

Order

Michigan Supreme Court
Lansing, Michigan

May 20, 2020

Bridget M. McCormack,
Chief Justice

ADM File No. 2002-37

David F. Viviano,
Chief Justice Pro Tem

Proposed Addition of Rule
2.226 of the Michigan Court
Rules

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

On order of the Court, this is to advise that the Court is considering a proposed addition of Rule 2.226 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 also will be considered at a public hearing. The notices and agendas for public hearings are posted at [Administrative Matters & Court Rules 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.

[New] Rule 2.226 Change of Venue; Transfer of Jurisdiction; Orders.

- (A) The court ordering a change of venue or transfer of jurisdiction shall enter all necessary orders pertaining to the certification and transfer of the action to the court to which the action is transferred on a form approved by the State Court Administrative Office.
- (B) If a change of venue or transfer of jurisdiction order is not prepared as required under subrule (A), and the order lacks the information necessary for the receiving court to determine under which rule the transfer was ordered, the receiving court may refuse to accept the transfer.
- (C) If a receiving court refuses to accept a transfer because of lack of necessary information under subrule (B), the clerk of the court in the receiving court shall prepare a notice of refusal on a form approved by the State Court Administrative Office and promptly return the case to the transferring court for a proper order.
- (D) If a transferring court receives a refusal to accept a transferred case under subrule (C), the transferring court shall prepare a proper order in accordance with subrule (A) and retransfer the case within three business days.

Staff comment: The proposed addition of MCR 2.226 would clarify the process for change of venue and transfer orders.

The staff comment is not an authoritative construction by the Court. In addition, adoption of an 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 sent to the Supreme Court Clerk in writing or electronically by September 1, 2020, at P.O. Box 30052, Lansing, MI 48909, or ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2002-37. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



I, Larry S. Royster, 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.

May 20, 2020

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk