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June 21, 2019

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Larry Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

306 Townsend Street

Michael Franck Building

Lansing, MI

48933-2012

RE: ADM File No. 2018-27: Proposed Rescission of Rule 8.123 of the Michigan Court Rules and Administrative Order No. 1997-5 (Defenders – Third Circuit Court)

Dear Clerk Royster:

At its June 14, 2019 meeting, the State Bar of Michigan Board of Commissioners (Board) considered the above-referenced proposed court rule and administrative order rescission. As part of its review, the Board considered recommendations from the Access to Justice Policy and Criminal Jurisprudence & Practice committees.

After this review, the Board voted unanimously to support the proposed rescission of Rule 8.123 of the Michigan Court Rules (MCR) and Administrative Order (AO) 1997-5, both of which concern court processes for the appointment of counsel in criminal cases. With the passage of the Michigan Indigent Defense Commission (MIDC) Act, the MIDC is now responsible for regulating the process for appointment of counsel. Therefore, MCR 8.123 and AO 1997-5 should be deleted to reflect that the MIDC, rather than the court, is responsible for assignment of counsel for indigent defendants.

We thank the Court for the opportunity to convey the Board's position on this rule proposal.

Sincerely,



Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Jennifer M. Grieco, President, State Bar of Michigan