

October 1, 2021

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

RE: ADM File No. 2020-13 – Proposed Amendment of Rule 6.005 of Michigan Court Rules

Dear Clerk Royster:

At its September 17, 2021 meeting, the Board of Commissioners of the State Bar of Michigan considered ADM File No. 2020-13. In its review, the Board considered recommendations from the Criminal Jurisprudence & Practice Committee and Criminal Law Section. The Board voted unanimously to support the amendment as proposed.

The amendment would improve the efficiency of the court by clarifying the duties of attorneys in preconviction appeals. Additionally, requiring written notification to the Court of Appeals when a defendant elects not to file a response to a preconviction appeal by a prosecutor will ensure that the defendant has made such election knowingly and that the defendant's opportunity to respond is not inadvertently missed by trial counsel.

We thank the Court for the opportunity to comment on the proposed amendment.

Sincerely,



Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Dana M. Warnez, President