

June 30, 2023

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

RE: ADM File No. 2021-10 – Proposed Amendments of the Michigan Rules of Evidence

Dear Clerk Royster:

At its June 9, 2023 meeting, the Board of Commissioners of the State Bar of Michigan considered ADM File No. 2021-10. In its review, the Board considered recommendations from the Civil Procedure & Courts Committee and Criminal Jurisprudence & Practice Committee. The Board voted unanimously to support the proposed amendments with a recommendation that the Court add language stating explicitly in the text of the rules themselves that the amendments are stylistic, not substantive, changes to the Michigan Rules of Evidence (MRE). If the intent of the amendments is limited to ensuring that the MRE remain as consistent as possible with the Federal Rules of Evidence, this additional language would remove any ambiguity and give clear direction to both the Bench and Bar.

Additionally, the Board recommends that the Court reestablish a Standing Committee on Rules of Evidence. There have been several efforts undertaken recently (e.g, the MRE Committee established by Administrative Order No. 2021-8 and the State Bar of Michigan’s MRE 702/703 Workgroup) to evaluate and make recommendations regarding the Rules of Evidence. The need for periodic review and evaluation in this field is certain to continue. Rather than addressing it in an ad hoc fashion, the Board believes that an ongoing committee would be better situated and equipped to advise the Court.

Thank you for the opportunity to comment on the proposed amendments.

Sincerely,



Peter Cunningham
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court
James W. Heath, President