

October 30, 2023

ADMcomment@courts.mi.gov  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, Michigan 48909

RE: [ADM 2023-05](#), MCR 3.613 amendment  
Order issued [May 24, 2023](#)

Dear Chief Justice Clement and Justices:

My written comment takes no position on the proposed amendment.

If the proposal will be adopted, I encourage the Supreme Court to clarify whether:

(1) only [MCL § 600.2534](#)'s "cost of publication" would be paid by the local court (like currently drafted),<sup>1</sup> or

(2) would the local court *also* pay for any separate proof of publication affidavit "fee" [<https://perma.cc/Z5YG-F6F4>] a newspaper might charge an individual—since [MCR 2.106\(G\)\(1\)](#) requires a proof of publication affidavit to be filed.

I share this consideration because the Michigan Press Association (MPA) counsels their members on how newspapers can *charge a separate fee* for supplying the court rule required proof of publication affidavit:

Newspapers should also note state law does not control the fee for providing an Affidavit of publication. Therefore, newspapers can raise affidavit fees independent of the statutory requirements for folio rates. [<https://perma.cc/DM46-M82A>]<sup>2</sup>

Continued thanks to the Court for considering the public's comments.

Sincerely,  
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<sup>1</sup> Treasury's posted March 1, 2023–February 29, 2024 legal notice newspaper publication costs are available at <https://perma.cc/AF62-YKLN>. The MPA explains the "folio" counting formula at <https://perma.cc/DM46-M82A>.

<sup>2</sup> By contrast, Wisconsin law limits the fee for an affidavit of publication to \$1. [Wisc. Stat. §985.12\(4\)](#). And Mississippi sets a \$3 cap for making a proof of publication. [Miss. Code. Ann. § 25-7-65\(b\)](#).