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The Honorable Robert Young
Chief Justice
Michigan Supreme Court
Post Office Box 30052
Lansing, Michigan 48909

re: *ADM File No. 2013-24*
Proposed A.O. 2013-___

Dear Chief Justice Young:

On behalf of the Criminal Defense Attorneys of Michigan, I write in support of Proposed A.O. 2013-___ to replace the Caseflow Management Guidelines currently in A.O. 2011-3, but urge the Court to go further. Notwithstanding the somewhat relaxed guidelines contained in the proposal, they still unduly and disproportionately constrain the defense. Criminal cases, whether felony or misdemeanor, are not fungible even by case-type, and it is unjust for law enforcement to take whatever time it needs to bring a case but then hold the defense to a stopwatch in terms of mounting a defense. This is particularly true in the more serious cases, and also where scientific analyses are involved, but the fact is any criminal charge can involve complexities beyond that contemplated even by the proposed relaxed guidelines.

A related problem is the frequent citation by trial judges to the guidelines as hard-and-fast "deadlines." Defense attorneys across Michigan, in both felony and misdemeanor contexts, report unreasonably short pretrial schedules by judges who cite the SCAO reporting requirements as justification. Both the existing and proposed Orders emphasize their "guideline" nature. However, more needs to be done to ensure that pretrial and trial schedules are set case-by-case and not in formulaic lock-step with a calendar regardless of a particular case's needs.

As always, we appreciate the opportunity to provide this comment.

Sincerely,

John A. Shea, Co-Chair
Rules and Laws Committee
Criminal Defense Attorneys of Michigan