



# Michigan Trial Court Case File Management Standards

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Produced by the

**Michigan Supreme Court,**

State Court Administrative Office

On the Recommendations of the

**Michigan Trial Court Case File Management Standards Committee**

**Case File Management Standards (rev. 2/11)**

**1.1.1:** Establishing and Maintaining Case Files

<b>Component 8</b>	<b>Phases of File Management Where Used</b>
Case Files and Other Documents Maintained Separately	Case initiation, maintenance, disposition to closing, postadjudication

**Standard:**

General Procedures:

- Maintenance of separate materials is the responsibility of the clerk of the court.
- Mark the envelope or folder of separate materials with the case number and place on shelf behind the case folder or in a separate section.
- As indicated in Component 7, note on the register of actions the location of case papers, exhibits, and transcripts stored apart from the primary case folder/jacket.
- If the filing of large transcripts interferes with efficient handling of the case folder, store the transcripts separately from the case folder in a binder or other location.
- Store large items in an envelope or a folder separate from the case folder.
- Maintain exhibits received at or during trial/hearing separately from case files.

Material for which Access is Restricted:

- Maintain case evaluations, acceptances, rejections, and awards separately from case files. MCR 2.403(N)(4).
- Maintain mediation documents separately from case files. MCR 2.411(H)(8); MCR 2.412; MCR 3.216(H)(8).
- Maintain presentence investigation reports that are not part of the nonpublic probation files separately from case files. MCL 791.229
- Maintain confidential (social) files for juvenile delinquency and neglect abuse separately from case files. MCR 3.925. Although the social file is maintained separately from the case file, the social file is a part of the case record and shall be sent with the record on appeal. See Component 19, Access to Records and Case Folders and Component 26, Appeal Processing.
- Identifying information in parental rights restoration action proceedings shall be sealed in an envelope marked confidential on which the case number has been written and placed in a private file. MCR 3.615(B)(2).
- Maintain copies (copy by microfilming or other means) of all testamentary documents of deceased persons, bonds, orders, and such other documents as the court directs separately from case files. MCR 8.302.

**Cross References:** See also Component 19 - Access to Records and Case Folders, Component 20 - Receipt and Storage of Exhibits, and Area 4 - File Retention and Destruction.

**Case File Management Standards (rev. 2/11)**

**1.1.1:** Establishing and Maintaining Case Files

Component 12	Phases of File Management Where Used
Making Copies of Case Files	Case initiation, maintenance, disposition to closing, postadjudication

**Standard:**

Copies in General:

- **Requests by General Public:** If a person wishes to obtain copies of papers in a file, the clerk of the court shall provide copies upon receipt of the reasonable cost of reproduction except for requests under MCR 6.433(A). If the clerk prefers, the requesting person may be permitted to make copies at personal expense under the direct supervision of the clerk. Except for copies of transcripts or as otherwise directed by statute or court rule, a standard fee may be established for providing copies of papers in a file. MCR 8.119(E)(2); MCL 600.878; MCL 600.2543; MCL 600.8631.
- **Copies of Warrants:** If a request is made for a copy of an arrest or a bench warrant, the court should make some notation on the document that it is a copy and not a warrant to be executed.
- **Requests by Executive Branch Offices:** Copies of papers, records, or documents of the clerks of any court of record or municipal court shall be provided without payment of a fee or charge to the secretary of state, auditor general, state treasurer, and attorney general, and shall be made available to the director of commerce for a reasonable fee not to exceed the actual cost for providing the information. MCL 600.2507.

Certified Copies: The fee is \$1 per page plus a \$10 fee for certification, MCL 600.2546.

- Certification must be made from the original only.
- Certification from a digital image is allowed only if the court ensures: (1) the quality of the image at the time it is created and at the time the certified copy is made, and (2) the content of the image cannot be altered after the document is imaged into the court’s case management system. Only certified copies are admissible as evidence. MCL 600.2106.

True Copies:

- A reproduction of an original made in accordance with MCL 24.402 is a true copy.
- MCR 3.211(H)(1) is the only court rule that requires a document to have the words “True Copy” written or stamped on the document.
- There is no statutory authority to charge a fee in addition to the copying fee for true copies.

**Cross References:** See Component 10 - Court Seal and Stamps regarding certification. See Component 19 - Access to Records and Case Folders, for information regarding documents which may not be copied, copying procedures, and associated costs. For information about copying other case-related records such as videotapes and audiotapes, see Component 24 - Court Recordings – Audiotapes, and Component 25 - Court Recordings - Videotapes.

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**Case File Management Standards (rev. 2/11)**

**1.1.1:** Establishing and Maintaining Case Files

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<b>Component 12 (continued)</b>	<b>Phases of File Management Where Used</b>
Making Copies of Case Files	Case initiation, maintenance, disposition to closing, postadjudication

**Other Related Cites:** MCR 2.119(B); MCR 6.433; MCR 7.210(D); MCL 600.2101 *et seq.*; MCL 768.22. See also the Records **Reproduction Act** (MCL 24.401-MCL24.403) and DMB Rule 96-046.

