

Michigan Court of Appeals

ANNUAL REPORT

— 2024 —



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INTRODUCTION

It is my honor to introduce the Michigan Court of Appeals' annual report for 2024, summarizing this Court's achievements throughout the last year. As this report details, 2024 was another great year for the Court, thanks to our hard-working judges and staff.

In 2024, the Court welcomed new judges and said goodbye to those entering well-deserved retirement. Judges Elizabeth L. Gleicher, Douglas B. Shapiro, Deborah A. Servitto, Kathleen Jansen, Mark J. Cavanagh, and Jane E. Markey have retired. We thank these judges for their long-lasting impact on this Court. The Court extends a warm welcome to new judges Adrienne N. Young, Philip P. Mariani, Randy J. Wallace, and Matthew S. Ackerman.

The Court takes seriously its mandate to secure the just, speedy, and economical determination of every action. The judges and staff continually focus on improving the speed at which cases move through the Court. The Clerk's Office, Research Division, Information Systems Department, Finance Office, Security Department, and the Judicial Chambers consistently work together to provide appellate justice to the people of Michigan. In 2024, the Court produced 1,888 opinions and 2,725 dispositive orders, for a total of 4,613 case dispositions. The Court also increased its annual clearance rate, i.e., the rate of dispositions compared to the new filings, from 92% in 2023 to 95% in 2024.

The Court of Claims also had a successful year handling 388 cases filed against state entities. The judges on the Court of Claims achieved a 100% clearance rate, despite having an appellate caseload as well. We thank these incredible judges for fulfilling both roles to provide high caliber service to the people of Michigan.

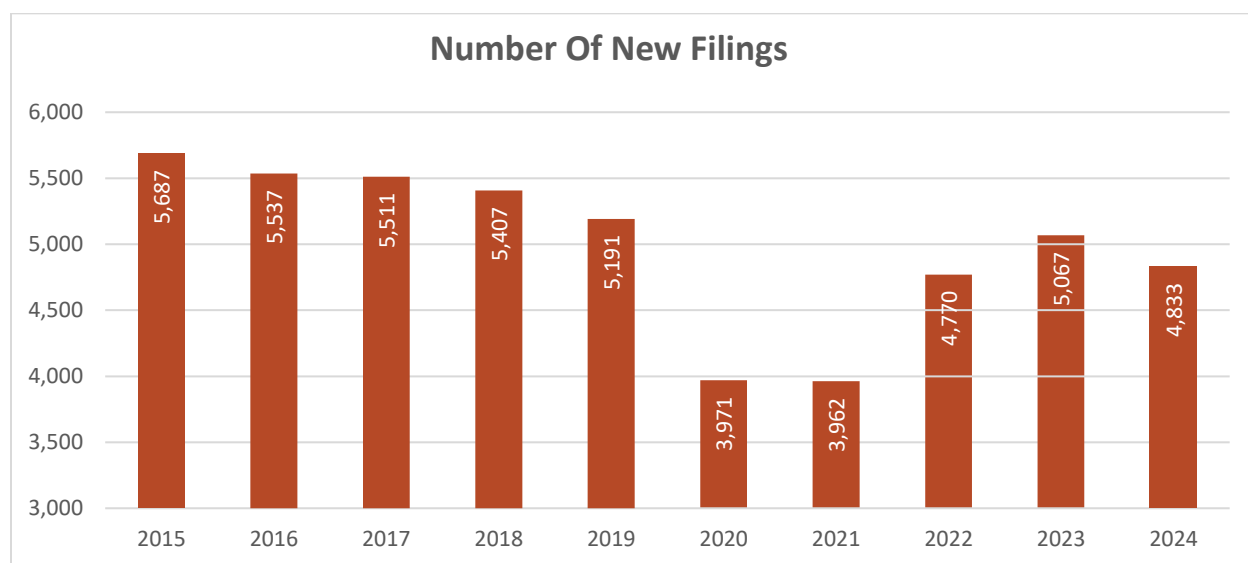
The year 2024 marked another successful year in the Court's illustrious history. I look forward to the future and I am confident the Court of Appeals will continue to set high standards in the years to come.

—Chief Judge Michael F. Gadola

COURT PERFORMANCE

New Filings

The Court of Appeals received 4,833 new case filings in 2024. The chart below depicts the number of new case filings with the Court over the past 10 years.



