

Public Policy Position
ADM File No. 2020-08

The Criminal Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,425 members. The Criminal Law Section is not the State Bar of Michigan and the position expressed herein is that of the Criminal Law Section only and not the State Bar of Michigan. The State Bar has authorized the Section to submit its position to the Court.

The Criminal Law Section has a public policy decision-making body with 26 members. On August 17, 2021, the Section adopted its position after a discussion and vote at a scheduled meeting. 18 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 8 members did not vote.

Explanation:

The Criminal Law Section of the State Bar of Michigan believes that technology has a role in the criminal legal system. However, we oppose the presumption that all hearings will be held via video conferencing. Rather, we believe that courts should work with the parties to emphasize access to justice, judicial economy, and victim rights. Therefore, the following hearings should be in person: jury selection, trials, preliminary examinations, evidentiary hearings, pleas, sentencings, and probation violation hearings. When the parties stipulate to video conferencing, it is important for the court to give deference to their stipulation.

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