

Michigan District Judges Association



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June 27, 2016

Chief Justice Robert P. Young, Jr.
Michigan Supreme Court
925 W. Ottawa Street
P.O. Box 30052
Lansing, MI 48909

Dear Justice Young:

The Michigan District Judges Association has reviewed the proposed court rule amendments at file ADM File No. 2013-18 with public comment solicited by July 1, 2016, and would like to share the following comments and concerns regarding rules that apply to district court.

Rule 3.708 relates to contempt proceedings for violation of personal protection orders. Although this is a matter of circuit court jurisdiction, some of our judges do handle personal protection orders. We are concerned at the inclusion of telephonic or voice technology to take testimony because of the danger of not being able to identify the person testifying.

Rule 4.101 would allow videoconferencing technology by any participant in a civil infraction action. We support this amendment because it gives the judge discretion to allow or refuse. It is important to us to retain the authority to control our courtrooms to only allow the technology where it doesn't interfere with substantial justice.

Rule 4.202 addresses summary proceedings and land contract forfeiture. Again we find this proposal acceptable only because it leaves the discretion in the hands of the judge. Landlord/tenant cases especially are often on our schedules in very high volume. It is vital that we be able to establish procedures for our courtrooms that handle these cases efficiently. Many of us have eviction diversion and mediation available to assist the mostly unrepresented tenants in the courthouse at the time of their hearing. Those programs would be unlikely to be available if the landlord or

Chief Justice Robert P. Young, Jr.

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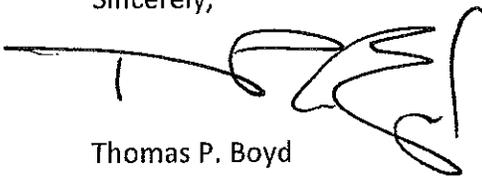
tenant were at a distance. It also is very time-consuming in our courtrooms to bring in people on the polycom, requiring prior scheduling and having parties available at a distance whenever we are available to call their case. Most negotiations of these cases occur in the courthouse just prior to the hearing and, fortunately, this negotiation settles the large majority of cases, reducing our number of hearings. Many of the landlords' attorneys who appear regularly in front of us are familiar with our forms and procedures and can assist in prompt resolution of cases. Videoconferencing would substantially slow this procedure down and reduce the number of resolutions at first court appearance.

Rule 6.006 applies to criminal trials and would grant judges the authority to allow two-way interactive video technology with defendant's consent even over objection of the prosecutor if six factors are carefully weighed first by the judge. We support this amendment because it protects procedural fairness.

We have found videoconferencing to be very helpful and cost saving in many situations. We are supportive, but only as long as the judge continues to maintain control over its use in the courtroom. We need to be able to balance the convenience and cost-savings against the disruption of the prompt, orderly flow of our cases as well as the justice to be achieved.

We appreciate your consideration of our positions.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Boyd', with a long horizontal line extending to the left.

Thomas P. Boyd
President, Michigan District Judges Association

pc: Anne Boomer
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