

MICHIGAN SUPREME COURT

PUBLIC HEARING
September 14, 2016

ITEM NO. 1 (ADM File No. 2013-39)

CHIEF JUSTICE YOUNG: On behalf of the Court, I'd like to welcome you all to the first public administrative hearing of our new term. This is a part of our rule-making process where we publish the proposed rule changes and invite the public not only to make extensive written comments, which we have on the items up for today, but also to give members of the public an opportunity to address us in session and in order to facilitate this we allow each endorsed speaker two minutes, which is strictly enforced. So I ask those of you who are endorsed to speak that you conform your remarks so they can be delivered within that time frame. That was all the precatory remarks. There- Of the items up for today, only two have endorsed speakers. They're item one, which is a proposed amendment of rule 6.116 designed to consider whether there should be a clarification to the procedure for amending notice of intent to seek an enhanced sentence by requiring any such amendment to be approved by the court, and it would eliminate an existing provision which precludes harmless error analysis. The Court has received comments from a number of people and our first endorsed speaker - let's make sure I've got the- is the second amended inclusive of the others? I'm sorry?

[INAUDIBLE FEMALE VOICE]

CHIEF JUSTICE YOUNG: I have the second updated, but it looks- I've got it- Okay. Just go from the updated? Alright. The first endorsed is Mr. Christopher Smith on behalf of the State Appellate Defender Office. Good morning.

MR. SMITH: Thank you Mr. Chief Justice and may it please the Court. On behalf of the State Appellate Defender office, I'm here to speak in opposition to the proposed amendment to rule 6.112. Our view is that largely this is a rule that's going to- A proposal that will create more problems than it will solve. I think cases where the prosecution is unable to meet the 21 day deadline are relatively rare, and it's a system, it's a bright line rule that has been in place for two decades and again, in the 21st century, information on the defendant's criminal history

is available to the prosecution at the click of a button and the 21 day bright line rule has rarely posed problems, I think, with prosecution. Conversely, by creating sort of a harmless error exception to that rule, you're creating the danger of depriving the defendant of notice of the sentence that he or she is going to face on conviction at trial, and this is going to compromise plea negotiations, it's going to compromise counsel's ability to provide the effective assistance of counsel during plea negotiations and, in sum, it creates more problems than it eliminates, and so we would ask the Court to keep the rule as is and not accept the proposal. Thank you.

CHIEF JUSTICE YOUNG: Any questions? [PAUSE] Thank you very much. Anne Yantus, Director of Clinical Programs with U of D Mercy.

MS. YANTUS: Good morning, Your Honors. Anne Yantus from the University of Detroit Mercy School of Law. I wanted to make two points in addition to the letter that I submitted to the Court in opposition to the proposed court rule amendment. The cases that I cited in the letter, if you look at them factually, one of the motivating forces behind the Supreme Court's decades of litigation and decisions on this and having a firm rule for the timing of the filing of the habitual offender information was to avoid the appearance of impropriety. And factually in several of the cases what you're seeing were cases where the prosecutor had knowledge of the convictions but waited until right before jury selection, the day of trial, to file the supplemental information, waited until the day of sentencing, waited until after sentencing, and one case waited four months after conviction and after the defendant's appeal period had expired. So it has the appearance of impropriety, and that was one of the two reasons that the Court eventually settled on a 14 day rule, the other reason being that need to have early notice on the part of the defendant so that you can prepare, that you're aware of the consequences. Third point I wanted to make is that the 1929 law actually allowed the prosecutor to file after conviction or after sentencing, and that was adopted into the 1931 code. Then it may be that there were very good reasons at that point to allow the prosecutor to have more time, but I assume it was more difficult to obtain information about convictions from other jurisdictions, in part because they didn't have the internet, they didn't have e-mail. I would assume the availability, cost, and use of the telephone was probably less than it is now. So- What I've not heard in terms of this proposal is that prosecutors don't have the ability find

out the information they do within the current 21 day period. So we ask you to not adopt the proposal.

CHIEF JUSTICE YOUNG: Thank you. Any questions? [PAUSE] Thank you very much.

MS. YANTUS: Thank you.

CHIEF JUSTICE YOUNG: The next endorsed speaker is Diane Ferguson. Ms. Ferguson is not here. Donald Ferguson? [PAUSE] Keith Olson.

