

Michigan Judges Association

Founded 1927

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March 1, 2021

Larry S. Royster
Clerk, Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909
Re: ADM File #2020-19 - Proposed Amendment of MCR 2.302

Dear Clerk Royster:

On February 9, 2021, the Executive Board of the Michigan Judges Association (MJA) voted to oppose the proposed amendment to MCR 2.302.

The MJA has two main concerns with the amendment, as proposed. First, the staff comment indicates that the rule applies to exhibits “at trial”, but the language of the proposed rule indicates that it applies to “all proceedings”. Application to “all proceedings” is too broad and would create a significant access to justice barrier for self-represented litigants who would have to pay for such transcripts in every proceeding.

Secondly, it would create an administrative burden on trial courts who are already struggling with the admission of exhibits in virtual hearings, particularly with self-represented litigants. It is common for self-represented litigants to ask the court to listen to an audio recording captured on their smartphone, particularly during motions in family court. The recordings used in such hearings are frequently difficult to decipher, and the reliability of a transcript produced would be unreliable as there is no direction in the proposed amendment regarding how such recordings are to be transcribed.

Thank you for your consideration of these concerns.

Sincerely,

Martha Anderson

Hon. Martha Anderson
President
Michigan Judges Association

cc: Hon. Charles Hegarty, Wayne County Circuit Court
Hon. Deborah McNabb, Kent County Circuit Court