

Order

Michigan Supreme Court
Lansing, Michigan

September 3, 2025

Megan K. Cavanagh,
Chief Justice

ADM File No. 2020-08

Brian K. Zahra
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Justices

Proposed Amendments of
Rules 1.109, 2.104, 2.107,
2.119, 3.203, and 5.105 of
the Michigan Court Rules

By order dated July 26, 2021, the Court adopted and simultaneously published for comment amendments of many rules, including Rule 2.107 of the Michigan Court Rules. By order dated September 11, 2024, the Court published for comment a revised proposal that would amend Rules 2.107 and 3.203 of the Michigan Court Rules. On order of the Court, notice and an opportunity for comment having been provided on both proposals, the Court is now considering an alternative proposal that would amend Rules 1.109, 2.104, 2.107, 2.119, 3.203, and 5.105 of the Michigan Court Rules. Before determining whether any proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of this proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[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)-(F) [Unchanged.]

(G) Electronic Filing and Service.

(1)-(5) [Unchanged.]

(6) Electronic-Service Process.

(a) General Provisions.

(i) [Unchanged.]

- (ii) Service of process of all other documents electronically filed shall be accomplished electronically among authorized users through the electronic-filing system. If a party has been exempted from electronic filing or has not registered with the electronic-filing system, service shall be made on that party by any other method, except by electronic service under MCR 2.107, required by Michigan Court Rules.

(iii)-(v) [Unchanged.]

(b)-(c) [Unchanged.]

(7) [Unchanged.]

(H) [Unchanged.]

Rule 2.104 Process; Proof of Service

(A) Requirements. Proof of service may be made by

- (1) written acknowledgment of the receipt of a summons and a copy of the complaint and, if applicable, the electronic service notification form required by MCR 2.107(C)(3), dated and signed by the person to whom the service is directed or by a person authorized under these rules to receive the service of process;

(2)-(3) [Unchanged.]

(B)-(C) [Unchanged.]

Rule 2.107 Service and Filing of Pleadings and Other Documents

(A)-(B) [Unchanged.]

- (C) ElectronicManner of Service. All service by parties, except for service of process on case initiating documents, must be performed by using electronic means as provided in this subrule, unless an exception in subrule (C)(1) applies. Nothing in this subrule requires the court, friend of the court, or a nonparty to use electronic service.~~Except under MCR 1.109(G)(6)(a), service of a copy of a document on an attorney must be made by delivery or by mailing to the attorney at his or her last known business address or, if the attorney does not have a business address, then to his or her last known residence address. Except under MCR 1.109(G)(6)(a), service~~

~~on a party must be made by delivery or by mailing to the party at the address stated in the party's pleadings.~~

- (1) Exceptions. The requirement to use electronic means of service does not apply if:
 - (a) the party opts out as provided in subrule (C)(5),
 - (b) the document being served is a money judgment,
 - (c) another court rule requires a different method of service,
 - (d) another court rule prohibits the use of electronic service, or
 - (e) the jurisdiction in which the case is filed has implemented an electronic filing system pursuant to MCR 1.109(G) and supports e-filing and e-service for the case type at issue.
- (2) Methods of Electronic Service. Electronic service under this subrule must be performed using one of the following methods:
 - (a) e-mail, or
 - (b) alert consisting of an e-mail or text message to log into a secure website to view notices and court papers.
- (3) Notification. A party initiating a case must file and serve with the case initiation documents on all other parties a notification of electronic service on a form approved by the State Court Administrative Office. All other parties must file and serve the notification form with their responsive pleading, or if no responsive pleading is filed, at the party's or the party's attorney's first appearance. The notification form is nonpublic as that term is defined in MCR 1.109. The notification form must state:
 - (a) Whether the party opts out from using electronic service due to one of the barriers specified in subrule (C)(6).
 - (b) If the party is using electronic service, the notification form must also state:
 - (i) The method(s) of electronic service identified in subrule (C)(2) that the party agrees to send and receive. If the party agrees to

send and receive service under subrule (C)(2)(b), the party must identify the secure website.

- (ii) The email address or phone number that will be used for electronic service. Attorneys must include the same e-mail address currently on file with the State Bar of Michigan. If an attorney is not a member of the State Bar of Michigan, the email address must be the e-mail address currently on file with the appropriate registering agency in the state of the attorney's admission.
- (iii) The name(s) of other individuals designated to receive electronic service on behalf of a party.

A party must file and serve a new notification form if the party's opt out status changes.

- (4) Obligation to Update Information. Parties who are using electronic service under this subrule must immediately file with the court a new notification form and serve it on all parties if the e-mail address or phone number for service changes.
- (5) The following limitations and conditions concerning electronic service apply:
 - (a) Each e-mail or alert shall identify in the e-mail subject line or at the beginning of the text message the name of the court, case name, case number, and the title of each document being sent. Failure to include information required by this subrule does not render service incomplete.
 - (b) Documents served electronically must be in a format that is an identical copy of what was filed with the court and must not exceed the maximum size permitted by the identified e-mail providers.
 - (c) If a receiving party is unable to open a document that was served, within 24 hours of receiving the notice, the party must notify the sending party.
 - (d) An electronic service transmission sent at or before 11:59 p.m. is deemed to be served on that day. If the transmission is sent on a Saturday, Sunday, legal holiday, or other day on which the court is closed pursuant to court order, it is deemed to be served on the next

business day. The date and timestamp on the sender's sent email or text message is deemed the time an electronic service transmission was sent for purposes of this subrule.

- (e) Electronic service is complete upon transmission unless the party, court, or friend of the court making service receives notice that the attempted service did not reach the intended recipient. If an electronic service transmission is undeliverable or the receiving party is unable to open the document in the format sent as indicated in subrule (c), the entity responsible for serving the document must serve the document by delivery or regular mail under MCR 2.107(D), and include a copy of the return notice indicating that the electronic transmission was undeliverable. The court or friend of the court must also retain a notice that the electronic transmission was undeliverable.
- (f) If an attachment exceeds the maximum size permitted by the recipient's email provider, the party responsible for serving the document must serve the document by delivery or regular mail under MCR 2.107(D), and include a statement indicating that the electronic transmission was not possible due to its size. Service by mail or delivery is complete at the time of mailing or delivery. The court or friend of the court must also retain a notice that the electronic transmission was not possible.
- (g) Exhibits must be attached or sent and designated as separate documents.
- (6) Opting Out of Electronic Service. A party may opt out from using electronic service if any of the following barriers to effective electronic service exist:
 - (a) the party lacks reliable access to the Internet or an electronic device that is capable of sending or receiving electronic service;
 - (b) the party lacks the technical ability to use and understand the methods for engaging in electronic service described in subrule (C)(2);
 - (c) access from a home computer system, the ability to gain access at a public computer terminal, or publication of the party's personal email address may present a safety issue for the party;
 - (d) the party has a disability as defined under the Americans with Disabilities Act that prevents or limits the person's ability to use the methods of electronic service identified in subrule (C)(2);

- (e) the party has limited English proficiency that prevents or limits the person's ability to engage in or receive electronic service; or
- (f) the party is confined by governmental authority, including but not limited to an individual who is incarcerated in a jail or prison facility, detained in a juvenile facility, or committed to a medical or mental health facility.

An attestation that one of the barriers exists under subrules (a)-(f) is sufficient to opt out of electronic service under this rule.

- (7) A document served by electronic service that the court or friend of the court or their authorized designee is required to sign may be signed in accordance with MCR 1.109(E).
 - (8) The party, court, or friend of the court shall maintain an archived record of sent items that shall not be purged until a judgment or final order is entered and all appeals have been completed.
 - (9) This rule does not require the court or the friend of the court to create functionality it does not have nor accommodate more than one standard for electronic service.
- (D) Except under MCR 1.109(G)(6)(a) or MCR 2.107(C)(2), service of a copy of a document on an attorney is made by delivery or by mailing to the attorney at the attorney's last known business address or, if the attorney does not have a business address, then to the attorney's last known residence address. Except under MCR 1.109(G)(6)(a) or MCR 2.107(C)(2), service on a party is made by delivery or by mailing to the party at the address stated in the party's pleadings.
- (1) Delivery to Attorney. Delivery of a copy to an attorney within this rule means
 - (a) handing it to the attorney personally, or serving it electronically under MCR 1.109(G)(6)(a), or, ~~MCR 2.107(C)(2) if agreed to by the parties, e-mailing it to the attorney as allowed under MCR 2.107(C)(4);~~
 - (b)-(c) [Unchanged.]
 - (2) Delivery to Party. Delivery of a copy to a party within this rule means

- (a) handing it to the party personally, or serving it electronically under MCR 1.109(G)(6)(a), or, ~~MCR 2.107(C)(2)~~if agreed to by the parties, ~~e-mailing it to the attorney as allowed under MCR 2.107(C)(4); or~~
- (b) [Unchanged.]
- (3) [Unchanged.]
- (4) ~~Alternative Electronic Service~~
 - (a) ~~Except as provided by MCR 1.109(G)(6)(a)(ii), the parties may agree to alternative electronic service among themselves by filing a stipulation in that case. Some or all of the parties may also agree to alternative electronic service of notices and court documents in a particular case by a court or a friend of the court by filing an agreement with the court or friend of the court respectively. Alternative electronic service may be by any of the following methods:~~
 - (i) ~~e-mail,~~
 - (ii) ~~text message, or~~
 - (iii) ~~alert consisting of an e-mail or text message to log into a secure website to view notices and court papers.~~
 - (b) ~~Obligation to Provide and Update Information.~~
 - (i) ~~The agreement for alternative electronic service shall set forth the e-mail addresses or phone numbers for service. Attorneys who agree to e-mail service shall include the same e-mail address currently on file with the State Bar of Michigan. If an attorney is not a member of the State Bar of Michigan, the email address shall be the e-mail address currently on file with the appropriate registering agency in the state of the attorney's admission. Parties or attorneys who have agreed to alternative electronic service under this subrule shall immediately notify, as required, the court or the friend of the court if the e-mail address or phone number for service changes.~~
 - (ii) ~~The agreement for service by text message or text message alert shall set forth the phone number for service. Parties or attorneys who have agreed to service by text message or text~~

~~message alert under this subrule shall immediately notify, as required, the court or the friend of the court if the phone number for service changes.~~

- ~~(c) The party or attorney shall set forth in the agreement all limitations and conditions concerning e-mail or text message service, including but not limited to:

 - ~~(i) the maximum size of the document that may be attached to an e-mail or text message,~~
 - ~~(ii) designation of exhibits as separate documents,~~
 - ~~(iii) the obligation (if any) to furnish paper copies of e-mailed or text message documents, and~~
 - ~~(iv) the names and e-mail addresses of other individuals in the office of an attorney of record designated to receive e-mail service on behalf of a party.~~~~
- ~~(d) Documents served by e-mail or text message must be in PDF format or other format that prevents the alteration of the document contents. Documents served by alert must be in PDF format or other format for which a free downloadable reader is available.~~
- ~~(e) A document served by alternative electronic service that the court or friend of the court or his or her authorized designee is required to sign may be signed in accordance with MCR 1.109(E).~~
- ~~(f) Each e-mail or text message that transmits a document or provides an alert to log in to view a document shall identify in the e-mail subject line or at the beginning of the text message the name of the court, case name, case number, and the title of each document being sent.~~
- ~~(g) An alternative electronic service transmission sent at or before 11:59 p.m. shall be deemed to be served on that day. If the transmission is sent on a Saturday, Sunday, legal holiday, or other day on which the court is closed pursuant to court order, it is deemed to be served on the next business day.~~
- ~~(h) A party or attorney may withdraw from an agreement for alternative electronic service by notifying the party or parties, court, and the~~

~~friend of the court, as appropriate, in writing and shall take effect immediately.~~

- ~~(i) Alternative electronic service is complete upon transmission, unless the party, court, or friend of the court making service learns that the attempted service did not reach the intended recipient. If an alternative electronic service transmission is undeliverable, the entity responsible for serving the document must serve the document by regular mail under MCR 2.107(C)(3) or by delivery under MCR 2.107(C)(1) or (2), and include a copy of the return notice indicating that the electronic transmission was undeliverable. The court or friend of the court must also retain a notice that the electronic transmission was undeliverable.~~
- ~~(j) The party, court, or friend of the court shall maintain an archived record of sent items that shall not be purged until a judgment or final order is entered and all appeals have been completed.~~
- ~~(k) This rule does not require the court or the friend of the court to create functionality it does not have nor accommodate more than one standard for alternative electronic service.~~
- ~~(l) The party or attorney requesting electronic service under this subrule is required to submit a request to initiate, update, modify, or withdraw from electronic service to the court independently from the friend of the court office.~~

(D)-(F) [Relettered (E)-(G) but otherwise unchanged.]

- ~~(G) Notwithstanding any other provision of this rule, until further order of the Court, all service of process except for case initiation must be performed using electronic means (eFiling where available, email, or fax, where available) to the greatest extent possible. Email transmission does not require agreement by the other party(s) but should otherwise comply as much as possible with the provisions of subsection (C)(4).~~

Rule 2.119 Motion Practice

(A)-(B) [Unchanged.]

(C) Time for Service and Filing of Motions and Responses.