MR. OLSON: Hello, my name is Keith. I'm from CRAP, Criminalize Racketeering Against Patients. I had a case come across your desk last year, number 150135. I put the exact same arguments through as the Corrothers dispensary cases. My argument wasn't picked up. I suspect y'all are going to pick up Corrothers in the next week or so and I have quite a problem with the Court of Appeals [INAUDIBLE @ 7:27] every medical marijuana argument with the line that a medical marijuana dispensary is illegal under state law. 2008, 63% of our voters passed the voter initiative the medical marijuana act-

CHIEF JUSTICE YOUNG: Sir- Sir- Sir, are you addressing the item one on our agenda?

MR. OLSON: Do I have three minutes to speak and do my thing and get there, or am I going to be interrupted?

CHIEF JUSTICE YOUNG: No, I just wanted to know- So far-

[PHONE RINGS]

CHIEF JUSTICE YOUNG: I'm going to have to fine myself.

MR. OLSON: Your telephone's on, sir.

JUSTICE MCCORMACK: If that's for me, I'll call back.

[LAUGHTER]

MR. OLSON: This is extremely rude. I would like to add that the officer up front harassed us for a minute and a half-

CHIEF JUSTICE YOUNG: Go ahead.

MR. OLSON: -demanded that our phones were turned off-

CHIEF JUSTICE YOUNG: Continue.

MR. OLSON: -demanded to inspect our phones, and now my speech is interrupted by a telephone call.

CHIEF JUSTICE YOUNG: You may continue, sir.

MR. OLSON: Does this take away from my three minutes?

CHIEF JUSTICE YOUNG: Please continue. You can have your minutes.

MR. OLSON: In 2010, Bill Schuette began a crusade against medical marijuana patients. Under Bill Schuette and Rick Snyder, Michigan and the rest of the entire country have suffered. Citizens United Medical Marijuana, the attack on progressive families- [INAUDIBLE @ 8:39] hurt the whole country. Present day patient status in Michigan, zero defense in Court, 10,000 families every year burned with medical marijuana act. The last three winners - the last three winners of the Supreme Court, Tuttle, Hartwick and Missourer, I'm sure you know their stories. Tuttle got a year in prison. Ms. Missourer got three felonies, a divorce, and a bankruptcy, and Richard Hartwick got sentenced to two to fifteen years in prison. Now he went back, you can picture a guy getting sentenced to that kind of time, being all shook up, worried, he gets back, they slide the sheet under his door, the sentence, the frequent fliers at Oakland County tell him two to fifteen years at sentencing, then slide a sheet under the door that says two to 40 years without even so much as telling the guy. That kind of stuff is criminal on every level, us patients have not received one beneficial ruling, one beneficial policy, one beneficial program, whatsoever. I wanted my case to win, but now I'm glad it didn't, because I see what's happening to all these winners around here. Now for a decade, the appeals courts has entered into a criminal conspiracy with the attorney general. Bill Schuette's been pulled up out of the appeals courts to just sabotage and destroy everything humanly possible and manipulate the process and the checks and balances, and I see y'all allowing him to do so. Now he used one silly little dispensary opinion - the McQueen decision - to criminalize a quarter million people's actions. No defense whatsoever. You're standing up with three four five years attack the community. They do it again under Hartwick section 8 - attack the community for four or five years. Now they're coming through with city ordinance, attacking us in our cities. Congress said they can't do that, we're going to have to put up

with that for six, seven, eight years. I'm here today to tell y'all, the war on drugs is over. With any drug, with any drug war, with any war, sanctions will be made after the war. We hunt Nazis 70 years after World War Two, to this day, to the edge of the earth, for the atrocities they've committed on the public. It's time to change Michigan, it's time for y'all to stop this absurd behavior against us as patients, and it's time for y'all to pick up Correthers, and stop these cops from showing everybody fake IDs made on state computers. Completely illegal. All the rulings out of the west coast, y'all know them, y'all know everything coming out of Ninth District, you've read 'em. In California, it's illegal to charge me \$100 for a medical marijuana card, to give me a defense. It's 100% illegal when there's a free defense available. There's a free defense available in Michigan, it's called the Section 8 of the Medical Marijuana Act. In a decade, three people have presented Section 8 to a jury in a circuit court in Michigan. In a decade. All three of them had to come up here, back and forth, and back and down twice. Go back, pay a lawyer \$200,000. Countless patients like Tori Clark have spent their last days on earth being tortured while they're ill, sick, and dying, and have to put up with abuse that's coming out of here. You know, try to be nice about it, I'm trying to be polite about it, but nobody picks up anything, nothing's taken [sic] seriously, you all just railroad us into the ground for ten years, and now we've gotta deal with Frank Kesto and Mike Collatin and Rick Jones [12:20] creating a whole new industry now. Pushing these House Bill 4209s through today or tomorrow. Well you're going to let them sell us all drugs while we all have zero defense. Now they're going to sell my kids drugs, kid's gonna walk across the street, one of Rick Jones' buddies is gonna see 'em, yank 'em out of the car, beat 'em up, steal the car, put him on probation, put a black mark on their record so they can't get a job. If they're in college, they lose their financing. I had a 3.85 in college. 3.85 GPA in college when this happened to me. I woke up that morning-

