

Michigan Appellate Practice Resources

By Randy E. Davidson

Whether the practitioner is an experienced appellate advocate or a first-time filer, there are a number of helpful Michigan appellate practice resources—many available online.

Chapter 16 of ICLE's Michigan Basic Practice Handbook (6th ed), available at http://www.icle.org/modules/store/books/book.aspx?PRODUCT_CODE=2007553820, contains forms and a comprehensive discussion of the procedural steps for appeals to circuit court, the state Court of Appeals, and the Michigan Supreme Court.

ICLE's Michigan Appellate Handbook (3d ed), available at http://www.icle.org/modules/store/books/book.aspx?PRODUCT_CODE=2013550510, is an expanded version with the same contributing editors and includes forms along with a discussion of the fundamentals of appellate review; preparing the case for appeal; authority, organization, and operation of the Court of Appeals; appeals of right in the Court of Appeals; appellate standards of review; interlocutory and discretionary review in the Court of Appeals; expediting review; motion practice; appellate briefs; amicus curiae briefs; oral argument in the Court of Appeals; decisions and post-decision practice in the Court of Appeals; applications for leave to appeal in the Supreme Court; calendar cases in the Supreme Court; appeals to circuit court; administrative appeals; and criminal appeals.

For those handling criminal appeals, the State Appellate Defender Office has a comprehensive website including an online forum and brief bank at <http://www.sado.org/>.

For those handling child welfare cases, a free appellate guide by the Governor's Task Force on Child Abuse and Neglect is available at <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/CWS/ChildWelfareAppellateGuide.pdf>.

The Michigan Judicial Institute has a free online bench book covering appeals and opinions at <http://courts.mi.gov/education/mji/Publications/Documents/Appeals-Opinions.pdf>. Another bench book that includes discussion of post-judgment motions and post-appeal relief is at <http://courts.mi.gov/education/mji/Publications/Documents/Crim-PostTrial.pdf>.

The Michigan Court of Appeals website has court forms available at <http://courts.mi.gov/courts/coa/forms/pages/forms.aspx> and a handy tool for calculating deadlines at <http://courts.mi.gov/courts/coa/pages/time-calculator.aspx>. The Court's internal operating procedures, derived from the appellate court rules, are available at <http://courts.mi.gov/Courts/COA/clerksoffice/Documents/COA%20Clerk%20IOPs.pdf>.

Chapter 7 of the Michigan Court Rules (Appeals) is available free at <http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/Documents/CHAPTER%207.%20APPELLATE%20RULES%20%28entire%20chapter%29.pdf>.

For those interested in electronic filing, registration and reference guides for the TrueFiling system are available at http://courts.mi.gov/opinions_orders/e-filing/pages/default.aspx.

Practitioners can also quickly access appellate docket sheets for both the Michigan Court of Appeals and Michigan Supreme Court at http://courts.mi.gov/opinions_orders/case_search/pages/default.aspx.

Court of Appeals and Supreme Court slip opinions can be searched by party name, docket number, or keywords at http://courts.mi.gov/opinions_orders/opinions_orders/pages/default.aspx.

The Michigan Supreme Court website includes an online guide for counsel arguing cases, available at [\[MSC%20Guide%20for%20Counsel.pdf\]\(http://courts.mi.gov/Courts/MichiganSupremeCourt/Clerks/ClerksOfficeDocuments/MS%20Case%20Processing.pdf\). The Court also has a guide to the processing of cases and administrative matters at <http://courts.mi.gov/Courts/MichiganSupremeCourt/Clerks/ClerksOfficeDocuments/MS%20Case%20Processing.pdf>.](http://courts.mi.gov/Courts/MichiganSupremeCourt/Documents/</p>
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Practitioners desiring to watch archived Supreme Court oral arguments can do so online at the State Bar of Michigan's Virtual Court web page at <http://www.michbar.org/courts/virtualcourt>.

The 2013 Michigan Appellate Bench Bar Conference report, available at <http://benchbar.org/wp-content/uploads/2015/07/2013%20Michigan%20Appellate%20Bench%20Bar%20Conference%20Summary%20Report-r.pdf>, is another valuable resource with tips from experienced practitioners and appellate judges.

For individuals proceeding without a lawyer, the Court of Appeals publishes a pro se manual for appellants at <http://courts.mi.gov/Courts/COA/clerksoffice/Documents/Appellant%20Manual.pdf>. A similar manual for appellees is at <http://courts.mi.gov/Courts/COA/clerksoffice/Documents/Appellee%20Manual.pdf>. ■



Randy E. Davidson received his JD degree cum laude from Wayne State University Law School in 1979. He was admitted to the Bar in 1979 and has served as an assistant defender at the State Appellate Defender Office since 1992. He is a member and past chair of the State Bar Committee on Libraries, Legal Research, and Legal Publications and a member of the Criminal Defense Attorneys of Michigan.