

December 28, 2023

Clerk, Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

**Re: Comments on ADM File No. 2020-08: Proposed Rescission of Administrative Order No. 2020-17 and Proposed Amendment of Rule 4.201 of the Michigan Court Rules**

Dear Supreme Court Clerk,

I am writing as the Director of the Michigan Legal Help Program (MLH) to provide input on the proposed amendment referenced above.

MLH maintains the statewide Michigan Legal Help website and numerous self-help centers across the state dedicated to providing critical legal information, form-filling tools, and referrals to self-represented litigants. About 50% of the litigants appearing in Michigan's courts are self-represented, and the Michigan Legal Help website typically reaches over 60,000 individuals per week. Since the MLH website launched in August 2012, eviction and other housing matters have accounted for about 10% of visits.

MLH is writing to support the proposed amendment of MCR 4.201, which clarifies how MCL 600.5735(4) impacts civil procedural rules in eviction cases.

Although a written Answer is typically required to participate in a court case, MCR 4.201(G)(1)(b) allows defendants in eviction cases to appear in court and answer orally without filing a written Answer. Pre-pandemic, despite this court rule, seven courts covering 11 counties had a local rule requiring defendants to file a written Answer. Defendants who did not file an Answer could be defaulted. The courts implementing this local rule relied on MCL 600.5735(4) for authority to deviate from the Michigan Court Rule that required courts to accept a defendant's appearance and oral answer. The proposed amendment referenced above clarifies that courts may not require a written answer and that all litigants must be allowed to appear and answer orally, as allowed by MCR 4.201(G)(1)(b).

The amended court rule does not change any part of MCL 600.5735(4) but it does provide important clarification about how the Michigan Court Rules should be applied where courts choose to implement MCL 600.5735(4). Under the proposed change to MCR 4.201, courts are still free to modify the time for an appearance, as allowed by MCL 600.5735(4). The proposed rule clarifies that courts may not require a written answer. It is not clear how MCL 600.5735(4) ever gave authority for a local rule related to written Answers but given the recent changes to other eviction court rules, we agree that now is the time to clarify that the updated rules apply to all litigants in Michigan.

The proposed amendment removes several access to justice barriers and gives self-represented litigants a fair chance to access the courts. First, eviction cases already proceed on an accelerated



timeline relative to other court cases. This means that eviction defendants have even less time than defendants in other cases to understand the case and file a response. This accelerated timeline is particularly hard on people without lawyers. In eviction cases, only 5% of defendants have lawyers, compared to 83% of plaintiffs. Second, by ensuring that all courts allow defendants to appear and answer orally, the rule makes courts accessible to people with limited literacy and people who have a hard time finding, understanding, and filling out court forms. Finally, a consistent rule across all Michigan trial courts makes it more efficient for service providers, such as MLH, to offer free or low-cost help to litigants anywhere in the state. It is extraordinarily time-consuming for MLH staff to provide information to the public in areas with county-by-county variations. On top of being time-consuming, it also becomes easy for a website visitor to find information and incorrectly believe it applies to them when there might be a minority local rule.

The proposed amendment ensures that litigants across our entire state have a chance to be heard and present defenses in eviction cases and we encourage the Court to adopt it. Thank you for the opportunity to comment on this proposed amendment to the Michigan Court Rules.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Angela S. Tripp', with a stylized flourish at the end.

Angela S. Tripp  
Director, Michigan Legal Help