

October 28, 2008

Muskegon County Bar Association

Re: Pilot Project on Jury Reforms:

Dear MCBA Members:

The Michigan Supreme Court has ordered seven circuit judges around the state to pilot various jury-reform proposals between now and December 31, 2010. I am one of the seven. The details about it can be found at Administrative Order No. 2008-2, August 5, 2008.

The current project allows each trial judge discretion to pick and choose those which he will implement. From the various options available, we have selected several to use. They are best described in the attached order. One suggestion that I do **not** plan to implement, which seems to be causing particular consternation, is MCR 2.513(M), which allows the judge to "fairly and impartially sum up the evidence and comment to the jury about the weight of the evidence."

This is a scientific study. At the conclusion, the participating attorneys, the judge, and jurors, are asked to complete a questionnaire.

I know that many of you are concerned about several of these proposals. You should know that many of them have already been tried, with great success, in sister states. Ultimately, though, the bottom line is this. We are under a court order to give them a try.

We welcome constructive comments that help to accomplish the intended purposes of the project. We have some flexibility. However, we do need to do it enough to make a fair evaluation, and to generate a valid sample for research purposes. I appreciate your help, and I look forward to working with you.

Sincerely,

HON. TIMOTHY G. HICKS  
Circuit Judge