
State of Michigan

Local Administrative
Order

Washtenaw County
Trial Court

Washtenaw County Trial Court
Access, Inspection, Reproduction, and
Creation of Court Records

C22 2020-10J
P81 2020-11J

Effective Date: August 10, 2020

This administrative order rescinds and replaces Washtenaw County Trial Court Local Administrative Order C22 2020-02J & P81 2020-02J "Access, Inspection, Reproduction, and Creation of Court Records" and Washtenaw County Trial Court Local Administrative Order C22 2020-04J & P81 2020-05J "Use of Cell Phones and Other Portable Electronic Devices."

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)(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 Case File Management Standards, chart of Nonpublic and Limited-Access Court Records, Michigan Court Rule 3.218 for 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's policy is that forms will only be available to the public when required to be provided by Michigan statute and/or Michigan Court Rules; or when the form has been developed by the court.
 - a) There is no fee for forms required to be provided by the court.
 - b) There will be no charge for forms prepared by the court.
 - c) 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).
 - d) Persons requesting State Court Administrative Office (SCAO) approved forms will be directed to the SCAO website <http://courts.mi.gov>, where SCAO forms are available at no cost. Persons requiring SCAO court forms while at the courthouse will be informed of the availability of a computer and personal printer within the law library (first floor of courthouse), managed by the Washtenaw County Bar Association. A fee is charged by the Bar Association for use of the printer.
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 by completing the Washtenaw Trial Court Record/Copy Request Form.
 - 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. Said indexes are available through public access terminals at the courthouse or by research completed through the court's website: (<https://tcweb.ewashtenaw.org/PublicAccess/default.aspx>).
 - iii) Public case records from January 1, 2013 through the present are available for inspection at the Washtenaw County Courthouse's public kiosks via digital document attachments to the case files. In addition, a large volume of records from prior to 2013 have been back-scanned into our system. Please check the kiosk first before submitting a request to the records department.

- iv) All case records that have not yet been scanned shall be reviewed at the public viewing room 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.
- v) 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 one hour (1 hr.) unless the files are not in the active file area. Requests for specific case records in storage will be accommodated within a maximum of ten (10) 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 will be researched by this court, although courts will be informed of the availability of case information at the court's website. Requested information will be provided at no charge.
- iv) Requests to perform 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, 30 pages or less, at a cost of two dollars (\$2.00) per page within one hour (1 hr.) of the in-person request for copies. Payment must be made at the time of request. Copies of transcripts filed with the court shall be available at a cost not to exceed \$0.30 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 unreasonable interfere with the operation of the clerk's office. To the extent a customer wants copies of digital case documents, the court is under no obligation to print these images and the customer may use their portable electronic device to reproduce the document from the monitor screen.

- iii) Requests for more than thirty (30) 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.
- iv) For copy requests to be mailed when a self-addressed, postage paid envelope is not provided, the cost for postage will be assessed for shipping according to the chart below. All outgoing mail will be sent First Class Mail or Priority Mail, depending on the shipment size.

Page Count	Assessed Fee
1-10	\$1.00
10-20	\$2.00
20-50	\$3.00
50-100	\$4.00
100+	Priority Mail Medium Flat Rate Box

- v) 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 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. The court does not have the capability to provide for the review of electronically recorded court proceedings at the courthouse. Copies from recorded court proceedings are available for purchase, unless restricted by statute, Michigan Court Rule, or court order. Requests to obtain a copy of an electronic record free of charge, based upon indigence, will be considered upon written request to the judge assigned to the case.
8. Copies of recordings of court proceedings made pursuant to MCR 8.108 are available for purchase as provided by this order. The fee, per medium that the proceedings are copied from, is as follows:

Flash Drive	\$25/per drive
CD from the current digital audio/video recording system	\$20/per CD
VHS tape (previous recording system) to CD	\$20/VHS Tape
Copy of analog audio tape (cassette)	Not Available*

(*The court does not have the technology to reproduce analog audio tapes.)

