

Order

Michigan Supreme Court
Lansing, Michigan

September 20, 2023

Elizabeth T. Clement,
Chief Justice

ADM File No. 2022-11

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

Amendments of Rules
2.511 and 6.412 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 amendments of Rules 2.511 and 6.412 of the Michigan Court Rules are adopted, effective January 1, 2024.

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

Rule 2.511 Impaneling the Jury

(A)-(B) [Unchanged.]

(C) Examination of Jurors; ~~Discharge of Unqualified Juror~~. The court may ~~conduct the examination of~~ prospective jurors or ~~may~~ permit the attorneys for the parties to do so. If the court examines the prospective jurors, it must permit the attorneys for the parties to

(1) ask further questions that the court considers proper, or

(2) submit further questions that the court may ask if it considers them proper.

(D) Discharge of Unqualified Juror. When the court finds that a person in attendance at court as a juror is not qualified to serve as a juror, the court shall discharge him or her from further attendance and service as a juror.

(D)-(H) [Relettered (E)-(I) but otherwise unchanged.]

Rule 6.412 Selection of the Jury

(A)-(B) [Unchanged.]

(C) Voir Dire of Prospective Jurors.

(1) [Unchanged.]

(2) Conduct of the Examination. The court may ~~conduct the examination of~~ prospective jurors or permit the attorneys for the parties~~lawyers~~ to do so. If the court ~~conducts the examination~~ examines the prospective jurors, it ~~must~~may permit the attorneys for the parties~~lawyers~~ to ~~supplement the examination by direct questioning or by submitting questions for the court to ask.~~

(a) ask further questions that the court considers proper, or

(b) submit further questions that the court may ask if it considers them proper.

On its own initiative or on the motion of a party, the court may provide for a prospective juror or jurors to be questioned out of the presence of the other jurors.

(D)-(F) [Unchanged.]

Staff Comment (ADM File No. 2022-11): The amendments of MCR 2.511(C) and 6.412(C) align with Fed Crim P 24 and Fed Civ R 47 and require the court to allow the attorneys or parties to conduct voir dire in civil and criminal proceedings if the court examines the prospective jurors. The requirement is subject to the court's determination that the parties' or attorneys' questions are proper.

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.

September 20, 2023

Clerk