SBM STATE BAR OF MICHIGAN

p 517-346-6300
p 800-968-1442
f 517-482-6248
www.michbar.org

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

August 21, 2013

Larry Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2013-18 – Proposed Amendments of Rule 3.210, 3.215, and 6.104 of the Michigan Court Rules and Proposed New Rule 8.124 of the Michigan Court Rules
ADM File No. 2013-18 – Proposed Administrative Order No. 2013-__

Dear Clerk Royster:

At its July 26, 2013 meeting, the Board of Commissioners of the State Bar of Michigan considered the above matters published for comment. In its review, the Board considered recommendations from the Civil Procedure & Courts Committee and the Criminal Jurisprudence & Practice Committee. The Board voted to support with two amendments:

(1) Amend MCR 8.124(B)(3) as follows:

> In all criminal proceedings, where evidence is taken or punishment imposed ~~In criminal trials and evidentiary hearings that occur as part of a criminal trial~~, the defendant shall either be physically present in the courtroom or shall consent to the use of videoconferencing technology for participation. At a criminal trial, the witness shall be either physically present or the parties shall stipulate to the use of videoconferencing technology for participation. In all other court proceedings that relate to criminal matters, the court may determine whether to use videoconferencing technology for the defendant's participation. In delinquency adjudications and evidentiary hearings that occur as part of a delinquency adjudication, the juvenile shall either be physically present in the courtroom or a parent, guardian, or the attorney for the juvenile shall consent to the use of videoconferencing technology for the juvenile's participation.

(2) Include a "good cause" objection provision.

We thank the Court for the opportunity to comment on the proposed administrative files numbers.

Sincerely,

Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Bruce A. Courtade, President