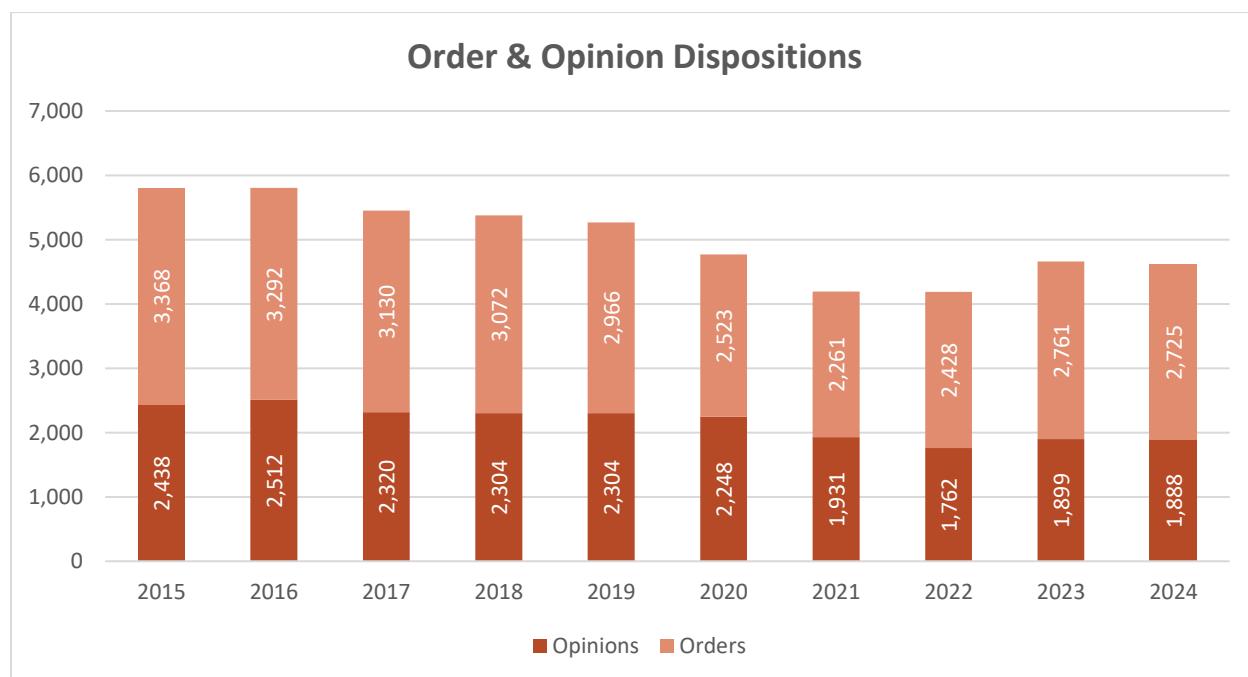
Appeals by right made up 51% of new filings in 2024; appeals by leave accounted for 47% of cases, and 2% of the new filings were original actions. Appeals from civil matters made up 57% of the filings, and 43% were appeals in criminal cases. Discretionary appeals from guilty-plea convictions accounted for 14% of all criminal appeals. Civil appeals cover a broad spectrum of case types from all of the state's counties. The table below shows those civil case types that generally make up the highest percentage of filings (all other case types each account for less than 1%).

Type of Civil Appeal	% of Total Civil Appeals
AA - Agency General	1.5%
AV - Appeal from Circuit Court Appeal	1.9%
CB - Business Claims	4.1%
CD - Employment Discrimination	1.0%
CH - Housing and Real Estate	3.5%
CK - Contracts	2.1%
CZ - General Civil	5.5%
DM - Divorce, Minor Children	3.3%
NA - Child Protective	7.3%
NF - No-Fault Automobile Insurance	3.7%
NH - Medical Malpractice	2.2%
NI - Personal Injury, Auto Negligence	4.0%
NO - Other Personal Injury	3.1%

Dispositions

Cases filed with the Court of Appeals are resolved by order or opinion. Dispositions by order generally occur in appeals by leave when the Court denies the application. Opinion dispositions typically occur in appeals by right and in those cases where leave to appeal is granted. Opinion dispositions take longer due to the need for transcript preparation, briefing, and record transmission—a process largely outside the control of the Court that takes more than seven months on average. Typically, for opinion cases, a staff attorney in the Court’s research department prepares a report on the relevant facts and applicable law. The report, completed prior to the appeal being scheduled for oral argument, assists the three-judge panel that will ultimately issue the opinion disposing of the appeal.

In 2024, the Court issued 1,888 opinions and 2,725 dispositive orders, for a total of 4,613 dispositions. The accompanying chart shows the number of opinion and order dispositions over the past 10 years.



Appellate outcomes expressed in an opinion are difficult to concisely define for purposes of statistics. Opinions can involve separate rulings on multiple issues arising out of one or more lower court orders. However, the Court's opinion dispositions can be broadly categorized as: affirm the trial court (a denial of relief in full), reverse the trial court (a grant of relief in full), grant of partial relief from the trial court's ruling, or dismissal of the appeal. The tables below categorize the results of the cases decided by opinion in 2024 in those broad terms.

