July 31, 2026

Elizabeth C. Kingston-Miller
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2025-30: Proposed Adoption of Administrative Order No. 2026-X

Dear Clerk Kingston-Miller:

The Board of Commissioners of the State Bar of Michigan considered ADM File No. 2025-30 at its meeting on July 24, 2026. In its review, the Board considered recommendations from Access to Justice Policy Committee, Civil Procedure & Courts Committee, Justice Initiatives Committee, and the Family Law Section. While the State Bar typically supports pilot projects as important opportunities to test innovation in the practice of law and operation of our courts, the Board ultimately voted to oppose ADM File No. 2025-30. The substantive concerns raised by Bar committees that reviewed the proposed informal domestic relations docket, and by Commissioners themselves, were too numerous and significant for the State Bar to support even a limited pilot in the form proposed by ADM File No 2025-30.

Chief among the concerns were: (1) the impact of the pilot on individuals with limited literacy, (2) the relaxation of evidentiary rules, and (3) inadequate protection for victims of domestic violence.

Individuals with Limited Literacy

Although the proposal seeks to improve accessibility for self-represented litigants, the Board is concerned that it does not adequately address the needs of individuals with limited literacy or reading comprehension. Even with relaxed pleading requirements, litigants are still expected to understand the State Court Administrative Office ("SCAO") court brochures, complete forms, respond to allegations, provide financial disclosures, and understand court procedures and orders. Individuals with limited literacy may face difficulties understanding legal terminology and procedural requirements, completing required forms accurately, understanding the consequences of agreements or court orders, and effectively presenting their positions to the court. All of which may have profound impacts on their proceeding and its ultimate outcome. To address these concerns, the Court should, at a minimum, require an oral explanation to the parties of the process and the parties' rights, including the right to transfer the matter to the formal docket.

Relaxed Evidentiary Rules

The proposal provides that, except for privilege and relevance, the Michigan Rules of Evidence would not govern admissibility of evidence in informal docket proceedings. Courts may receive any relevant evidence and determine the weight to give such evidence.

While this approach may reduce procedural complexity and assist self-represented litigants, it raises significant concerns regarding fairness, reliability, and due process. Domestic relations matters frequently involve disputed factual allegations concerning custody, parenting time, finances, and

abuse. The Board is concerned that relaxed evidentiary standards will allow unreliable or prejudicial information to influence judicial decision-making and erode the due process rights of litigants participating in the informal docket.

Domestic Violence Allegations

While the proposed pilot excludes initial personal protection order ("PPO") actions from automatic placement on the informal docket, many domestic relations cases involve allegations of domestic violence that do not, for a multiplicity of reasons, involve a PPO. Survivors of domestic violence may avoid seeking PPOs due to fear, coercion, financial dependence, or safety concerns. As proposed, the pilot project would permit cases involving allegations of domestic violence, but no active PPO, to proceed automatically on the informal docket unless a party requests removal or the court independently removes the matter. Survivors of abuse may feel intimidated participating in informal proceedings; informal procedures may magnify existing power imbalances; and relaxed evidentiary rules will allow unverified allegations to be considered by the court. All of these concerns are heightened by the fact that the pilot is structured as an opt-out model where unrepresented parties, including survivors, may not fully understand their right to opt-out from the informal docket.

The yawning civil justice gap that exists in our state and across the United States requires us all to be mindful of the numerous challenges faced by unrepresented parties and to make every effort to ameliorate them. The State Bar views the proposed pilot project as an attempt to do just that and applauds the Court for its willingness to engage with innovative solutions aimed at improving access to justice. At the same time, in the case of ADM File No. 2025-30, the Board believes that concerns listed above must be addressed before any informal domestic relations pilot project moves forward.

Thank you for the opportunity to comment on the proposed pilot.

Sincerely,



Peter Cunningham
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court
Lisa J. Hamameh, President