

In the Hall of Justice

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.

Proposed Amendment to Rule 5.117 of the Michigan Court Rules—Amendment to allow for limited scope representation in probate proceedings and civil actions pending in probate court.

POSITION: Support.

Proposed Amendment of Rule 6.425 of the Michigan Court Rules (ADM File No. 2017-27)—Sentencing; Appointment of Appellate Counsel (See *Michigan Bar Journal* December 2018, p 63.)

STATUS: Comment Period Expired 2/1/19;

Public Hearing to Be Scheduled

POSITION: Support with several amendments: Keep the “filed with the court” language proposed by the court; incorporate the prisoner mailbox rule into this rule; explicitly provide the defendant with the opportunity to file the request at sentencing; and delete “substantial and compelling” from 6.425(E)(1)(e).

Model Criminal Jury Instructions

M Crim JI 3.11—Deliberations and Verdict (See *Michigan Bar Journal* January 2019, p 62.)

STATUS: Comment Period Expires 4/1/19

POSITION: Support.

M Crim JI 3.29, 3.30, and 3.31—Verdict Form Insanity Defense; Verdict Form Lesser Offenses; Verdict Form Insanity Defense with Lesser Offenses (See *Michigan Bar Journal* November 2018, p 70.)

STATUS: Comment Period Expired 1/1/19

POSITION: Support with two amendments: the addition of “Guilty of the Lesser Offense of:” under 3.30 “Count 1”; and the addition of “Not Guilty” on the verdict form of cases where insanity defenses used.

M Crim JI 7.25—Self-Defense as Defense to Felon in Possession of a Firearm (See *Michigan Bar Journal* January 2019, p 62.)

STATUS: Comment Period Expires 5/1/19

POSITION: Support.

M Crim 11.38 and 11.38a—Felon Possessing Firearm: Nonspecified Felony; Felon Possessing Firearm: Specified Felony (See *Michigan Bar Journal* January 2019, p 63.)

STATUS: Comment Period Expires 4/1/19

POSITION: Support with an amendment inserting “previously” after “had” in 11.38(2) and 11.38a(2) to allow for better clarity in the jury instruction.

M Crim JI 14.2a—Perjury (See *Michigan Bar Journal* November 2018, p 70.)

STATUS: Comment Period Expired 1/1/19

POSITION: Support.

M Crim JI 15.18—Moving Violation Causing Death or Serious Impairment of a Body Function (See *Michigan Bar Journal* January 2019, p 63.)

STATUS: Comment Period Expires 5/1/19

POSITION: Support.

M Crim JI 20.38c—Child Sexually Abusive Activity—Possessing or Accessing (See *Michigan Bar Journal* November 2018, p 70.)

STATUS: Comment Period Expired 2/1/19

POSITION: Support with the following amendment: (2) First, that the defendant [~~possessed child sexually abusive material/intentionally sought and viewed~~ looked for child sexually abusive material and intentionally caused to view it, or to cause it to be sent to or seen by another person].

M Crim JI 27.1 and 27.5—Embezzlement by Agent or Servant; Embezzlement of Mortgaged Property (See *Michigan Bar Journal* November 2018, p 71.)

STATUS: Comment Period Expired 1/1/19

POSITION: Support.

M Crim JI 33.1, 33.1a, 33.1b, 33.1c, 33.1d, 33.1e, 33.1f, and 33.1g—Possession or Sales or Animal for Fighting, Baiting, or Shooting; Use of an Animal for Fighting, Baiting, or Shooting; Exhibitions of Animal Fighting, Baiting, or Shooting; Breeding, Buying, or Selling Animal Trained for Fighting, Baiting, or Shooting; Possessing or Buying Equipment for Animal Fighting, Baiting, or Shooting; Owning Animal Training for Fighting—Attacking a Person; Owning Animal Trained for Fighting—Unrestrained (See *Michigan Bar Journal* November 2018, p 72.)

STATUS: Comment Period Expired 2/1/19

POSITION: Support.