

Michigan Judges Association

Founded 1927

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April 9, 2019

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Hon. Jon A. Van Allsburg
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Larry Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Vice-President:

Hon. Martha D. Anderson
Oakland County

Secretary:

Hon. Christopher P. Yates
Kent County

Re: ADM File No. 2017-17

Proposed Amendments to MCR 6.001, 6.006, 6.425, 6.427, 6.610, 7.202, 7.208 and
Proposed Addition of Rule 6.430 of the Michigan Court Rules

Treasurer:

Hon. Michelle M. Rick
Clinton County

Dear Clerk Royster:

At the March 19, 2019 meeting of the Michigan Judges Association, the Executive
Committee considered and acted upon ADM No. 2017-17.

Immediate Past President:

Hon. Tracey A. Yokich
Macomb County

The Michigan Judges Association supports the proposed administrative order,
with the following recommendations:

Court of Appeals:

Hon. Michael F. Gadola

1. Proposed MCR 6.430 allows for a post judgment motion to amend
restitution if there is new information. There are cases where the physical or
mental health needs as a result of the criminal act are not completed at the time of
sentencing or the cost is not yet available. As an example, there may be an amount
the court can order at the time of sentencing for counseling in a sexual assault
conviction, but the counseling is still necessary for the victim. An argument could
be made that further counseling needs are not new information unless the rule
clarified that the restitution amount could be amended to include "updated"
information.

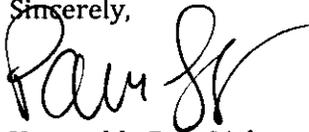
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2. Proposed MCR 6.430 allows for a post judgment motion and hearing but it is
not clear that the nonmoving party is permitted to respond to the motion. The
rule could be amended to clarify that the nonmoving party is allowed to respond
both orally and in writing.

Thank you for the opportunity to comment on this proposed rule change.

Sincerely,



Honorable Pam Lightvoet, President
Michigan Judges Association

Executive Director:

Cami Pendell

CC: Honorable Bridget McCormack, Chief Justice, Michigan Supreme Court