



p 517-346-6300

October 31, 2012

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Corbin Davis

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Clerk of the Court

www.michbar.org

Michigan Supreme Court

P.O. Box 30052

Lansing, MI 48909

306 Townsend Street

Michael Franck Building

Lansing, MI

48933-2012

RE: ADM File No. 2012-16 – Proposed Administrative Order No. 2012-XX (proposal would allow State Court Administrative Office to authorize judicial officer's appearance by video communication equipment)

Dear Clerk Davis:

At its October 9, 2012 meeting, the Executive Committee of the State Bar of Michigan considered the above rule amendment published for comment. In its review, the Committee considered a recommendation from the Civil Procedure & Courts Committee, attached. The Committee voted unanimously to oppose the amendment.

The Civil Procedure and Courts Committee's opposition is grounded in a belief that the importance of judicial proceedings, and the necessary respect for the judiciary, the law and the court system, is eroded by permitting judges to appear only by video, even in limited circumstances. The judge is the embodiment of the law, and the judge's actual presence is a critical component in maintaining respect for the judiciary and the law. Even with advancements in video technology, physical presence is far superior in facilitating communication and assessing credibility.

We thank the Court for the opportunity to comment on the proposed amendments.

Sincerely,

Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Bruce A. Courtade, President

Report on Public Policy Position**Name of committee:**

Civil Procedure and Courts Committee

Contact person:

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Proposed Court Rule or Administrative Order Number:

2012-16 - Proposed Administrative Order No. 2012-XX (proposal would allow State Court Administrative Office to authorize judicial officer's appearance by video communication equipment).

This administrative order would allow the State Court Administrative Office to authorize a judge to preside using videoconferencing equipment in certain types of proceedings.

Date position was adopted:

July 18, 2012

Process used to take the ideological position:

Position was adopted after discussion at a scheduled meeting and electronic vote.

Number of members in the decision-making body:

20

Number who voted in favor and opposed to the position:

15 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote

Recommendation:

Oppose.

The Committee believes that the importance of judicial proceedings, and the necessary respect for the judiciary, the law and the court system, will be eroded by a system which permits judges to appear only by video, even in limited circumstances. The judge is the embodiment of the law, and his or her presence is critical to maintaining the necessary respect for the judiciary and the law. In addition, physical presence, even with the advancements in video technology, is far superior in facilitating communication and assessing credibility.

The Committee appreciates that the proposal is likely designed to convenience trial court judges who are covering broad geographic areas due to the recent judicial officer reductions implemented by the Legislature. This practical problem does not, however, ameliorate the Committee's concerns, and the Committee is concerned that the

proposal is a slippery slope which might, in turn, be used to justify further erosions to the funding of the judicial branch.

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/2012-16_2012-07-05_formatted-order.pdf