

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE
Respectfully submits the following position on:

*

ADM File No. 2014-15

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The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar position on this matter is to take no position but authorize the Criminal Jurisprudence & Practice Committee and Criminal Issues Initiative to submit their comments to the Court.

The total membership of the Criminal Jurisprudence & Practice Committee is 18.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 18. The number who voted in favor to this position was 6. The number who voted opposed to this position was 3. The number who abstaining from voting was 1.

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE

CO-CHAIRS

Nichole Jongsma Derks
Foster Swift Collins & Smith PC
151 Central Ave
Holland, MI 49423-2831

J. Kevin McKay
63rd District Court
1950 E Beltline Ave NE
Grand Rapids, MI 49525-7075

MEMBERS

Ryan Lee Berman, Bloomfield Hills
Wilson D. Brott, Acme
Opolla Brown, Detroit
Thomas E. Evans, Bad Axe
Nimish R. Ganatra, Ann Arbor
Julia F. Norton, Lansing
Julie A. Powell, Detroit
Susan F. Reed, Detroit
Richmond M. Riggs, Detroit
Jonathan Sacks, Detroit
Gretchen A. Schlaff, Mount Clemens
Samuel R. Smith, III, Lansing
Lee A. Somerville, Redford
Michael A. Tesner, Flint
Bruce A. Timmons, Okemos

July 24, 2015

Larry S. Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

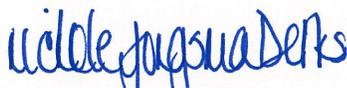
**RE: ADM File No. 2014-15 – Proposed Amendment of Rule 6.106 of
the Michigan Court Rules**

Dear Clerk Royster:

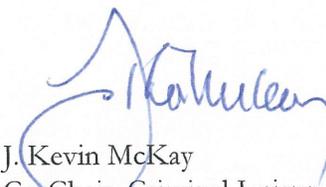
The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan. The State Bar has authorized the Committee to submit its position of support on ADM File No. 2014-15 to the Court.

Sincerely,



Nichole Jongsma Derks
Co-Chair, Criminal Jurisprudence
& Practice Committee



J. Kevin McKay
Co-Chair, Criminal Jurisprudence
& Practice Committee

Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice

Contact persons:

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Proposed Court Rule or Administrative Order Number:

[2014-15 - Proposed Amendment of Rule 6.106 of the Michigan Court Rules](#)

The proposed amendments of MCR 6.106(B) and (D) would provide clarification that courts are permitted to exercise their inherent power to order conditions that limit or prohibit a pretrial defendant's contact with any named person to be effective immediately, even while defendant remains in custody. These conditions are allowed in a custody order when the protective limitation or prohibition is necessary to maintain the integrity of the judicial proceedings.

Date position was adopted:

May 14, 2015

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

18

Number who voted in favor and opposed to the position:

6 Voted for position

3 Voted against position

1 Abstained from vote

8 Did not vote (absent)

Position:

Support

Explanation of the position, including any recommended amendments:

The Committee voted to support the proposed amendment of Rule 6.106. It was agreed that this amendment would clarify the court's authority to limit defendant contact with the victim, especially in domestic cases.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Court%20Rules/2014-15_2015-04-08_formatted%20order.pdf