

June 30, 2026

Elizabeth C. Kingston-Miller
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2025-09: Proposed Amendment of Rule 6.610 of the Michigan Court Rules

Dear Clerk Kingston-Miller:

The Board of Commissioners of the State Bar of Michigan considered ADM File No. 2025-09 at its meeting on April 24, 2026. In its review, the Board considered recommendations from the Access to Justice Policy Committee, Criminal Jurisprudence & Practice Committee, and Justice Initiatives Committee, all of which recommended support for the proposed amendment of Rule 6.610. The Board likewise voted unanimously to support ADM File No. 2025-09.

Presentence interviews and reports have significant consequences for criminal defendants. Ensuring that defense counsel has notice and a reasonable opportunity to attend presentence interviews uniformly across all jurisdictions is important to protecting the rights and interests of defendants, and the integrity of the criminal legal system. While there has been some negative commentary on this proposal citing hypothetical concerns about the impact the presence of an attorney will have on presentence interviews, the Court need not speculate in this manner. Counsel must already be provided with an opportunity to attend presentence interviews in circuit court proceedings (See Rule 6.425(A)(2)). The hypothetical harms have not come to pass in the circuit court setting and ADM File No. 2025-09 would simply adopt nearly identical language applicable to district court proceedings.

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

Sincerely,



Peter Cunningham
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court
Lisa J. Hamameh, President

