

**MICHIGAN SUPREME COURT**

**PUBLIC HEARING**

**September 20, 2017**

---

**CHIEF JUSTICE MARKMAN:** Good morning and welcome to today's public hearing of the Michigan Supreme Court. These hearings are periodically held so that the Court might have the benefit of hearing from any person in this State concerning matters that are on our administrative docket. We are appreciative to all of you who participate in these hearings and we thank you very much for taking the time to share your thoughts and insights. Our procedures today are as usual. We will hear speakers in the order of the issues upon which they wish to speak. We ask that they please limit their remarks to three minutes and, of course, we ask that each speaker focus his or her remarks upon the matters on today's agenda. We'll soon be taking action on most of these matters and it's important that we hear your thoughts on these before those actions are decided. Thank you again for being here.

First thing on our agenda today is Administrative File number 2015-11, which pertains to a proposed amendment of Michigan Rule of Evidence 404(b). The first witness today will be Brett DeGroff of the State Appellate Defenders Office.

Good morning.

**MR. BRETT DEGROFF:** Good morning, your Honors, Brett DeGroff from the State Appellate Defenders Office. As you know from our written comment, we support the fourteen-day window but oppose allowing notice to be given orally of 404(b) evidence. We echo the concern of the State Bar Criminal Law Section that this could create problems in instances of substitution of counsel because there is no written record of the notice. But in addition to that, just in the normal case, normal every day case, when this evidence is offered, as this Court recently explained in *Denson*, the first step when a court considers 404(b) evidence is for the proponent of the evidence to articulate a proper non-character purpose. And too often, proponents of this evidence simply list proper purposes from the rule and the actual inferential chain and explanation is not given. If it's permissible for notice to be given orally that problem is only going to be exacerbated and it's going to be much more difficult for there to be—for defendants to argue that it's not a proper purpose. It'll be different [sic] for there to be record for appellate courts to review. What really should be required is a careful

articulation of the inferential chain, and with oral notice I just don't think that's going to happen with any clarity.

**JUSTICE MCCORMACK:** Mr. DeGroff, why am I—I guess—I'm stuck on why the written notice wouldn't have the same problems. Why wouldn't we expect a written notice that lists some of the purposes from the rule? Why do we think if there's written notice there'll be better back-and-forth to, you know, decide the important legal questions before trial?

**MR. DEGROFF:** So I think that, first of all, written notice is definitely going to give a record that's going to be easier to maintain and for substitute counsel to have. But I think you are going to get a better chance anyways—an expanded explanation. It's too easy just to show up in court and say something off the cuff and have that be the end of it. When it's offered in writing, as a colleague last time we were here offered to the Court, writing is a good way to—she said it much more eloquently than I'm going to because I didn't write it down, but it was something like, "writing is a great way to clarify your thoughts." And so I think that when you just write out your notice and all you do is list the purposes from the rule, it's going to be so obvious to the court, to the appellate—to the trial court, to the appellate courts, to everyone. It's just so easy for things to just slip by when all you do is mention it, you know, in court that morning.

**CHIEF JUSTICE MARKMAN:** Mr. DeGroff, can you tell me what, if anything, do we have to learn from the fact—in the language from the federal rule which has neither a specific timing requirement nor an explicit writing requirement.

**MR. DEGROFF:** Having not really practiced in the federal court, your Honor, I can't really speak to how that plays out in federal court. I'm sorry.

**CHIEF JUSTICE MARKMAN:** Okay. Thank you. Any further questions? Thank you very much, Mr. DeGroff. We appreciate your thoughts.

