

Order

Michigan Supreme Court
Lansing, Michigan

September 18, 2013

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2013-28

Michael F. Cavanagh
Stephen J. Markman

Proposed Amendment of
Rule 2.510 of the Michigan
Court Rules

Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

On order of the Court, this is to advise that the Court is considering an amendment of Rule 2.510 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 also will be considered at a public hearing. The notices and agendas for public hearings are posted at [Administrative Matters & Court Rules 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 2.510 Juror Personal History Questionnaire

(A) [Unchanged.]

(B) Completion of Questionnaire.

(1) The court clerk or the jury board, as directed by the chief judge, shall supply each juror drawn for jury service with a questionnaire in the form adopted pursuant to subrule (A). The court clerk or the jury board shall direct the juror to complete the questionnaire ~~in the juror's own handwriting~~ before the juror is called for service.

(2) [Unchanged.]

(C) Return of Filing the Questionnaire.

(1) On completion, the questionnaire shall be ~~filed with~~ returned to the court clerk or the jury board, as designated under subrule (B)(1). The only persons allowed to examine the questionnaire are:

(a)-(d) [Unchanged.]

(2) [Unchanged.]

- (3) The questionnaires must be maintained ~~kept on file~~ for 3 years from the time they are completed ~~filled out~~. They may be created and maintained in any medium authorized by court rules pursuant to MCR 1.109.
- (D) Summoning Jurors for Court Attendance. The court clerk, the court administrator, the sheriff, or the jury board, as designated by the chief judge, shall summon jurors for court attendance at the time and in the manner directed by the chief judge ~~or the judge to whom the action in which jurors are being called for service is assigned~~. For a juror's first required court appearance, service must be by written notice addressed to the juror at the juror's residence as shown by the records of the clerk or jury board. The notice may be by ordinary mail or by personal service. For later service, notice may be in the manner directed by the court. The person giving notice to jurors shall keep a record of the notice and make a return if directed by the court. The return is presumptive evidence of the fact of service.
- (E) [Unchanged.]

Staff Comment: The proposed amendments of MCR 2.510 would allow courts to authorize prospective jurors to complete and return questionnaires electronically, and would allow courts to create and maintain them electronically (i.e., in any medium authorized by court rules pursuant to MCR 1.109). The proposed change also would delete language in MCR 2.501(D) to clarify that the chief judge is responsible for initiation of the court's policies for summoning prospective jurors.

The staff comment is not an authoritative construction by the 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 sent to the Supreme Court Clerk in writing or

electronically by January 1, 2014, at P.O. Box 30052, Lansing, MI 48909, or ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2013-28. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



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 18, 2013


Clerk