

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB
IN THE PROBATE COURT FOR THE COUNTY OF MACOMB

In re: Inspection, Reproduction and
Creation of Court Records

Joint Local Administrative Order

#2012-07J

IT IS ORDERED:

This Administrative Order is issued in accordance with Michigan Court Rules 8.119(E), effective September 30, 1999, and 8.110(C)(7), effective October 1, 1988. The purpose of this Order is to regulate requests for inspection and reproduction of court records and to allow flexibility in providing approved forms or creating new records. This Order rescinds Circuit Court Local Administrative Order 2005-3 and Probate Court Local Administrative Order 2009-2.

1. Court records are public unless specifically made nonpublic by statute, court rule, case law, or court order. Specific court records include, case files, registers of action, indexes, video/audio/digital court recordings (including notes, tapes, and logs), and other court records. Procedures for inspection and reproduction of nonpublic information and records are set forth in Component 19 of the Michigan Trial Court Case File Management Standards, Nonpublic and Limited Access Records Chart, and Administrative Order 2006-2, Privacy Policy and Access to Records.

2. A list of court records not subject to public inspection is contained within the Nonpublic and Limited Access Records Chart.

3. 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.

4. 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 per form.

- a. Parties will be limited to a maximum of four (4) 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 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 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).

5. Any person may inspect any court record to which access is not restricted by statute, court rule, case law, or court order and may obtain copies subject to the following regulations established in accordance with MCR 8.119(E).

a. General

- 1) All requests for court records and/or copies must be made on a "record/copy request form" and must specify a complete case number or party names except as provided under item (b)(5).
- 2) 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.
- 3) Court 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.
- 4) 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

- 1) Requests for access to no more than ten (10) specific case files will be accommodated at the time of the request, unless the files are in storage.
- 2) Requests for access to more than ten (10) 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.
- 3) While copies of videos will not be provided, requests to view the video of court proceedings shall be granted within five (5) working days, with the following restrictions:
 - a. Access to video records is only available during normal courthouse hours.
 - b. If access is requested for a video that cannot be viewed in its entirety before the end of the court's normal business day, the person(s) requesting to view the video will be required to return the next business day to finish viewing the record.
 - c. The person(s) requesting to access a video may be asked to provide their own computer/equipment to view the recording.

- 4) Requests for specific court records in storage will be accommodated within five (5) working days.
- 5) 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 and will not require a "copy request" form.
- 6) 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 5(a)(2).
- 7) Requests for the wholesale review of particular types of court records will only be considered if, in the court's discretion, the request will not unreasonably interfere with the discharge of court functions. The court is not required to develop special procedures for the convenience or cost/benefit of persons requesting access and 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

- 1) The court will provide a limited number of copies of documents (fewer than 100 total pages) at a cost of \$1.00 per page within two (2) hours of the request for copies.
- 2) Requests for more than 100 total copies of 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.
- 3) Copies of video and audio records cannot reasonably be provided.
- 4) 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.

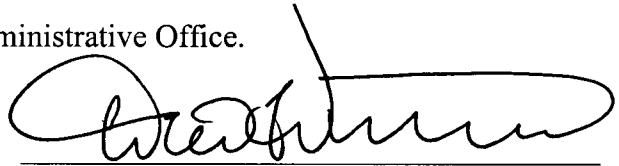
d. New Record Creation

- 1) Requests for creation of a new record or compilation of records pertaining to case files or case-related information which are granted will be accommodated within a reasonable amount of time

- a) as determined by the availability of sufficient data already contained in the records or record data base to easily identify those records requested, and
 - b) only if such compilation will not unreasonably interfere with the discharge of court functions.
- 2) Costs to provide records under this subsection will include direct costs to the court to develop, generate, and validate the accuracy of the record.

Effective Date: On approval of the State Court Administrative Office.

Date: 10/2/2012



David F. Viviano
Chief Judge
16th Judicial Circuit and
Macomb County Probate Courts



Todd Schmitz
Deputy Clerk

Carmella Sabaugh

Macomb County
Clerk/Register of Deeds

Betty A. Oleksik
Deputy Register of Deeds

September 5, 2012

To Whom It May Concern:

I have reviewed the proposed Local Administrative Order pertaining to Records Access and am in agreement with the policies and procedures contained therein.

Sincerely,

Carmella Sabaugh
Macomb County Clerk/Register of Deeds

Clerk's Office
40 N. Main St.
Mount Clemens, MI 48043
586-469-5120
Fax: 586-783-8184

<http://www.macombcountymi.gov/clerksoffice>
clerksoffice@macombcountymi.gov

Fax-on-Demand
Michigan: 1-888-99-CLERK
Out-of-State: 310-575-5035

Register of Deeds
10 N. Main St.
Mount Clemens, MI 48043
586-469-5175
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