CHIEF JUSTICE YOUNG: Sir-

MR. OLSON: -I was a college student-

CHIEF JUSTICE YOUNG: I've given you more than enough time. Would you conclude your remarks?

MR. OLSON: Yes, sir. I'd like to say that I woke up that morning a college student, a family man with a business, a tax-paying citizen, and I went to bed a convict on a concrete floor

without a blanket. And I ain't putting up with it. 10,000 people a year, 10,000 families a year ain't gonna put up with this. We've been sittin', waiting quietly for six, seven, years for a positive ruling, we haven't gotten it, and it's time for y'all to come correct.

CHIEF JUSTICE YOUNG: Thank you.

MR. OLSON: Criminalized Racketeering Against Patients today. Would y'all have any questions I could educate you on?

CHIEF JUSTICE YOUNG: Thank you very much.

MR. OLSON: Anyone? Miss Larsen?

CHIEF JUSTICE YOUNG: Thank you very much, sir. [PAUSE] Keith Olson. I'm sorry. Steven Scully.

MR. OLSON: Again?

CHIEF JUSTICE YOUNG: No. I forgot to check your name.

MR. SCULLY: Hello.

CHIEF JUSTICE YOUNG: You have three minutes.

MR. SCULLY: I am deeply honored to be here in front of you. I did not expect to be here, I thought I would be speaking to some representatives, so this was prepared for representatives, so I will be skipping and things like that. But I prepared it, and I will get to the point. And yes, this is about medical marijuana, this is about people in jail while others are allowed to sell marijuana. There's 70 dispensaries in Lansing right now, you all know that. A man in charge of U.S. drug policy for 32 years once stood on the stand in federal court and stated he took two puffs of marijuana and turned into a bat. That was Harry Ansinger [spelling], and his prohibition stance on marijuana's practice today. He was never removed for office and charged with lying on the stand, obviously a crime. The part of marijuana prohibition that is not spoken about is the slavery. People do not mention the slaves paying restitutions, people do not mention the slaves in prison, they do not mention the fees and other blatant violations under the U.S. constitution. Prisoners regarding cannabis, marijuana's real name, are in the thousands in Michigan. We all have lost loved ones to cancer, we all have lost loved ones to other illnesses that cannabis can help. Some of us have lost loved ones to prison in the other

part of the cannabis war. Dispensaries are needed. Cannabis oils and edibles are needed. The things that they are doing in our buildings over there right now are not needed. In Michigan today, people will go to jail for cannabis. They will be asked for money, they will be hauled away for cannabis. I passed nine dispensaries today on a ten mile journey into Lansing. Lansing is a safe-zone. A group of individuals, including its mayor, championed for what the people voted for eight years ago. What has been since destroyed with policy. I am literally a refuge in my own state. My life in limbo, my crime? Owning a dispensary not in a safe zone. We did pass an ordinance, I did pay taxes, I was registered with the city and the state. Still raided. So now I live hundreds of miles from my real home in beautiful northern Michigan. It's insane to think this is real - facing eight years while hundreds do the same. Eight years of complacency has done this to me and thousands more. The only aspects of the MMMP that work have been implemented without the manipulation of Lansing. The people asked for it and voted for it. The people implemented dispensaries because Lansing was not going to and they worked and they help.

CHIEF JUSTICE YOUNG: Please conclude your remarks.

MR. SCULLY: This is not a democracy. It does not represent us. Monopolizing cannabis, putting people in prison is not what America is about. Sic Semper Tyrannis.

CHIEF JUSTICE YOUNG: Thank you. Those are all the endorsed speakers for item one. Now we'll go to item two, which is proposed amendments to several different court rules that would permit courts to expand the use of videoconferencing technology in many court proceedings. The first endorsed speaker is Judge John Tomlinson. On behalf of the Michigan Probate Judges Association, correct?

