



## Michigan Supreme Court

State Court Administrative Office

Trial Court Services

**Friend of the Court Bureau**

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-5975

Steven D. Capps  
Director

### MEMORANDUM

DATE: May 12, 2011

TO: Circuit Judges  
Family Division Judges  
Friends of the Court

cc: Court Administrators

FROM: Elizabeth Stomski, Management Analyst

RE: Scheduling and Service of Process

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Family law practitioners have contacted the State Court Administrative Office (SCAO) to express their concerns that some courts schedule and notify defendants of proceedings (including alternative dispute resolution) before the defendant has been served. If your court notifies defendants of proceedings prior to the defendant being served, please consider the following:

- In cases in which domestic violence may be an element, the plaintiff's attorney may be attempting to coordinate protection for a domestic violence victim with service of process, which may include a personal protection order.
- Early scheduling can cause confusion and may be unproductive because the defendant is not always aware of the lawsuit or the underlying issues in the complaint.
- The court's notice provides the defendant with the knowledge that a lawsuit has been filed and the defendant may subsequently avoid service.

Please review your scheduling procedures to ensure that they take into account the potential negative consequences that could arise when notices are sent before service has been completed on the defendant. Court or friend of the court staff may address questions to Elizabeth Stomski at 517-373-5975 or [stomskie@courts.mi.gov](mailto:stomskie@courts.mi.gov).