

Report on Public Policy Position

Name of committee:

Civil Procedure and Courts Committee

Contact person:

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Proposed Court Rule or Administrative Order Number:

[2007-31 - Proposed Amendment of Rule 4.201 of the Michigan Court Rules](#)

The proposed amendment of MCR 4.201(G)(1)(b) would clarify that service of process for purposes of a money claim is sufficient if completed pursuant to MCR 2.105; otherwise, if the defendant does not appear or file an answer to the complaint, a money claim must be dismissed without prejudice, or adjourned until service of process is complete.

Date position was adopted:

May 3, 2008

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

20

Number who voted in favor and opposed to the position:

11 Voted for position

0 Voted against position

0 Abstained from vote

9 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

The amendment would avoid unnecessary uncertainty over whether “personal jurisdiction” was obtained. If service under MCR 2.105 is sufficient to permit entry of judgment on all other sorts of claims, it should be sufficient for a money claim that is joined with a possession one in a summary proceedings case.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report. <http://courts.michigan.gov/supremecourt/Resources/Administrative/2007-31-03-25-08.pdf>