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August 14, 2012

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Corbin Davis  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

306 Townsend Street  
Michael Franck Building  
Lansing, MI  
48933-2012

**RE: ADM File No. 2010-34 – Proposed Amendment of Rule 6.419 of the Michigan Court Rules**

Dear Clerk Davis:

At its July 27, 2012, meeting, the Board of Commissioners of the State Bar of Michigan considered the above rule amendment published for comment. In its review, the Board considered a recommendation from the Criminal Jurisprudence & Practice Committee (attached). The Board voted unanimously to support Alternative B.

We thank the Court for the opportunity to convey the Board's position.

Sincerely,



Janet K. Welch  
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court  
Julie I. Fershtman, President

## Report on Public Policy Position

**Name of committee:**

Criminal Jurisprudence & Practice Committee

**Contact persons:**

Hon. David Hoort  
Gretchen Schlaff

**E-mail:**

Hon. David Hoort - [dhoort@ioniacounty.org](mailto:dhoort@ioniacounty.org)  
Gretchen Schlaff - [Gretchen.Schlaff@macombcountymi.gov](mailto:Gretchen.Schlaff@macombcountymi.gov)

**Proposed Court Rule or Administrative Order Number:**

2010-34 - Proposed Amendment of Rule 6.519 of the Michigan Court Rules

Alternative A would revise MCR 6.419 to be similar to the federal corollary of this rule (FR Crim P 29[b]). Under this language, the trial court would be entitled to reserve judgment on a motion for directed verdict. Alternative B would allow a trial court to reconsider its decision to grant a directed verdict. This language was proposed based on the United States Supreme Court decision of *Smith v Massachusetts*, 543 US 462 (2005).

**Date position was adopted:**

June 18, 2012

**Process used to take the ideological position:**

Position adopted after a discussion at a scheduled meeting and an e-vote.

**Number of members in the decision-making body:**

20

**Number who voted in favor and opposed to the position:**

13 Voted for position  
3 Voted against position  
0 Abstained from vote  
4 Did not vote

**Position:**

Support the Adoption of Alternative B

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

[http://courts.michigan.gov/supremecourt/Resources/Administrative/2010-34\\_2012-05-02\\_order.pdf](http://courts.michigan.gov/supremecourt/Resources/Administrative/2010-34_2012-05-02_order.pdf)