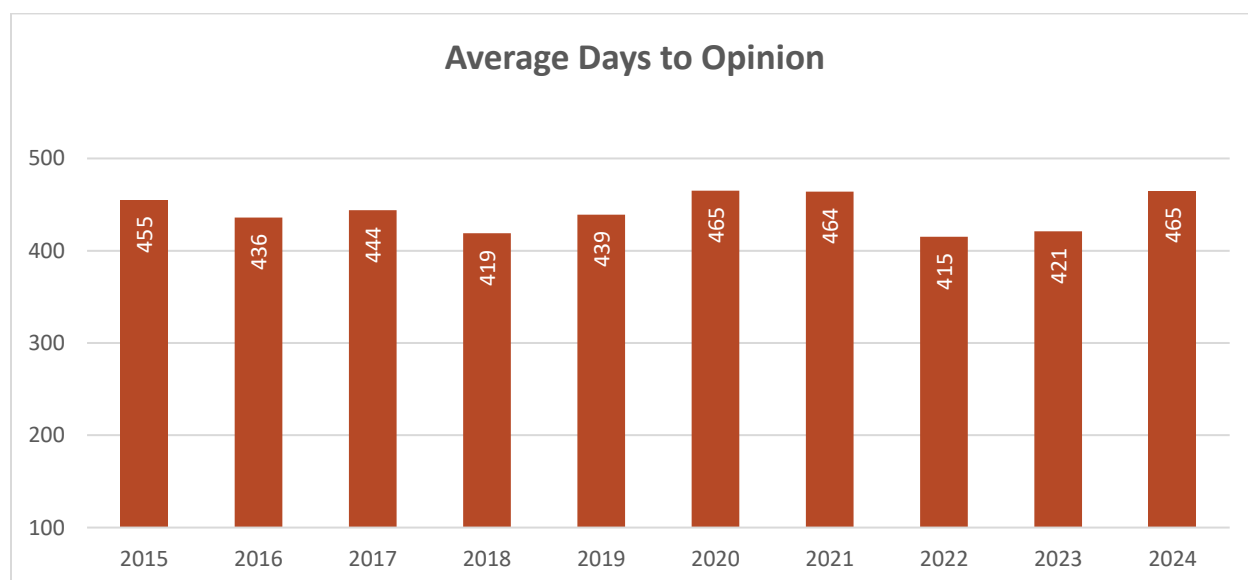
Opinion Outcomes				
Case Category	Affirm (Relief Denied in Full)	Reverse (Relief Granted in Full)	Partial Relief Granted	Dismissed
Criminal	74%	18%	8%	0.2%
Civil	64%	21%	14%	1%
All Cases	68%	20%	12%	0.4%
Case Type	Affirm (Relief Denied in Full)	Reverse (Relief Granted in Full)	Partial Relief Granted	Dismissed
AA - Agency General	61%	33%	6%	0%
CB - Business Claims	67%	12%	19%	2%
CD - Employment Discrimination	66%	19%	15%	0%
CH - Housing & Real Estate	61%	26%	13%	0%
CK - Contracts	64%	18%	15%	3%
CZ - General Civil	60%	20%	20%	0%
DC - Custody	60%	0%	30%	10%
DE - Decedents Estates	50%	33%	17%	0%
DM - Divorce, Minor Children	63%	16%	21%	0%
DO - Divorce, No Children	53%	6%	41%	0%
FC - Criminal, Capital Felonies	75%	16%	9%	0%
FH - Criminal, Noncapital Felonies	73%	19%	8%	0%
All Court of Claims Case Types	81%	9%	10%	0%
NA - Child Protective Proceedings	94%	4%	2%	0%
NF - No-Fault Auto Insurance	34%	37%	29%	0%
NH - Medical Malpractice	41%	36%	23%	0%
NI - Personal Injury, Auto Negligence	39%	46%	16%	0%
NO - Other Personal Injury	44%	36%	19%	1%
NZ - Other Damage Suits	56%	32%	12%	0%
TV - Trust Inter Vivos	77%	4%	12%	7%

Order dispositions are overwhelmingly orders that decide applications for leave to appeal. If the Court grants the application, the appeal moves on to formal hearing and, likely, disposition by opinion. Where the application is not granted, the order disposing of the application concludes the appeal. These orders generally fall into three categories: orders denying the application, orders dismissing the application, or orders granting some form of preemptory relief. The table below provides the percentage of orders in each of those categories that were entered in 2024 deciding applications for leave to appeal.

Applications for Leave to Appeal Dispositions				
Case Category	Application Granted	Application Denied	Application Dismissed	Preemptory Relief Granted
Criminal (Non-Plea)	15%	74%	4%	7%
Criminal (Plea)	7%	88%	1%	4%
Civil	31%	57%	6%	6%
All Cases	18%	73%	4%	5%

Time on Appeal

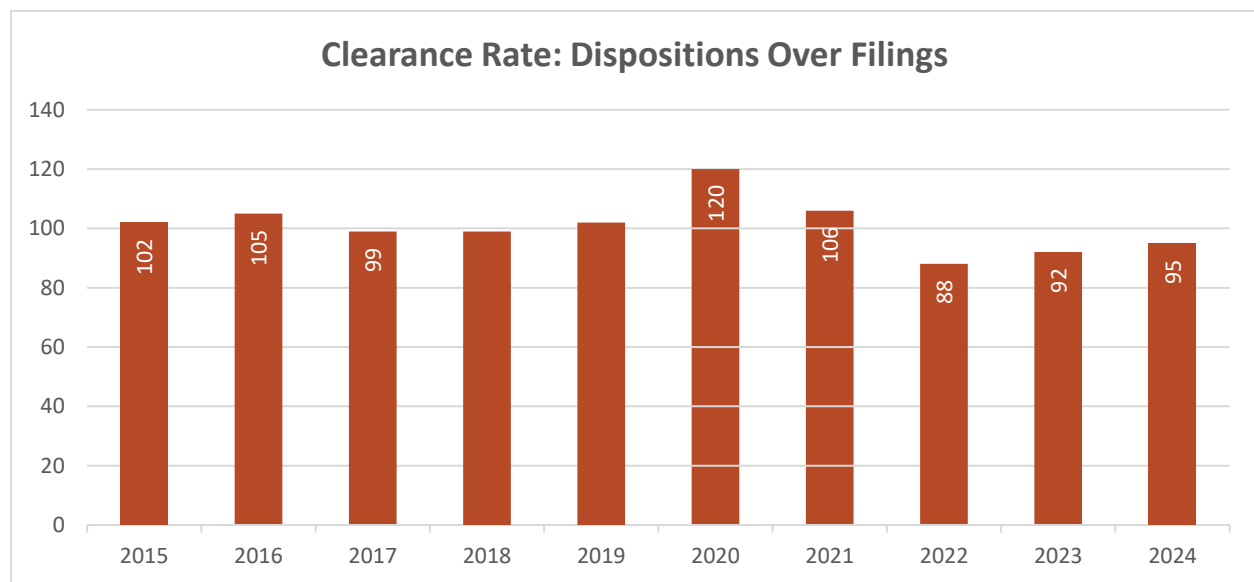
In 2001, the average time for the Court to dispose of a case by opinion was 653 days (21.5 months). In 2002 the Court implemented a delay-reduction plan that has sharply reduced the time on appeal over the intervening years. Since then, the average time to disposition by opinion has dropped dramatically. In 2024 the average time to opinion disposition was 465 days (15.3 months). Note, however, more than half that time (245 days on average) is attributable to transcript preparation, parties filing briefs, and the trial court providing the record to the Court of Appeals; all of which are outside the Court's control. The remaining time (220 days on average), is attributable to the Court in hearing the matter and issuing an opinion. The accompanying chart shows the average days to opinion disposition over the past 10 years.



The Court also separately tracks the average disposition times of various matters expedited by statute, court rule, or court order. Expedited cases are primarily child custody and termination of parental rights cases. In 2024, the average disposition time on appeal for expedited cases was 282 days (9.3 months). To put this in context, the pre-delay-reduction average for expedited cases was 351 days (11.5 months).

Clearance Rate

The clearance rate reflects the number of cases disposed by the Court during the year compared to the number of new cases filed. In 2024, the Court's clearance rate was 95%, disposing of 4,613 cases while receiving 4,833 new filings. The following chart shows the Court's clearance rate for the past 10 years.



JUDICIAL CHAMBERS

Court of Appeals Judges

In 2024, the Court of Appeals bench consisted of 25 judges, with four judges joining the Court during the year to replace retiring judges Elizabeth L. Gleicher, Douglas B. Shapiro, Deborah A. Servitto, and Kathleen Jansen. Judges Adrienne N. Young, Philip P. Mariani, and Randy J. Wallace were appointed by Governor Whitmer. All three were then elected to those seats in the November general election. In the November election, Judge Matthew S. Ackerman was also elected to the bench to a term beginning January 1, 2025. At the end of 2024, longtime Judges Mark J. Cavanagh and Jane E. Markey retired from the Court and their seats remain vacant at the time of this writing.

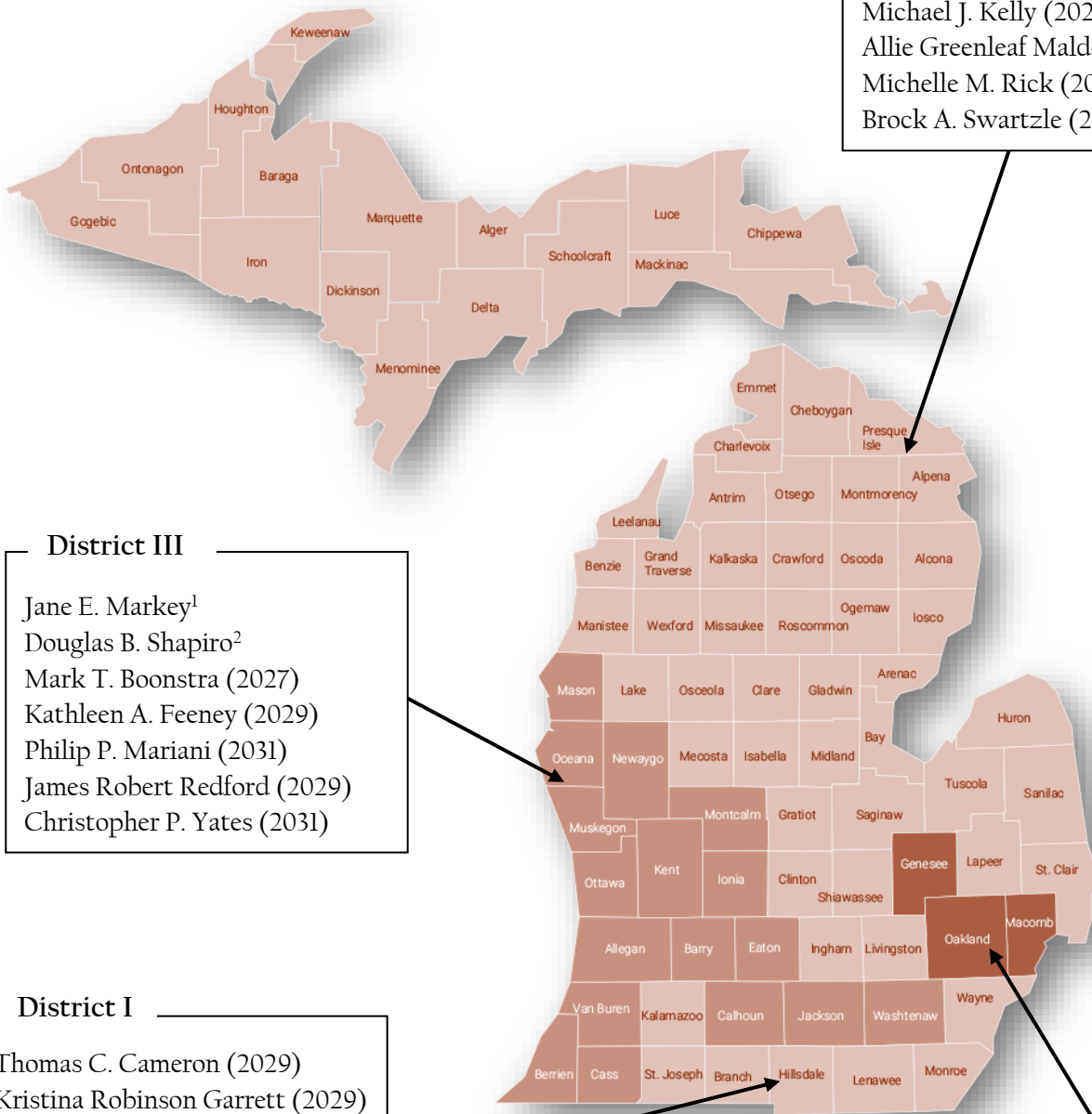
For election purposes, the judgeships are divided into four districts. However, for hearing and deciding cases, the judges sit in statewide panels of three. Each judge rotates with other judges with equal frequency and among the three courtroom locations (Detroit, Lansing, and Grand Rapids). Published opinions of the Court are controlling across all four districts unless and until overruled by a special conflict panel of the Court or reversed by the Michigan Supreme Court.



