

JUSTICE POLICY INITIATIVE
Respectfully submits the following position on:

*
ADM File No. 2014-45

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The Justice Policy Initiative is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Justice Policy Initiative only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar position on this matter is to support the adoption of Rule 5.731a.

The total membership of the Justice Policy Initiative is 13.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 13. The number who voted in favor to this position was 8. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of Committee:

Justice Policy Initiative

Contact Person:

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Proposed Court Rule or Administrative Order Number:

[ADM File No. 2014-45 – Proposed Adoption of Rule 5.731a of the Michigan Court Rules](#)

The proposed rule would require clinical certificates to be marked and filed as confidential and would allow only persons who have been found by the court to have a legitimate interest in the confidential documents to be granted access.

Date position was adopted:

April 10, 2015

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:

13

Number who voted in favor and opposed to the position:

8 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote (absent)

Position:

Support

Explanation of the position, including any recommended amendments:

While the evaluations of the doctors at commitment hearings proceedings are confidential, there seems to be the possibility that MCR 5.731 "Records are public except as otherwise indicated in court rule or statute." would allow the certificates to be public as they may not currently be any exception. The Initiative supports this.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Adopted/2014-45_2015-02-04_formatted%20order_proposed%20new%205-731a.pdf