

MICHIGAN COURT RULES PRACTICE

TEXT
SIXTH EDITION
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By
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of the Michigan Bar

Rules 3.501 to 5.802
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Preface to the Sixth Edition

This is volume 5 of the Michigan Court Rules Practice Series, Sixth Edition. As with the first four volumes, this work carries on the tradition of Jason L. Honigman's 1949 Michigan Court Rules Annotated and its successors, Honigman & Hawkins, Michigan Court Rules Annotated (2d ed. 1962), Martin, Dean & Webster, Michigan Court Rules Practice (3d ed. 1985), Dean & Longhofer (4th ed. 2001), and Longhofer (5th ed. 2008).

Since the publication of the Fifth Edition in 2008, new and amended court rules, and many new judicial interpretations of the rules, have required revision of the Author's Commentary, as well as an updating of the case annotations associated with each rule.

New rules adopted since the Fifth Edition include MCR 3.616 (Proceeding to Determine Continuation of Voluntary Foster Care Services), MCR 3.807 (Indian Child), MCR 3.905 (Indian Children; Jurisdiction, Notice, Transfer, Intervention), MCR 3.967 (Removal Hearing for Indian Child), and MCR 3.979 (Juvenile Guardianships).

Newly amended rules covered in this volume include MCR 3.602 (Arbitration), MCR 3.612 (Winding Up of Corporation Whose Term or Charter Has Expired), MCR 3.705 (Issuance of Personal Protection Orders), MCR 3.707 (Modification, Termination, or Extension of Order), MCR 3.800 (Applicable Rules; Interested Parties; Indian Child), MCR 3.801 (Papers, Execution), MCR 3.802 (Manner and Method of Service), MCR 3.901 (Applicability of Rules), MCR 3.903 (Definitions), MCR 3.913 (Referees), MCR 3.915 (Assistance of Attorney), MCR 3.920 (Service of Process), MCR 3.921 (Persons Entitled to Notice), MCR 3.925 (Open Proceedings; Judgments and Orders; Records Confidentiality; Destruction of Court Files; Setting Aside Adjudications), MCR 3.929 (Use of Facsimile Communication Equipment), MCR 3.930 (Receipt and Return or Disposal of Exhibits in Juvenile Proceedings), MCR 3.931 (Initiating Delinquency Proceedings), MCR 3.932 (Summary Initial Proceedings), MCR 3.935 (Preliminary Hearing), MCR 3.936 (Fingerprinting), MCR 3.961 (Initiating Child Protective Proceedings), MCR 3.963 (Protective Custody of Child), MCR 3.965 (Preliminary Hearing), MCR 3.973 (Dispositional Hearing), MCR 3.974 (Post-Dispositional Procedures: Child at Home), MCR 3.976 (Perma-

nency Planning Hearings), MCR 3.977 (Termination of Parental Rights), MCR 3.978 (Post-Termination Review Hearings), MCR 3.992 (Rehearings; New Trial), MCR 4.001 (Applicability), MCR 4.101 (Civil Infraction Actions), MCR 4.201 (Summary Proceedings to Recover Possession of Premises), MCR 4.202 (Summary Proceedings; Land Contract Forfeiture), MCR 4.401 (Magistrates), MCR 5.101 (Form and Commencement of Action; Confidential Records), MCR 5.108 (Time of Service), MCR 5.113 (Papers; Form and Filing), MCR 5.125 (Interested Persons Defined), MCR 5.128 (Change of Venue), MCR 5.201 (Applicability), MCR 5.206 (Duty to Complete Administration), MCR 5.302 (Commencement of Decedent Estates), MCR 5.307 (Requirements Applicable to All Decedent Estates), MCR 5.309 (Informal Proceedings), MCR 5.401 (General Provisions), MCR 5.402 (Common Provisions), MCR 5.403 (Proceedings on Temporary Guardianship), MCR 5.404 (Guardianship of Minor), MCR 5.501 (Trust Proceedings in General), MCR 5.801 (Appeals to Other Courts), and MCR 5.802 (Appellate Procedure; Stays Pending Appeal).

The Michigan Court Rules Practice Text is frequently cited in judicial opinions and in parties' briefs to courts at all levels. It is designed to assist courts and counsel in applying the Michigan Court Rules in the many different situations that occur every day in litigation matters.

After each rule and staff comment, the Author's Commentary discusses the basic purpose and effect of each rule as well as special problems of interpretation, relationships with other rules, and the like. Case annotations then follow.

Highlights

- Updated discussion of vacation, modification or correction of arbitration award (§ 3602.6)
- Rule pertaining to defaults is not among the rules specifically incorporated in juvenile or child protective proceedings. (§ 3901.1)
- New discussion of notice to creditors by personal representative of estate. (§ § 5208.1 to 5208.3)
- Discussion of claims by personal representative against the estate for obligations arising before the decedent's death. (§ 5307.1)

Thank you for subscribing to Michigan Court Rules Practice Text. I hope that you find this book an invaluable tool for your practice.

RONALD S. LONGHOFER

ABOUT THE AUTHOR

RONALD S. LONGHOFER received his B.M. with distinction from the University of Michigan in 1968, where he was elected to Phi Beta Kappa and Phi Kappa Phi. He served in the U.S. Army from 1968 to 1972 as a German language translator stationed in Frankfurt and Munich. In 1972, he received the *Grosses Deutsches Sprachdiplom* (German Language Diploma) from the Goethe Institute in Munich. In 1975, he received his J.D. *Magna cum laude* from the University of Michigan Law School, where he was elected to the Order of the Coif. As Associate Editor on the *Michigan Law Review*, he published his Note, *The Conclusive Presumption Doctrine: Equal Process or Due Protection?*, 72 *Mich. L. Rev.* 800 (1974). The following year, he served on the Senior Staff of the *Law Review* as Articles Editor. After law school he served as law clerk to Honorable John Feikens, United States District Court for the Eastern District of Michigan.

From 1976–2003, Mr. Longhofer was in the Litigation Department of Honigman Miller Schwartz and Cohn. He served as Chair of the Litigation Department from 1993 to 1996. His 28 years of litigation practice included a wide range of trial and appellate experience in federal and state courts, concentrating in complex commercial litigation (including class actions), securities and corporate litigation, and product liability litigation.

In 2004, Mr. Longhofer received his M.B.A. with distinction from the University of Michigan Business School. He is currently Principal, RSL Financial Consulting, LLC, where he provides litigation advisory and ADR services. In addition, from 2004 to 2013, he was an Adjunct Professor at the Wayne State University Law School, where he taught business valuation.

Mr. Longhofer has lectured for the Michigan Institute of Continuing Legal Education (ICLE) and other organizations on various litigation-related topics, including trial advocacy and the introduction of evidence. His publications include *Robinson & Longhofer, Michigan Court Rules Practice—Evidence*, 3rd Edition; *Longhofer, Michigan Court Rules Practice—Forms*, 3d Edition; *Longhofer, Courtroom Handbook on Michigan Civil Procedure*; *Longhofer, Courtroom Handbook on Michigan Evidence*; and *Robinson, Lawson, Lang and Longhofer, Introducing Evidence at Trial* (ICLE 3d Edition). He is past chair of the State Bar of Michigan Civil Procedure and Courts Committee.

Mr. Longhofer is listed in *Who's Who in America* and *Who's Who in American Law*.



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