

TO MICHIGAN SUPREME COURT
OFFICE OF ADMINISTRATIVE COUNSEL
ANNE BOOMER Adm. File # 2013-18
Proposed Amendment to MCR 5.738a
Request To Speak

STATEMENT FOR 9-14-16 PUBLIC HEARING ON VIDEOCONFERENCING

I support the proposed Rule 5.738a amendment to ensure that the subjects of mental commitments are allowed to attend their full commitment hearing/trial. Although the Michigan's psychiatric commitment process will remain unconstitutional in numerous ways, ensuring that respondents may appear in person at the only legal hearing that they are entitled to under the mental health code is a necessary step forwards on behalf of the Constitutions and the idea of liberty and justice for all.

The subjects of mental commitments can suffer a very substantial loss of liberty. Those accused of crimes will often do better. Commitment respondents are usually held, in effect, without bail, without access to law library, and with only a few days to prepare a legal defense. Respondents often don't even meet their counsel until the day of the full hearing, and they no longer even get a preliminary hearing. Michigan also does not provide for informed consent hearings, so that commitment adjudications result in Doctors forcibly prescribing potentially mentally and physically harmful drugs for 60-90-180 days. It appears that the best argument for opposing the Rule amendment is that mental commitments are already such sham, kangaroo court, proceedings that it won't make any difference to deprive them of some more constitutional rights.

Historically, security concerns have been ameliorated by holding hearings at the hospital. It is farcical to believe that the rights to due process, a fair trial, access to courts, and the right to effective assistance of counsel are not violated by forcing the respondent to appear only through a video screen. The citizen should be able to make the choice without worry that the judge or hospital staff will veto or retaliate for their exercise of their constitutional rights.

Thank you. Sincerely,



Sean Bennett Civil Rights Advocate
1011 Crown St. Kal Mi 49006
734-239-3541