- First row:** Michael J. Riordan, Jane E. Markey (retired), Mark J. Cavanagh (retired), Chief Judge Michael F. Gadola, Chief Judge Pro Tem Stephen L. Borrello, Colleen A. O'Brien, Brock A. Swartzle
- Second row:** Thomas C. Cameron, Anica Letica, James Robert Redford, Sima G. Patel, Noah P. Hood, Kristina Robinson Garrett
- Third row:** Allie Greenleaf Maldonado, Kathleen A. Feeney, Adrienne N. Young, Randy J. Wallace
- Not pictured:** Kirsten Frank Kelly, Christopher M. Murray, Michael J. Kelly, Mark T. Boonstra, Michelle M. Rick, Christopher P. Yates, Philip P. Mariani, Matthew S. Ackerman

Judges by Election District in 2024

(Year that current term expires is indicated in parentheses)



District III

Jane E. Markey¹
 Douglas B. Shapiro²
 Mark T. Boonstra (2027)
 Kathleen A. Feeney (2029)
 Philip P. Mariani (2031)
 James Robert Redford (2029)
 Christopher P. Yates (2031)

District I

Thomas C. Cameron (2029)
 Kristina Robinson Garrett (2029)
 Noah P. Hood (2027)
 Kirsten Frank Kelly (2031)
 Anica Letica (2027)
 Christopher M. Murray (2027)
 Michael J. Riordan (2031)

District IV

Stephen L. Borrello (2031)
 Michael F. Gadola (2029)
 Michael J. Kelly (2027)
 Allie Greenleaf Maldonado (2027)
 Michelle M. Rick (2027)
 Brock A. Swartzle (2029)

District II

Mark J. Cavanagh³
 Elizabeth L. Gleicher⁴
 Kathleen Jansen⁵
 Deborah A. Servitto⁶
 Matthew S. Ackerman (2031)
 Colleen A. O'Brien (2029)
 Sima G. Patel (2027)
 Randy J. Wallace (2031)
 Adrienne N. Young (2031)

¹ Resigned December 31, 2024

² Resigned March 15, 2024

³ Resigned January 3, 2025

⁴ Resigned January 14, 2024

⁵ Retired January 1, 2025

⁶ Resigned June 30, 2024

CLERK’S OFFICE

Overview

The Court of Appeals Clerk’s Office comprises four office locations: District I in Detroit, District II in Troy, District III in Grand Rapids, and District IV in Lansing. Generally, each office is tasked with handling the Court files that arise from the trial courts located in that election district and with supporting the work of the judges elected to that district.

As of the end of 2024, the Clerk’s Office had 28 full-time employees. Managers and staff in the four locations handle a variety of tasks, including opening new case files, docketing incoming filings, reviewing new cases for jurisdiction and compliance with the court rules, and issuing orders. The Lansing district office also schedules case call matters and releases the opinions resolving those appeals. Importantly, the Clerk’s Office is the public face of the Court, communicating with counsel and the parties, as well as prospective litigants, trial courts, and media representatives.

Technology Improvements

Capitalizing on the experience gained holding remote arguments during the pandemic, in late 2021, the Court installed state-of-the-art video equipment in each courtroom that allows parties to present argument remotely via Zoom to the judges seated in the courtrooms. The Court has been using that system for all case call sessions since early 2022 to great effect. It is one of the few appellate courts in the country that is able to conduct “hybrid” arguments, where some parties appear in person and others remote, before a panel of judges in the courtroom.

The need to facilitate remote work in response to the pandemic accelerated steps the Court had been making toward a paperless environment. The Court now electronically delivers virtually all opinions, orders and correspondence and maintains all of its files in electronic, “paperless” format. Not only do these changes provide better service to litigants, they have saved tens of thousands of dollars previously spent on postage, paper, and employee time.

Electronic Filing

In January 2015, the Court of Appeals and Michigan Supreme Court went live with the statewide e-filing solution known as MiFILE. This replaced the prior e-filing system that the Court of Appeals used since 2006. E-filing through MiFILE became mandatory for all attorneys on February 1, 2020. While self-represented litigants are not required to e-file, most choose to use the system to take advantage of the convenience of filing their documents electronically. As such, more than 95% of filings made with the Court are received electronically through MiFILE. Those few documents filed in paper format are immediately scanned in the Clerk’s Office to convert them to electronic format.

All e-filed and scanned documents are linked to the case in the Court's case management system. This allows the judges and staff to access all file documents from any location connected to the Court's network. In addition to providing the benefits of ease-of-use and accessibility, this saves resources previously devoted to processing paper filings and shipping documents between offices.

Electronic Records

In 2011, the Court set up a File Transfer Protocol (FTP) server to receive lower court case files and transcripts in electronic format from courts capable of providing them. Today, the Court regularly receives records in electronic format directly from over 70 trial courts and state agencies. As such, the Court of Appeals is now receiving electronic records in roughly two-thirds of its cases. In addition, the Court is scanning most paper records it receives, creating an informal electronic record to be used internally. Having records accessible electronically through the Court's case management system provides the judges, law clerks, and staff attorneys immediate, simultaneous access to the records, and greatly reduces costs associated with the physical transfer of printed records.

