

Administrative Order No. 2019-4
Electronic Filing in the 3rd, 6th, 13th, 16th,
and 20th Circuit Courts (Dated October 23, 2019)

On order of the Court, the 3rd, 6th, 13th, 16th, and 20th Circuit Courts are authorized to continue their e-Filing programs in accordance with this order while the State Court Administrative Office develops and implements a statewide e-Filing system (known as MiFILE). This order rescinds and replaces Michigan Supreme Court Administrative Orders 2007-3 (Oakland County), 2010-4 (the 13th Judicial Circuit), 2010-6 (the 16th Judicial Circuit), 2011-1 (the 3rd Circuit Court), and 2011-4 (Ottawa County).

1. Construction.

Until each court is fully implemented on MiFILE, each court shall operate its current e-Filing system in accordance with this order and Michigan Court Rules 1.109(G) and 8.119. This includes that each court may continue to exercise its discretion to grant necessary relief to avoid the consequences of error so as not to affect the substantial rights of the parties until the court is fully implemented on MiFILE. The Michigan Rules of Court govern all other aspects of the cases that are required to be filed electronically.

2. Participation in E-Filing.

a. Mandatory Participation.

Participation in the e-Filing system is mandatory for the case types in place and for parties currently required to e-File in each court, as of the date of this order. Each court shall post on its website and in the clerk's office a list of the case types, mandated filers, and types of filings as specified in State Court Administrative Office Memo 2019-4. The State Court Administrative Office shall also maintain this information on its One Court of Justice website.

On or before the date a pilot court is transitioned to MiFILE, the court must have in place an approved e-Filing access plan as required by Administrative Order 2019-2. Approval of the e-Filing plan means that the court has demonstrated full access for self-represented litigants. Nothing in this order precludes a court from implementing an e-Filing access plan before full implementation of MiFILE.

b. Exemption from E-Filing Participation.

Circumstances may arise that will prevent a party from e-Filing where e-Filing is mandated by these courts. A filer may file a request for exemption from e-Filing under MCR 1.109(G)(3). The court shall consider those requests with factors described in MCR 1.109(G)(3)(g)–(h) and shall comply with all other requirements in the rule. The clerk of the court must promptly mail or hand-deliver the order of exemption to the individual.

3. E-Filing Rules, Standards, and Local Requirements

a. Court Responsibility.

With the exception of the e-Filing requirements in the Michigan Court Rules and any e-Filing standards prescribed by the State Court Administrative Office, each court will comply with the requirements of this order and, to the extent possible, continue to accept and process e-Filed documents for the

case types, case initiation procedures, subsequent filing procedures, and filer requirements in place in each court as of the date of this order. Each court shall make this information readily available to filers from the court's website and at the clerk's office.

b. Filer Responsibility.

With the exception of the e-Filing requirements in the Michigan Court Rules and any e-Filing standards prescribed by the State Court Administrative Office, filers will comply with the requirements of this order and the e-Filing procedures and requirements in place in each court as of the date of this order.

4. Personal Identifying Information

a. With respect to any document submitted through the e-Filing system, the following requirements for personal identifying information apply:

i. **Social Security Numbers:** Pursuant to Administrative Order No. 2006-2, full social security numbers shall not be included in public documents. If an individual's social security number must be referenced in a public document, only the last four digits of that number may be used, with the number specified in the following format: XXX-XX-1234.

ii. **Names of Minor Children:** Unless named as a party or otherwise required by statute, court rule, or administrative order, the identity of minor children shall not be included in a public document. If a non-party minor child must be mentioned, only the initials of that child's name may be used.

iii. **Dates of Birth:** Except as required by statute, court rule, or administrative order, an individual's full birth date shall not be included in a public document. If an individual's date of birth must be referenced in a public document, only the year may be used, with the date specified in the following format: XX/XX/1998.

iv. **Financial Account Numbers:** Full financial account numbers shall not be included in public documents unless required by statute, court rule, or other authority. If a financial account number must be referenced in a public document, only the last four digits of these numbers may be used, with the number specified in the following format: XXXXX1234.

v. **Driver's License Numbers and State-Issued Personal Identification Card Numbers:** A person's full driver's license number and state issued personal identification number shall not be included in a public document. If an individual's driver's license number or state-issued personal identification card number must be referenced in a public document, only the last four digits of that number may be used, with the number specified in the following format: X-XXX-XXX-XX1-234.

vi. **Home Addresses:** With the exception of a self-represented party, full home addresses shall not be included in e-Filings. If an individual's home address must be referenced in an e-Filing, only the city and state should be used. For a party whose address has been made confidential by court order pursuant to MCR 3.203(F), the alternate address shall be treated as specified above.

