

Report on Public Policy Position

Name of committee:

Criminal Jurisprudence & Practice Committee

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Proposed Court Rule or Administrative Order Number:

[2010-15 - Proposed Amendment of Rule 6.005 of the Michigan Court Rules](#)

This proposed amendment would clarify that trial counsel is required to make a defendant's file available to an appellate lawyer, and would be required to retain the file for at least five years. This file was prompted by reports of appellate counsel having difficulty obtaining trial materials (especially video or audio materials that were not transcribed as part of the transcript). The five-year period mirrors the five-year retention period contained in MRPC 1.15(b)(2).

Date position was adopted:

November 14, 2011

Process used to take the ideological position:

Position adopted after an electronic discussion and vote.

Number of members in the decision-making body:

20

Number who voted in favor and opposed to the position:

13 Voted for position
1 Voted against position
0 Abstained from vote
6 Did not vote

Position:

Support

The text 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/2010-15_2011-09-28_formatted%20order_1.pdf