**MR. DEGROFF:** Thank you.

**CHIEF JUSTICE MARKMAN:** Our next witness will be Josh Blanchard of the State Bar Criminal Law Section.

**MR. JOSH BLANCHARD:** Good morning. I'm Josh Blanchard. I'm the secretary of the Criminal Law Section of the State Bar. Our comments are that of the section and not of the State Bar. We support adopting a rule that requires a specific notice period. We think having at least fourteen days' notice is good for practitioners and for the

system. Our concern is about permitting oral notice. Significantly, we think it's a problem if the notice is provided and then counsel is substituted out. There won't be anything easily ascertainable if the old counsel doesn't say, "hey, I got this oral notice." Short of ordering transcripts of every hearing, there won't be a good way to know. We think that'll cause more problems. I think it's, as Mr. DeGroff touched on, it's easier to be less specific in an oral notice. I think the process of writing causes people to clarify their thoughts and be more specific and so we know that. Also significantly in virtually every case I have where there's a 404(b) notice, we end up filing a motion *in limine* to exclude it. With the oral notice, it's going to be more difficult and more cumbersome. If the notice is given fourteen days prior to trial and we have to give nine days' notice of the motion, we got to get a transcript ordered and it just creates a logistical nightmare to make that happen prior to trial. And then I think it also provides the possibility that counsel is just going to forget about it. You're at a hearing, you get the notice, you forget about it, you're on the eve of trial and you realize—or you're in trial and you realize—that notice was given, you didn't seek to exclude it, and then we have to have hearings about ineffective assistance. I think all of that can be avoided by providing the notice in writing. I can appreciate there might be a need to put some sort of "safety valve" in the rule to allow on good cause an oral notice. There are scenarios where maybe it become known a couple days before trial or in trial, and the court could rule on it in that—that fashion but I think generally allowing oral notice will create problems that we don't need to have in our system. And so we'd ask that you adopt the rule without the oral notice provision.

**CHIEF JUSTICE MARKMAN:** Can I ask you much the same question I asked Mr. DeGroff?

**MR. BLANCHARD:** Sure.

**CHIEF JUSTICE MARKMAN:** Are any of the problems you're concerned about or that you're apprehensive about, have they arisen in the federal system that has somewhat different language?

**MR. BLANCHARD:** My experience is that you get the notice significantly in advance and in writing. That's how I've received 404(b) notices in federal court. I think if you just provided notice—if the rule provided that notice must be provided, I think most practitioners would provide that in writing. That's the way most notices are provided and so if you didn't adopt the language specifically allowing oral, I think we would retain a system where most of the notices come in writing unless there's a good reason otherwise.

**CHIEF JUSTICE MARKMAN:** Okay. Thank you, Mr. Blanchard.

**MR. BLANCHARD:** Thank you.

**CHIEF JUSTICE MARKMAN:** Let's go next to, representing the Criminal Defense Attorneys of Michigan, Mr. John Shea.

**MR. JOHN SHEA:** Good morning. Thank you, Mr. Chief Justice. I don't want to echo what everybody else has already said. I largely agree with what Mr. Blanchard said or what Mr. DeGroff said, and I think it's consistent with the written submissions that CDAM has put in both to this iteration of the proposal and the previous one. I believe that what my colleague, Ms. Rabin said the last time was, the process of writing reminds us of how messy is our thinking, and that is the reason why we believe—one of the main reasons why we believe that written notice is just—it's more careful and it does force people to, I think, think more precisely about what it is they otherwise would simply say. I have been in trial before where there has been issues that arose in trial that involved differing recollections of what notice had been given orally. The judge might have a different recollection than the prosecutor who might have a different recollection than me. Writing is simply more careful. This is very powerful evidence, at least it can be. Sometimes it's pedestrian but sometimes it's very powerful evidence and cases can turn on the admission or the refusal to admit this kind of evidence. I believe that writing encourages carefulness. I think—the carefulness should start with the notice. Writing encourages carefulness; it discourages sloppiness and I think it ensures more, uh, that we get it right. That we get the admissibility and the inadmissibility decision right. In terms of the federal system, your Honor, that system moves slowly and it also could use some improving, I think, in this regard. The same issues arise there as arise here. We appreciate the fact that the Court has taken the initiative to provide more clarity and structure in this rule and we think the requiring in all but those safety-valve circumstances that Mr. Blanchard referred to, requiring notices to be in writing is consistent with what you're trying to do.