- b. Parties wanting to file a pleading containing a complete personal data identifier as listed above may:
 - i. Pursuant to and in accordance with the MCR and the LAO, file a motion to file a traditional paper version of the document under seal. The court, in granting the motion to file the document under seal, may still require that an e-Filing that does not reveal the complete personal data identifier be filed for the public files; or,
 - ii. Pursuant to and in accordance with the applicable MCR and LAO, obtain a court order to file a traditional paper reference list under seal. The reference list shall contain the complete personal data identifiers and the redacted identifiers used in the e-Filing. All references in the case to the redacted identifiers included in the reference list shall be construed to refer to the corresponding complete personal data identifiers. The reference list must be filed under seal, and may be amended as of right.
- c. Parties should exercise caution when filing papers that contain private or confidential information, including, but not limited to, the information covered above and listed below:
 - i. Medical records, treatment, and diagnosis;
 - ii. Employment history;
 - iii. Individual financial information;
 - iv. Insurance information;
 - v. Proprietary or trade secret information;
 - vi. Information regarding an individual's cooperation with the government; and
 - vii. Personal information regarding the victim of any criminal activity.
- d. These rules are designed to protect the private personal identifiers and information of individuals involved or referenced in actions before the court. Nothing in these rules should be interpreted as authority for counsel or a self-represented litigant to deny discovery to the opposing party.
- e. These rules regarding personal information will remain in effect until they are superseded by amendments of MCR 1.109, MCR 8.119, and Administrative Order 1999-4. Those amendments, adopted by the Court on May 22, 2019, are effective on January 1, 2021.

Administrative Order No. 2019-5
Adoption of Concurrent Jurisdiction Plan for the
17th Circuit Court and the Kent County Probate Court
 (Dated October 23, 2019)

Administrative Order No. 2003-1 and MCL 600.401, *et seq.* authorize Michigan trial courts to adopt concurrent jurisdiction plans within a county or judicial circuit, subject to approval of the Court.

The Court hereby approves adoption of the following concurrent jurisdiction plan, effective immediately:

- The 17th Circuit Court and the Kent County Probate Court.

The plan shall remain on file with the State Court Administrator.

Amendments to concurrent jurisdiction plans may be implemented by local administrative order pursuant to MCR 8.112. Plan

amendments shall conform to the requirements of Administrative Order No. 2003-1 and MCL 600.401, *et seq.*

Administrative Order No. 2019-6
Briefs Formatted for Optimized Reading
on Electronic Displays (Dated October 23, 2019)

On order of the Court, effective immediately, the Michigan Supreme Court and Court of Appeals are authorized to implement a pilot program in which lawyers and self-represented parties may file briefs that are formatted, within the parameters set forth below, to be more readable on electronic displays, such as computer monitors, laptops, and tablets, instead of complying with the current formatting rules. This pilot program will run for two years from the effective date above, after which the Courts will make recommendations for future practice. The Courts have the discretion to terminate the pilot program early.

(A) Application.

- (1) This pilot program shall apply to the length and formatting of briefs, applications for leave to appeal, responses, replies, and other pleadings (collectively "briefs") that are required to be filed in conformity with MCR 7.212 or 7.312.
- (2) Filing briefs under the pilot program is optional. Briefs filed under the pilot program must include the words, in bold, "Filed under AO 2019-6" on the caption of the brief and must comply with the following requirements in place of MCR 7.212(B) or 7.312(A). Any requirements not addressed by subsection (B) of this administrative order shall be governed by MCR 7.212 or 7.312.

(B) Length and Format of Briefs.

- (1) Length. Unless otherwise lengthened or shortened by the Court of Appeals on motion, the principal briefs of the appellant(s) and appellee(s) and the briefs of amici curiae shall be no longer than 16,000 words, and the reply briefs of the appellant shall be no longer than 3,200 words. Briefs shall contain pagination as specified by MCR 7.212(B). The title page, table of contents, index of authorities, statement of the basis of jurisdiction, statement of the questions involved, signature block and listing of counsel at the end of the brief, certificate of compliance, proof of service, exhibits, and appendices do not count toward the word limit. Footnotes within the non-excluded sections also count toward the word total, as do any words contained in embedded graphics.

Each brief shall contain a certificate of compliance after the signature block, signed by the attorney or self-represented party, stating the number of countable words in the document and the typeface and size used. The person preparing the certificate may rely on the word count of the word-processing system used to prepare the document.

- (2) Font. The body text of briefs shall be set in a proportional font no smaller than 12 point. Narrow-style or compressed fonts and condensed spacing are prohibited. Other fonts may be used in captions and headings.

- (3) Line Spacing. The line spacing of all text must be set between 133% and 150% of the point size of the text. For example, text set in a 12-point font must be set with line spacing between 16 and 18 points. There shall be a minimum of 6 points of additional spacing between paragraphs and around headings.
- (4) Line Length and Margins. The left and right side margins may not be less than 1.5 inches each. This does not apply to captions or headings, which may be formatted with 1-inch side margins.
- (5) Electronic format. Briefs must be filed in a text-searchable PDF format that is created electronically by a word processor or similar program. An unsearchable image file of a scanned document is not acceptable.

The electronic brief must be bookmarked to include, at a minimum, all major divisions and headings, and should track the table of contents.