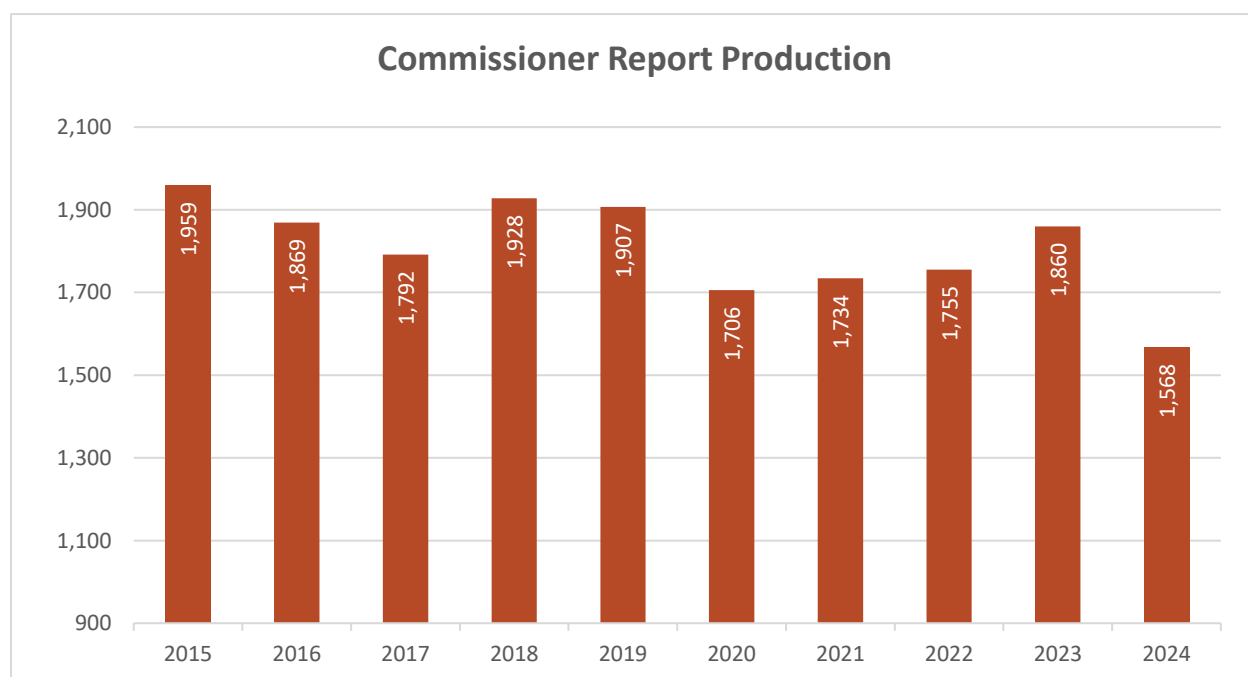
RESEARCH DIVISION

Average commissioner and senior research staffing levels were down slightly from 2023, but the average number of research attorneys was up in 2024. Notably, the Research Division lost several longtime employees in 2024, including its Assistant Research Director. The research staff nonetheless maintained their focus on timely completing their work by processing leave applications, original actions, and appeals, and meeting case call demands. This speaks highly of the dedication of the staff in the Research Division.

Commissioners

The commissioners are experienced staff attorneys whose primary functions are to prepare written reports and proposed orders for (1) applications for leave to appeal (which are discretionary appeals) and any accompanying motions, (2) original actions, such as complaints for writs of habeas corpus, superintending control, and mandamus, and (3) motions to withdraw as counsel in termination of parental rights appeals and criminal appeals. The commissioners also review incoming emergency applications and work closely with the judges to resolve priority matters on an expedited basis. They are also responsible for the jurisdictional review of applications and original actions and for ensuring the pleadings comply with the Michigan Court Rules.

In 2024, the commissioners prepared reports in 1,568 leave applications and miscellaneous matters. The chart below shows the production of commissioner reports for the past 10 years. Staffing affected commissioner production in 2024, with the departure of four commissioners (of a staff of eight) during the year.



Research, Senior Research, and Contract Attorneys

Research attorneys are typically recent law school graduates who are hired for a period of one to three years. In 2024, the research staff represented the in-state law schools of Michigan State University, Cooley Law School, University of Michigan, University of Detroit Mercy, and Wayne State University and several out-of-state law schools, including Boston University School of Law (Boston, MA), University of Illinois College of Law (Champaign, IL), Chicago-Kent College of Law (Chicago, IL), Rutgers Law School (New Brunswick, NJ), DePaul University College of Law (Chicago, IL), and Regent University School of Law (Virginia Beach, VA). Most research attorneys ranked in the top five percent of their graduating classes.

Research attorneys generally prepare research reports in cases that are determined to be easy to moderately difficult.¹ A research report is a confidential internal Court document that contains a comprehensive and neutral presentation of the material facts with citation to the lower court record, a recitation of the issues raised by the parties, a summary of the parties' arguments, a thorough analysis of the law and facts on each issue, and a recommendation as to the appropriate disposition. In cases involving non-jurisprudentially significant issues, which do not require a published opinion, the research attorneys also prepare rough drafts of opinions to accompany the reports. The judges and their law clerks are responsible for preparing opinions when publication is recommended, as well as editing, refining, or rewriting the rough draft opinions provided by the research attorneys.

