



STATE OF MICHIGAN
55TH JUDICIAL DISTRICT COURT
700 BUHL AVENUE • MASON, MICHIGAN 48854
517-676-8400
<http://dc.ingham.org>

Administrative Order 2014 - 09

ACCESS, INSPECTION, REPRODUCTION, AND CREATION OF COURT RECORDS

IT IS ORDERED:

Administrative Order 2012-01 is hereby rescinded and revoked.

IT IS FURTHER ORDERED:

This administrative order is issued in accordance with Michigan Court Rules 8.119(H) and 8.110(C)(7). The purpose of this order is to regulate requests for access, inspection, and reproduction of public court case records and to allow flexibility in providing approved court forms or creating new case records.

The clerk may not permit any case record to be taken from the court without the order of the court. The court may provide access to the public information in a register of actions through a publicly accessible website; however, all other public information in its case records may be provided through electronic means only upon request.

1. Court records addressed by this administrative order include:
 - a) Records Kept by the Clerk of the Court. This includes case files, registers of action, numerical and alphabetical indexes, and calendars. MCR 8.119(D).
 - b) Court Recordings, Log Notes, Jury Seating Charts, and Other Media. This includes video/audio/digital court recordings, notes, tapes, logs, backup tapes, discs, and any other medium used or created in the making of a record of proceedings and kept pursuant to MCR 8.108. MCR 8.119(F).
2. Procedures for accessing, inspecting, and reproducing nonpublic information and records are set forth in Component 19 of the Michigan Trial Court Case File Management Standards, chart of Nonpublic and Limited-Access Court Records, Local Administrative Order 1 (friend of the court records), and Administrative Order 2006-2, Privacy Policy and Access to Records.
3. A list of court records, including those defined in MCR 8.119(E), that are not subject to public access and inspection is contained in the chart of Nonpublic and Limited-Access Court Records.

4. Court records are not subject to Freedom of Information Act requests. MCL 15.232(d)(v) specifically exempts the judiciary from the Freedom of Information Act.
5. In accordance with MCR 8.110(C)(7), the court shall provide litigants with forms approved by the state court administrator at the cost of \$1.00, after the first form which is provided at no cost.
 - a) Parties will be limited to a maximum of 20 copies per each type of form requested.
 - b) There will be no charge for forms requested by court-appointed attorneys on cases to which they have been appointed or for indigent parties.
 - c) There will be no charge for forms prepared by the court.
6. Any person may access and inspect, at no charge, any case record or information contained in those records, regardless of means of access and record format, unless access is restricted by statute, court rule, or a court order entered pursuant to MCR 8.119(I) and may also obtain copies subject to the following regulations established in accordance with MCR 8.119(J).
 - a) General
 - i) All requests to access and inspect case records identified in this administrative order and/or for copies of those records must be made on a "Court Record/Copy Request" form and must specify a complete case number or party names, except as provided in (b) (iv)
 - ii) Persons who do not have a complete case number or party names may review available case indexes to identify and select specific cases for inspection.
 - iii) Case records shall be reviewed at the public counter unless, in the discretion of court supervisory personnel, approval is granted to review records in the clerk's office based on available space, the type and number of records to be reviewed, and the length of time necessary to review them.
 - iv) Ensuring the right of immediate access to and public inspection of court records shall be a top priority, but may be limited by the availability of court staff to supervise the inspection.
 - b) Access
 - i) Except for online public case indexes and registers of case action, requests for access and inspection to no more than five specific case files will be accommodated within two days unless the files are not in the active file area. Requests for specific case records in storage will be accommodated within 10 business days.

- ii) Requests for access and inspection to more than five case files will be accommodated within a reasonable amount of time, depending on the total number of case files requested and the availability of court staff.
- iii) Case information requests from other courts that lack specific case numbers or party names shall be researched by this court. Requested information will be provided at no charge.
- iv) Requests to perform general traffic or criminal record checks that do not have specific case numbers or party names will not be researched by the court. They will be referred to the appropriate state agencies to obtain this information or to the available indexes referred to under subsection 6(a)(ii).
- v) Requests for the wholesale review of particular types of case records will only be considered if, in the court's discretion, the request will not unreasonably interfere with the discharge of court functions. With these types of requests, the court may specify the date, time, and manner in which access is to be granted. It will be the responsibility of those persons requesting access to make prior, acceptable arrangements with the court.

c) Copies

- i) The court will provide copies of case file documents (20 or fewer total pages) at a cost of \$1.00 within four business hours of the request for copies, except that copies of transcripts filed with the court shall not exceed \$.30 per page pursuant to MCL 600.2543.
- ii) Requests for more than 20 total copies of case file documents will be accommodated within a reasonable amount of time as determined by the (1) total number of pages to be copied, (2) availability of court staff and photocopying equipment, and (3) nature of the request, such as the degree to which court staff is required to identify, select, and review documents to be copied.
- iii) In order to preserve and maintain the integrity of court records and to prevent unreasonable interference with the discharge of court functions, persons will not be permitted to copy or otherwise duplicate court records using their own equipment.

d) New Record Creation

- i) Requests for creation of a new record, as defined in MCR 8.119(J)(4), will be granted only if creating the new record will not unreasonably interfere with the discharge of court functions. If granted, the request will be accommodated within a reasonable amount of time dependent upon the availability of sufficient public data within the body of case records (including related databases), and the ease in which those records can be identified and compiled.

- ii) Costs to provide a new record may not exceed the actual cost of labor and supplies and the actual use of the system to develop, generate, and validate the accuracy of the record.
7. Access to court recordings, log notes, jury seating charts, and other media of court proceedings made pursuant to MCR 8.108 is permitted in accordance with this order.
 8. Copies of court recordings, log notes, jury seating charts, and other media of court proceedings made pursuant to MCR 8.108 are available as provided by this order for \$20 per DVD for recordings and other media in electronic format and \$1.00 per page for log notes and jury seating charts if available only in paper.
 - a) A request from a party and/or an attorney of record to access or copy court proceedings will be accommodated within three days, unless the recordings are in storage. Requests for records of court proceedings in storage will be accommodated within 10 business days.
 - b) A request by a nonparty, including the media, to access or copy court proceedings pursuant to MCR 8.108 must be filed with the court in a written motion pursuant to MCR 2.119. The court shall provide copies unless a judge denies the motion and finds on the record, in the exercise of discretion, that the fair administration of justice requires such action. The judge has sole discretion to exclude copies of the video or audio testimony of certain witnesses.
 - c) Copies of court recordings, log notes, jury seating charts, and other media of court proceedings under this section may not be duplicated and/or made available for public inspection without the expressed written consent of the court

Effective Date: 11/18/14

Date: 11-19-14



Chief Judge Signature:

Dillon, Michael

From: Region2 Info <Region2-Info@courts.mi.gov>
Sent: Tuesday, December 02, 2014 11:27 AM
To: Dillon, Michael; Boyd, Thomas
Cc: Region2 Info
Subject: D55 2014-09 Access, Inspection, Reproduction, and Creation of Court Records - Approved

D55 2014-09 Access, Inspection, Reproduction, and Creation of Court Records - Approved
Rescinds 2012-01

This is to advise that we have reviewed the above referenced administrative order and find that it conforms to the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

James Hughes
Region II Administrator
P.O. Box 30048
Lansing, MI 48909
517-373-9353

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