

In the Hall of Justice

Any member who would like more information concerning the rationale for positions taken can refer to www.michbar.org/publicpolicy/home or contact Peter Cunningham at the State Bar of Michigan; 306 East Townsend Street; Lansing, MI 48933-2012 or at (800) 968-1442. For the most current status information, visit www.michiganlegislature.org.

Proposed Amendments of Rules 1.109 and 8.119 of the Michigan Court Rules (ADM File No. 2020-26)—Court Records Defined; Document Defined; Filing Standards; Signatures; Electronic Filing and Service; Access; Court Records and Reports; Duties of Clerks (See *Michigan Bar Journal* December 2020, p 69).

STATUS: Comment Period Expired 2/1/21;

Public Hearing to Be Scheduled.

POSITION: Support in concept.

Proposed Amendment of Rule 2.302 of the Michigan Court Rules (ADM File No. 2020-19)—Duty to Disclose; General Rules Governing Discovery (See *Michigan Bar Journal* December 2020, p 70).

STATUS: Comment Period Expires 3/1/21;

Public Hearing to Be Scheduled.

POSITION: Oppose.

Alternative Proposed Amendments of Rule 6.502 of the Michigan Court Rules (ADM File No. 2020-07)—Motion for Relief from Judgment (See *Michigan Bar Journal* December 2020, p 71).

STATUS: Comment Period Expired 2/1/21;

Public Hearing to Be Scheduled.

POSITION: Support Alternative A with the amendments below:

Return of Insufficient Motion. If a motion is not submitted on a form approved by the State Court Administrative Office, or does not substantially comply with the requirements of these rules, the court shall either direct that it be returned to the defendant with a statement of the reasons for its return, along with the appropriate form, or adjudicate the motion under the provisions of these rules. When a pro se defendant files his or her first motion effectively seeking to set aside or modify the judgment but styles the motion as something other than a motion for relief from judgment, the court shall promptly notify the defendant of its intention to recharacterize the pleading as a motion for relief from judgment; inform the defendant of any effects this might have on subsequent motions for relief, see MCR 6.502(B), (G); and provide the defendant 90 days to withdraw or amend his or her motion before the court recharacterizes the motion. If the court fails to provide this notice and opportunity for withdrawal or amendment or the defendant establishes that notice was not actually received, the defendant's motion cannot be considered a motion for relief from judgment for purposes of MCR 6.502(B), (G). The clerk of the court shall retain a copy of the motion.

Model Criminal Jury Instructions

The Committee on Model Criminal Jury Instructions has adopted the following revision.

ADOPTED

[REVISED] Chapter 15—Traffic Offenses

The committee has rewritten Chapter 15 (Traffic Offenses) of the Model Criminal Jury Instructions, effective February 1, 2021. The number and length of the jury instructions involved makes publication in the *Michigan Bar Journal* impossible. The proposal is published at https://courts.michigan.gov/Courts/MichiganSupremeCourt/criminal-jury-instructions/Documents/adopted/MCrimJI-Chapter-15_as_adopted.pdf.