

## Amendment of Rule 16 and Addition of Rule 20 of the Rules Concerning the State Bar of Michigan (Dated January 20, 2021)

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 16 and addition of Rule 20 of the Rules Concerning the State Bar of Michigan are adopted, effective May 1, 2021.

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

### Rule 16 Unauthorized Practice of the Law

Sec. 1. The State Bar of Michigan is hereby authorized and empowered to investigate matters pertaining to the unauthorized practice of law and, with the authority of its Board of Commissioners, to file and prosecute actions and proceedings with regard to such matters.

Sec. 2. The State Bar of Michigan has the power to issue subpoenas to require the appearance of a witness or the production of documents or other tangible things concerning its investigation of an unauthorized practice of law complaint. Subpoenas may be prepared by the investigative staff of the State Bar of Michigan and served after approval by the Chairperson of the Standing Committee on Unauthorized Practice of Law. The subpoena may be served by certified mail, return receipt requested, and delivery restricted to the addressee or via hand delivery. The subpoena may also be served by e-mail, if the person to be served agrees.

A person who without just cause, after being commanded by a subpoena, fails or refuses to appear or produce documents or tangible things after being ordered to do so is in contempt. The State Bar of Michigan may initiate a contempt proceeding under MCR 3.606 in the circuit court for the county where the act or refusal to act occurred.

A subpoena issued pursuant to this rule shall be sufficient authorization for seeking the production of documents or other tangible things outside the State of Michigan. If the deponent or the person possessing the subpoenaed information will not comply voluntarily, the proponent of the subpoena may utilize MCR 2.305(C) or any similar provision in a statute or court rule of Michigan or of the state, territory, or country where the deponent or possessor resides or is present.

Sec. 3. A complainant or witness is absolutely immune from suit for statements and communications transmitted solely to State Bar staff and their agents, the Standing Committee on the Unauthorized Practice of Law or the State Bar of Michigan Board of Commissioners or given in the course of an investigation of an unauthorized practice of law complaint. State Bar staff and their agents, the Standing Committee on the Unauthorized Practice of Law, and the State

Bar of Michigan Board of Commissioners are absolutely immune from suit for conduct arising out of the performance of their duties concerning unauthorized practice of law complaints.

Sec. 4. Notwithstanding the confidentiality provisions of SBR 19, the State Bar of Michigan may disclose information concerning an unauthorized practice of law complaint and information obtained during the investigation of an unauthorized practice of law complaint to persons and entities authorized and empowered to investigate and prosecute unauthorized practice of law complaints in other states.

### [NEW] Rule 20 Client Protection Fund

Sec. 1. The State Bar of Michigan, through its Board of Commissioners, is authorized and empowered to administer and investigate Client Protection Fund claims and to supervise the Client Protection Fund, which shall include, but not be limited to, receiving, holding, managing, disbursing monies from, and recouping monies paid by the Client Protection Fund.

The Client Protection Fund is a program established to reimburse clients who have been victimized by lawyers who violate the profession's ethical standards and misappropriate funds entrusted to them.

Sec. 2. All members are bound by the Client Protection Fund Rules.

Sec. 3. The State Bar of Michigan has the power to issue subpoenas to require the appearance of a witness or the production of documents or other tangible things concerning its administration and investigation of Client Protection Fund claims. The subpoena may be served by certified mail, return receipt requested, and delivery restricted to the addressee or via hand delivery. The subpoena may also be served by e-mail or other electronic form, if the person to be served agrees.

A person who without just cause, after being commanded by a subpoena, fails or refuses to appear or produce documents or tangible things after being ordered to do so is in contempt. The State Bar of Michigan may initiate a contempt proceeding under MCR 3.606 in the circuit court for the county where the act or refusal to act occurred.

A subpoena issued pursuant to this rule shall be sufficient authorization for seeking the production of documents or other tangible things outside the State of Michigan. If the deponent or the person possessing the subpoenaed information will not comply voluntarily, the proponent of the subpoena may utilize MCR 2.305(C) or any similar provision in a statute or court rule of Michigan or of the state, territory, or country where the deponent or possessor resides or is present.

Sec. 4. A complainant or witness is absolutely immune from suit for statements and communications transmitted solely to State Bar staff and their agents, the Standing Committee on the Client Protection Fund or the State Bar of Michigan Board of Commissioners or given in the course of an investigation of a Client Protection Fund claim. State Bar staff and their agents, the Standing Committee on

the Client Protection Fund, and the State Bar of Michigan Board of Commissioners are absolutely immune from suit for conduct arising out of the performance of their duties and responsibilities regarding the Client Protection Fund.

Sec. 5. Notwithstanding the confidentiality provisions of SBR 19, the State Bar of Michigan may disclose information concerning Client Protection Fund claims and information obtained during the investigation of Client Protection Fund claims to persons and entities authorized and empowered to investigate and administer Client Protection Fund claims in other states.

**STAFF COMMENT:** The amendment of Rule 16 and addition of Rule 20 of the Rules Concerning the State Bar of Michigan clarify the process of investigation of unauthorized practice of law claims, and codifies procedures for the Client Protection Fund. These amendments were requested by the State Bar of Michigan.

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.

#### **Amendment of Administrative Order No. 2020-17 Priority Treatment and New Procedure for Landlord/Tenant Cases (Dated January 30, 2021)**

Administrative Order No. 2020-17—Priority Treatment and New Procedure for Landlord/Tenant Cases

Since the early days of the pandemic, state and national authorities have imposed restrictions on the filing of many landlord/tenant cases. As those restrictions are lifted and courts return to full capacity and reopen facilities to the public, many will experience a large influx of landlord/tenant case filings. Traditionally, the way most courts processed these types of cases relied heavily on many cases being called at the same time in the same place, resulting in large congregations of individuals in enclosed spaces. That procedure is inconsistent with the restrictions that will be in place in many courts over the coming weeks and months as a way to limit the possibility of transmission of COVID-19. In addition, courts are required to comply with a phased expansion of operations as provided under Administrative Order No. 2020-14, which may also impose limits on the number of individuals that may congregate in public court spaces.

Therefore, the Court adopts this administrative order under 1963 Const, Art VI, Sec 4, which provides for the Supreme Court's general superintending control over all state courts, directing courts to process landlord/tenant cases using a prioritization approach. This approach will help limit the possibility of further infection while ensuring that landlord/tenant cases are able to be filed and adjudicated efficiently. All courts having jurisdiction over landlord/tenant cases must follow policy guidelines established by the State Court Administrative Office. Courts should be mindful of the limi-

tations imposed by federal law (under the CARES Act) as these cases are filed and processed, and follow the guidance in Administrative Order No. 2020-8 in determining the appropriate timing for beginning to consider these cases.

For courts that are able to begin conducting proceedings, the following provisions apply to landlord/tenant actions.

(1)–(10) [Unchanged.]

(11) A court shall discontinue prioritization of cases when it has proceeded through all priority phases and no longer has any landlord/tenant filings that allege a breach of contract for the time period between March 20, 2020, and July 15, 2020 (the period in which there was a statewide moratorium on evictions). At that point, the court may notify the regional administrator of its completion of the prioritization process and will not be required to return to the procedure even if a subsequent case is filed that alleges rent owing during the period of the eviction moratorium. A court must continue compliance with all other aspects of this order while the Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19—issued by the Centers for Disease Control and Prevention; and published at 85 FR 55292, and extended by order dated January 29, 2021, and extended under the Consolidated Appropriations Act, 2021 (HR 133), Division N, § 502—is in effect.

(12)–(13) [Unchanged.]

This order is effective until further order of the Court.

VIVIANO, J. (*dissenting*). I dissent from the Court's decision to extend its previous order administratively suspending the operation of certain laws governing summary landlord-tenant proceedings. When the Court first suspended these laws in October 2020, I dissented because the order was premised solely on an order from the Centers for Disease Control and Prevention (CDC) that relied on dubious legal authority. Administrative Order No. 2020-17, 506 Mich \_\_\_ (October 22, 2020) (VIVIANO, J., dissenting), citing CDC, *Temporary Halt in Residential Evictions*, 85 Fed Reg 55,292 (September 4, 2020). Legislation was subsequently enacted by Congress that specifically referenced and extended the CDC order through January 31, 2021. Consolidated Appropriations Act, 2021 (HR 133), Division N, § 502. When the Court extended this order in December 2020, I concurred because the order then “rest[ed] on a statute duly enacted by Congress and signed by the President....” Amendment of Administrative Order No. 2020-17, 506 Mich \_\_\_ (December 29, 2020) (VIVIANO, J., concurring). On January 29, 2021, the CDC issued an order extending its eviction moratorium through March 31, 2021. CDC, *Temporary Halt in Residential Evictions*, \_\_\_ Fed Reg \_\_\_ (January 29, 2021), available at <<https://www.cdc.gov/coronavirus/2019-ncov/more/pdf/CDC-Eviction-Moratorium-01292021.pdf>>. Congress, however, has not authorized such an extension. Because our order once again rests solely on the CDC order, I dissent for the reasons stated in my initial dissent.

**Amendment of Administrative Order No. 2020-21****Order Allowing Notice of Filing to Extend Filing Period in Michigan Supreme Court and Michigan Court of Appeals, and Extending Request for Appellate Counsel Deadline****(Dated January 30, 2021)**

On order of the Court, the following amendment of Administrative Order No. 2020-21 is adopted, effective immediately.

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

As of November 20, 2020, nearly half of Michigan's prisons are considered outbreak sites of the COVID-19 virus. As a result, many prison facilities have restricted access to or closed the prison libraries, where self-represented inmates primarily work on pursuing their legal claims. And due to the prevalence of remote sentencing proceedings, some defendants face difficulty and delay in obtaining and submitting forms to request appellate counsel. These restrictions are impeding the ability of incarcerated individuals to complete the necessary legal pleadings to proceed with a criminal appeal.

Therefore, on order of the Court, pursuant to 1963 Const, Art VI, Sec 4, which provides for the Supreme Court's general superintending control over all state courts, the Court adopts the following alternative procedure for inmates who seek to file appeals with the Michigan Supreme Court and Michigan Court of Appeals in criminal cases only:

1.-2. [Unchanged.]

3. If the defendant is indigent, a request for the appointment of appellate counsel under MCR 6.425(F)(3) must be granted if it is received by the trial court or the Michigan Appellate Assigned Counsel System (MAACS) within 6 months after sentencing. See MCR 6.425(G)(1)(d). This provision applies to all cases in which sentencing took place between March 24, 2020 and the end of the tolling period.

34. The tolling period established by this order shall expire on March~~February~~ 1, 2021, unless it is extended by further order of the Court.

**Adoption of Administrative Order No. 2021-1****Creation of the Justice For All Commission****(Dated January 26, 2021)**

In May 2019, the Court appointed a Justice For All Task Force to evaluate the civil justice system in Michigan and develop a strategic plan to ensure 100 percent access to justice. That plan was finalized in December 2020, and includes a provision that recommends the Michigan Supreme Court adopt an order creating an ongoing Justice For All Commission to continue and build on the work that has been done to date. Therefore, on order of the Court, the Michigan Justice For All Commission is created, effective immediately.

**I. Purpose**

The purpose of the Michigan Justice For All Commission is to expand access to and enhance the quality of the civil legal justice system in Michigan. The goal of the Commission is to achieve 100% access to Michigan's civil justice system. The Commission will promote, facilitate, and provide leadership to achieve this goal.

**II. Duties**

The Commission shall develop, coordinate, and implement initiatives to improve the civil legal justice system. Toward this end, the Strategic Plan developed by the Justice For All Task Force will guide the initial work of the Commission. The Commission will continue identifying and assessing gaps, barriers, and strategies to further improve access to Michigan's civil justice system, especially for low- and moderate-income Michigan residents.

**III. Commission Leadership**

A. Executive Team—The leadership, direction, and administrative support for the Commission activities is provided collaboratively by the State Court Administrative Office, State Bar of Michigan, and the Michigan State Bar Foundation. The State Court Administrator, and the executive directors of the State Bar of Michigan and the Michigan State Bar Foundation, or their designees, constitute the Executive Team. Duties of the Executive team include:

1. Preparing meeting agendas
2. Providing data required for commission deliberations
3. Identifying and pursuing third party funding sources for commission initiatives
4. Accounting for the expenses of the commission
5. Preparing an annual report for the Supreme Court

B. Chair and Vice-Chair—A chair and vice-chair are appointed for two-year terms and may be reappointed.

1. Initial appointments—The first chair and vice-chair are appointed by the Supreme Court.
2. After the initial selection, the chair and vice-chair are appointed by the Supreme Court upon recommendation from the Executive Team.

3. Duties of Chair include:

- a. Presiding at all meetings of the commission
- b. Approving draft agenda for commission meetings
- c. Serving as the official spokesperson of the commission

4. The vice-chair will perform the duties of the chair in the chair's absence.

**IV. Commission Membership**

A. Membership shall be comprised of the following 30 members:

1. A sitting justice of the Michigan Supreme Court
2. The State Court Administrator, or his or her designee
3. The executive director of the State Bar of Michigan, or his or her designee

4. The executive director of the Michigan State Bar Foundation, or his or her designee
  5. A member of the Michigan House of Representatives, designated by the Speaker of the House
  6. A member of the Michigan Senate, designated by the Senate Majority leader
  7. Three members designated by the governor:
    - a. an executive branch representative
    - b. a representative of the Michigan Department of Health and Human Services
    - c. a representative of the Michigan State Housing Development Authority
  8. The director of the Michigan Legal Help Program, or his or her designee
  9. The director of the Michigan Indigent Defense Commission, or his or her designee
  10. One member each, appointed by the Supreme Court, from the following bodies/stakeholder groups:
    - a. the State Bar of Michigan
    - b. the Michigan District Judges Association
    - c. the Michigan Judges Association
    - d. the Michigan Probate Judges Association
    - e. the tribal courts in Michigan
    - f. Prosecuting Attorneys Association of Michigan
    - g. the State Planning Body
    - h. Legal Services Association of Michigan
    - i. Michigan Roundtable for Diversity and Inclusion
    - j. Association of Black Judges
    - k. Court Administrators/Probate registers
    - l. Education community
    - m. Michigan libraries
    - n. Health care community
    - o. Self Help Centers
  11. Four members appointed by the Supreme Court from nonprofit faith-based, business and professional, civic, and community organizations, and the public.
- B. Appointments—The Executive Team will recommend appointment of the 19 at large positions of the commission. After initial appointments, the Executive Team will develop a process for appointment based on dedication to the purpose and goals of the Commission and to ensure diversity in membership.
- C. Terms—With the exception of the State Bar of Michigan President appointment, members of the Commission shall be appointed for three year terms and shall be limited to three full terms. The State Bar of Michigan President term shall be one year. Terms commence January 1st of each calendar year. A standing member may be eligible for re-appointment. Initial terms may be less than three years to ensure that the

terms are staggered, so that no more than one third of the members' terms expire in any given year.

Effective January 1, 2021, the following persons are appointed to the Justice For All Commission:

For terms ending December 31, 2023:

SBM Executive Director Janet Welch (or designee)  
State Court Administrator Thomas Boyd (or designee)  
Supreme Court Justice Brian K. Zahra  
Michigan State Bar Foundation Executive Director

Jennifer Bentley  
Michigan Legal Help Executive Director Angela Tripp  
Michigan Indigent Defense Commission Director

Loren Khogali (or designee)  
Hon. Timothy Kelly (on behalf of the Michigan District Judges Association)

Hon. Margaret Zuzich Bakker (on behalf of the Michigan Judges Association)

Hon. Mabel Mayfield (on behalf of the Michigan Probate Judges Association)

Hon. Allie Maldonado (on behalf of Michigan Tribal Courts)

For terms ending December 31, 2022:

Rep. TC Clements (designated by the Speaker of the House)

Sen. XXXXX (designated by the Senate Majority Leader)  
(To be determined)

Joshua Rivera (MDHHS representative) (designated by the Governor)

Clarence Stone (MSHDA representative) (designated by the Governor)

Alicia Moon (designated by the Governor)

Carol Siemon (on behalf of the Prosecuting Attorneys Association of Michigan)

Bonsitu Kintaba (on behalf of the State Planning Body)

Ashley Lowe (on behalf of Legal Services Association of Michigan)

Yusef Shakur (on behalf of the Michigan Roundtable for Diversity and Inclusion)

Hon. Cynthia Ward (on behalf of the Association of Black Judges)

For terms ending December 31, 2021:

SBM President Rob Buchanan (or designee)

Kevin Bowling (on behalf of Court Administrators/Probate Registers)

Michelle Williams (Michigan Department of Education, on behalf of the education community)

Samantha Ashby (on behalf of Michigan libraries)

Lynda Zeller (Michigan Health Care Endowment,  
on behalf of the health care community)

Deborah Hughes (on behalf of self-help centers)

Bianca McQueen (on behalf of the public)

Nicole Huddleston (on behalf of nonprofit local  
community organizations)

Elly Jordan (on behalf of nonprofit local  
community organizations)

Brittany Schultz (on behalf of the business community)

Justice Brian Zahra shall serve as chair, and Angela Tripp  
shall serve as vice-chair.

D. Vacancy—The appointing entity shall fill a vacancy among the commissioners to serve the remainder of the unexpired term. The Executive Team shall declare a vacancy exists if a commissioner resigns from his position or moves outside of Michigan or a commissioner does not attend two consecutive meetings, without being excused by the Executive Team because of a personal or professional emergency.

E. Ad Hoc Committee Participation—The Executive Team may invite individuals whose particular experience and perspective are needed to assist with the Commission's work, including participation in Work Groups.

#### V. Meetings, Committees and Work Groups

A. The Commission will establish operating procedures for conducting meetings. The procedures will be available to the public.

B. The Executive Team may establish and dissolve standing Committees and Work Groups to accomplish Commission goals.

#### VI. Staffing and Administration

A. The State Court Administrative Office will provide administrative support to the Commission.

B. If funding is received by the Commission, the Michigan State Bar Foundation, may serve as fiscal agent for the funds.

#### VII. Reporting Requirement

The Commission will file an annual report with the Michigan Supreme Court about the Commission's activities and progress during the previous 12 months and its goals for the next 12 months.

#### Amendment of Rule 2.108 of the Michigan Court Rules

(Dated January 20, 2021)

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 2.108 of the Michigan Court Rules is adopted, effective May 1, 2021.

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

#### Rule 2.108 Time

(A)–(B) [Unchanged.]

(C) Effect of Particular Motions and Amendments. When a motion or an amended pleading is filed, the time for pleading set in subrule (A) is altered as follows, unless a different time is set by the court:

(1) If a motion under MCR 2.115(A) or MCR 2.116 made before filing a responsive pleading is denied, the moving party must serve and file a responsive pleading within 21 days after notice of the denial. However, if the moving party, within 21 days, files an application for leave to appeal from the order, the time is extended until 21 days after the denial of the application unless the appellate court orders otherwise.

(2)–(4) [Unchanged.]

(D)–(F) [Unchanged.]

STAFF COMMENT: The amendment of MCR 2.108 provides a timeframe for a responsive pleading when a motion for more definite statement is denied.

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.

#### Addition of Rule 2.226 of the Michigan Court Rules

(Dated January 20, 2021)

On order of the Court, notice of the proposed changes and an opportunity for comment having been provided, and consideration having been given to the comments received, the following addition of Rule 2.226 of the Michigan Court Rules is adopted, effective May 1, 2021.

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

[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 clerk of the receiving court shall refuse to accept the transfer and shall prepare a notice of refusal on a form approved by the State Court Administrative Office and return the case to the transferring court for a proper order within seven business days of receipt of the transfer order.

(C) If a transferring court receives a refusal to accept a transferred case under subrule (B), the transferring court shall prepare a

proper order in accordance with subrule (A) and retransfer the case within seven business days.

STAFF COMMENT: The 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.

### **Amendments of Rules 3.804, 5.140, and 5.404 and Addition of Rule 3.811 of the Michigan Court Rules**

(Dated January 20, 2021)

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 3.804, 5.140, and 5.404 and addition of MCR 3.811 of the Michigan Court Rules are adopted, effective May 1, 2021.

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

#### **Rule 3.804 Consent and Release**

(A) [Unchanged.]

(B) Hearing on Consent to Adopt.

(1)–(2) [Unchanged.]

(3) Use of Videoconferencing Technology. Videoconferencing technology may not be used except for a consent hearing under this subrule involving an Indian child pursuant to MCL 712B.13, the court may allow the use of videoconferencing technology under this subchapter in accordance with MCR 2.407.