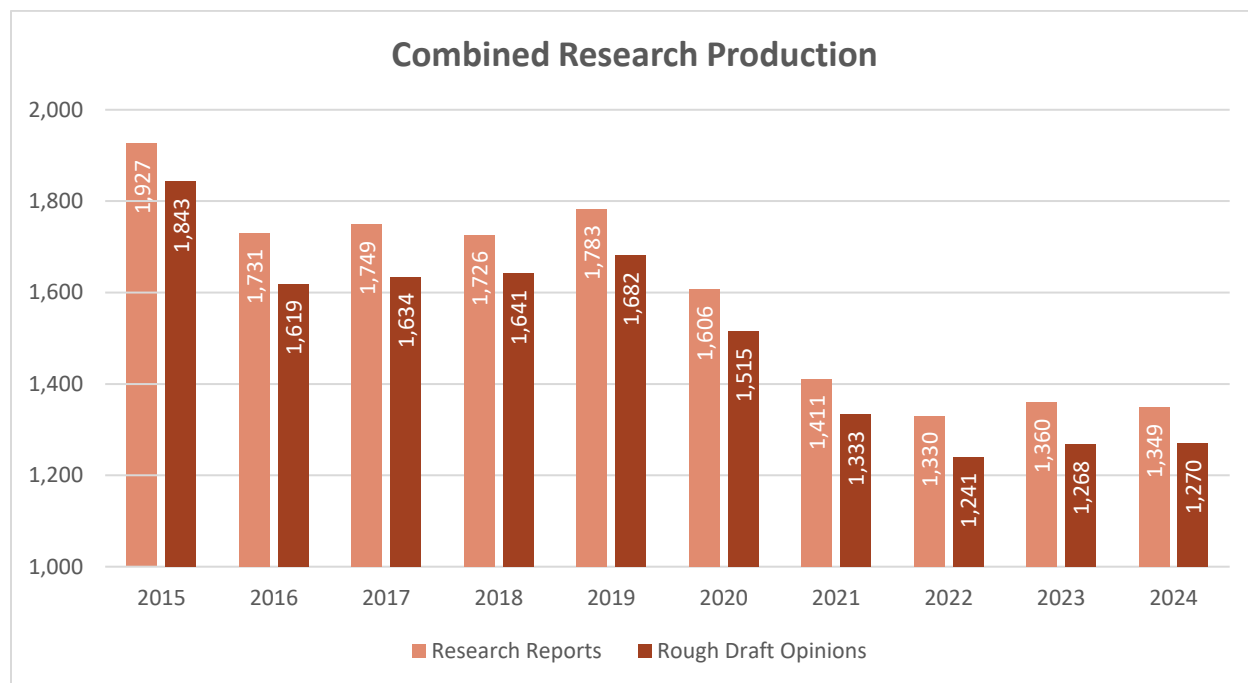
Senior Research consists of experienced attorneys, and generally each attorney has worked as a research attorney and as a law clerk to one of the Court's judges, in private practice, or at other courts. Unlike the research attorneys, the tenure of the senior research attorneys is not for a limited duration. The primary function of senior research attorneys is to prepare research reports. These research reports have the same content as those prepared by the research attorneys, but the cases are typically more difficult in nature.²

Contract attorneys work for the Court on a contractual basis and primarily prepare reports and rough draft opinions for a significant number of routine criminal and civil appeals, as well as for termination of parental rights appeals that are not jurisprudentially significant. Most of the current contract attorneys previously worked for the Court in the Research Division. The contract attorneys work from their homes and are not otherwise engaged in the practice of law.

¹ When cases are ready for reports from the Research Division, an experienced staff attorney reviews the lower court records and appellate briefs and, on the basis of established criteria, assigns a day evaluation to them. The day evaluations represent how long it should take an average research attorney to complete reports in the cases. The day evaluations are calculated in whole numbers only (i.e., no fractions of a day). Research attorneys generally work on cases that are evaluated at five days or lower and are expected to complete the reports within the day evaluations of the cases, as measured on a monthly basis.

² Senior research attorneys generally work on cases that are evaluated at seven days or more (see footnote 1).

Combined, the research attorneys, senior research attorneys, and contract attorneys prepared 1,349 research reports and 1,270 rough draft opinions in cases that were submitted on case call. The chart below compares the combined production numbers for the past 10 years.



Production was relatively stable from 2023 to 2024. And while the average number of research attorneys went up in 2024, the number of research attorneys remains below 2020 staffing levels. Along with the private and public legal sector, the Court continues to face challenges with recruiting and retaining these term-limited attorneys.

In addition, a high number of remands from the Michigan Supreme Court and special assignments from Court of Appeals judges affected senior research attorney production. The senior research attorneys prepare supplemental remand reports for the judges and provide other special assistance when needed. The work produced on these special assignments is not counted in the number of reports shown above.

COURT OF CLAIMS

Operations

After the Court of Claims became a function of the Court of Appeals on November 12, 2013, a separate Clerk's Office for the Court of Claims was established within the Lansing district office of the Court of Appeals. With three full-time employees dedicated to Court of Claims work and a separate case management system, the Clerk's Office docket the filings for the Court, supports the work of the four judges, responds to inquiries from parties and practitioners, coordinates court sessions, and issues opinions and orders. The Court of Claims also employs two full-time commissioners and a full-time senior research attorney to provide support for the judges.

In 2021, the Court of Claims implemented e-filing through the statewide MiFILE system and all attorneys are now required to e-file all documents. Self-represented filers are not required to e-file, but most opt to use the system for the added convenience and cost savings. Any documents filed in paper format are immediately scanned in the Clerk's Office to create an electronic original. This allows the Court to maintain a fully electronic record of each of its case files. This use of technology allows the judges and their staff to access the case filings from any location, and allows the Clerk's Office to file its records electronically with the Court of Appeals.

Judges

At the end of 2024, the Court of Claims judges were Chief Judge Brock A. Swartzle, Judge James Robert Redford, Judge Sima G. Patel, and Judge Christopher P. Yates. While handling the demands of the Court of Claims caseload, these four judges continue to manage their full caseload with the Court of Appeals. As demonstrated by the Court's caseload statistics, the judges are providing a high level of service to the public in their dual roles.

