

STATE APPELLATE DEFENDER OFFICE

DAWN VAN HOEK
DIRECTOR

JONATHAN SACKS
DEPUTY DIRECTOR

www.sado.org
Client calls: 313.256.9822



MAIN OFFICE:
PENOBSCOT BLDG., STE 3300
645 GRISWOLD
DETROIT, MI 48226-4281
Phone: 313.256.9833 • Fax: 313.965.0372

LANSING AREA:
Phone: 517.334.6069 • Fax: 517.334.6987

January 30, 2013

Mr. Corbin Davis
Clerk, Michigan Supreme Court
925 W Ottawa Street
Lansing, MI 48915

Re: Proposed Amendment to MCR 2.512

Dear Mr. Davis:

I am writing to support the proposed amendment to MCR 2.512, which would require trial courts to use model jury instructions in criminal cases under the same circumstances in which they are used in civil cases.

Currently, criminal jury instructions are “standard,” not “model,” and do not have the official sanction of the Michigan Supreme Court. The standard criminal jury instructions are drafted, amended and proposed by the Criminal Jury Instructions Committee of the State Bar of Michigan. The standard instructions are published by the Institute for Continuing Legal Education (ICLE). The current accessibility of criminal jury instructions is a real problem for attorneys taking what are often low-paying criminal assignments. Attorneys are required to have paid subscription access to ICLE in order to view the instructions online, or are required to purchase the instructions in book format through ICLE for a fee. It is imperative to an effective criminal justice system that all attorneys have easy and equal access to the criminal jury instructions. To the extent that this proposal would make the model criminal jury instructions freely accessible through the Michigan Supreme Court’s website just as the model civil jury instructions are, I am in support of the amendment.

The proposed amendment will also have the effect of establishing a newly created Committee on Model Criminal Jury Instructions. I request that the defense and prosecution have equal representation on the Committee, and that members of the State Appellate Defender Office and the Criminal Defense Attorneys of Michigan be considered for appointment to the Committee.

Respectfully,

A handwritten signature in cursive script that reads 'Dawn Van Hoek'.

Dawn Van Hoek
Director