

Order

Michigan Supreme Court
Lansing, Michigan

April 20, 2023

Elizabeth T. Clement,
Chief Justice

ADM File No. 2002-37

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

Amendment of Rule
1.109 of the Michigan
Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 1.109 of the Michigan Court Rules is adopted, effective January 1, 2024.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 1.109 Court Records Defined; Document Defined; Filing Standards; Signatures;
Electronic Filing and Service; Access

(A)-(C) [Unchanged.]

(D) Filing Standards.

(1)-(10) [Unchanged.]

(11) Change in Contact Information for Purposes of Service; Modified Captions
of Documents.

(a) A party or attorney must file with the court and serve on other parties
or attorneys written notice of a change in contact information that is
needed for service under MCR 2.107(C) or MCR 1.109(G)(6)(a).
Contact information includes name, physical address, mailing
address, phone number, and when required, email address. The
written notice of changed contact information must be served in
accordance with MCR 2.107(C) or MCR 1.109(G)(6)(a), as
applicable.

(i) In all cases, written notice of a change in name, physical
address, mailing address, and phone number shall be on a form
approved by the State Court Administrative Office.

- (ii) In cases using alternative electronic service under MCR 2.107(C)(4), written notice of a change in email address shall be on a form approved by the State Court Administrative Office.
- (iii) In cases using the electronic filing system for service, written notice of a change in email address shall be provided using the electronic filing system.
- (b) The clerk of the court must update the case caption with the modified contact information; however, the case title shall not be modified as a result of a change of name.
- (c) The court and parties to the case must send or serve subsequent documents to the new mailing address as required by MCR 2.107(C) or the new email address as required by MCR 1.109(G)(6)(a).

(E)-(F) [Unchanged.]

(G) Electronic Filing and Service.

(1)-(6) [Unchanged.]

(7) Transmission Failures.

(a)-(c) [Unchanged.]

(d) Notice of Undeliverable Transmission of Served Document. Electronic service by the electronic-filing system is complete upon transmission as defined in subrule (G)(6)(b) unless the person or entity making service learns that the attempted service did not reach the intended recipient.

- (i) If the transmission is undeliverable, the person or entity responsible for serving the document must immediately serve by regular mail under MCR 2.107(C)(3) or by delivery under MCR 2.107(C)(1) or (2) the document and a copy of the notice indicating that the transmission was undeliverable. The person or entity must also include a copy of the notice when filing proof of service with the court under this subrule.

- (ii) A recipient who is served with a notice under subrule (7)(d)(i) should ensure the electronic filing system reflects their current email address.

(d)-(f) [Relettered (e)-(g) but otherwise unchanged.]

(H) [Unchanged.]

Staff Comment (ADM File No. 2002-37): The amendments of MCR 1.109(D) and (G) address e-filing issues relating to changes in contact information and e-service of documents that are returned as undeliverable to an email address in the e-filing system.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 20, 2023

A handwritten signature in black ink, appearing to read "Larry S. Royster".

Clerk