

REMOTE APPEARANCES IN LANDLORD-TENANT ACTIONS

ISSUE

Should the Representative Assembly request that the Michigan Supreme Court amend Michigan Court Rule 4.201 to authorize judicial officers to conduct proceedings remotely whenever possible using two-way interactive videoconferencing technology or other remote participation tools for appearances by parties and attorneys litigating landlord-tenant actions in district court?

RESOLVED, that the State Bar of Michigan supports amendment of the Michigan Court Rules to make permanent the use of the virtual courtroom in landlord-tenant actions using “two-way interactive videoconferencing technology or other remote participation tools”¹ for appearances by parties and attorneys.

FURTHER RESOLVED, that the State Bar of Michigan proposes the amendment to Chapter 4 of the Michigan court rules by amending MCR 4.201, as follows:

Rule 4.201. Summary Proceedings to Recover Possession of Premises.

(A) through (E) unchanged.

(F) Appearance and Answer; Default.

(1) Appearance and Answer. The defendant or the defendant’s attorney must appear and answer the complaint by the date on the summons. Appearance and answer may be made as follows:

(a) No change.

(b) By orally answering each allegation in the complaint at the hearing in person or by remote two-way interactive videoconferencing technology or other remote participation tools. The answers must be recorded.

(2) – (4) Unchanged.

(G) – (N) Unchanged.

SYNOPSIS

The proposed addition to the Michigan court rules (1) improves the access to the courts to defendants in landlord-tenant proceedings (2) enhances opportunities of indigent defendants to secure legal counsel, (3) saves the court time and money by reducing foot traffic, and (4) dramatically reduces the cost to prosecute Landlord-Tenant actions.

¹ *Michigan Judicial Institute*, Public Right to Access Remote Hearings – Legal Analysis, 7/23/20.

BACKGROUND

Since March 2020, Michigan district courts have been conducting landlord-tenant cases using Zoom and smart phone technology, and the result has been nothing short of astonishing. Not only have courts acquired the knowledge and skills needed to handle these bulk civil litigation cases, courts have streamlined the process so that virtual appearances by parties can continue after the pandemic passes.

OPPOSITION

None known.

PRIOR ACTION BY REPRESENTATIVE ASSEMBLY

None known.

FISCAL AND STAFFING IMPACT ON STATE BAR OF MICHIGAN

None known.

FISCAL AND STAFFING IMPACT ON MICHIGAN DISTRICT COURTS

Reduced foot traffic will result in a positive fiscal and staffing impact on the courts; however, the impact has not been analyzed or quantified at the time of this writing.

OTHER RECIPIENTS OF THIS RESOLUTION

Michigan District Judges Association.
Michigan Manufactured Housing Association.
Rental Properties Owners Association.
Various indigent civil defense firms in Wayne, Oakland, and Macomb counties.
Various manufactured home community owners and directors.
Michigan Judicial Institute.
Virtual Courtroom Resource Center.

STATE BAR OF MICHIGAN POSITION

By vote of the Representative Assembly on April 24, 2021

Should the Representative Assembly request that the Michigan Supreme Court amend Michigan Court Rule 4.201 to authorize judicial officers to conduct proceedings remotely whenever possible using two-way interactive videoconferencing technology or other remote participation tools for appearances by parties and attorneys litigating landlord-tenant actions in district court?

(a) Yes

(b) No