

Calhoun County Judicial Council

Honorable John A. Hallacy
Chief Judge Pro Tempore

Honorable Brian K. Kirkham
Presiding Judge, Circuit Court Family Division

Honorable Sarah S. Lincoln
Presiding Judge, Circuit Court Civil/Criminal Division

Honorable Franklin K. Line, Jr.
Presiding Judge, District Court

Honorable Michael L. Jaconette
Chief Circuit, Probate and District Judge



Jeffrey S. Albaugh
Circuit-Probate Court Administrator
Council Administrator

Katherine K. Ambrose
District Court Administrator

Cindy Rude
Probate Court Manager - Register

C37 2016-03J
P13 2016-01J
D10 2016-03J

This joint local administrative order rescinds current orders C37 2014-07J; P13 2014-02J; and D10 2014-05J upon the effective date of this order.

ACCESS, INSPECTION, REPRODUCTION, AND CREATION OF COURT RECORDS

IT IS 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; SCAO chart of Nonpublic and Limited-Access Court Records; Local Administrative Order C37 2014-06 regarding Friend of the Court records; and, Supreme Court 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 required to be provided by the court by law or Michigan Court Rule and may provide any other forms approved by the state court administrator at the cost of \$1 per form.
 - a) The respective court's clerk or administrator may limit the number of 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.
 - d) The circuit court or clerk of the court may not charge a fee for pro se forms for personal protection proceedings or motion forms for criminal post appeal relief. MCL 600.2950, 600.2950a, MCR 6.502(C) (15).
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 in person or other reasonable means as the clerk of the court or administrator may require. The clerk or administrator may prescribe a form for this purpose.
 - 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 (5) specific case files will be accommodated within four (4) hours unless the files are not in the active file area. Requests for specific case records in storage will be accommodated within three (3) business days.

- ii) Requests for access and inspection to more than five (5) specific 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. Persons making such requests 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 a reasonable number of copies of case file documents at a cost of \$1 per page, unless a different amount is prescribed by law, upon request, except that copies of transcripts filed with the court shall not exceed \$.30 per page pursuant to MCL 600.2543.
- ii) Requests for a large number of 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 directed to the court's administrator and 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. Except as otherwise provided by this provision, access to court recordings, log notes, jury seating charts, and other media of court proceedings made pursuant to MCR 8.108 is not permitted. An attorney of record or unrepresented party in a specific case may review, under the supervision of authorized court staff, the audio or video recording of a court proceeding, including referee or magistrate proceedings, in the specific case and take notes for the purpose of assisting in the drafting of orders required to be submitted in the case. Further, on written application to the assigned judge in a specific case, stating the specific reason or reasons therefore, the court may order that the attorney of record or unrepresented party be permitted to review and take notes of the recording of the proceeding, under the supervision of authorized court staff, for any other purpose for the prosecution of the case provided advance notice of the request is provided to all other counsel of record and unrepresented parties in the case. When access is permitted under this provision, the rules of access set forth in provisions 6a and 6b apply as applicable.
 8. Copies of court recordings, log notes, jury seating charts, and other media of court proceedings made pursuant to MCR 8.108 are not available.

Effective Date: September 1, 2016

Dated: August 17, 2016



MICHAEL L. JACQUETTE, Chief Judge
37th Judicial Circuit Court
Calhoun County Probate Court
10th Judicial District Court

[insert court name and number] COURT
MEMORANDUM

TO: Persons Requesting General Record Checks

FROM: [insert name], Court Administrator

Please be advised that per [insert court name and number] Court Administrative Order [insert order number], a specific case number or the party names are required in order to provide the information you have requested.

If you do not have a specific case number or case name, the following options are available:

1. You may review available case indexes at the [insert court name and number] Court to identify and select specific cases for inspection. Please note that this review may only provide information on current or recent [insert court name and number] Court cases from this court.
2. A more complete record check may be requested by writing the appropriate state agency. Both the Michigan State Police and Department of State maintain computer information expressly for this purpose.
 - (a) To obtain a Criminal Record Check either contact the Michigan State Police Central Records Division at 517-241-0606 or go to the Michigan State Police Website at www.michigan.gov/ichat to obtain information on how to use the Internet Criminal History Access Tool (ICHAT).
 - (b) To obtain a Driving (Traffic) Record contact the:

Michigan Department of State
Commercial Look-up Unit
7064 Crowner Drive
Lansing, Michigan 48918
Telephone: 517-322-1624

Once you receive complete record checks, you will be able to contact the appropriate police agency or court listed on the records to obtain case-specific information.

The [insert court name and number] Court regrets that it cannot reasonably accommodate your request at this time. If you have any additional questions, please contact the court at [insert contact information].