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December 23, 2011

Corbin R. Davis
Clerk of the Court
Michigan Supreme Court
Michigan Hall of Justice
925 W. Ottawa, P.O. Box 30052
Lansing, MI 48909

Re: APS Comment on ADM 2010-15 (MCR 6.005)

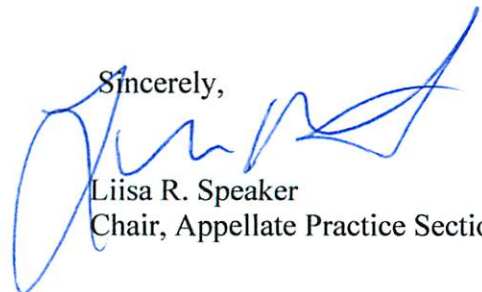
Dear Mr. Davis:

On November 18, 2011, the Council of the Appellate Practice Section of the State Bar of Michigan approved the proposed amendment to MCR 6.005, as contained in ADM 2010-15. Council approved the proposed amendment unanimously (16 votes), with one council member abstaining from the vote.

The Section supports the proposed amendment as it facilitates and ensures that appellate counsel can obtain the record for a criminal appeal. The Section is sympathetic to the goals of the proposed amendment as it is often difficult to obtain the file from trial counsel. The Section also supports the part of the proposed amendment requiring trial counsel to retain the defendant's file for five years. This five-year-period is particularly important in criminal cases because appeals in post-conviction proceedings may arise years after the entry of the judgment.

Thank you for considering the Council's position on this proposed amendment.

Sincerely,



Liisa R. Speaker
Chair, Appellate Practice Section