michigan Bar Journal* June 2019, p 64.)

**POSITION: Support.**

**M Crim JI 7.15, 7.16, 7.21, and 7.22**—Use of Deadly Force in Self-Defense; Duty to Retreat to Avoid Using Deadly Force; Defense of Others—Deadly Force; Use of Non-deadly Force in Self-Defense or Defense of Others (See *Michigan Bar Journal* May 2019, p 54.)

**POSITION: Support.**

**M Crim JI 10.10, 10.10a, 10.10b, and 10.10c**—Gang-Motivated Crimes; Encouraging Gang-Motivated Crimes; Making Threats to Deter a Person from Assisting Another to Withdraw from Gang Membership; Threatening a Person to Retaliate for Withdrawing from Gang Membership (See *Michigan Bar Journal* June 2019, p 64.)

**POSITION: Support.**