**JUSTICE MCCORMACK:** Mr. Shea, I have a question. I keep going back and forth on the costs and benefits of having the oral option, oral notice option, and here's what I'm—here's what woke me up last night. Not all assigned counsel in criminal cases are created equal. Not everybody is John Shea. And I have heard tell of some assigned counsel who have their office in the lobby of a casino. And if they are mailed notice, they—I don't know where—I don't know if the casino accepts mail on behalf of Mr. "I Won't Name Him" but I'm worried in some ways oral notice might be better in cases of some lawyers who might not have exactly the best practices about receiving mail and—at least then I know that the defendant heard it, you know, and the lawyer heard it in the

courtroom. So that is what woke me up last night, worrying about the cases where the lawyer is not John Shea.

**MR. SHEA:** I appreciate your concern. Let me say, I have two responses to that. First, just like I don't think cases should be decided based on a concern about circumstances at the margins, I don't think court rules should be made based on concerns about, you know, at the margins. To the extent there are lawyers who are like that, I'm hoping that—and one of the other hats I wear is on the Indigent Defense Commissioner—we're able to do some things that lessen that problem. But I can't eliminate the problem of ineffective counsel and I hope the rules are written with an eye toward effective counsel.

**JUSTICE MCCORMACK:** Good response. You win. Good job.

**MR. SHEA:** Thank you.

**CHIEF JUSTICE MARKMAN:** Any further questions? Thank you, Mr. Shea. Our next wit—our next speaker will be Mr. Keith Olson. Good morning.

**MR. KEITH OLSON:** Good morning. I'm Keith Olson from CRAP, Criminalized Racketeering Against Patients. My email address is my name—KeithLOlson@gmail.com. You may recall my last speech here, September 14<sup>th</sup> of last year, a few hours before the legislation passed a provisionary [ph?] Senate bills. Our voter initiative was stolen that day and reclassified as a legislative act. Eleven point five million dollars stole from the LARA Medical Marijuana Fund by politicians Jeff Irwin, Mike Colton, Clint Keston [ph], Rick Jones. Now they're the Michigan Marijuana Lobby. September 14<sup>th</sup>, Michigan became the first state in the country to tax medicine. One year later, patients still have zero defense in court. Now this is my medical marijuana card—

**CHIEF JUSTICE MARKMAN:** Mr. Olson, is this—

**MR. OLSON:** I'm talking about 404(b)(2) today, sir.

**CHIEF JUSTICE MARKMAN:** Okay. Just wanted to ask.

**MR. OLSON:** This is my Michigan medical marijuana card. Quarter million patients wrote a check to the LARA. Paid for a defense but the arrests are up. And California charged me for a defense that is unconstitutional when a free defense is available. The free section 8 defense in Michigan has only been submitted to a jury three times. This is a badge. This badge has become a hunting license for cancer

patients like Tori Clark. Police like Don Bailey, now leader of the bureau of medical marijuana regulation, have made a career of hunting disabled people. Michigan sells cards and allows police to hunt us like dogs in the streets. Policemen's cards have been forged on state computers, borrowed from patients, purchased under false pretenses, and now even being issued by the LARA for law enforcement purposes only just to entrap patients. Michigan has declared war and it's open season on some of the weakest members in our society. As this Court's well aware, the Clinton Township police department NET team entrapped me in 2012. September 25<sup>th</sup> at 8:30 a.m., I'll be fighting for my life in the Macomb County Circuit Court without representation. The court will address entrapment, forged commercial papers and business licenses, and *Brady* violations. Now Cit—Clinton Township has kidnapped me from my out-of-state home, extradited me for another fabricated crime while hiding and destroying exculpatory evidence. We do not need 404(b)(2). We need to honor discovery procedures. The government has no right to levy charges while suppressing evidences [sic]. I'm facing 40 years in prison while the same police, once again, premeditated another *Brady* violation without producing audio recordings in my favor. We cannot allow the prosecution or anyone to hold wild cards up their sleeves until fourteen days before trial. You know, all of you have a personal responsibility to answer the Earl Carruthers entrapment argument. It's been on your desk for two years. Patients are burning. Fictitious papers must be addressed. The police are using their cards to kill us and hunt us down like dogs. And they're getting promoted for doing so. And I believe that it'd be very important to answer this before September 15<sup>th</sup> when the State gets in the business of selling medical marijuana statewide. I do appreciate your time. Thank you.

