



Report on Public Policy Position

Name of Section or Committee:

Appellate Practice Section

Contact Person:

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Proposed Court Rule or Administrative Order Number:

2006-08 - Proposed Amendment of Rule 7.211 of the Michigan Court Rules

The June 20, 2006 proposed amendments of MCR 7.211 reflect the recommendations of the Michigan Court of Appeals. The proposed amendments would reduce from 56 days to 28 days the deadline for submission of a motion to withdraw as appointed counsel in an appeal from an order terminating parental rights. The 56-day deadline would be retained for all other appeals. According to the Court of Appeals, if the proposed amendment is approved, the time before submission that is allotted to the party to file an answer to the motion will be equivalent to the time provided to that same party to draft the appellant's brief on appeal. The Court of Appeals therefore believes that shortening the time allotted in cases involving termination of parental rights would be consistent with the truncated time line that is otherwise applied to those cases. The Court of Appeals also believes that the review function of the Court of Appeals staff is a good safeguard against frivolous motions to withdraw cases where answers are not filed.

Date position was adopted:

9/29/06

Process used to take the ideological position:

Discussion on general Listserv and Council Listserv. Vote taken on Council Listserv.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

13 in favor

3 opposed

5 abstained

Position:

The Section supports the adoption of the amendment to MCR 7.211(C)(5) reducing the time to respond to a motion to withdraw by counsel. Although mindful of protecting the rights of a parent, the Section believes that the proposed amend to expedite this process should be supported.

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/2006-08-06-20-06.pdf>