



p 517-346-6300

p 800-968-1442

f 517-482-6248

www.michbar.org

March 12, 2019

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

306 Townsend Street

Michael Franck Building

Lansing, MI

48933-2012

RE: ADM File No. 2017-17 - Proposed Amendments of Rules 6.001, 6.006, 6.425, 6.427, 6.610, 7.202, and 7.208 and Proposed New MCR 6.430 of the Michigan Court Rules

Dear Clerk Royster:

At its March 8, 2019 meeting, the State Bar of Michigan Board of Commissioners (Board) considered the above-referenced rule amendments published by the Court for comment. As part of its review, the Board considered recommendations from the Access to Justice Policy and Criminal Jurisprudence & Practice committees.

After this review, the Board voted to support the proposed rules with the following amendments:

1. To address the issue of restitution not being known at the time of sentencing, the Board supports the rule language proposed by the Michigan District Judges Association for MCR 6.427(11) and 6.425(E).
2. The Board agrees with the Court of Appeals that appeals of orders amending restitution should be by leave, rather than by right.
3. The Board also agrees with the Court of Appeals that the reference to the trial court's authority over motions to amend restitution in MCR 7.208(G) is unnecessary and should be stricken.

We thank the Court for the opportunity to convey the Board's position on this rule proposal.

Sincerely,

Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Jennifer M. Grieco, President, President, State Bar of Michigan