

MICHIGAN LEGAL HELP

Helping Michigan residents solve their legal problems

August 28, 2019

Mr. Larry S. Royster, Clerk
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: Comments on ADM File No. 2002-37 – Proposed Amendments of e-Filing Rules

Dear Mr. Royster,

I am writing as the Director of the Michigan Legal Help Program to provide input on the proposed rules related to e-Filing referenced above.

As you are aware, the Michigan Legal Help Program supports the statewide Michigan Legal Help website and affiliated self-help centers dedicated to providing critical legal information, DIY tools, and referrals to self-represented litigants (SRLs). About 50% of the litigants appearing in Michigan’s courts are self-represented, and the Michigan Legal Help website reaches nearly 45,000 individuals a week. When e-Filing becomes mandatory these rules will impact most of the self-represented litigants who visit our website. We make these comments now to ensure we’re able to clearly provide guidance and direction to litigants about e-Filing, but also because we care deeply about eliminating barriers to access to justice for self-represented litigants, many of whom are also low-income and most of whom are unfamiliar with court processes.

Throughout our comments we provide suggested changes or additions to language. Our changes are shown by strikethrough and underlining. Changes shown in the proposed rule were removed to separate our suggestions from the Court’s proposed amendments.

Below are our comments:

A. 2.116(G)(1)(c) and 2.119(A)(2)(d)

Both of these proposed rules add that “Where electronic filing has been implemented, a judge’s copy may not be required.” We read this to mean that judges cannot require judges’ copies and we support this rule change if this is the intention. We suggest rephrasing as follows to remove ambiguity:

Where electronic filing has been implemented, a judge’s copy ~~may~~ shall not be required.

B. 3.206(C)(1)

The current 3.206(C)(1) contains a list of items to be included in a verified statement for any case that involves minors, child support, or spousal support. The proposed rule removes the specific list and replaces it with a statement that the State Court Administrative Office (SCAO) will create a form that lists the required items. We oppose this change and support a rule that continues to list the explicit requirements for the verified statement.

C. 3.206(C)(2)

We oppose the addition of language that requires parties to provide an alternate mailing address if they exclude their actual address for good cause. In the context of electronic filing and service, there is less, not more, need for the court to have a party's mailing or physical address. Many people who have good cause to exclude a mailing address are excluding the address for safety reasons. Giving an address of a friend or relative could place those people in danger, and P.O. boxes come with a fee that not everyone can afford. We suggest the following change to the proposed rule:

The information in the verified statement is confidential, and is not to be released other than to the court, the parties, or the attorneys for the parties, except on court order. For good cause, the addresses of a party and minors may be omitted from the copy of the statement that is served on the other party. If ~~the a~~ a party ~~submitting the verified statement~~ excludes an their address for good cause, that party shall either ~~provide an alternate address where mail can be received:~~

- (a) Submit to electronic filing and service, pursuant to 1.109(G); or
- (b) Provide an alternate address where mail can be received.

D. 4.201(B)(2)

4.201(B)(2) makes a slight procedural change to the way plaintiffs may request a jury trial in landlord-tenant proceedings and land contract forfeitures. We suggest the following change to mirror language for defendants, and to clarify that the plaintiff's jury demand must be made at the time the complaint is filed:

Jury Demand. If the plaintiff ~~wishes~~ wants a jury trial, the demand must be made at the time the complaint is filed on a form approved by the State Court Administrative Office. The jury trial fee must be paid when the demand is made.

Respectfully submitted,

Angela S. Tripp
Director, Michigan Legal Help