**CHIEF JUSTICE MARKMAN:** Thank you, Mr. Olson. We appreciate your being here. Let us move to Item #2, which is Administrative File number 2015-15, having to do with certain procedures required by the United States Supreme Court in *Anders versus California*. Our speaker today will be Brad Hall of the Michigan Assigned Appellate Counsel System.

**MR. BRAD HALL:** Good morning and may it please the Court. Brad Hall from the Michigan Assigned Appellate Counsel System, MAACS. I appreciate the opportunity to write and speak on a very important topic to our organization and to indigent criminal defendants on appeal. As the head of the agency that oversees the roster who handles seventy-five percent of indigent felony appeals in Michigan, I regret to acknowledge that this is a serious problem because lawyers don't understand *Anders* all the time. And judges, trial court judges don't understand *Anders* and the requirements that go along with it. And so we hear frequently from defendants who were—whose lawyers withdrew because, you know, on the basis of a one-page motion, saying "this is

a dog case and I can't get along with my client." And the judge grants the motion and doesn't appoint substitute counsel and there's no *Anders* brief, and the lawyer [sic] is deprived of everything. And we hear from [sic] those cases and sometimes we can fix it with a phone call. Other times we have to go to court to try and fix it. And sometimes they go pro per to the Court of Appeals, and the Court of Appeals will fix it. But what keeps me up at night are the people—the untold number of defendants who don't take the initiative to file that pro per appeal or to write our office. And they're just deprived of their right to appeal. Now they may have un-winnable cases. We encourage our roster—I mean, I wish we weren't here because we encourage our roster not to file *Anders* briefs. Find—find something. Advocate vigorously on behalf of your client even in an unwinnable case. We'd much rather prefer—we'd much rather have that but *Anders* is a piece of our constitutional law. It's a piece of our constitutional law and our appellate culture, and it's in our minimum standards under Administrative Order 2004-6. So I think it's here to stay. I appreciate—we appreciate the Court's interest in codifying a proper procedure. We, as explained in our letter, think the better place to do so would be under 7.211(C) rather than 6.425. I've never turned in a homework assignment two-and-a-half months early. I'm glad I did in this instance because we had a lot of time to work closely with the Court of Appeals, and I'm very proud to have the support of the Court of Appeals and the State Bar. And I think we've addressed their concerns. There was one additional suggestion that the Court of Appeals made having to do with the jurisdictional basis and the cleaner procedural vehicle. And we agree completely with that suggestion. We have no qualms with it whatsoever. And so unless the Court has any questions, I would rest on our letter and encourage the Court to adopt the procedure under 7.211.

**JUSTICE VIVIANO:** Thank you for your work and input in the process.

**MR. HALL:** It was very fun. Thank you.

**CHIEF JUSTICE MARKMAN:** Thank you, Mr. Hall.

**MR. HALL:** Okay.

**CHIEF JUSTICE MARKMAN:** The last item on our docket today will be Item #4, Administrative File number 2016-41, concerns court rules pertaining to limited scope representation. Our first speaker will be former head of the State Bar, Ed Pappas.