**Case File Management Standards (rev. 2/11)**

**1.2.2:** Maintaining Court Reporters' and  
Recorders' Notes

Court reporters' and recorders' notes should be maintained using specific procedures to comply with requirements of the records retention and disposal schedule.

<b>Component 23</b>	<b>Phases of File Management Where Used</b>
Maintaining Court Reporters' and Recorders' Notes	Maintenance, disposition to closing

**Standard:**

Note-Taking Procedures:

- The court reporter/recorder who takes testimony in a trial or hearing of any case shall prefix the record of the testimony of each witness with the full name of the witness and the date and time the testimony was taken. At the conclusion of the trial or hearing, the reporter/recorder shall secure all of the records and properly designate them on the outside, and shall keep them in the court until transferred to the clerk. MCR 8.108(C).
- Mark on the first page of each day's notes the name of the court reporter, the date of proceedings reported in the notes, and "felony" if any felony cases were reported on that day (applies to circuit court only). The reporter/recorder shall keep a sufficient index of the testimony.

Maintenance:

- All records, regardless of format, that are created and kept by the court reporter/recorder belong to the court, must remain in the physical possession of the court, and are subject to access and inspection in the same manner as other case records. MCR 8.108(D).
- The court shall retain control over the records relating to any proceedings held in that court including those of court reporters and recorders who are not employed by the court.
- If the court reporter/recorder needs access to the records for purposes of transcribing off-site, the reporter/recorder may take only a reproduction of the original record, which must be returned to the court upon filing of the transcript.
- After records are transferred to the clerk pursuant to MCR 8.108(D), the clerk shall keep the records subject to the direction of the court. MCR 8.108(D).
- The court shall keep the index of the testimony and original notes in accordance with the records retention and disposal schedule.
- Although the retention period is different for felony and nonfelony notes, unless it is practical, felony and nonfelony notes need not be stored separately from one another.
- For records retention purposes, store notes in filing equipment or storage boxes separate from active daily file areas. Mark the outside of the storage container with the inclusive dates and the names of the court reporter/recorder and judge. It is recommended that the location of notes be cross referenced with the recorded media if they are not stored together.

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Case File Management Standards (rev. 2/11)

5.2: Facsimile and Other Forms of Transmission

Component 38	Phases of File Management Where Used
Facsimile and Other Forms of Transmission	Case initiation, maintenance, disposition to closing, postadjudication

**Standard:** MCR 2.406.

Authorization:

- Courts may permit the filing of pleadings, motions, affidavits, opinions, orders, or other documents by the use of facsimile communication equipment.
- Warrants may be issued by facsimile communication equipment and voice communication equipment in accordance with statute. MCL 780.651; *People v Snyder*, 181 Mich App 768 (1989); *People v Paul*, 203 Mich App 55 (1993).
- Courts may transmit original signed orders to law enforcement for entry into LEIN by facsimile communication equipment.
- Uniform Law Citations may be issued by electronic means. MCR 4.101(A)(1), MCR 8.125.

Paper and Type:

- All filings must be on good quality 82- x 11-inch paper, and the print must be no smaller than 12-point type. These requirements do not apply to attachments and exhibits, but parties are encouraged to reduce or enlarge such documents to 82 x 11 inches, if practical.

Image Quality:

- It is essential that a document remain legible, especially after successive transmissions. Repeated transmission of a document by facsimile, such as a search warrant, may decrease the image quality.

Originals:

- Documents filed by facsimile communications equipment shall be considered original documents. The filing party shall retain the documents that were transmitted by facsimile communication equipment.

Signature:

- The signature required under MCR 2.114 includes a signature transmitted by facsimile communication equipment.

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**Case File Management Standards (rev. 2/11)**

**5.2:** Facsimile and Other Forms of Transmission

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<b>Component 38</b> (continued)	<b>Phases of File Management Where Used</b>
Facsimile and Other Forms of Transmission	Case initiation, maintenance, disposition to closing, postadjudication

General Criteria for Filing by Facsimile:

- Except as provided by MCR 2.002, a clerk shall not permit the filing of any document for which a filing fee is required unless the full amount of the filing fee is paid or deposited in advance with the clerk.
- Documents intended to be filed in any court shall be on paper not subject to more rapid deterioration than ordinary typewritten material on ordinary paper.
- Courts may establish a maximum number of pages that may be sent at one time.
- Documents received during the regular business hours of the court will be deemed filed on that business day. Documents received after regular business hours and on weekends or designated court holidays will be deemed filed on the next business day. A document is considered filed if the transmission begins during regular business hours, as verified by the court, and the entire document is received.

Special Criteria for Issuing Search Warrant by Electronic Device:

- Upon receiving an affidavit and proposed warrant by facsimile, the judge (or the magistrate, when appropriate) must sign and date the affidavit and search warrant upon receipt and transmit the signed warrant to the affiant.
- The clerk of the court shall file the return on the warrant after execution of the search.