

# E-Filing in the Michigan Court of Appeals

By Randy E. Davidson

**D**igital technology has arrived at the Michigan Court of Appeals. The busy appellate practitioner can now easily file and serve appellate pleadings and documents without ever leaving the office. This article provides basic resources and an overview of the e-filing process.

The Court of Appeals adopted electronic filing and service guidelines in 2006.<sup>1</sup> In general, e-filing is a voluntary alternative to traditional paper filing. The Court has partnered with Tyler Technologies, Inc., which offers the Odyssey File & Serve website. Participants set up an account with Tyler and then register with the Court of Appeals.<sup>2</sup>

There are significant advantages to e-filing and e-service compared to traditional paper filing and mailing. The current per-pleading charge for both filing and service is \$8, including appendices, regardless of the number of pages.<sup>3</sup> This represents a substantial cost savings for filing a typical brief that would otherwise require delivering the original and four copies to the Court of Appeals and mailing a copy to the opposing party or counsel. In addition, while paper filings must physically arrive at the court clerk's office before 5 p.m., an e-filing received before 11:59 p.m. on a business day is docketed as filed that day—a considerable convenience during harsh Michigan winters.

The Court maintains a list of participants who have consented to e-service, including the Attorney General's Office; the State Appellate Defender Office; the Wayne, Oakland, and Macomb county prosecutors' offices; and more than 30 law firms and 100 individuals.<sup>4</sup> With the initial e-filing in a case, the user must file a statement indicating that the recipient of e-service has either consented in that case or is on the list.<sup>5</sup>

The filing process essentially involves creating and sending an e-mail with an attach-

ment using the Odyssey system, which ensures security and document integrity. The first step is preparing the document for filing. All documents must be in Adobe Acrobat or PDF format.<sup>6</sup> Pleadings should be converted from Word or WordPerfect, not just scanned, so the resulting Adobe document is searchable and bookmarked. Photographs or other exhibits may be scanned. Detailed instructions are found on the Court's website.<sup>7</sup> The Court's website also has downloadable PDF forms, including a cover page for a brief and a motion to extend time for filing a brief.<sup>8</sup> Pleadings must be signed by typing “/s/[name]” in the signature block.

After converting the document to the proper format, the next steps are logging into the Odyssey site, selecting a case by Court of Appeals docket number, and setting up a service contact list.<sup>9</sup> Users should include themselves in the contact list, as there is no additional charge for multiple service recipients and users can confirm successful filing and service of the pleading.

To file a pleading, click the “E-File” link after setting up the service contacts and complete the e-filing form, which allows the user to browse for the pleading and attachments to file and the parties and method of service. Selecting “E-Serve” as the method of service prompts the Odyssey system to send an e-mail notice with a link that the recipient follows to retrieve the filed documents. The Odyssey system automatically generates a cover page and signed proof of service based on the information submitted with the e-filing form.

After filing, users can check the status of the filing by opening the E-File Queue, which also includes a link to open and download a time-stamped copy for archiving or printing and mailing.

E-filing represents a convenient, inexpensive alternative to paper filing and mailing. If

you can send an e-mail with an attachment, you can e-file. ■



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## FOOTNOTES

1. See Michigan Court of Appeals, *Electronic Filing & Service Guidelines* <[http://coa.courts.mi.gov/pdf/COA\\_EFile\\_User\\_Guidelines.pdf](http://coa.courts.mi.gov/pdf/COA_EFile_User_Guidelines.pdf)>. All websites cited in this article were accessed January 9, 2011.
2. First, contact Tyler's technical support at (800) 297-5377 or by e-mail at [efiling@tylertech.com](mailto:efiling@tylertech.com). Participants may then log in and register online by visiting Michigan Court of Appeals, Odyssey File & Serve, *Registration Confirmation Form* <<http://coa.courts.mi.gov/efile/forms/Registration%20Confirmation.pdf>>. There are also links to administrator and user manuals on the E-filing log-in page.
3. A link to current pricing is found on the E-filing log-in page at Michigan Court of Appeals, Odyssey File & Serve, *About Pricing* <<https://wiznet.wiznet.com/appealsmi/login.jsp>>.
4. Visit Michigan Court of Appeals, *List of Approved E-Mail Addresses for E-Service* <<http://coa.courts.mi.gov/efile/addresslist.htm>>.
5. See Notice from the Michigan Court of Appeals to All Participants in the Odyssey File & Serve Program (August 2010) <<http://coa.courts.mi.gov/efile/Notice%20%20August%202010.pdf>>.
6. Michigan Court of Appeals, *Preparing a PDF Document for Electronic Filing*, p 2 <<http://coa.courts.mi.gov/efile/Preparing%20a%20PDF%20Document%20for%20Electronic%20Filing%20at%20the%20COA.pdf>> (noting that currently, Odyssey does not accept PDF documents created with Adobe Acrobat 9.0).
7. See generally *id.*
8. Visit Michigan Court of Appeals, *E-Filing Forms* <<http://coa.courts.mi.gov/efile/efileforms.htm>>.
9. There is a slightly different process for initiating a new case.