

# Order

Michigan Supreme Court  
Lansing, Michigan

April 22, 2026

Megan K. Cavanagh,  
Chief Justice

ADM File No. 2024-15

Brian K. Zahra  
Richard H. Bernstein  
Elizabeth M. Welch  
Kyra H. Bolden  
Kimberly A. Thomas  
Noah P. Hood,  
Justices

Proposed Addition of Rule 6.426  
and Proposed Amendments of  
Rules 7.216 and 7.315 of the  
Michigan Court Rules

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On order of the Court, this is to advise that the Court is considering an addition of Rule 6.426 and amendments of Rules 7.216 and 7.315 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and  
deleted text is shown by strikeover.]

[NEW] Rule 6.426 Appointment of Appellate Counsel Following Remand by Michigan Supreme Court

(A) Appointment of Lawyer on Remand; Scope of Appellate Lawyer's Responsibilities.

(1) Appointment of Lawyer on Remand.

(a) All requests for the appointment of appellate counsel must be granted or denied on forms approved by the State Court Administrative Office and provided by MAACS.

(b) Within 7 days after receiving an order from the Court of Appeals remanding a case to the court for a determination of indigency under MCR 7.215(E), the trial court must submit the request, the judgment of sentence, the register of actions, and any additional requested information to MAACS under procedures approved by the Appellate Defender Commission for the preparation of an appropriate order granting or denying the request. The court must notify MAACS if it intends to deny the request for counsel.

- (c) Within 7 days after receiving a request and related information from the trial court, MAACS must provide the court with a proposed order appointing appellate counsel or denying the appointment of appellate counsel. A proposed appointment order must name the State Appellate Defender Office (SADO) or an approved private attorney who is willing to accept an appointment for the appeal.
  - (d) Within 7 days after receiving a proposed order from MAACS, the trial court must rule on the request for a lawyer. If the defendant is indigent, the court must enter an order appointing a lawyer. An order denying a request for the appointment of appellate counsel must include a statement of reasons and must inform the defendant that the order denying the request may be appealed by filing an application for leave to appeal in the Court of Appeals in accordance with MCR 7.205.
  - (e) The trial court must serve MAACS with a copy of its order granting or denying a request for a lawyer. Unless MAACS has agreed to provide the order to any of the following, the trial court must also serve a copy of its order on the defendant, defense counsel, and the prosecutor.
- (B) Scope of Appellate Lawyer’s Responsibilities. The responsibilities of the appellate lawyer appointed to represent the defendant include representing the defendant
- (1) in available postconviction proceedings in the trial court the lawyer deems appropriate,
  - (2) in postconviction proceedings in the Court of Appeals,
  - (3) in available proceedings in the trial court the lawyer deems appropriate under MCR 7.208(B) or 7.211(C)(1), and
  - (4) as appellee in relation to any postconviction appeal taken by the prosecutor.

#### Rule 7.216 Miscellaneous Relief

(A)-(C) [Unchanged.]

(D) Appointment of Counsel Following Supreme Court Remand. Upon remand by the Supreme Court of a criminal case on direct appeal involving an in pro per defendant, the Court of Appeals must determine whether prior appellate counsel is available to represent the defendant in the remand proceedings. If not, the Court of Appeals must remand the case to the trial court for appointment of appellate counsel under MCR 6.426.

## Rule 7.315 Opinions, Orders, and Judgments

(A)-(D) [Unchanged.]

(E) An order remanding a criminal case on direct appeal to the Court of Appeals that involves a pro per defendant must include language advising the defendant that the defendant has the right to counsel and that if the defendant is unable to afford a lawyer, one may be appointed in accordance with MCR 7.216(D).

**Staff Comment (ADM File No. 2024-15):** The proposed addition of MCR 6.426 and proposed amendments of MCR 7.216 and 7.315 would ensure that self-represented criminal defendants are advised of the right to counsel in remand proceedings from the appellate courts and would facilitate appointment of such counsel.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by August 1, 2026 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When submitting a comment, please refer to ADM File No. 2024-15. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 22, 2026

*Elizabeth Kingston-Miller*

Clerk