- (1) Unless a different period is set by these rules or by the court for good cause, a written motion (other than one that may be heard ex parte), notice of the hearing on the motion, and any supporting brief or affidavits must be served as follows:

(a) [Unchanged.]

(b) at least 7 days before the time set for the hearing, if served by delivery under MCR 2.107(C)(1), ~~or (2)~~, MCR 2.107(D), or MCR 1.109(G)(6)(a).

- (2) Unless a different period is set by these rules or by the court for good cause, any response to a motion (including a brief or affidavits) required or permitted by these rules must be served as follows:

(a) [Unchanged.]

(b) at least 3 days before the hearing, if served by delivery under MCR 2.107(C)(1), ~~or (2)~~, MCR 2.107(D), or MCR 1.109(G)(6)(a).

(3)-(4) [Unchanged.]

(D)-(G) [Unchanged.]

Rule 3.203 Service of Notice and Court Documents in Domestic Relations Cases

- (A) Manner of Service. Unless otherwise required by court rule or statute, the case initiating documents and, if applicable, the electronic service notification form required by MCR 2.107(C)(3) must be served pursuant to MCR 2.105. In cases in which the court retains jurisdiction

(1)-(2) [Unchanged.]

- (3) ~~Alternative~~-Electronic Service.

(a) A party or an attorney may file an agreement with the friend of the court to authorize the friend of the court to serve notices and court papers on the party or attorney in accordance with MCR 2.107(C)(4). However, the friend of the court must not use electronic service if federal law, state law, or court rule:

- (i) prohibits the document from being served electronically in a form that complies with other court rules governing the document, or
- (ii) requires restrictions that make it less likely the recipient can receive or open the document.
- (b) A party filing a post-judgment motion must file with the motion a new notification form required under MCR 2.107(C)(3).
- (c) A party at any time may opt out from using electronic service by filing a new notification form required under MCR 2.107(C)(3) and serving it on the other party.
- (d) When a party opts out of electronic service, no case documents may be served electronically.

(B)-(J) [Unchanged.]

Rule 5.105 Manner and Method of Service

(A) Manner of Service.

- (1) [Unchanged.]
- (2) Unless another method of service is required by statute, court rule, or special order of a probate court, service may be made:
 - (a) [Unchanged.]
 - (b) by electronic service in accordance with MCR 1.109(G)(6)(a) or MCR 2.107(C), as applicable.

Foreign consul and the Attorney General may be served by mail or by electronic service in accordance with MCR 1.109(G)(6)(a) or MCR 2.107(C), as applicable.

(3)-(4) [Unchanged.]

(B) Method of Service.

- (1) Personal Service.

- (a) On an Attorney. Personal service of a document on an attorney must be made by

(i)-(ii) [Unchanged.]

(iii) if the office is closed or the attorney has no office, by leaving it at the attorney's usual residence with some person of suitable age and discretion residing there;~~or~~

(iv) sending the document by registered mail or certified mail, return receipt requested, and delivery restricted to the addressee; but service is not made for purpose of this subrule until the attorney receives the document;or

(v) sending the document electronically in accordance with MCR 1.109(G)(6) or MCR 2.107(C), as applicable.

- (b) On Other Individuals. Personal service of a document on an individual other than an attorney must be made by

(i) [Unchanged]

(ii) leaving it at the person's usual residence with some person of suitable age and discretion residing there;~~or~~

(iii) sending the document by registered mail or certified mail, return receipt requested, and delivery restricted to the addressee; but service is not made for purpose of this subrule until the individual receives the document;or

(iv) sending the document electronically in accordance with MCR 1.109(G)(6) or MCR 2.107(C), as applicable.

- (c) [Unchanged.]

(2)-(3) [Unchanged]

- ~~(4) E-mail. Unless otherwise limited or provided by this court rule or MCR 1.109(G)(6)(a)(ii), parties to a civil action or interested persons to a proceeding may agree to service by e-mail in the manner provided in and governed by MCR 2.107(C)(4).~~

- (45) Electronic Service. Electronic service of a document shall be made in accordance with MCR 1.109(G)(6)(a) or MCR 2.107(C) when required.

(C)-(E) [Unchanged.]

Staff Comment (ADM File No. 2020-08): The proposed amendments of MCR 1.109, 2.104, 2.107, 2.119, 3.203, and 5.105 would, subject to an opting-out procedure, clarify the use of electronic service when MiFILE is not available in the court or for the particular case type.

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.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by January 1, 2026 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2020-08. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Elizabeth Kingston-Miller, 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.

September 3, 2025

Elizabeth Kingston-Miller
Clerk