

From: [Aaron Martinez](#)
To: [ADMcomment](#)
Subject: ADM 2018-30 (Proposed Amendment of MCR 8.115)
Date: Wednesday, October 23, 2019 1:33:28 PM

Dear Michigan Supreme Court Clerk:

I have recently become aware of the proposed amendment to MCR 8.115, and although the period for public comment has since passed, I respectfully ask for your consideration of my comments. I support the adoption of the amendment for the following reasons.

Since 2013, I have been employed as a paralegal for various government entities and private practice firms. In my work, I have taken great pride in seeking to rise to the level of professionalism and decorum as should be expected in Michigan's courts. My private practice firm experience has involved zealous litigating on behalf of our clients, up to and including trials. I have had the distinct honor of being intimately involved with cases before courts everywhere from Monroe to Lake Huron, and countless others in between. At the behest of my employer, prior to enrolling in law school, I joined the State Bar of Michigan's Paralegal Section, where I had the opportunity to get to know Michigan's diverse legal assistant membership. However, even in light of my status as an Affiliate Member of the State Bar of Michigan, I have been denied the opportunity to bring portable electronic devices into courtrooms and I have also been told that my supervising attorney could not bring items into the court on my behalf.

As technology has developed and progressed, law firms are seeking out modern tools which can assist in the presentation of a case to a judge or jury. One such tool, an application known as TrialPad, allows for the tracking of exhibits, presentation of exhibits after admission by the court, and allows the operator to highlight, laser point, and draw diagrams which may help any given fact finder to understand a case. On numerous occasions, the current MCR 8.115 has allowed for courts to prevent paralegals such as myself from entering a courthouse with an iPad, laptop, and cell phone - even when those items are to be used as tools in presenting information to the court. Our clients entrust us to give them the best possible representation and the barriers such as those imposed by the current MCR 8.115 stand in the way of achieving that end. At best, it is a minor inconvenience to a party. At worst, it is potential malpractice. This is not a distinction that this Honorable Court should take lightly, and I believe that the amendment to MCR 8.115 would satisfactorily accommodate legal professionals acting on behalf of our clients' best interests.

I am sympathetic to the view that has been stated by some of the commenting organizations that this amendment may be overly broad. While that is certainly the objective behind this rule, I think most reasonable professionals would agree that, at the very least, allowing legal professionals to have access to portable devices for purposes of assisting in the representation

of a client would serve the judiciary as a whole, especially as more law firms and courts seek to go paperless.

Personally, I am not persuaded by the arguments opposing the amendment for the simple reason that there is more for the courts to gain by being accessible and reasonably accommodating to the fact that the use of cell phones are a daily and crucial presence in the lives of Michigan residents. In fact, it was a 2011 article from the Washington Post which accurately reported that there were more portable electronic devices in the United States than there are people. This trend has not decreased and it shows no signs of doing so as more Americans take advantage of the tools to simplify our lives. It is only appropriate that the judicial centers of our state follow suit.

To keep the current language of MCR 8.115 in place would continue to cause a burden upon practitioners, paralegals, and members of the general public, especially those living in poverty. People without the means of paying for their own cars lack a place to store their devices while in the court. Adopting this reasonable amendment to MCR 8.115 as presented would help to alleviate the burdens of coming to court that so many people face every day.

I thank you for your time and your consideration of my comments and I respectfully request that the Court adopt the amendment to MCR 8.115 as presented.

Respectfully submitted,

Aaron Martinez

Juris Doctor Candidate

Detroit Mercy Law ('22)

martinaa5@udmercy.edu

Cell: (248) 672-8807

