

<b>State of Michigan Oakland County Probate Court</b>	<b>Access, Inspection, Reproduction and Creation of Court Records</b>	<b>Administrative Order 2015-01</b>
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**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). This order rescinds Administrative Order 2013-03. 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, 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(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 approved by the state court administrator at the cost of \$.50 per form.
  - a) Parties will be limited to a maximum of five 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.
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 public case records defined in Sec. 1.a must be made on a “record/copy request form,” or, in the case of the Register of Actions, be viewed online through the court’s web-based Court Search application.
    - 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) Paper 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. Where access is allowed, viewing of non-public records may require additional pre-arrangements for viewing.

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 ten specific case files will be accommodated within one hour unless the files are not in the active file area. Requests for specific case records in storage will be accommodated within three business days.

ii) Requests for access and inspection to more than ten 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 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. The court is not required to develop special procedures for the convenience or cost/benefit of persons requesting access. 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) When requested at the public counter, the court will provide twenty (20) or fewer copies of documents in a case file at a cost of \$1.00 per page within one hour of the request for copies, except that copies of transcripts filed with the court shall not exceed \$0.30 per page pursuant to MCL 600.878 and MCL 600.2543. 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 equipment, and (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. Certified copies will be provided for an additional charge of \$10.00 per certification pursuant to MCL 600.2546.
- ii) Copies requested through Court Explorer from an off-site location will be provided and returned via email or mail (as requested) within two (2) business days.
- iii) Copies requested through Court Explorer will be charged the same costs as described in 6c.1 and will be subject to a minimal enhanced access credit card fee based on the total amount being charged. The Enhanced Access Fee chart is available on the Court Explorer website.
- 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.

d) New Record Creation

- i) Requests for creation of a new record or compilation of records, 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 or compilation of records 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 permitted in accordance with this order. While copies of video and audio records will not be provided, requests to view video and audio records (digital and analog) of court proceedings shall be granted within 72 hours, unless the records are in storage, with the following restrictions:

- a) Access to video and audio records is only available during normal courthouse hours.
- b) If access is requested for a video or audio record that cannot be previewed in its entirety before the end of business on a particular day, the requester will be required to return the next business day to finish previewing the record.
- c) Individuals will not be allowed to copy, duplicate, photograph or otherwise record a video or audio record using their own equipment.
- d) Persons wishing to access video and audio records of court proceedings must complete the *Request for Viewing Video Court Proceedings* form on the court's website to schedule an appointment.

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:

12/18/14

Date:

12/18/14

Chief Judge Signature:

Elizabeth Pryor