

Effective Date: Upon Approval of the State Court Administrative Office.

IT IS ORDERED:

This order rescinds and replaces Local Administrative Order 2014-08 (Inspection, Reproduction and Creation of Court Records) and supersedes any and all previous policies that may address the same matter.

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 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. A 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 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 inspection is contained in the chart of Nonpublic and Limited Access 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)(8), the court shall provide litigants with forms approved by the State Court Administrator at no cost, up to a maximum of *five* (5) forms per day.

- a. Requests for more than *five* (5) forms will be accommodated at the cost of \$1.00 for each additional form over the limit of *five* (5) and may be restricted based on availability of the forms.

- 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 inspect, at no charge, any case record or information contained in those records, regardless of format, unless access is restricted by statute or court rule, or a court order entered pursuant to MCR 8.119(I) and may obtain copies subject to the following regulations established in accordance with MCR 8.119(J).

a. General

- i. All requests for court records and/or copies must be made on a "Court Record/Copy Request Form" and must specify a complete case number or party names except as provided under item (b)(iv) below. Upon completion of the file request, the "Court Record/Copy Request Form" shall be sent to Court Administration.
- 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. Court records shall be reviewed at the public counter unless approval has been granted by Administration, and at the discretion of court supervisory personnel, access is granted to review records in the clerk's office based on available space, the type and number of files to be reviewed, and the length of time necessary to review them.
 - 1. Anyone entering secured areas must possess a letter from Court Administration granting access to those areas.
- 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 to Case Files/Information

- i. Except for online public case indexes and registers of case action, requests for access to no more than five (5) specific case files will be accommodated within four (4) hours unless the files are in storage. Requests for specific case files in storage will be accommodated within seven (7) 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 and will not require a "Court Record/Copy Request Form".

- 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 and access has been granted for this purpose by Court Administration. With these types of requests, the court may specify the date, time and manner in which access is 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 limited number of copies of case file documents (twenty (20) or fewer total pages) at a cost of \$1.00 for the first page and \$.25 for each additional 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. Requests for more than twenty (20) total copies will be accommodated within a reasonable amount of time as determined by:
 - 1. The total number of pages to be copied.
 - 2. The availability of court staff and photocopying equipment.
 - 3. The 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)(5), 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 not permitted. Parties may request a copy of the video or audio recording of the court proceedings under Section 8 of this Local Administrative Order.
8. Requests for copies of court recordings, log notes, jury seating charts and other media of court proceedings made pursuant to MCR 8.108 shall be granted to parties and attorneys of record within three (3) business days for digital recordings provided they are in the active file area and seven (7) business days if they are in storage with the following restrictions:
 1. Parties and attorneys of record shall pay \$20.00 for each copy of the video or digital audio recording.
 2. Parties and attorneys of record shall pay \$1.00 per page for the first page and \$.25 for each additional page for log notes and jury seating charts if available only in paper.
 3. The provided copies shall not be further duplicated, altered or copied in any format and the requester shall not further disseminate or publish any information contained in the copies.
 4. The provided copies are not to be used as a certified court record of proceedings.

Requests by nonparties for copies of court recordings, log notes, jury seating charts and other media of court proceedings made pursuant to MCR 8.108 must be filed with the court in a written request. The court shall provide copies of video or digital audio recordings 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, including, but not limited to, the victims of sex crimes and their families, police informants, undercover agents, and relocated witnesses. Granted requests will be accommodated within three (3) business days for digital recordings provided they are in the active file area and seven (7) business days if they are in storage with the following restrictions:

1. Attorneys not of record or individuals not a party to the case shall pay \$20.00 for each copy of the video or digital audio recording.
2. Parties and attorneys of record shall pay \$1.00 per page for the first page and \$.25 for each additional page for log notes and jury seating charts if available only in paper.
3. The provided copies shall not be further duplicated, altered or copied in any format and the requester shall not further disseminate or publish any information contained in the copies.

