

June 30, 2026

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

RE: ADM File No. 2024-04: Proposed Amendment of Rule 3.981 of the Michigan Court Rules

Dear Clerk Kingston-Miller:

The Board of Commissioners of the State Bar of Michigan considered ADM File No. 2024-04 at its meeting on April 24, 2026. In its review, the Board considered recommendations from the Access to Justice Policy Committee, Civil Procedure & Courts Committee, Justice Initiatives Committee, and Children's Law Section. The Board voted unanimously to support ADM File No. 2024-04 with a further amendment to Rule 3.981 as follows:

The court must advise the respondent of their appellate rights under MCR 3.937 following the issuance of any order appealable by right, ~~and in those cases, If a respondent requests the appointment of appellate counsel, the appointment of appellate counsel~~ is controlled by MCR 3.993(D)(5).

The Board strongly supports the Court's continued efforts to expand access to justice by ensuring that individuals have been fully advised of their rights by the court, especially when the party involved is a child. The Board's proposed amendment is meant to be clarifying in nature. A concern was raised during the Bar's deliberations on ADM File No. 2024-04 that the proposal as drafted might be construed to inadvertently limit the appointment of counsel provided under Rule 3.993. Separating the advice of rights and appointment of appellate counsel components of the new rule language into independent sentences will resolve the potential ambiguity.

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

Sincerely,



Peter Cunningham
Executive Director

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