Page numbers in the electronic brief must correspond to the PDF page numbers.

Proposed Amendment of Rule 6.425 of the Michigan Court Rules (Dated October 23, 2019)

On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.425 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 proposals 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 6.425 Sentencing; Appointment of Appellate Counsel

(A)–(F) [Unchanged.]

(G) Appointment of Lawyer and Preparation of Transcript; Scope of Appellate Lawyer's Responsibilities.

(1) Appointment of Lawyer and Preparation of Transcript.

(a)–(c) [Unchanged.]

(d) Within 7 days after receiving a proposed order from MAACS, the trial court must rule on the request for a lawyer. If the defendant is indigent, the court must enter an order appointing a lawyer if the request for a lawyer is filed within 42 days after entry of the judgment of sentence or, if applicable, within the time for filing an appeal of right. The court should liberally grant an untimely request as long as the defendant may file an application for leave to appeal. A denial of counsel must

include a statement of reasons and must inform the defendant of the right to seek appellate review.

(e)–(g) [Unchanged.]

(2) [Unchanged.]

STAFF COMMENT: The proposed amendment of MCR 6.425 would clarify that criminal defendants whose requests for counsel due to indigency are denied are entitled to appeal that denial.

The staff comment is not an authoritative construction by the Court. In addition, adoption of an amendment in no way reflects a substantive determination by this 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 February 1, 2020, at P.O. Box 30052, Lansing, MI 48909, or ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2018-34. 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.

Proposed Amendment of Rule 8.108 of the Michigan Court Rules (Dated October 23, 2019)

On order of the Court, this is to advise that the Court is considering an amendment of Rule 8.108 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 8.108 Court Reporters and Recorders

(A)–(D) [Unchanged.]

(E) ~~Preparing~~Furnishing Transcript. The court reporter or recorder shall ~~prepare~~furnish without delay, in legible English, a transcript of the records taken by him or her (or any part thereof):

(1) to any party on request. The reporter or recorder is entitled to receive the compensation prescribed in the statute on fees from the person who makes the request.

(2) on order of the trial court. The court may order the transcript prepared without expense to either party. Except when otherwise provided by contract, the court reporter or recorder shall receive from the appropriate governmental unit the compensation specified in the statute on fees for a transcript ordered by a court.

(F) Filing Transcript.

- (1) After preparing a transcript upon request of a party or interested person to a case or on order of the trial court, the court reporter or recorder shall promptly file ~~the~~^{make} ~~and file in the clerk's office a transcript of the proceeding-~~^{and file in the clerk's office a transcript of the proceeding-} ~~his or her records, in legible English, of any civil or criminal case (or any part thereof) without expense to either party; the transcript is a part of the records in the case.~~^{his or her records, in legible English, of any civil or criminal case (or any part thereof) without expense to either party; the transcript is a part of the records in the case.}
- (2) After an official transcript is filed, copies shall be made only from the official transcript filed with the court. ~~Except when otherwise provided by contract, the court reporter or recorder shall receive from the appropriate governmental unit the compensation specified in the statute on fees for a transcript ordered by a court.~~^{Except when otherwise provided by contract, the court reporter or recorder shall receive from the appropriate governmental unit the compensation specified in the statute on fees for a transcript ordered by a court.}

(G) [Unchanged.]

STAFF COMMENT: The proposed amendment of MCR 8.108 would clarify the rule regarding preparation and filing of transcripts including that a court reporter or court recorder shall file their transcripts with a court when produced for a party or for the court.

The staff comment is not an authoritative construction by the Court. In addition, adoption of an amendment in no way reflects a substantive determination by this 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 February 1, 2020, at P.O. Box 30052, Lansing, MI 48909, or ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2018-35. 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.

Assignment of Business Court Judge in the 17th Circuit Court (Kent County) (Dated October 23, 2019)

On order of the Court, effective immediately, the Honorable Terence J. Ackert is assigned to serve in the role of business court judge (in addition to the existing business court judge) in the 17th Circuit Court, for a term expiring April 1, 2025.

Rescission of Local Court Rule 3.211(B) of the 3rd Circuit Court (Dated October 23, 2019)

On order of the Court, Local Court Rule 3.211(B) of the 3rd Circuit Court is rescinded, effective immediately.



Lawyers make a difference for people and society.
They solve problems, provide free legal help to the poor,
and give time to many other community efforts.

how lawyers can and do help...

LAWYERS GIVE SERVICES



PRO BONO SERVICES

Lawyers volunteer to provide free legal services to low-income families or nonprofit agencies who serve those in need. It is one way to fulfill the duties in the Voluntary Pro Bono Standard.

LAWYERS GIVE MONEY



ACCESS TO JUSTICE FUND

Lawyers make donations to the Access to Justice Fund to support civil legal aid for the poor. It is one way to meet obligations under the Voluntary Pro Bono Standard.

LAWYERS GIVE TIME



COMMUNITY SERVICE

In addition to giving pro bono legal services to the poor and monetary donations for legal aid, many lawyers also give time to other community efforts.

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