



Report on Public Policy Position

Name of Section:

Appellate Practice Section

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Proposed Court Rule or Administrative Order Number:

2006-05 - Proposed Amendment of Rules 6.610, 6.625, and 7.103 of the Michigan Court Rules

The Representative Assembly of the State Bar of Michigan unanimously approved a proposal, recommended by the Criminal Jurisprudence and Practice Committee, that the Court amend MCR 6.610 by adding a new subrule (I). The bar believes that is proposed language to the rule would ensure that the individuals who are convicted in district court are aware of their right to counsel pursuant to *Halbert v Michigan*, 545 US ____; 125 S Ct 2582; 162 L Ed 2d 552 (2005), and their right to appeal. The Court, however, instead is proposing amendments of the rule that would reflect alternative language.

Date position was adopted:

October 30, 2006

Process used to take the ideological position:

Vote of council on ListServ

Number of members in the decision-making body:

23

Number who voted in favor and opposed to the position:

In favor: 16

Opposed: 0

Abstained: 2

Position:

The Section opposes the restriction in the proposed amendment that a request for a lawyer on appeal must be made within 7 days after sentencing. Instead, the Section supports the proposal of the Criminal Jurisprudence and Practice Committee that this time restriction be increased to 21 days.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://courts.michigan.gov/supremecourt/Resources/Administrative/2006-05.pdf>