

Order

**Michigan Supreme Court
Lansing, Michigan**

November 26, 2014

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2002-37

Michael F. Cavanagh
Stephen J. Markman

Administrative Order No. 2014-23

Mary Beth Kelly
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E-filing System for the
Michigan Supreme Court and
the Michigan Court of Appeals

Bridget M. McCormack
David F. Viviano,
Justices

On order of the Court, effective immediately, the Michigan Supreme Court (MSC) and the Michigan Court of Appeals (COA) are authorized to implement an electronic filing and electronic service system.

Although the Court of Appeals has had an e-filing system available for several years, this new system by ImageSoft, Inc., called TrueFiling, will enable filers to e-file documents with either the MSC or COA. The TrueFiling system allows for initiating a new case or e-filing a document into an existing case. The system is designed to maximize ease of its use and promote utility for e-filers, whether they are attorneys or self-represented litigants.

Under this system, e-filing will initially be voluntary for filers in all case types, but the Court anticipates that e-filing will eventually become mandatory in both courts. The experience gained from this voluntary program will help determine the future parameters of an expected mandatory program.

Although this order sets out the manner in which e-filed documents are submitted to the courts or served on other parties to an action, it does not change the time periods required for taking action under the Michigan Court Rules, except as explicitly provided.

I. Definitions

For purposes of this order:

- (A) “Authorized user” means a party, a party’s attorney, or court staff who is registered in the TrueFiling system (www.truefiling.com) and who has satisfied the requirements imposed by the courts relating to electronic filing and service procedures. A court may revoke user authorization for good cause as determined

by the court, including but not limited to a security breach or failure to comply with system requirements. An authorized user must notify the court and ImageSoft, Inc., of any change in the authorized user's firm name, delivery address, telephone number, fax number, e-mail address, or other required registration information. This notice must occur as soon as practicable but no later than 7 days after the effective date of the change.

- (B) "Electronic filing" or "e-filing" means the completed electronic transmission of documents or information to the court.
- (C) "Electronic notice/notification" or "e-notice/notification" means the electronic transmission of documents or information from the court.
- (D) "Electronic service" or "e-service" means the electronic transmission of documents or information to a party, a party's attorney, or a party's representative.

II. Scope

- (A) Consistent with the Michigan Court Rules and the provisions of this order, the MSC and the COA may:
 - (1) accept electronic filing and permit electronic service of documents from authorized users, except as provided in subsection (B) below;
 - (2) issue electronic filing guidelines consistent with this order. The guidelines must be posted prominently on the courts' electronic filing website; or
 - (3) electronically issue, file, and serve notices, orders, opinions, and other documents, subject to the provisions of this order.

Filers need not provide hard copies to the courts, as otherwise required by the court rules, of documents that are electronically filed.

- (B) Registered users agree to accept e-service through the TrueFiling system unless and until the user's registration is terminated. Service on nonregistered users must be accomplished in a manner allowed under the court rules, such as by first-class mail, hand delivery, or e-mail under MCR 2.107(C)(4).

III. Signatures

- (A) A document electronically filed or electronically served under this order shall be deemed to have been signed by the party, the party's attorney, or the declarant for all purposes provided in the Michigan Court Rules. A statutory or court rule

requirement for an original signature in a document is satisfied by inserting a typed signature with “/s/ [Name]” or a graphic image of a handwritten signature, including an actual signature on a scanned document. A digital signature that authenticates digital information through computer cryptography may not be used.

- (B) A document containing the signature of a third party (e.g., affidavits, stipulations) may also be filed electronically by indicating that the signed original is maintained by the filing party. Signed copies shall be provided to the parties or court upon request.

IV. Retention of Documents

Unless otherwise ordered by the court, copies of all documents electronically filed or served shall be maintained by the party filing those documents and shall be made available, upon reasonable notice, for inspection or copying. Parties shall retain such copies until final disposition of the case and the expiration of all appeal opportunities.

V. Official Case Record

The electronically filed documents maintained on the courts’ servers are the official record of the court.

VI. Payment of Filing Fees and Costs

- (A) A filing fee is due and payable at the time of the transmission of the electronic document unless:
 - (1) the document type does not require a fee;
 - (2) the filing is accompanied by a motion to waive fees;
 - (3) the fee is waived by the court pursuant to statute or court rule; or
 - (4) payment is deferred pending an interagency transfer of funds.

Failure to timely pay a filing fee may result in the filing being rejected by the court.

- (B) Fees and costs are paid electronically through the TrueFiling system.

VII. Transmission Failures and System Outages

- (A) In the event of a transmission failure of an electronically filed document, a party may file a motion requesting that the court enter an order permitting a document to be deemed filed *nunc pro tunc* on the date of the unsuccessful transmission. The moving party must prove to the court's satisfaction that:
- (1) the transmission was attempted on the date and at the time asserted by the party;
 - (2) the transmission failed because of the failure of the TrueFiling system to process the electronic document or because of the court's computer system's failure to receive the document; and
 - (3) the transmission failure was not caused, in whole or in part, by the action or inaction of the party.
- (B) Scheduled system outages, such as for system maintenance, shall be posted on the court and TrueFiling websites and will be scheduled before 9:00 a.m. or after midnight on business days whenever feasible.
- (C) Notice will be provided on the court and TrueFiling websites if the TrueFiling system becomes unavailable for an extended or uncertain period. The notice shall indicate whether filers are responsible for filing the documents conventionally in order to meet the deadlines imposed by statute or court rule.

VIII. Filing Completion

- (A) A document filed electronically shall be considered filed with the court when the transmission to the TrueFiling system is complete and the system reflects a "Filed" status.
- (B) If the court rejects an e-filed document pursuant to court rule, the court shall notify the filer of the rejection and the document shall not become part of the official court record.
- (C) Upon completion of an e-filing transmission to the TrueFiling system, the system shall issue to the filer and to the court a notification that includes the date and time of the transmission.

IX. Time for Filing

Filings may be transmitted to the TrueFiling system twenty-four hours a day, seven days a week (with the exception of the system's downtime required for periodic maintenance). However, a document electronically filed or served after 11:59 p.m. Eastern Time, or on

a Saturday, Sunday, or court holiday (see MCR 8.110[D][2]) shall be deemed to have been filed or served on the next business day. See MCR 1.108.

X. Format of Documents

The TrueFiling system accepts the following file types for e-filed documents: Microsoft Word (DOC and DOCX), PDF, text files (TXT), images such as a TIFF, PNG or JPG. The courts strongly prefer that original pleadings be submitted as Word documents, text files, or searchable PDFs. Nonoriginal documents may be scanned into PDF as nonsearchable images.


Staff Comment: Administrative Order No. 2014-23 authorizes implementation and sets out the basic requirements for voluntary e-filing in the Michigan Supreme Court and Michigan Court of Appeals.

The staff comment is not an authoritative construction by the Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 26, 2014


Clerk