Office of the Prosecuting Attorney

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September 1, 2003

RECEIVED
SEP 4 2003
CORBIN DAVIS
CLERK SUPREME COURT

Mr. Corbin Davis
Clerk, Michigan Supreme Court
P.O. Box 30052
Lansing, MI 489009

Re: ADM File No. 2002-34
Proposed Delay Reduction

Dear Mr. Davis:

On behalf of the Oakland County Prosecutor's Office, I wanted to express my appreciation to the Court for its announced commitment to reduce the delay in the Court of Appeals. I have read with interest the comments others posted opposing the proposed court rule amendments. I wanted to add our voice to the resounding disapproval of the current plan.

I hope that the Court will not view all of the negative comments as merely the hand wringing of Chicken Littles who are resistant to change. Nothing could be further from the truth. As the comments indicate, both civil and criminal appellate specialists have attempted to minimize stipulations and motions while desiring to deliver a quality product for the benefit of the court and litigants. Oakland County files approximately 250 briefs yearly in the Court of Appeals. We have cut the time in which our briefs are filed in an effort to preserve oral argument. We have eliminated requests for motions to extend due to the current practice of charging $75 for a motion fee in cases involving indigent defendants. [We can no longer afford such a luxury due to budgetary constraints]. While our goal of filing every brief timely, such an approach is not currently realistic in light of staffing cuts without the benefit of a stipulation.

If briefing schedules were cut, stipulations were eliminated and motions to extend seriously curtailed, the final "number" would, to the untrained eye, appear as though inroads were made in the backlog. However, as a practicing bar, we would all recognize that these "reductions" were simply a result of smoke and mirrors. One can assess the current court rule amendments as a uniquely unimaginative approach to delay reduction. It would do nothing to alleviate the warehouse problem nor deliver speedier justice. Chief Judge Whitbeck accurately analyzed the problem as being a critical shortage in staffing to handle the warehouse problem

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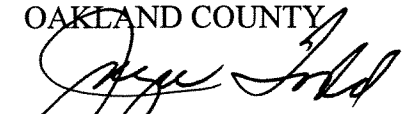
within the Court of Appeals. Until the Court of Appeals is able to grapple with its internal problems, filing briefs faster is not the answer.

It is my understanding that the Court has received in excess of $500,000 to help reduce warehouse delay. Nevertheless, Judge Whitbeck holds fast to the idea that the delay reduction rules are necessary. Perhaps the Court of Appeals can wait and see whether the warehouse delay can be sufficiently reduced by the application of these resources instead of depriving that Court of quality briefs.

Sincerely yours,

DAVID G. GORCYCA
PROSECUTING ATTORNEY
OAKLAND COUNTY



Joyce F. Todd
Chief, Appellate Division