9. Persons seeking to purchase a copy of an electronic record of court proceedings should complete the court's Request for Audio/Visual Recording form and provide all required information in identifying the specific proceedings requested. Payment must be made in full prior to any copy being made. Refunds will not be provided for any copies made from the requester's misidentified proceedings. Upon request and payment in full, copies will be completed and mailed, or available for pickup, within five (5) business days.
10. Persons desiring transcripts (non-court ordered) should first contact a Michigan certified reporter, recorder, or voice writer (see Michigan Court Rules MCR 8.108). The State Court Administrative Office (SCAO) maintains a list of certified and registered reporters, recorders, and voice writers. The information may be reviewed at: <http://courts.mi.gov/Administration/SCAO/OfficesPrograms/CRR/Pages/Currently-Certified-and-Registered.aspx> ; or, contact SCAO at (517) 373-9526, during normal business hours. The certified reporter, recorder, or voice writer can request a CD copy of the proceedings you want transcribed. Fees for the preparation of transcripts are set by state statute and are payable to the reporter, recorder, or voice writer.

11. Use of Cell Phones or Other Portable Electronic Devices

- a) Photography, audio or video recording, broadcasting, or live streaming:
 - i) Media coverage of court proceedings is permitted under AO No. 1989-1.
 - ii) In a courtroom, no one may use a portable electronic device to take photographs or for audio or video recording, broadcasting, or live streaming unless that use is specifically allowed by the Judge presiding over that courtroom.
 - iii) In a FOC hearing room, no one may use a portable electronic device to take photographs or for audio or video recording, broadcasting, or live streaming unless that use is specifically allowed by the Referee presiding over that hearing.

- iv) In areas of a courthouse other than courtrooms, no one may photograph, record, broadcast, or live stream an individual without that individual's prior express consent EXCEPT that 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.
 - v) No one may photograph, record, broadcast, or live stream any juror or anyone called to the court for jury service.
- b) Other uses of cells phones or portable electronic communication devices:
- i) Allowed uses: Attorneys, parties, and members of the public may use a portable electronic device in a courtroom to retrieve or to store information (including notetaking), to access the Internet, and to send and receive text messages or information.
 - ii) Prohibited uses: Attorneys, parties, and members of the public must silence portable electronic devices while in the courtroom. A portable electronic device may not be used, without permission of the court, to make or to receive telephone calls or for any other audible function while court is in session. Portable electronic devices may not be used to communicate in any way with any courtroom participant including, but not limited to, a party, a witness, or juror at any time during any court proceedings.
 - iii) Jurors and Witnesses:
 - Jurors:* Jurors must turn off their portable electronic devices while present in a courtroom. A court may order jurors to turn over to the court their portable electronic devices during court sessions and/or deliberations. If so, the court must provide jurors with a phone number where they can be reached in case of an emergency.
 - Witnesses:* A witness must silence any portable electronic device while in a courtroom and may use a device while testifying only with permission of a judge.
 - iv) Except as provided otherwise herein, a person may use a portable electronic device in a courthouse, subject to the authority of judges, Clerks of the Court, or court administrators to limit or terminate activity that is disruptive to court operations or that compromises courthouse security.
- c) Violations of this Order:
- i) If these rules are violated, pursuant to MCR 8.115, the presiding judge may confiscate the device for the remainder of the day or order that the phone be turned off and put away. Violations of this rule are punishable by appropriate sanctions up to and including a fine, incarceration, or both for contempt of court as provided in MCR 8.115 and determined in the discretion of the court.

- ii) Any allowed use of a portable electronic device under this rule is subject to the authority of a judge to terminate activity that is disruptive or distracting to a court proceeding, or that is otherwise contrary to the administration of justice.

Dated: 8-4-2020

Carol Kuhnke

Carol Kuhnke, Chief Judge

Washtenaw County Trial Court

WASHTENAW COUNTY TRIAL COURT
MEMORANDUM

TO: Persons Requesting General Record Checks

FROM: Court Administrator

Please be advised that per Washtenaw County Trial Court Administrative Order C22 2020-02J, 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 Washtenaw County Trial Court to identify and select specific cases for inspection. Please note that this review may only provide information on current or recent Washtenaw County Trial 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 Washtenaw County Trial Court regrets that it cannot reasonably accommodate your request at this time. If you have any additional questions, please contact the court's Records Unit at (734) 222-3024.