

December 19, 2025

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

RE: ADM File No. 2020-08: Proposed Amendments of Rules 1.109, 2.104, 2.107, 2.119, 3.203, and 5.105 of the Michigan Court Rules

Dear Clerk Kingston-Miller:

The Board of Commissioners of the State Bar of Michigan considered ADM File No. 2020-08 at its meeting on November 19, 2025. The Board reviewed recommendations on this matter from the Access to Justice Policy Committee, Civil Procedure & Courts Committee,¹ Justice Initiatives Committee, and the Children's Law, Negligence Law, and Probate & Estate Planning Sections. The Board voted to support the proposed amendments of Rules 1.109, 2.104, 2.107, 2.119, 3.203, and 5.105 with two further amendments:

- (1) In its letter to the Court dated December 23, 2024 regarding the prior iteration of ADM File No. 2020-08, the Board recommended that while parties represented by counsel should be required to *opt out* of electronic service, parties proceeding pro se should be required to *opt in* to electronic service. The Board reiterates its support for this amendment. Requiring parties proceeding pro se to *opt in* to electronic service will ameliorate concerns that have been raised about the unintended access to justice consequences that may result from mandating the use of electronic service by unrepresented parties.
- (2) Subrule (C)(5)(c) should be amended to strike "24 hours" and insert "72 hours." Providing a receiving party with slightly more time to notify a sending party that they cannot open a document that was served will both make the implementation of the proposed rule more reasonable generally and ensure, specifically, that the rule does not conflict with the religious observances of some parties.

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

Sincerely,



Peter Cunningham
Executive Director

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

¹ The Civil Procedure & Courts Committee submitted additional comments regarding this proposal to the Board, which have been included with this letter as Attachment A because the insights of the Committee may be of interest to the Court in its deliberations on this matter.

