October 29, 2026

Elizabeth C. Kingston-Miller
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2026-09: Amendment of Rule 6.201 of the Michigan Court Rules

Dear Clerk Kingston-Miller:

The Executive Committee of the Board of Commissioners of the State Bar of Michigan considered ADM File No. 2026-09 at its September 2, 2026 meeting. In its review, the Executive Committee considered supportive recommendations from both the Access to Justice Policy Committee and Criminal Jurisprudence & Practice Committee. The Executive Committee voted unanimously to support the proposed amendment of Rule 6.201.

As Justice Hood, echoed by others, noted in his concurrence, implementing the Court's opinion in *People v Madison*, ___ Mich ___ (2026) (Docket No. 167120), will likely entail "logistical, operational, and funding challenges that will have both immediate and distal impacts on our courts." As those impacts are assessed, and the Court undertakes the broader administrative review of impacts this decision may have on the Court Rules, the State Bar believes that it was a sensible first step for the Court to require defendants to provide notice to the prosecuting attorney if they intend to introduce expert evidence relating to mental illness or intellectual disability bearing on specific intent. It also makes imminent sense to standardize the notice and procedure by requiring the use of a form approved by the State Court Administrator and to require such notice to be provided not less than 30 days prior to trial, unless otherwise directed by the court, and subject to a good cause waiver. These proposed amendments to Rule 6.201 will help ensure that defendants, prosecutors, and courts alike are apprised in advance that a particular matter will involve expert evidence of diminished capacity and prepared to respond accordingly.

The State Bar supports the retention of the amendments adopted in ADM File No. 2026-09, appreciates the Court's swift adoption of these amendments in light of *Madison*, and is grateful for the opportunity to comment.

Sincerely,

Peter Cunningham
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court
Erika L. Bryant, President