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May 26, 2015

Mr. Larry S. Royster, Clerk
Michigan Supreme Court
925 West Ottawa Street
Lansing, MI 48915

Re: ADM File No. 2014-09

Dear Mr. Royster:

The Court should not adopt the proposed amendment to MCR 7.215(C). A recent survey of Court of Appeals opinions issued in the last two years in which SADO obtained relief for our clients discloses that out of thirteen opinions, *none* were published. Anecdotally, this lopsided percentage has persisted over the years. These unpublished opinions can provide useful analysis.

Unpublished opinions are frequently used by trial court judges around the state when deciding matters before them. They should likewise be freely available for use by advocates, and considered by appellate panels, without the unnecessary hurdles contained in proposed MCR 7.215(C).

The proposed amendment, if adopted, would limit the ability of appellate assigned counsel, at both SADO and MAACS, to effectively advocate for clients. The ability to use legal analysis applied to a wide range of facts is invaluable, and is only possible when unpublished opinions can be freely cited. Everyone benefits when an advocate can point out a factually similar case that led to relief from an appellate panel, whether published or unpublished. The universe of published opinions is a good one for precedent, but a constricted one for persuasion and robust legal analysis.

Sincerely,

Dawn Van Hoek
Director

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