ITEM NO. 2 (ADM File No. 2013-18)

JUDGE TOMLINSON: That's correct. Thank you, Mr. Chief Justice, good morning. I'm here- I'm St. Clair County Probate Judge John Tomlinson, as I've mentioned, I'm here on behalf of Michigan Probate Judges Association. I thank the Court for the opportunity to address it regarding the proposed amendments of the Michigan Court Rules. Our concerns are really with MCR- The proposed MCR 5.738(A), large A. We believe that that- The proposed amendment removes discretion from the trial court to determine the location of the hearings. As we mentioned in our letter to the Court, there are nearly 20,000 petitions filed for

involuntary mental health treatment in the state of Michigan every year. Because of the location of the mental health units, there's obviously a limited number of secured facilities. The limited number of mental health professionals - there is a group of psychiatrists that are available, or other mental health professionals [INAUDIBLE 18:50] safety of the respondent and other people when they're trying to conduct those hearings. Video conferencing technology permits us to do things that we would not otherwise be able to do. From a personal experience, in St. Clair County, we often times use that video conferencing technology to conduct hearings with participants or respondents who are at Kalamazoo Psychiatric Hospital, Center for Forensic Psychiatry in Saline, the Carroll Regional Center [19:15], so we're able to provide continuity for those respondents that otherwise required an assignment of a judge or something else, and there was a difficulty to make sure that there was continuity. It's also utilized to permit psychiatrist to testify from remote locations. The psychiatrist has a practice, they have things that they're doing, they're at the hospital, they're working , to have them come to a court hearing to testify for one individual ends up impacting numbers of other individuals because they're not available to do what their primary job is. Our concern is, as drafted, video technology can only be utilized if the subject of the petition does not object or other certain circumstances. All we are proposing is that there be phraseology added that upon a showing of good cause, the Court would be permitted to use that technology, even over the objection of the respondent. That lets us permit respondents to consider the use of video technology, but gives the trial court that other good cause - the safety of the participants or people, convenience of the parties, or disruption of the subject's treatment - would warrant the use of the video technology. We also oppose the language of D(3), it does not permit the trial court to consider the safety of others. My personal experience, the one time I've excluded a respondent from a hearing in the ten years I've been on the bench was his aggression to the deputies that were transporting him. Ended up being physical damage to the courtroom, nobody was hurt, but there could have been, I then required him to participate from the jail through the video conferencing technology. If I had had to worry just about his safety, that might have been not the decision that I would have made. So I would just like to add the phrase "or others" to provide for that discretion. Thank you for the opportunity, I'd be happy to answer any questions the Court may have.

CHIEF JUSTICE YOUNG: Thank you very much.

JUDGE TOMLINSON: Okay, thank you. Have a good day.

JUSTICE VIVIANO: Judge, just one question. You're not suggesting by court rule that we should set up a system that would be in conflict with statutory provisions, are you?

JUDGE TOMLINSON: Absolutely not. We're just looking towards some kind of acknowledgement of discretion in good cause. I think that there is obviously an ability for the respondent to say there's an objection if the objection is not well founded or we think there are other considerations that outweigh that, then we can talk about doing something different. Often times the video is used to permit the respondent to participate wherever he is or where the doctor is. I would think the likely objection would be I want the doctor here in person or I want to be there in person, and we can configure things, we can go to the hospital, we can do all kinds of things, so we'll be able to figure it out. But maybe circumstance is if I have somebody for forensic psychiatry that wanted to be in my courtroom and wanted the doctor there, that ends up being a three hour trip for both the respondent and the physician to come to my courtroom and have a hearing when we could do it in ten minutes by video with them both in the same room, so-

JUSTICE VIVIANO: Just so we're clear, you're representing the association. That's the same for the courts all over Michigan?

JUDGE TOMLINSON: Yes.

JUSTICE VIVIANO: You have patients at Carroll or other institutions?

JUDGE TOMLINSON: Yes. And especially Kalamazoo, at the Center for Forensic Psychiatry, there's Ruther for Wayne County and then there's Carroll I think for the rest of the state. We've handled the hearings for Carroll traditionally by having kind of a rotation, people cover them at different times. As I mentioned, the continuity is very difficult. I may go to Carroll to have hearings, I might not see anybody from my county. I might get three from Macomb and two from up north and not-

JUSTICE VIVIANO: So video conferencing eliminated that rotation system that used to be in place?

