

Order

Michigan Supreme Court
Lansing, Michigan

March 10, 2021

Bridget M. McCormack,
Chief Justice

ADM File No. 2002-37

Proposed Amendment of
Rule 1.109 of the Michigan
Court Rules

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

On order of the Court, this is to advise that the Court is considering an amendment of Rule 1.109 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.

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

Rule 1.109 Court Records Defined; Document Defined; Filing Standards; Signatures;
Electronic Filing and Service; Access

(A)-(F) [Unchanged.]

(G) Electronic Filing and Service.

(1) Definitions. For purposes of this subrule:

- (a) “Authorized user” means a user of the e-filing system who is registered to file, serve, and receive documents and related data through approved electronic means. A court may revoke user authorization for good cause as determined by the court, including but not limited to a security breach. If an authorized user needs to change user accounts, he or she must provide notice to the court and the other authorized users on the case in accordance with MCR 1.109(G)(3)(j).

(b)-(f) [Unchanged.]

(2) [Unchanged.]

(3) Scope and Applicability.

(a)-(i) [Unchanged.]

(j) An authorized user must notify the court and other authorized users on the case regarding any change to the user account, including a change of email address. The notice must be in writing and filed with the court with service on the parties immediately after the user account is changed. Once the notice is filed with the court, all future e-service must be served using the updated user account information.

(j)-(l) [Relettered (k)-(m) but otherwise unchanged.]

(4)-(5) [Unchanged.]

(6) Electronic-Service Process.

(a) General Provisions.

(i)-(iii) [Unchanged.]

(iv) If a document is electronically served to a party's known email address but is returned to the filer as undeliverable, this will constitute proper service when the transmission to the recipient's email address is sent, in accordance with MCR 1.109(G)(6)(b). Neither the filer nor the court will need to take any further action regarding the undeliverable message.

(~~iv~~)-(vi) [Renumbered but otherwise unchanged.]

(b)-(c) [Unchanged.]

(7) [Unchanged.]

Staff comment: The proposed amendment of MCR 1.109 would address e-Filing issues relating to updating authorized user accounts and e-service of documents that are returned as undeliverable to a registered e-mail address.

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 July 1, 2021, 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.

March 10, 2021

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

Clerk