

PLAIN LANGUAGE

What the Michigan summons should look like (Part 1)

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 publication here. Next month, the proof of service.

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

"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.

Summons — Notice to Respond to a Court Case

State of Michigan

To be filled out by
the Court Clerk

Which Michigan Court?

- _____ District Court
 _____ Circuit Court
 _____ Probate Court

Case Number

Judge

Court Address

Court Phone Number

Who gets this form?

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

Plaintiff: Follow these instructions

You are starting a court case against the defendant(s).

1. Fill out **Section A: Parties in your case.**
2. Fill out **Section B: Related cases.**
3. Submit this form to the court clerk, along with your complaint, and (if necessary) a case inventory (form MC 21).

→ Need a form?
<https://www.courts.michigan.gov/SCAO-forms/>

Defendant: What you need to know

The plaintiff has started a court case against you.

→ See the **Summons** on the next page.

Section A: Parties in your case

If you have more than one plaintiff, you may use one name and write “and others.”

If there is more than one defendant, you may use a separate form for each one.

Plaintiff(s): name(s), postal address(es), email address(es), and phone number(s)

Defendant(s): name(s), postal address(es), email address(es), and phone numbers(s)

If the plaintiff has an attorney: name, bar number, postal address, email address, and phone number(s)

Section B: Related cases

Is there a pending (still in court) or resolved (no longer in court) case in the family division of the circuit court involving a family member of the plaintiff or the defendant?

Domestic-Relations Cases

The plaintiff must check the one that applies.

- No
- Yes. I have separately filed a completed case inventory (form MC 21) for the other case(s).
- I don't know

Other Civil Cases

(“civil” means not a criminal case)

The plaintiff must check any that apply (continued on next page).

- There is a previously filed civil case between these parties arising out of the same transaction or occurrence alleged in this complaint. It was filed earlier in:
 - This court
 - Another court:
 - Court _____
 - Case Number _____
 - Judge _____

Is the previously filed case still pending?

- No
- Yes

Summons — Notice to Respond to a Court Case

Case Number

State of Michigan

Section B: Related cases (continued)

This is a business case that involves a business or commercial dispute under a Michigan statute, MCL 600.8035.

Other Civil Cases

The plaintiff must check any that apply.

The Michigan Department of Health and Human Services (MDHHS) and a contracted health plan may have a right to recover expenses in this case. I will provide a notice and copy of this complaint to MDHHS, and (if applicable), the health plan as required by MCL 400.106(4).


Plaintiff: STOP HERE

→ File pages 1 and 2 with the court clerk, along with your complaint, and (if necessary) a case inventory (form MC 21).

Notice to the Defendant

Summons

This summons is issued in the name of the people of the State of Michigan.



What to Know

- The plaintiff has started a court case against you.
- Here is how much time you have to answer after you received this summons and a copy of the complaint:

If they were delivered to you personally	21 days after you received them.
If you received them in the mail	28 days after the date you received them.

- If you do not answer before your time runs out, the court may enter a legal judgment against you for what the plaintiff is asking for.

What to Do

- If you want to respond and participate in the case, you must file a written answer (form MC 03)—or take other lawful action—with the court.
- Do you need an accommodation?

If you have a disability	fill out form MC 70.
If you need a foreign language interpreter	fill out form MC 81.

- If you need help, call the court at the phone number on page 1. The court can answer questions on procedure, but cannot give legal advice.

For the Court Clerk

Place the court seal on this page.

Court Clerk's Issuance of Summons

Issue Date _____ Expiration Date _____
(Invalid if not served on or before this date.)

Court Clerk _____