

Administrative Order 2000-1

PUBLIC ACCESS TO COURT RECORDS

IT IS ORDERED:

This Administrative Order is issued in accordance with MCR 8.112 and MCR 8.119, effective immediately. The purpose of this order is to regulate public access to court records and to allow flexibility in providing approved forms.

1. Court records are public unless specifically made not public by law or court order.
2. Requests to inspect/copy any non-public records shall be handled as follows: A clerk shall notify the interested person that:
 - a) there is a case and provide them with the case number;
 - b) it is a non-public record; and
 - c) the procedure for challenging limitations to access of court records is contained in MCR 8.116(D) which provides that any person may file a motion to set aside the order or an objection to entry of the proposed order.
3. 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.

4. Any person may inspect any public Court file that is not restricted by statute, court rule or suppression order and may obtain copies subject to the following regulations established in accordance with MCR 8.119(E).

a) General

- 1) All requests for copies must be made on a "copy request form" and must specify a complete case number or party names except as provided under item b. 4) below.
- 2) 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.
- 3) Files 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 number of files to be reviewed and the length of time necessary to review them.
- 4) The right of immediate public inspection is limited to the availability of the Court's clerical staff to supervise the inspection in order to ensure the safekeeping of the records.

b. Access to Case Files/Information

- 1) Requests for access to no more than 5 specific case files will be accommodated within 1 hour unless the files are in storage.
- 2) Requests for access 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.
- 3) Requests for specific case files in storage will be accommodated within 3 working days.
- 4) Case information requests from other Courts lacking specific case numbers or party names shall be researched by this Court. Requested information will be provided at no charge and will not require a "copy request" form.
- 5) Requests to perform general civil or criminal record checks that do not have specific case number or party names will not be researched by the Court. They will be referred to the available indexes.

- 6) 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 cost/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.

c. Copies

- 1) The court will provide a limited number of copies (under 20 total pages) within 3 hours of the request for copies.
- 2) Requests for more than 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 photocopying equipment and (3) the nature of the request, i.e., the degree to which Court staff is required to identify and select documents to be copied.
- 3) Pursuant to MCR 8.119(E)(2), the reasonable cost of reproduction of records is hereby established as \$1.00 per page for the first 5 pages and .15 per page thereafter.
- 4) 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.

Effective Date: January 4, 2000

Date:

Gerald D. Lostracco, Circuit Court Judge

SHLAWASSEE COUNTY CIRCUIT COURT

COPY REQUEST FORM

1. Date of Request _____.

2. Requested by: NAME _____

ADDRESS _____

TELEPHONE H: _____ W: _____

3. Please specify the complete party names(s) and case number below:

Case Number _____

Party Names(s) _____ v _____

4. Documents to be copied:

_____ Complete case file (except for any non-public court records).

_____ Specific documents – List name AND date of filing (stamp)

NOTE:

Michigan law does not require that you place your name and address on this form. This information is required to facilitate the processing of your request.

For Court Use Only

Number of Copies _____

Total Charge _____

Special Instructions: