

Order

Michigan Supreme Court
Lansing, Michigan

December 20, 2023

Elizabeth T. Clement,
Chief Justice

ADM File No. 2022-42

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

Proposed Amendments of
Rules 2.508 and 4.002 of
the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering amendments of Rules 2.508 and 4.002 of the Michigan Court Rules. Before determining whether the 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 the 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 2.508 Jury Trial of Right

(A) [Unchanged.]

(B) Demand for Jury.

(1)-(2) [Unchanged.]

(3)(a) [Unchanged.]

(b) If part of a case is removed from circuit court to district court, or part of a case is removed or transferred from district court to circuit court, but a portion of the case remains in the court from which the case is removed or transferred, then a demand for a trial by jury in the court from which the case is removed or transferred is not effective in the court to which the case is removed or transferred. A party who seeks a trial by jury in the court to which the case is partially removed or transferred must file a written demand for a trial by jury and pay the

applicable jury fee within 21 days of the removal or transfer order, and must pay the jury fee provided by law, even if the jury fee was paid in the court from which the case is removed or transferred, within 28 days after the filing fee is paid in the receiving court, but no later than 56 days after the date of the removal or transfer order.

- (c) The absence of a timely demand for a trial by jury in the court from which a case is entirely or partially removed or transferred does not preclude filing a demand for a trial by jury in the court to which the case is removed or transferred. A party who seeks a trial by jury in the court to which the case is removed or transferred must file a written demand for a trial by jury and pay the applicable jury fee within 28 days after the filing fee is paid in that court, but no later than 56 days after the date of the removal or transfer order~~within 21 days of the removal or transfer order, and must pay the jury fee provided by law.~~

- (d) [Unchanged.]

(C)-(D) [Unchanged.]

Rule 4.002 Transfer of Actions From District Court to Circuit Court

(A)-(C) [Unchanged.]

(D) Payment of Filing and Jury Fees After Transfer; Payment of Costs.

(1) [Unchanged.]

- (2) If the jury fee has been paid, the clerk of the district court must forward it to the clerk of the circuit court to which the action is transferred as soon as possible after the case records have been transferred. If the amount paid to the district court for the jury fee is less than the circuit court jury fee, then the party requesting the jury shall pay the difference to the circuit court within 28 days after the filing fee is paid under subrule (D)(1).

(3) [Unchanged.]

Staff Comment (ADM File No. 2022-42): The proposed amendments of MCR 2.508(B)(3)(b)-(c) and 4.002(D)(2) would make the rules consistent with MCR 2.227 regarding the timing of payment of the jury fee in cases that are removed or transferred.

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 April 1, 2024 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. 2022-42. Your comments and the comments of others will be posted under the chapter affected by this proposal.



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.

December 20, 2023

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk