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Comment:

I support the proposed rule changes. I am an attorney who has represented litigants in hundreds of summary proceedings cases in Michigan's district courts over the past ten years. I believe the rule changes would help ensure that litigants receive adequate notice of proceedings and are that they are able to access the court.

I understand that some landlords and landlord attorneys are concerned that the rule changes would cause undue delays in litigation. But I do not share their concern for two reasons.

First, Michigan's summary proceedings process is one of the fastest civil litigation processes I know of. And nothing in the proposed rule changes would change that.

Second, justice that is rushed is justice denied. It is of paramount importance to ensure that litigants have the opportunity to have all valid claims and defenses heard. Especially since the majority of tenants in summary proceedings cases in Michigan are unrepresented by counsel.

It is important to remember the grave consequences of summary proceedings cases. Families are forced from their homes and their belongings are placed in the street or in the trash. Some people remain homeless after eviction for several years. Defendants with eviction judgments entered against them often find it nearly impossible to find a landlord willing to rent to them in the future. And in many of these cases, if those families had an opportunity to tell their story and bring defenses to the judge, the eviction would not have occurred.

That is another vital thing to remember. Defendants in summary proceedings cases often have valid defenses of various kinds that in many situations, when heard by the judge, result in the dismissal of the case. But if the judge does not hear those defenses in the first place, a judgment will be entered and another eviction will occur.

I'm sure you will receive many comments from landlords and landlord attorneys in opposition to these changes. That is to be expected. They are a well-organized lobby that is advocating on behalf of their industry, and they have a pecuniary interest in doing so. Unfortunately, the voices of tenants are often not similarly heard by public bodies making determinations like this one. But Michigan does not determine its court rules according to what is most convenient for a certain industry.