

Michigan Judges Association

Founded 1927

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July 30, 2013

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

RE: ADM Files; **2013-08; 2013-20**

Dear Clerk Royster:

At the June 11, 2013 meeting of the Michigan Judges Association, the Executive Board, Rules Committee, and Family Law Committee considered the above-referenced proposed amendments.

We would encourage the adoption of all of the files related to 2013-08 with the following clarifications:

Proposed Rule 8.124(B)(3) reads

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. In all other court proceedings that relate to criminal matters, the court may determine whether to use videoconferencing technology for the defendant's participation.

We would suggest that "trial" be changed to "proceeding" so it would be clear that it would apply to both trials and evidentiary hearings that are related to a criminal case or proceeding, not just those hearings conducted during a trial.

The second area of concern we had was with some of the requirements in the standards section.

1. Interactive video technology equipment must be capable for 30fps. A preferred video quality is 4CIF or better, but resolution quality is at the discretion of the local court.

6. Courtroom camera(s) shall have the capability to scan the courtroom so that remote participants may observe other persons present and activities taking place in the courtroom during the proceedings.

We encourage the Court to establish standards for the use of video conferencing that will change with the technology but will recognize that Courts may not be able to make changes once systems are installed due to budget constraints.

For example, some courts have video conferencing systems that were installed some time ago that do not have the ability to scan the courtroom as required in paragraph 6. We would suggest that the standards be imposed for new systems but would allow the use of older systems if they were already approved by SCAO.

We also would encourage the adoption of 2013-20.

We thank the Court for considering our input on these matters. If the Michigan Judges Association may provide any further information or assistance, please do not hesitate to contact us.

Sincerely,

Hon. Lita Popke, President
Michigan Judges Association

CC: Hon. Robert Young, Chief Justice Michigan Supreme Court
Hon. Paul Stutesman, Rules Committee Chairperson, Michigan Judges Association
Hon. Joan E. Young, Family Law Committee Chairperson, Michigan Judges Association
Hon. Steve Gorsalitz, President-Elect, Michigan Judges Association
Anne Boomer, Administrative Counsel, Michigan Supreme Court