

June 30, 2020

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

RE: ADM File No. 2019-27 – Proposed Amendments of Rules 6.310, 6.429, 6.431, 6.509, and 7.205 and Proposed Addition of Rule 6.126 of the Michigan Court Rules

Dear Clerk Royster:

At its June 12, 2020 meeting, the Board of Commissioners of the State Bar of Michigan (Board) considered the above-referenced proposed rule amendments published for comment. In its review, the Board considered recommendations from the Access to Justice Policy Committee, the Criminal Jurisprudence & Practice Committee, the Appellate Practice Section, and the Criminal Law Section.

The Board voted unanimously to support the proposed rule changes with amendments to Rule 7.205(A)(4)(b) to clarify the time deadline for filing a delayed application for leave to appeal, as follows: [additions shown in bold and underline, and deletions shown in strikethrough].

(b) For appeals governed by subrule (A)(1) or (2), if the Court of Appeals dismisses a claim of appeal for lack of jurisdiction, a delayed application for leave to appeal may be filed within **the later of 6 months from the entry of the order appealed,** 21 days ~~after~~ **after** ~~of the~~ entry of the dismissal order, or **21 days after entry of** an order denying reconsideration of ~~that~~ **the dismissal** order, provided that:

- (i) the delayed application is taken from the same lower court judgement or order as the claim of appeal, and
- (ii) the claim of appeal was filed within the applicable time period in subrule (A)(1) or (2).

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
Dennis M. Barnes, President