JUDGE TOMLINSON: It has eliminated to some degree. I no longer- I still participate in the rotation but I hear all the cases of people from my county.

JUSTICE VIVIANO: Okay.

JUDGE TOMLINSON: Okay. Anything else? Thank you very much, have a nice day.

CHIEF JUSTICE YOUNG: Thank you. [PAUSE] The next endorsed speaker is Anne Yantus.

MS. YANTUS: Good morning again, Your Honors. Anne Yantus from the University of Detroit Mercy School of Law. I am here to oppose the amendment as it relates to felony sentencings in video conferencing. I apologize for not having filed something in writing, I missed this proposal between- As I moved between two jobs. There is a recent decision of the Court of Appeals that is published and it's called *People v Heller*, it does a very nice job of explaining why it's important for a defendant to personally appear at a felony sentencing. There's something, though, that I thought could be added to that decision which is there is an important therapeutic aspect to the defendant's allocution as well as the victim's allocution. It's recognized in the law. The defendant has the right to speak, and they may not have spoken at all during the proceedings, this is their opportunity to say something, perhaps to explain the crime, and that can be therapeutic for the defendant and also the victim to hear that. The victim also has a right to speak. It's their opportunity to say their feelings about the crime in the presence of the defendant and often looking the person in the eye and that is lost when the defendant appears by video. There- In terms of structuring this as the defendant can consent to this, the problem is that there can be a fair amount of institutional pressure for the defendant to waive the right to appear at sentencing. That can come from defense counsel, the court, or the jail or the prison. I had a case in Wayne County where the judge granted resentencing and then wanted the video to appear by video and apparently that was the judge's practice, but we said no, he would like to appear in person. I indicated to the judge that I thought there was no authority to appear by video, judge asked me to brief and I did. I would say that she reluctantly agreed with us. The resentencing went forward, it didn't go the way we had hoped, we don't know if that had an impact on it, but I had to have a discussion with the client before we decided to push for his personal presence in terms of will this anger the judge, will this not help you at sentencing?

And we shouldn't have to have that discussion. We did not want to anger a judge at sentencing, you don't want to appear to be wasting resources, but that shouldn't [INAUDIBLE @25:25] the discussion, that shouldn't be something that is even a factor at sentencing. Felony sentencing is so important and it, practically speaking, there are things that arise on the spot that you need to be able to consult with your client about and if they're not physically present, you can't do that. And then also, in terms of the credibility factor, there are some studies - and this is mentioned in the *Heller* decision - there are some studies showing that a viewer's perception of the credibility of a person who appears by video can be less, so less trustworthy, less credible. You do not want that at sentencing for a defendant, this is your opportunity to speak the court, to show the judge who you are as a person, you need to be able to do that in person.

CHIEF JUSTICE YOUNG: Thank you.

JUSTICE BERNSTEIN: Counsel, may I ask a question?

MS. YANTUS: Sure.

JUSTICE BERNSTEIN: First off, thank you very much for coming and congratulations on your new position. Help us to balance - and I was listening very intently to everything you said, but I guess if you could address the balance that the court has to be concerned about, if you recall, a number of months ago there was a defendant, I believe, killed two bailiffs, you know, while being escorted and that was a very, very tragic day for the court. So I guess the issue is- Is it that there is some kind of safety component that comes when you're dealing with circumstances and situations of this nature, and if you have a person who is perhaps facing life without parole, you know, it could ultimately create a situation where, you know, they don't have much to lose. And I guess if you could help us to balance the issue, of course, with the ability to be present and it's your right to be present, with the concern that law enforcement has, which is the inherent danger that comes with transporting people in this situation.

MS. YANTUS: Well, and I understand- I understand the- Your views, Justice Bernstein. I think the problem is that you have an absolute right to be present and for a felony sentencing it's especially important because it can be a significant operation of your rights to liberty and to live in society, and so the impact-

CHIEF JUSTICE YOUNG: Well what- I guess I'm concerned with the nature of the argument. You're saying we should deprive a defendant of the ability to waive this and only this constitutional right? I mean- Almost every constitutional right can be waived, right?

MS. YANTUS: Most can, yes.

CHIEF JUSTICE YOUNG: Yeah. Almost. So why is this one-

MS. YANTUS: Different?

CHIEF JUSTICE YOUNG: -so singular that a criminal defendant and his or her lawyer couldn't decide that this might be in the interest of the defendant to conduct that by hear- By video.

