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August 24, 2011

Corbin Davis
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2010-11 – Proposed Amendment of Rule 2.511 of the Michigan Court Rules

Dear Clerk Davis:

At its July 22, 2011 meeting, the Board of Commissioners of the State Bar of Michigan considered the above rule amendment published for comment. In its review, the Board considered recommendations to support the proposal from the Civil Procedure & Courts Committee and the Criminal Jurisprudence & Practice Committee. The Board agreed with the recommendations and voted to support the proposed amendment with additional changes proposed by Civil Procedure & Courts Committee as follows:

The Committee has no objection to adding language to subrule (C) directing the trial court to discharge an unqualified juror even in the absence of a request by a party. But it recommends leaving the current language of subrule (D)(1) in place, allowing a party to challenge based on an alleged disqualification. Sometimes the ground for disqualification (see MCL 600.1307a) will be subject to dispute (e.g., ability to communicate in English; physical or mental ability to serve; even residency could be disputed). The rule needs to provide a party a method for raising the juror's disqualification. Leaving subrule (D)(1) in place has the additional advantage of not changing the numbering of subrule (D), which will aid electronic research. Finally, although it shouldn't cause any problems, there doesn't seem to be a reason for moving the exemption language from subrule (D) to subrule (C).

We thank the Court for its publication of the proposed amendment. Please contact me with any further questions.

Sincerely,



Janet Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
W. Anthony Jenkins, President