Order

Michigan Supreme Court
Lansing, Michigan

April 17, 2020

ADM File No. 2020-08

Administrative Order No. 2020-9

Temporary Amendments
and Extensions Related to
Continuing Work in Courts

Bridget M. McCormack,
Chief Justice

David F. Viviano,
Chief Justice Pro Tem

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

On order of the Court, except as otherwise provided by this order, and consistent with Administrative Order No. 2020-6, courts (including judicial officers and staff), attorneys, parties, and other participants in the judicial system are expected to proceed with activities related to all pending legal proceedings to the greatest extent possible.

In pursuit of that goal, the following rules are temporarily amended to enable the work of the courts to continue while also complying with the restrictions on leaving home and accessing private facilities (such as office space) and public facilities including courthouses, post offices, and other common services pursuant to EO 2020-42 and 2020-36, and other executive orders that may be issued, during the state of emergency.

Rules Temporarily Amended During State of Emergency

During the state of emergency established by Governor Whitmer under Executive Order 2020-33, the following rules are temporarily amended:

MCR 2.002: Courts must enable a litigant who seeks a fee waiver to do so by an entirely electronic process.

MCR 2.107(C): Because people may not be physically present to receive mail at a particular location, all service of process under this rule must be performed using electronic means (e-Filing where available, email, or fax, where available) to the greatest extent possible. Email transmission does not require agreement by the other party(s) during the effective period of this order, but should otherwise comply as much as possible with the provisions of MCR 2.107(C)(4).

MCR 2.305, 2.506, 2.621(C), 9.112(D), 9.115(I)(1), 9.212: Subpoenas issued under these rules may require a party or witness to appear by telephone, by two-way interactive video technology, or by other remote participation tools.

MCR 3.904: Courts may use two-way videoconferencing technology or other remote participation tools where the court orders a more restrictive placement or more restrictive treatment.

Extension of Deadlines During Stay Home Stay Safe Order

Consistent with AO No. 2020-3 (excluding days in the State of Emergency in computing the deadline for case initiation filings) and AO No. 2020-4 (extending the filing deadlines in the Michigan Supreme Court and Court of Appeals for the period of the Executive Order 2020-21 and 2020-42), the following deadlines are likewise suspended as of March 24, 2020, the effective date of Executive Order 2020-21, and will be extended until the expiration of Executive Order 2020-42 or a subsequent Executive Order that extends the period in which citizens are required to suspend activities that are not necessary to sustain or protect life:

MCR 2.102(D): Expiration of summons.

MCR 2.614: A stay of proceedings to enforce judgement.

MCR 3.216(G)(3) and MCR 2.411(F)(4): Two-year period in which to complete advanced mediation training.

Postjudgment motions filed in the trial court as well as circuit court appeals and appeals of agency determinations.

This order is effective as provided herein or as otherwise provided by subsequent order of the Court.

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.

April 17, 2020

Clerk