

January 31, 2023

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

RE: ADM File No. 2022-05 – Proposed Amendments of Rules 3.977, 3.993, 7.311, and 7.316 of the Michigan Court Rules

Dear Clerk Royster:

At its January 20, 2023 meeting, the Board of Commissioners of the State Bar of Michigan considered ADM File No. 2022-05. In its review, the Board considered recommendations from the Bar's Access to Justice Policy Committee and Civil Procedure & Courts Committee, as well as the Children's Law Section and Appellate Practice Section. The Board voted unanimously to support the proposed amendments of Rules 3.977, 3.993, 7.311, and 7.316. Given the gravity of the interests at stake in the decision to terminate an individual's parental rights, the Board believes that establishing a clear procedure for addressing ineffective assistance of appellate counsel in termination cases is necessary and appropriate.

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