
From: John Lowe
Sent: Tuesday, November 17, 2015 3:59 PM
To: ADMcomment
Subject: Administrative Order 2015-9 - MAACS Pilot Project

Dear Justices,

The focus of the MAACS pilot project is on the process for appointing counsel, but it should be noted that project terms as outlined in the administrative order entered on September 16, 2015, represents a change with respect to ordering transcripts. ¶ (2)(b) of the administrative order indicates that MAACS will provide the trial court with a proposed order that appoints counsel and orders "all transcripts as required by MCR 6.425(G)." However, MCR 6.425(G) does not require the trial court to order all the transcripts. MCR 6.425(G)(3) requires the ordering of transcripts of the plea or trial and the sentencing, "and such transcripts of other proceedings, not previously transcribed, that the court directs or the parties request."

Since the focus of the project is the change in the process for appointing counsel and the statement regarding the ordering of transcripts is somewhat ambiguous, I thought it appropriate to point out this change from the requirement under MCR 6.425(G)(3).

The phrase, "all transcripts as required by MCR 6.425(G)(3)" could possibly be read as "all transcripts that are required by MCR 6.425(G)(3)," but the writer is aware that MAACS is interpreting the language to mean "all" transcripts, including transcripts of all the proceedings in district court and all pretrial hearings in the circuit court.

Perhaps this change is warranted. I am writing only to point out that this is a change and a change that adds to the burden of the circuit courts and, to some degree, to the Court of Appeals.

Sincerely and Respectfully,
John P. Lowe
District Clerk
Michigan Court of Appeals