4. The provided copies are not to be used as a certified court record of proceedings.

Requests by the media for copies of court recordings, log notes, jury seating charts and other media of court proceedings made pursuant to MCR 8.108 must be made by written request. The court shall provide copies of video or audio recordings unless a judge denies the request and finds, 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, including, but not limited to, the victims of sex crimes and their families, police informants, undercover agents, and relocated witnesses. Granted requests will be accommodated within three (3) business days for digital recordings provided they are in the active file area and seven (7) business days if they are in storage with the following restrictions:

1. Media or media representatives shall pay \$20.00 for each copy of the video or digital audio recording.
 2. Parties and attorneys of record shall pay \$1.00 per page for the first page and \$.25 for each additional page for log notes and jury seating charts if available only in paper.
 3. The provided copies shall not be further duplicated, altered or copied in any format and the requestor shall not further disseminate or publish any information contained in the copies.
 4. The provided copies are not to be used as a certified court record of proceedings.
- iv. The 14A District Court does not have the capability to reproduce analog audio recordings. Parties seeking a copy of these records of proceedings may request a transcript. The requestor shall pay for the copy of the transcript of the proceedings which shall not exceed \$.30 per page pursuant to MCL 600.2543.

9. Certified Copies

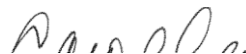
- i. The court will provide certified copies at the rate provided by MCL 600.2546. The cost of certification is \$10.00 per group of documents to be certified with a charge of \$1.00 for each page copied as part of the certification.
- ii. All requests will require payment prior to certification. All Law Enforcement Agencies, Prosecuting Attorneys, court appointed attorneys including Public Defenders, Probation Departments, Courts, any branches of the Military and Washtenaw County Government Departments (e.g., County Clerk/Register of Deeds) are exempt from payment.
- iii. Requests will be accommodated within a reasonable amount of time as determined by:

1. The total number of files/pages to be certified.
 2. The availability of court staff and equipment.
 3. The nature of the request, i.e., such as the degree to which court staff is required to identify, select, and review documents to be certified.
10. Electronic Devices- In accordance with ADM File No. 2018-30 (Amendment to MCR 8.115), portable electronic devices are now allowed to enter the 14A District Court. This section serves to clarify the restrictions placed on use of those devices within our courtrooms, other formal hearings, or during interactions with District Court staff. This does not apply to those members of the media who have obtained approval to record hearings in accordance with AO 1989-1.
- a) Photography, audio or video recording, broadcasting, or live streaming:
 - Nothing in this order changes the requests for film or electronic media coverage of court proceedings as permitted under AO No. 1989-1.
 - 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.
 - 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 obtained from the 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.
 - No one may photograph, record, broadcast, or live stream any juror or anyone called to the court for jury service.
 - No one may photograph, record, broadcast or live stream any court employee, including but not limited to clerical staff, probation, judicial and administrative staff, with the exception of judicial officers who give permission as outlined in this document.
 - b) Other uses of cells phones or portable electronic communication devices:
 - 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.
 - 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.
11. Jurors and Witnesses:
- a) 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 deliberations. If so, the court must provide jurors with a phone number where they can be reached in case of an emergency during deliberations.

- b) 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.
12. 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.
13. Violations of this Order:
- a) 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.
 - b) 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.

Date: August 10, 2020



Carol Kuhnke
Chief Judge
14A District Court

14A DISTRICT COURT
COURT RECORD/COPY REQUEST FORM

1. Date of Request:

2. Requested by: _____

Name

Address

Home telephone no.

Business telephone no.

3. Specify the complete case number and/or party name(s):

Case Number:

Party Name(s): _____

4. Nature of Request: _____ v _____

Request:

- Review Record. (Specify the type of record, such as case file, recording, etc.)

- Obtain Copies.

5. If copies are requested, list type of record to be copied:

- Complete case file (except for any nonpublic court records).
- Specific court record. (List documents, recordings, etc. Use an additional page if necessary.)

NOTE: Michigan law does not require that you place your name and address on this form. This information is requested to facilitate the processing of your request.

For Court Use Only

_____ copies x per record/page charge of \$ _____ --
Total charged: \$ _____ --

Processed by: _____
Comi Clerk

Date _____

14A DISTRICT
COURT
MEMORANDUM

Persons Requesting General Record Checks

FROM: Robe It Ciolek, Court Administrator

Please be advised that per Local Administrative Order [2014-08], 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 14A District Court to identify and select specific cases for inspection. Please note that this review may only provide information on current or recent 14A District 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 14A District Court regrets that it cannot reasonably accommodate your request at this time. If you have any additional questions, please contact the court at (734) 484-9655 or (734) 484-9664.