(C)–(D) [Unchanged.]

#### **[New] Rule 3.811 Use of Videoconferencing Technology**

Except as otherwise provided, the court may allow the use of videoconferencing technology for proceedings under this subchapter in accordance with MCR 2.407.

#### **Rule 5.140 Use of Videoconferencing Technology**

(A)–(C) [Unchanged.]

(D) The court may not use videoconferencing technology for a consent hearing required to be held pursuant to the Michigan Indian Family Preservation Act and MCR 5.404(B).

(E) [Relettered but otherwise unchanged.]

#### **Rule 5.404 Guardianship of Minor**

(A) [Unchanged]

(B) Voluntary Consent to Guardianship of an Indian Child.

A voluntary consent to guardianship of an Indian child must be executed by both parents or the Indian custodian.

(1) Form of Consent. To be valid, the consent must contain the information prescribed by MCL 712B.13(2) and be executed on a form approved by the State Court Administrative Office, in writing, recorded before a judge of a court of competent jurisdiction, and accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given before, or within 10 days after, the birth of the Indian child is not valid. The court may ~~not~~ use videoconferencing technology for the guardianship consent hearing required to be held under MCL 712B.13(1) the Michigan Indian Family Preservation Act and this subrule.

(2)–(3) [Unchanged.]

(C)–(H) [Unchanged.]

STAFF COMMENT: The amendments of MCR 3.804, 5.140, and 5.404 and addition of MCR 3.811 allow greater use of videoconferencing equipment in cases involving Indian children.

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.

### **Amendment of Rule 4.201 of the Michigan Court Rules**

(Dated January 20, 2021)

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 4.201 of the Michigan Court Rules is adopted, effective May 1, 2021.

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

#### **Rule 4.201 Summary Proceedings to Recover Possession of Premises**

(A)–(B) [Unchanged.]

(C) Summons.

(1) [Unchanged.]

(2) The summons must state whether or not the action is brought in the county or district in which the premises or any part of the premises is situated.

(3) The summons must also include the following advice to the defendant:

(a)–(d) [Unchanged.]

(e) The defendant has a right to have the case tried in the proper county, district, or court. The case will be transferred to the proper county, district, or court if the defendant moves the court for such transfer.

(D)–(E) [Unchanged.]

(F) Appearance and Answer; Default.

(1)–(2) [Unchanged.]

(3) Right to Proper Venue. If the plaintiff has indicated on the summons that the premises or any part of the premises is situated in a different county or district, the court must inform the defendant, at the hearing scheduled pursuant to section (C)(1) of this rule, of the right to motion the court to transfer the case to the county or district where the premises or any part of the premises is situated and that such a motion will be granted.

(a) The court may order change of venue on its own motion.

(b) A motion to change venue pursuant to this subrule and MCL 600.5706(4) may be made in writing before the date listed on the summons, pursuant to section (C)(1) of this rule, or orally in response to the court's advisement in this subrule.

(c) Transfer of the case shall be pursuant to MCR 2.223.

(3)–(5) [Renumbered (4)–(6) but otherwise unchanged.]

(G)–(O) [Unchanged.]

STAFF COMMENT: The amendment of MCR 4.201 requires disclosure of the right to object to venue in actions brought under the Summary Proceedings Act for landlord/tenant proceedings in district court, consistent with MCL 600.5706.

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.

VIVIANO, J., opposes adoption of this amendment.

#### Amendment of Rule 4.202 of the Michigan Court Rules

(Dated January 20, 2021)

On order of the Court, notice and an opportunity for comment having been provided, the June 10, 2020 amendment of Rule 4.202 of the Michigan Court Rules is retained.

#### Amendment of Rule 4 of the Rules for the Board of Law Examiners (Dated January 20, 2021)

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 4 of the Rules for the Board of Law Examiners is adopted, effective May 1, 2021.

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

#### Rule 4 Post-Examination Procedures

(A)–(C) [Unchanged.]

(D) A passing bar examination score is valid for three years.

STAFF COMMENT: The amendment of BLE Rule 4 explicitly states that a passing bar exam score is valid for three years, which is consistent with the character and fitness clearance expiration and the BLE's longstanding policy.

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.