

**STATE OF MICHIGAN**  
**12TH JUDICIAL DISTRICT COURT**

*312 South Jackson Street □ Jackson, Michigan 49201*

*517-788-4260 □ Fax 517-788-4262*

**www.d12.com**

Administrative Order 2022 - 07

**ACCESS, INSPECTION, REPRODUCTION, AND CREATION OF COURT RECORDS**

**IT IS ORDERED:**

**Administrative Order 2020-05 is hereby rescinded and revoked.**

**IT IS ORDERED:**

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 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 Section 2 of the Michigan Trial Court Records 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 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(h)(iv) 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 the cost of \$1.00 per form.
  - a) Parties will be limited to a maximum of 20 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.
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 make photographic copies with a portable electronic device in accordance with MCR 8.115(C)(5)(a) or obtain copies subject to the following regulations established in accordance with MCR 8.119(J).
  - a) General
    - i) All requests to access and inspect case records identified in this administrative order and/or for copies of those records must be made in accordance with 12<sup>th</sup> District Court Policy/Procedure 3-2.
    - 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) 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.
    - 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 5 specific case files will be accommodated within 2 days unless the files are not in the active file area. Requests for specific case records in storage will be accommodated within 10 business days.
    - ii) Requests for access and inspection to more than 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.
- 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 when, in the court's discretion, the request will not unreasonably interfere with the discharge of court functions. 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) The court will provide copies of case file documents (20 or fewer total pages) at a cost of \$2.00 per page within 24 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) Attorneys, parties, and members of the public may use a portable electronic device to reproduce public court documents in a 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. Pursuant to MCR 8.115(C)(5)(a)
- iii) Requests for more than 20 total copies of case file documents will be accommodated within a reasonable amount of time as determined by the (1) total number of pages to be copied, (2) availability of court staff and photocopying equipment, and (3) nature of the request, such as the degree to which court staff is required to identify, select, and review documents to be copied.
- 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, other than a portable electronic device defined in MCR 8.115(C)(2)(a).

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 with 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.
8. Copies of court recordings, log notes, jury seating charts, and other media of court proceedings made pursuant to MCR 8.108 are available as outlined in the 12<sup>th</sup> District Court Policy 3-2 and provided by this order for \$20 per DVD for recordings and/or other media in electronic format and \$2.00 per page for log notes and jury seating charts if available only in paper.

Effective Date:

Date: 12/9/2022

Date: 12-1-22

  
Honorable Daniel Goostrey  
Chief Judge

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**12<sup>th</sup> JUDICIAL DISTRICT COURT**  
**MEMORANDUM**

**TO:** Persons Requesting General Record Checks

**FROM:** Jeremy C. Burns, Court Administrator

Please be advised that per 12<sup>th</sup> Judicial District Court Local Administrative Order 2022-07, 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 12<sup>th</sup> Judicial District Court to identify and select specific cases for inspection. Please note that this review may only provide information on current or recent 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](http://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 12<sup>th</sup> Judicial District Court regrets that it cannot reasonably accommodate your request at this time. If you have any additional questions, please contact the court at 517-788-4260.

**12TH JUDICIAL DISTRICT COURT**  
**POLICY/PROCEDURAL MANUAL**

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SECTION: RECORDS MANAGEMENT		

***POLICY 3-2***

**PURPOSE:** To establish a procedure to make case files available to the public pursuant to MCR 8.119(E) and in accordance with 12<sup>th</sup> District Court Administrative Order 20142-06.

**POLICY:**

1. **GENERAL**

- A. All requests to inspect case files and/or to make copies of documents filed in a case file must be made on a "Court Record/Copy Request Form" or must be made in writing.
- B. Persons who do not have complete case numbers or party names may review available case indexes to identify and select specific cases for inspection.
- C. Requests to perform general traffic or criminal record checks will be processed according to 12<sup>th</sup> District Court Local Administrative Order 2020-05.
- D. Members of the public interested in reviewing public case files must leave proper identification (driver's license, state identification) with a district court clerk. The respective clerk shall remove any L.E.I.N paperwork and PII, count the remaining pages, note the number of documents contained within each case file on the Court Record/Copy Request Form, and attach the individual's identification to the form. Files shall be reviewed at a location to be determined by administrative personnel. Upon return of the files, the respective clerk shall review the files to make sure that documents have not been removed from the file. The individual's identification shall be returned upon the return of the files and the satisfaction that no documents have been removed. If files are not returned or documents have been removed from the file, the individual's identification will not be returned and legal action may be taken against the person(s) involved.

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**POLICY 3-2**

- E. The right of immediate public inspection is a top priority, however may be limited by the ability of the court's staff to secure the file(s) and supervise the inspection in order to ensure the safekeeping of the records.
- F. Requests for the wholesale review of particular types of cases 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 benefit of persons requesting access and 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.
- G. Requests from other courts or law enforcement agencies that do not have specific case numbers or case names will be researched by the Court and provided with the requested information at no charge and will not require a "copy request form."
- H. Court Records are not subject to Freedom of Information Act requests. MCL 15.232(b)(v) specifically exempts the judiciary from the Freedom of Information Act.

2. REQUESTS TO ACCESS CASE FILES/INFORMATION

- A. Requests to access case files will be accommodated within *two* business days unless the files are in storage (3<sup>rd</sup> floor). Requests from law enforcement agencies and the media will be processed immediately, providing staff is available. In any event, the request will be processed by the end of the business day on which the request was made.
- B. Requests for specific case files in storage will be accommodated within *10* business days.

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**POLICY 3-2**

- C. Requests for access to more than *five* 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.

3. NON PUBLIC CASE FILES/INFORMATION

- A. Case files are public unless specifically made non-public by court rule, law or court order. Cases that have been dismissed by acquittal, nolle prosequi or after completion of a delayed sentence (MCL 771.1) are public records unless specifically made nonpublic by order of the court.
- B. Non-public case files include the following and shall not be provided to the public for inspection:
1. Dismissals pursuant to the following:
    - a. Controlled Substance Act (MCL 333.7411)
    - b. Spouse Abuse Act (MCL 769.4a)
    - c. Health Care Professional Practicing Under the Influence (MCL 750.430)
    - d. Drug Treatment Court Act (MCL 600.1076)
    - e. Minor in Possession of Alcohol (MCL 436.1703) \* see below
    - f. Holmes Youthful Trainee Act (MCL 762.14) \* see below
  2. Cases in which an Application to Set Aside Conviction (MCL 780.621-.623) were granted.
  3. Files Suppressed by Order of the Court
  4. **Minor in Possession of Alcohol (MCL 436.1703), Holmes Youthful Trainee Act (MCL 762.14).** The entire file is a nonpublic record while proceedings are deferred, the individual is on probation, and after an order of discharge and dismissal is entered. The entire file includes recordings and transcripts of court proceedings.

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**POLICY 3-2**

**5. COPIES and COSTS**

SCAO Court Forms - \$1.00  
Regular copy - \$2.00/page  
Certified copy - \$10.00 fee + \$2.00/page  
Electronic audio copy - \$20.00 per proceeding

The charge for copies of microfilmed pages, scanned & emailed copies, or faxed copies shall be \$2.00/page. Any individual who requests that copies be sent through the mail, fax or email, shall be charged a \$5.00 administrative fee in addition to the copy fees. Payment must be made in advance or at the time of pick-up.

*In order to preserve and maintain the integrity of Court records and to prevent unreasonable interference with the discharge of Court functions, except as outlined above, persons will not be permitted to remove court records from the immediate area of the district court.*

  
CHIEF JUDGE