**MR. EDWARD PAPPAS:** Good morning and may it please the Court. I am Ed Pappas and I am speaking on behalf of the State Bar of Michigan. The State Bar strongly supports the proposed limited scope representation amendments because

limited scope representation, or LSR, is vitally important to the public, to the attorneys who practice in limited scope representation, and to our Michigan courts. The number of self-represented litigants in Michigan continues to grow and these amendments will expand the availability of legal services to low and moderate income individuals who cannot afford full representation.

In my limited time, I'm not going to repeat the comments set forth in the State Bar's letter to the Court, including the State Bar's preference for Alternative A for Rule 1.2(B). Rather, I'd like to address one specific provision in Rule 1.2(B)(1). The State Bar supports anonymous disclosure for attorneys who assist self-represented litigants with the drafting of documents to be filed with the court. The State Bar studied the more than—the best practices of the more than thirty states that have adopted specific LSR rules and saw that there were three options: No disclosure at all, anonymous disclosure, and full disclosure. The states were fairly evenly divided with regard to these options, meaning that more than two-thirds of the states adopted either no disclosure or anonymous disclosure. Or almost two-thirds of the states. And the State Bar considered all three options and they proposed a middle ground of requiring anonymous disclosure because it strikes the proper balance of the interests of the court, the LSR attorney, and the client. Anonymous disclosure puts the court on notice that an attorney assisted with preparing a document and under Michigan—proposed Michigan court rule 2.117(D), the court has the authority to investigate issues regarding document preparation if the court deems it necessary. The State Bar's concern is that, if we require full disclosure, LSR attorneys may be deterred from offering document preparation services for a variety of reasons. For example, there's a concern that full disclosure could lead to LSR attorneys being pulled into cases beyond the scope of the limited representation. And one of the purposes of the amendments is to encourage lawyers to participate in limited scope representation, not to deter them. And this serves the public and the client by giving them access to legal representation that they otherwise would not have. And I'm going to finish there with my three minutes. I'm happy to try to answer any questions the Court may have about this issue or any of the other issues relating to limited scope representation.

**JUSTICE BERNSTEIN:** Counsel, I have a quick question. First off, thank you so much for coming and as always the Court wants to thank everyone for come. We know how difficult this is for folks to drive up to Lansing to do this, so these comments are incredibly appreciated by the Court. I want to just go back to what you had said before about the, kind of, the middle ground that the State Bar had kind of found. I guess the concern I have with that is, is that, you know ultimately if someone helps you prepare something, if they're not on the case, if they're not on the file, does it almost in a way put the client—the participant at a disadvantage? That the court would say, "oh well, a

lawyer prepared this.” So even if they don’t know who the lawyer is that prepared it, in a way, doesn’t that almost make it harder for the participant because now the judge—whereas if it was just pro per, is now going to have a higher standard of, of requirement that they’re going to use for that person. Because they’re going to, going to know the lawyer prepared it but the lawyer isn’t really playing a huge role in the case. So doesn’t it kind of make it harder for a person trying to represent themselves, represent their interests, if you create a situation where the judge is now going to say, “oh, a lawyer had some involvement in this,” even if you don’t know who the lawyer is, that they’re going to hold that person to a higher standard?

**MR. PAPPAS:** I don’t—I actually don’t think that the courts would hold the person to a higher standard. I actually think it helps the courts because now the courts, on crucial issues, if a self-represented client can actually get help on a specific issue, now the courts will know that there is some lawyer assisting with a limi—they don’t know the—only on this particular document but it helps the judges better manage the self-represented case and I think it provides for fairer results in the trial rather than the judge necessarily bending over backwards to try to understand the self-represented litigant. I’ve always felt that the—and I think that this is true that parties are better off with limited representation than they are with no representation at all. And I think that the courts would recognize that going forward.

**JUSTICE BERNSTEIN:** And you don’t think—I’m just trying to explore it. Like I hear exactly what you’re saying. But you don’t think the idea that, look I’m representing myself, you know, the one advantage to representing yourself is that you do get a little bit more leniency from the court. And so if I can find a friend who’s a lawyer, who doesn’t want to be involved or have anything to do with it, can help me with one aspect of it. I guess my concern is that now the judge is going start looking at me and saying, “okay, well you know what. You obviously know that, that—you obviously know a lawyer, you have a relationship with a lawyer so I’m going—I’m really going to expect that you are going to live up to, you know, certain expectations that I otherwise would not have had for you but for the fact that you turned in that letter that now I know a lawyer is involved with. That’s just my concern.

**MR. PAPPAS:** Sure. I do think, though, that the courts and the judges are pretty wise when it comes to that and I think that, number one, the fact that a self-represented litigant has actually received legal assistance usually doesn’t have anything to do with the merits of litigation, and the judge will still look to the merits of the litigation in any event. To the extent that they feel there might be some assistance that they can—that they need to give to the self-represented litigant, they’re precluded from giving—from doing too much. I mean, they’re still going to be making their decisions, I think, based

on the merits of the case versus whether or not the self-represented litigant received some limited help on a crucial issue.

**JUSTICE BERNSTEIN:** And just one more question—I don't mean to keep giving you a hard time. I just find this—

**MR. PAPPAS:** No, no—

**JUSTICE BERNSTEIN:** —this is very interesting. At what point do they have to disclose that there was an attorney that—does the lawyer—what if the lawyer played a small role in the crafting of a document but didn't write the document? What—at what point do they now have to disclose anonymously that a lawyer played a role in this?

**MR. PAPPAS:** If the lawyer assisted at all in the drafting of the document then it has to be disclosed that they did receive some assistance from a lawyer.

**CHIEF JUSTICE MARKMAN:** Mr. Pappas, I think I'm also just a little bit concerned about the, you know, the impact upon what I view is the integrity and transparency of our system of going in that direction. And I guess I wonder whether or not you are correctly identifying the principal options here as being anonymous limited representation or no representation. I certainly understand which of those two options I prefer. But, I mean, why isn't there a reasonable third option of a better and more precisely clarified range of rights and responsibilities that are attendant to this new concept of limited scope representation. Why can't the rights of the attorney simply be described in a more precise and clear manner so that no attorney has to fear that if his name is attached in a limited representation capacity that somehow it carries with it a wide range of burdens that he doesn't wish to undertake? Why don't we clarify that those are not burdens that one undertakes in that circumstance?

**MR. PAPPAS:** Well, they aren't. I—you are right. I think it is clarified that they aren't, that they aren't burdens. But the problem with identifying a lawyer to begin with, now other lawyers may call the lawyer about the document. The lawyer is trying to do something to help an individual, and basically just helping to draft the document, assist the court as well as the client. To now have the lawyer's name brought in, there are many ways that the lawyer will then be—attempted to be brought into the case. And in our view, the only reason not to require full disclosure is we don't want to deter lawyers from getting involved and helping clients on a limited basis, which then helps the client, the court, and it gives the lawyer some protections. So it's more the deterrence issue that we're concerned about—so we're trying to encourage lawyers to get involved in

representing in limited matters at affordable prices for the clients in this type of limited scope representation.

**CHIEF JUSTICE MARKMAN:** Have we found that—

**MR. PAPPAS:** And that's where we're—that's the main reason why we're going with the anonymous—we've recommended the anonymous disclosure.

**CHIEF JUSTICE MARKMAN:** Do you have a sense that in the minority of states that do have non-anonymous limited scope representation today that there has been some retardation of the things that we wanted to have promoted by limited scope representation?