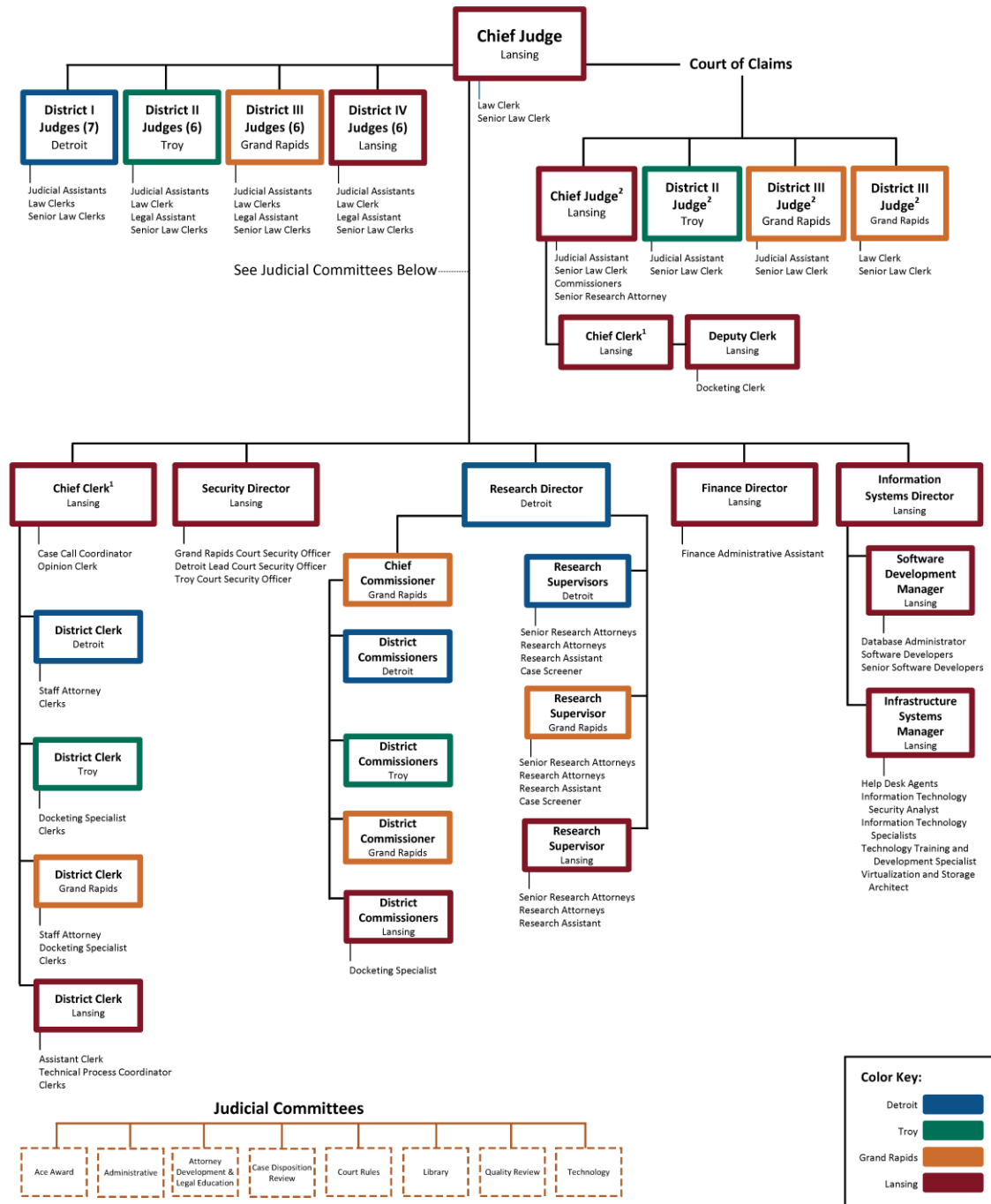
Court Performance

As 2024 began, 163 cases were pending in the Court of Claims. Through the year, the Court received 205 new case filings, and 20 cases were reopened. As a result, the total caseload for the Court in 2024 was 388 cases. The caseload consists of civil actions, such as medical malpractice, prisoner litigation, tax-related matters, highway defects, and other damage claims, that are filed against state entities.

During the year, the Court disposed of 225 cases. Dividing the 225 dispositions by the 225 new filings and reopened cases, the Court of Claims achieved a clearance rate of 100% for the year. At the close of 2024, the Court's pending caseload was 163 cases. The table below details the Court's reported caseload statistics for 2024.

2024 Court Of Claims Caseload Statistics										
2024 Caseload Statistics	Habeas Corpus	Mandamus	Highway Defect	Medical Malpractice	Contracts	Constitutional Claims	Prisoner Litigation	Tax Related Matters	Other Damage Claims	Totals
Beginning Pending	0	6	3	5	10	42	8	26	63	163
New Filings	0	35	3	7	8	16	10	12	114	205
Reopened	0	1	1	0	3	5	0	1	9	20
Total Caseload	0	42	7	12	21	63	18	39	186	388
Disposed by Court	0	26	2	1	3	8	6	7	39	92
Transferred by Joinder	0	0	0	6	0	0	0	0	2	8
Dismissed by Party	0	0	2	0	4	11	1	14	35	67
Dismissed by Court	0	7	0	3	3	4	3	5	22	47
Placed on Inactive Status	0	0	2	0	0	4	0	0	5	11
Totals	0	33	6	10	10	27	10	26	103	225

ORGANIZATIONAL CHART



¹ The Court of Appeals Chief Clerk is also the Chief Clerk for the Court of Claims.

² These Judges are also Judges for the Court of Appeals.

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