

## PLAIN LANGUAGE

# What the Michigan summons should look like (Part 2)

BY KAREN SCHRIVER

*In spring 2021, with the approval of the former Chief Justice and encouragement from the State Court Administrative Office and leaders of the State Bar Justice for All Commission, the Kimble Center for Legal Drafting began work on revising Michigan's summons. The form was designed by Karen Schriver, who is internationally recognized as a top expert in document design and plain language. Of course, others connected with the Kimble Center reviewed each draft. We held Zoom meetings with several people at SCAO who work on forms and another Zoom meeting with several court clerks. After we had prepared one of the earlier drafts, we sent it to SCAO and to those same court clerks for their comments — and we received lots of good ones. We also received comments from the Ottawa County Legal Self-Help Center and from the Legal Design Lab at Stanford Law School. All told, the form went through 20*

*drafts. We submitted the final draft in January 2022. We have always been prepared to test it with users — the gold standard for whether a document works. Note that the form itself has been reduced by about 10 percent for this column. Last month, we published the summons itself. This month, the proof of service. —JK*

**Karen Schriver** is president of KSA Communication Design & Research in Pittsburgh, Pennsylvania. A former faculty member at Carnegie Mellon University, she taught students to apply research on document design, plain language, and cognitive science to design everyday communications. Her book, *Dynamics in Document Design: Creating Texts for Readers*, was named a landmark by the Society of Technical Communication. Winner of many awards for her research, Schriver focuses on making complex information clear, compelling, and usable.

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"Plain Language," edited by Joseph Kimble, has been a regular feature of the *Michigan Bar Journal* for 40 years. To contribute an article, contact Prof. Kimble at Cooley Law School, 300 S. Capitol Ave., Lansing, MI 48933, or at kimblej@cooley.edu. For an index of past columns, visit [www.michbar.org/plainlanguage](http://www.michbar.org/plainlanguage).

# Proof of Service — Summons & Complaint

State of Michigan

Case Number
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**To be filled out by the Court Clerk**

**Which Michigan Court?**

- \_\_\_\_\_ District Court
- \_\_\_\_\_ Circuit Court
- \_\_\_\_\_ Probate Court

**Who gets this form?**

- Original – Court
- 1st copy – Defendant
- 2nd copy – Plaintiff
- 3rd copy – Process Server

**Instructions to the Process Server**

1. Deliver the summons and the complaint to the defendant, or the defendant’s agent, no later than:
  - the expiration date on the summons or
  - the date that the order for a second summons expires.
2. Ask the defendant(s) to sign the Acknowledgment of Service.
3. File this proof of service with the court clerk. If you cannot complete service, you must return this original and all copies to the court clerk.

**Defendant’s Acknowledgment of Service**

I acknowledge that I have received service of the Summons and Complaint.

(If applicable) I also received the following documents:

\_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_

Day, date & time \_\_\_\_\_

(If applicable) I received the papers on behalf of:

\_\_\_\_\_

**Process Server:**  
*If the defendant does not sign the Acknowledgment, you must fill out the next three sections (Affidavit, Certificate, and Declaration) about your service.*

**Affidavit of My Authority to Make Service**

*Check one box.*

**Officer Certificate** (notarization not required)

I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]).

**OR**

**Affidavit of Process Server Who Is Not an Officer** (notarization required on the next page)

I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]).

**Certificate or Affidavit of Actual or Attempted Service**

**Process Server:**  
*List other documents you served or attempted to serve, if any. Then fill in the boxes at the top of the next page.*

I certify or swear that I served or attempted to serve these documents on the defendant(s) listed on the next page:

- Summons & Complaint
- Other documents

\_\_\_\_\_

\_\_\_\_\_

I have listed the place and manner of service or attempted service on the next page.

# Proof of Service — Summons & Complaint

State of Michigan

Case Number
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## Certificate or Affidavit of Actual or Attempted Service (continued)

Defendant(s) name(s) and the address(es) where I made or attempted service	Day, date, time of service or attempted service	Method
		<input type="checkbox"/> In person <input type="checkbox"/> Registered or certified mail* <input type="checkbox"/> Unable to serve
		<input type="checkbox"/> In person <input type="checkbox"/> Registered or certified mail* <input type="checkbox"/> Unable to serve
		<input type="checkbox"/> In person <input type="checkbox"/> Registered or certified mail* <input type="checkbox"/> Unable to serve

\* Return receipt required

### Process Server's Declaration

I declare under the penalties of perjury that I have examined this proof of service and that its contents are true to the best of my information, knowledge, and belief.

- If you are not a sheriff, deputy sheriff, bailiff, appointed court officer, or party's attorney, do not sign the declaration **until** you're in front of a notary.
- Submit a copy of the return receipt (if sent via registered or certified mail).

\_\_\_\_\_  
Process Server's Signature

\_\_\_\_\_  
Name (type or print)

\_\_\_\_\_  
Title

Service fee \$	Miles traveled	Fee \$	+	Incorrect-address fee \$	Miles traveled	Fee \$	=	<b>Total Fee</b> \$
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### Notarization (if required)

Signed and sworn to before me on \_\_\_\_\_  
Date

in \_\_\_\_\_ County, Michigan

Signature \_\_\_\_\_

My commission expires \_\_\_\_\_  
Date

Notary public in \_\_\_\_\_ County, Michigan