

Report on Public Policy Position

Name of section:

Criminal Law Section

Contact person:

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Proposed Court Rule or Administrative Order Number:

[2008-28 Proposed Amendment of Rule 6.005 of the Michigan Court Rules](#)

The proposed amendment would revise MCR 6.005(H) to clarify that appointed defense counsel in a criminal proceeding either must file a substantive response to a prosecutor's application for interlocutory appeal or notify the Court of Appeals that the lawyer intends not to submit a pleading.

Date position was adopted:

January 18, 2011

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

15

Number who voted in favor and opposed to the position:

15 Voted for position

0 Voted against position

0 Abstained from vote

0 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The Criminal Law Section is Opposed to this amendment as it relates to paragraph (H)(3) as it feels counsel should file some response. This could create an excuse for attorneys to fail to respond without just cause.

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/2008-28-12-21-10.pdf>