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May 1, 2018

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Larry S. Royster
Clerk of the Court
Michigan Supreme Court
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Lansing, MI 48909

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Michael Franck Building
Lansing, MI
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RE: ADM File No. 2017-10 – Proposed Addition of Rule 6.417 of the Michigan Court Rules

Dear Clerk Royster:

At its April 20, 2018 meeting, the Board of Commissioners of the State Bar of Michigan (the Board) considered the above-referenced rule addition published for comment. In its review, the Board considered recommendations from the Access to Justice Policy Committee and the Criminal Jurisprudence and Practice Committee.

The Board voted unanimously to support the proposed rule with the following amendments:

Before ordering a mistrial, the court must give each defendant and the ~~government~~ prosecutor an opportunity to comment on the record regarding the propriety of the order, to state whether that party consents or objects, and to suggest alternatives.

The rule proposal promotes just outcomes and judicial efficiency in criminal proceedings by allowing each party the opportunity comment on the record prior to the court entering an order for a mistrial. As noted by the Prosecuting Attorneys Association of Michigan, this rule will be particularly valuable to appellate courts in reviewing any error alleged in the grant or denial of a motion for a mistrial.

We thank the Court for the opportunity to comment on the proposed addition of MCR 6.417.

Sincerely,

Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Donald G. Rockwell, President