MS. YANTUS: Then two reasons. One is that, as I said, there is a great deal of institutional pressure to waive it, even if it's not in the defendant's best interest. And even defense counsel can urge the defendant to waive it because we don't want to anger the judge, but that shouldn't be a consideration. It just shouldn't be. The other point is that-

JUSTICE LARSEN: Is that meaningfully- Counsel-

MS. YANTUS: -they then go back to the allocution-

CHIEF JUSTICE YOUNG: Excuse me.

JUSTICE LARSEN: Counsel- I'm sorry. Is that meaningfully different than allowing a criminal defendant to waive a criminal trial altogether and plead guilty? There are pressures there, too. So I guess I'm not seeing why we would allow you to waive trial altogether and not allow you to waive sentencing. What's the argument about why those two things are different?

MS. YANTUS: Well sentencing, in many ways, is a subjective decision by the sentencing judge. And so it's critically important that you try not to anger the judge [INAUDIBLE @ 29:15] appearing in front of the judge at sentencing because it's really unclear what will happen and what the length of the sentence will be. The judge has a fair amount of discretion so, you know, you have to make judgements about what arguments you make and what you don't, but, you know, to be able to say that, "well I shouldn't appear in person because it'll be more

favorable for me," that is the pressure, and that shouldn't be there for felony sentencing.

JUSTICE MCCORMACK: I don't- I'm not sure- I would have thought that one answer to Justice Larsen's question was it's not the difference between waiving trial and waiving sentencing. You're not waiving sentencing. It's waiving the right to be present during them both. Can you waive the right to be present during a plea? Can you plead guilty from jail? Should you be able to? Maybe the answer is yes. But I don't see the right to be present as the same as waiving the right to the trial.

MS. YANTUS: Well, and I wanted to go back to the allocution aspect. I mean, that's not- You know, you don't have that at the time of the plea. At sentencing, it brings in a lot of parties and there's this opportunity for everyone to have a say. There is a therapeutic value and I have seen situations where the defendant turns, during allocution, turns to the audience and offers a sincere apology to the victim or the victim's family. You lose that if the person appears by video, and the victim loses the ability to speak in front of the defendant.

MS. YANTUS: Thank you. Any other questions?

JUSTICE VIVIANO: Do you think the victim should be given an opportunity to object?

MS. YANTUS: Well I think we shouldn't allow defendants to waive this right, it's too important and for the very few cases where, perhaps the decision be the sentence is already given, even first degree murder-

JUSTICE VIVIANO: But if we allowed the victim an opportunity to object, that would alleviate your concerns relative to the victim, would it not?

MS. YANTUS: But it wouldn't-

JUSTICE VIVIANO: If the victim consented and said, "You know what, I don't really need to- Feel the need to see this defendant in court, I don't need to go through that."

MS. YANTUS: Well it won't alleviate the defendant's right to speak in person to the court and it doesn't alleviate the fact that you've got the problems with assessment of credibility by video. It's an intensely humanized-

JUSTICE VIVIANO: I agree. My question was a little more focused on one part of your argument, not to all of the others, but I understand.

JUSTICE MARKMAN: Yours seems to me to be really a more fundamental criticism of the video conferencing procedure than it might appear at first blush. You're suggesting it's not simply a difference in mode, in the type of presentation, but also that, in light of the credibility impact and the therapeutic effect, there's really quite a substantive difference between these two circumstances, are you not?

MS. YANTUS: There is, and we have been using- Well, I say we. The state Appellate Defender Office, when I worked there, we had the ability to meet with clients through the video conferencing equipment rather than in person and sometimes if you received a case that had an immediate deadline and the person was in the upper peninsula, you know, sometimes you did that. But you miss things through that- That type of conference. The case of *People v McGraw*, I represented Mr. McGraw, we were appointed at the last minute in the Supreme Court, and I was completely unaware of the fact until I met him in the later resentencing that he had, you know, he had some facial deformity and he was actually a very shy man. None of that came through on the video conference, I had a very different perception of him when I met him in person. Also I had a client who has some serious mental illness and really I did not pick up on that during the video conference. Although I picked up on it when I met with the client in court, so there are things you miss though the video and they're important.

CHIEF JUSTICE YOUNG: Thank you.

MS. YANTUS: Thank you.

CHIEF JUSTICE YOUNG: Sean Bennett. [PAUSE] Diane Ferguson. [PAUSE] Donald Ferguson. [PAUSE] Those are all the endorsed speakers on the matter. There being no others, we are adjourned. Thank you.