## Plain Language

### Michigan Court Forms for Service and Proof of Service

By George H. Hathaway

#### Introduction

The State Court Administrative Office (SCAO) has developed plain English Michigan Court (MC) forms for use with the new Michigan Court Rules (MCR). Lawyers, legal secretaries and court personnel can use these forms to save time and expense in writing, typing and handling lawsuit papers. The court forms for service and proof of service of lawsuit papers are discussed below.

#### Service and Proof of Service Forms

The Table lists some of the lawsuit papers that are served on defendants, witnesses and attorneys. The Table indicates the MC forms and MCR authority associated with (a) what to serve, (b) how to serve it, and (c) how to prove it was served. The Figure shows reduced size copies of these service and proof of service forms. (These reduced size copies are shown for purposes of recognition, not reading.)

#### Reasons for the Forms

The Circuit Court Forms Committee and District Court Forms Committee of the SCAO developed these forms to simplify paperwork for court personnel. Specific reasons are as follows:

(1) Standard forms were developed that could be used in all circuit and district courts (examples Summons and Complaint form MCO1, Subpoena form MC11).

(2) The forms use simplified procedures permitted by the MCR's (example — Proof of Mailing, Form MC302, uses a verification, permitted by MCR 2.107 (D), instead of the traditional notary's jurat).

(3) All forms are printed on 8½ x 11-inch paper.

(4) The forms contain no legalese (i.e., obsolete formalisms such as "ss", old English words such as "hereby" or redundant phrases such as "each and every").

#### Use of the Forms

Use of the forms is optional, not mandatory. However, the SCAO has worked hard to develop these forms and encourages lawyers, legal secretaries and court personnel to voluntarily use the forms. The forms are (a) printed in a loose leaf Court Forms Handbook, which the SCAO distributes to all circuit and district courts and updates each January, (b) printed in reduced size in West's Michigan Rules of Court — State, and (c) available in multipart sets or pads from most legal forms publishers in Michigan.

George H. Hathaway is a staff attorney at Detroit Edison, the Chairperson of the Plain English Committee and a member of the SCAO Circuit Court Forms Committee.

"Plain Language" is a regular feature of the Michigan Bar Journal, edited by George H. Hathaway, Chairperson of the State Bar Plain English Committee. Through this column the Committee hopes to promote the use of plain English in the law. Want to contribute a Plain English article? Contact Mr. Hathaway at The Detroit Edison Co., Room 688 WCB, 2000 Second Ave., Detroit, MI 48226.

Table 1 Michigan Court Forms Used for Service and Proof of Service

To Whom Served	What Served	How Served	MCR Auth.	Proof of So MC form	ervice MCR Auth.
I. Defendant	Sum/Com MC 01	Personal Delivery     Registered mail, return receipt req. del. rest. to addressee	2.105(A)	Return of Serv back of MC 01	2.104(A)
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		3. First class mail or 4. Tacking on a door or 5. Delivering to D's household	2.105(I)		
or Order For Se	ervice By Publicat/Pos	ting (form MC 307)			
	Order MC 307	Publishing in newspaper and reg. mail ret. rec. req. to last known address     Posting in courthouse and reg. mail ret. rec. req. to last known address	2.106(D) 2.106(E)	Affidavits of Pub, Post and Ma bk of MC 307	2.104(Ci 2.106(Gi
II. Witnesses Subpoe	ria MC 11	Same as 1 or 2 above or Mailing with post paid card acknow service and addressed to party requesting service	2.506(G)	Return of Serv back of MC 11	
III. Attorneys All Othe	er Papers	Delivery	2.107(C)	Proof of Mailing MC 302	2.107(D)
		First Class Mail			

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