



THIRD JUDICIAL CIRCUIT
OF MICHIGAN

TIMOTHY M. KENNY
CHIEF JUDGE

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ADMINISTRATIVE ORDER 2020 – 03

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

**SUBJECT: ACCESS, INSPECTION, REPRODUCTION, AND CREATION OF
COURT RECORDS**

This Local Administrative Order rescinds and replaces Local Administrative Order 2015-02.

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Court Rules 8.119(H) and 8.110(C)(8). 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 Records Management Standards, chart of Nonpublic and Limited-Access Court Records, Local Administrative Order 1 (Friend of the

Court records), Local Administrative Order 2004-03, *Public Access to 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(h)(iv) specifically exempts the judiciary from the Freedom of Information Act.
5. In accordance with MCR 8.110(C)(8), the court shall provide litigants with forms approved by the state court administrator at the cost of \$.50 per form.
 - a) Parties will be limited to a maximum of five (5) 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 and/or created 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 make photographic copies in accordance with MCR 8.115(C)(5)(a) or 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 accordance with the procedures set forth in Exhibit 1.
 - ii) Persons who do not have a complete case number or party names may review available case indices to identify and select specific cases for inspection.
 - iii) Case records shall be reviewed in the designated area of the Clerk's Office.
 - 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 two (2) hours unless the files are not in the active file area. Requests for specific case records in storage will be accommodated within five (5) 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 presenting 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 when, 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.
 - vi) Requests for access to friend of the court records, which are kept in the Penobscot building, are addressed in Local Administrative Order 2004-03, *Public Access to Friend of the Court Records* or subsequent orders promulgated pursuant to MCR 3.218.
- c) Copies
- i) The court will provide copies of case file documents twenty (20) or fewer total pages at a cost of \$2.00 per page within two (2) 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) Attorneys, parties, and members of the public may use a portable electronic device to reproduce public court documents in a clerk's office as long as the device leaves no mark or impression on the document and does not unreasonably interfere with the operation of the clerk's office. (1) Limited to 1 case per day, (2) limited to no more than 2 hours of copying, and (3) if additional time is needed to complete the copying of the file, request an appointment based on the availability of clerk's office staff.
 - iii) Requests for more than twenty (20) pages 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.

iv) 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, other than a portable electronic device defined in MCR 8.115(C)(2)(a).

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 with which those records can be identified and compiled.

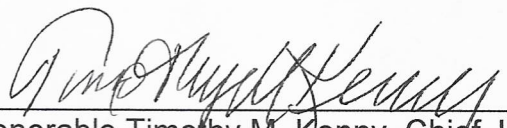
ii) Costs to provide a new record may not exceed the actual cost of labor and supplies and the actual use of the system to develop, generate, and validate the accuracy of the record.

7. Access to log notes, jury seating charts, and other media of court proceedings made pursuant to MCR 8.108 is not permitted. Access to court recordings shall be made by a request to view video or listen to audio recordings of court proceedings. Such requests shall be directed to the Court's Case Processing Office. To the extent that the request can be granted, it will be granted within seventy-two (72) hours, unless the records are in storage subject to the following restrictions:

- a) Access to video and audio records is only available during normal courthouse hours, as set forth in the Court's most current local administrative order establishing court hours.
- b) If access is requested for a video or audio record that cannot be viewed in its entirety before the end of courthouse hours on a particular day, the requester will be required to return the next business day or on an alternate day as agreed upon to finish reviewing the recording.
- c) Access to non-public or limited access video or audio records shall be granted only as permitted by existing statute, rule, or order.
- d) In order to preserve and maintain the integrity of court records and to prevent unreasonable interference with the discharge of court functions, a person will not be permitted to copy or otherwise duplicate video or audio recordings. Attempts to copy or record video or audio records of the Court will result in the termination of the viewing session.

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.

Dated: May 5, 2020



Honorable Timothy M. Kenny, Chief Judge
Third Judicial Circuit of Michigan

Date Approved by SCAO: May 5, 2020