**MR. PAPPAS:** I don't have evidence one way or the other on that, on that issue.

**CHIEF JUSTICE MARKMAN:** Thank you very much, Mr. Pappas. We appreciate it.

**MR. PAPPAS:** Thank you.

**CHIEF JUSTICE MARKMAN:** Our next speaker will be John Allen.

**MR. JOHN ALLEN:** Mr. Chief Justice, your Honors. May it please the Court. Good morning. My name is John Allen. I'm a lawyer in private practice with Varnum attorneys, resident in Kalamazoo. I've been practicing for about 45 years here in Michigan. I am in favor of limited scope engagement and most of what is in this proposed rule. Sometimes, particularly at the American Bar Association level, we refer to it as unbundled legal services, something which has been a long-fought struggle particularly to aid those clients who have limited means. The difficulty, especially in litigation matters, as in the game of golf, it's not a challenge to get into the rough; the challenge is getting out, and this will provide a means by which a lawyer will be able to enter into a limited scope engagement even in a litigation matter and be able to terminate that when the limited engagement is fulfilled. Most engagements are limited scope engagements. Few lawyers enter into engagements for everything, for all time for the client. This will, however, do a particular service in that regard. My objection, however, is to the amendment to 1.0 and, I believe, it's 1.2, introducing the concepts of confirmed in writing and informed consent, supposedly only in relation to this particular rule but that's not the way it's going to work. Now back in 2003 when the ABA proposed its extensive amendments to the Rules of Professional Conduct, this Court considered those for nigh on almost seven years and at the end of that, after studying

those two concepts, it rejected them. I referred to it in the letter I sent to you on this that's dated August 1. And by the way, my apologies, I now see I transposed 41 for 14 in the name of the proposal. The problem with not only "confirmed in writing," which simply isn't practical in many of these engagements. The problem with informed consent is it sounds nice. It has a bumper sticker quality to it; it's a great PR term. In practice it is very dangerous. There is no definition in the materiality of the disclosures that must be made. The lawyer is made, in effect, the guarantor of the effectiveness of the disclosure without definition as to what the lawyer must do in order to conform his or her conduct to the requirements of that law. Those are all the reasons this Court rejected those concepts back in 2010 when they were proposed, and I would urge you to reject them again now. I think it is preferable to take all of the references to "confirmed in writing" or "informed consent" and replace them with "the client consents after consultation," That's the term that's been adopted in this State since 1988. We have nigh on three decades of experience. It seems to work well and there's no empirical evidence to the contrary.

**CHIEF JUSTICE MARKMAN:** Thank you very much, Mr. Allen. We appreciate your regular contributions to these hearings.

**MR. ALLEN:** Thank you.

**CHIEF JUSTICE MARKMAN:** Our next speaker will be the long-time director of the State Bar Foundation, Linda Rexer.

**MS. LINDA REXER:** Good morning, Chief Justice Markman, Justices. I am—it's nice to see you all. I've come out of retirement to be here because limited scope representation is such an important issue. And I'm here in my individual capacity as a lawyer but I believe, from my thirty years with the Michigan State Bar Foundation, whose mission is access to justice, and my role in chairing the workgroup for the State Bar, which helped to propose these rules, that limited scope representation will benefit the public and the courts, and enhance access to justice. In the way that it does that—I won't repeat what Mr. Pappas said. He—his comments and his answers to your questions really nailed the main things that I think are important. But I want to add one thing and that is, the key beneficiaries of limited scope representation are self-represented litigants and, of course, particularly low and moderate income self-represented litigants who can't to hire a lawyer but may be able to afford to pay for a discreet task. Or a pro bono attorney may be more willing to assist that person because the task is limited, which gets to Mr. Pappas' point that it's better to have some help than no help at all for these burgeoning numbers of self-represented litigants. But what I want to say is that there are few states better positioned than Michigan to combine

pro se resources and a system of limited scope representation, in part because we have the high quality Michigan Legal Help program, which was built with support from this Court and which now reaches some 25,000 self-help persons per week, giving information. And, of course, even more are reached through the SCAO information and local self-help centers around the state. So I think that this is the time. The need is clearly there. No more than 20% of the civil legal needs of the poor are being reached according to many studies and moderate income people are shut out as well. So for those reasons, I strongly support the amendments before the Court. Thank you.

**CHIEF JUSTICE MARKMAN:** Thank you, Ms. Rexer. We stand adjourned.