STATE OF MICHIGAN

NINTH JUDICIAL CIRCUIT

RICHARD RYAN LAMB
CIRCUIT JUDGE

227 WEST MICHIGAN AVENUE
KALAMAZOO, MICHIGAN 49007
PHONE 269 383-8916

June 2, 2003

RECEIVED
JUN 06 2003
OFFICE OF
THE CHIEF JUSTICE

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

Re: ADM 2003-12
Proposed New Rule 3.221 of the
Michigan Court Rules

Dear Mr. Davis:

At the May 2003 meeting of the Michigan Judges Association, the Rules Committee and the Executive Board considered proposed new Rule 3.221. MJA has no objection to the purpose of the proposed rule; however, we have two areas of concern.

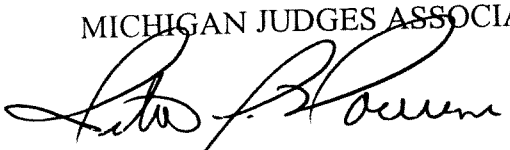
The proposal in subparagraph (I)(2) pertaining to emergency release will require a court to impose conditions of release in accordance with the proposed rule to ensure the appearance of the individual. A person released on an emergency basis under this rule will have to be brought back to the court or have a copy of the order served on the individual released or that person's attorney. The person released may no longer be represented by an attorney. This provision can present a substantial strain on the resources of the courts and law enforcement resources. This provision may necessitate the transport of many released prisoners to a court to comply with the rule.

We suggest that the factors that a court must consider in the proposed new rule under conditional release in subparagraph (F), and the statement of reasons for a decision under paragraph (H) parallel the provisions contained in MCR 6.106 subparagraph (D), (E) and (F). Rather than placing all these provisions in the new rule, it seems it would be easier to incorporate the provisions of MCR 6.106 by reference in the rule. Most judges are familiar with MCR 6.106 and that rule contains enough conditions to address the needs specified in the proposed new rule.

We thank the Court for considering our comments on this matter. If the Michigan Judges Association may provide any further information or assistance, we stand ready to assist the Court.

Sincerely,

MICHIGAN JUDGES ASSOCIATION



Peter J. Maceroni
President

xc Maura D. Corrigan, Chief Justice
Linda Mohney Rhodus, Administrative Counsel
Hon. Richard Ryan Lamb
Hon. Nanci J. Grant