

# Order

Michigan Supreme Court  
Lansing, Michigan

June 14, 2018

Stephen J. Markman,  
Chief Justice

ADM File No. 2016-25

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Kurtis T. Wilder  
Elizabeth T. Clement,  
Justices

Amendment of Rule 7.212  
of the Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment having been provided, and consideration having been given to the comments received, the following amendment of Rule 7.212 of the Michigan Court Rules is adopted, effective September 1, 2018.

[Additions to the text are indicated in underlining  
and deleted text is shown by strikeover.]

Rule 7.212 Briefs

(A)-(B) [Unchanged.]

(C) Appellant's Brief; Contents. The appellant's brief must contain, in the following order:

(1)-(7) [Unchanged.]

(8) The relief, stating in a distinct, concluding section the order or judgment requested; ~~and~~

(9) A signature; ~~and~~ and

(10) A separately filed appendix, only as provided in section (J) of this rule.

(D)-(I) [Unchanged.]

(J) Appendix.

(1) In all civil cases (except those pertaining to child protection proceedings, including termination of parental rights, and non-criminal delinquency proceedings under chapter XIIA of the Probate Code and adoptions under chapter X), and in all appeals from administrative agencies, except those described in section (J)(5) of this rule, the appellant shall file and serve an appendix. The appellant's appendix shall contain a table of contents and copies of the following documents if they exist:

- (a) The judgment or order(s) appealed from, including any written opinion, memorandum, findings of fact and conclusions of law stated on the record, in conjunction with the judgment or order(s) appealed from;
- (b) A copy of the trial court docket sheet;
- (c) The relevant pages of any transcripts cited in support of the appellant's position on appeal. Where appropriate, the appellant may attach pages preceding and succeeding the page cited if helpful to provide context to the citation. If a complete trial, deposition, or administrative transcript is filed, the index to such transcript must be included. Only non-compressed (one sheet to a page) transcripts may be filed;
- (d) If a jury instruction is challenged, a copy of the instruction, any portion of the transcript containing a discussion of the instruction, and any relevant request for the instruction; and
- (e) Any other exhibit, pleading, or other evidence that was submitted to the trial court and that is relevant and necessary for the Court to consider in deciding the appeal. Briefs submitted in the trial court are not required to be included in the appendix unless they pertain to a contested preservation issue.

For material that is subject to an existing protective order, or for evidence that is not subject to such an order, but which contains information that is confidential or privileged, the procedures of MCR 7.211(C)(9) apply.

- (2) The appellee shall file and serve an appendix with its responsive brief only if the appellant's appendix does not contain all the information set forth in section (J)(1) of this rule. The appellee's appendix shall not contain any of the documents contained in the appellant's appendix, but shall only contain additional information described in section (J)(1) that is relevant and necessary to the determination of the issues raised in the appeal.

- (3) Each volume of any appendix shall contain no more than 250 pages. The table of contents shall identify each document with reasonable definiteness, and indicate the volume and page of the appendix where the document is located. The cover to the appendix shall indicate in bold type whether it is the “Appellant’s Appendix” or “Appellee’s Appendix.”
- (a) For a paper appendix, each document shall also be tabbed. A paper appendix shall be bound separate from the brief. Five copies of the paper appendix shall be filed with the court.
- (b) If an appendix is to be filed electronically, it must be filed as an independent .pdf file or a series of independent .pdf files. The table of contents for electronically filed appendixes shall contain bookmarks, linking to each document in the appendix.
- (4) In cases involving more than one appellant or appellee, including cases consolidated for appeal, to avoid duplication each side shall, where practicable, file a joint rather than separate appendixes.
- (5) This subsection does not apply to appeals arising from the Michigan Public Service Commission (in which the record is available on the Commission’s e-docket) or the Michigan Tax Tribunal (in which the record is available on the Tribunal’s tax docket lookup page). In those cases, the parties shall cite to the document number and relevant pages.

*Staff Comment:* The amendment of MCR 7.212 requires an appellant to file an appendix with specific documents when filing the appellant’s and/or appellee’s principal brief or responsive brief. The amendment is intended to identify for practitioners the key portions of the record that the Court deems necessary for thorough and efficient review of the issues on appeal.

The staff comment is not an authoritative construction by the Court. In addition, adoption of an amendment in no way reflects a substantive determination by this 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.

June 14, 2018

Clerk