Order

Michigan Supreme Court
Lansing, Michigan

October 2, 2024

Elizabeth T. Clement,
Chief Justice

ADM File No. 2024-25

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

Amendment of Administrative
Order No. 2016-3

On order of the Court, the following amendment of Administrative Order No. 2016-3 is adopted, effective immediately. Concurrently, individuals are invited to comment on the form or the merits of the amendment during the usual comment period. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

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

AO 2016-3 Prisoner Electronic Filing Program ~~with the Michigan Supreme Court and the Michigan Department of Corrections~~

On order of the Court, effective immediately, the Michigan Supreme Court ~~("Court")~~ and Court of Appeals are~~is~~ authorized to implement a Prisoner Electronic Filing Program with the Michigan Department of Corrections.

Participants in the Prisoner Electronic Filing Program consist of the Clerk~~'~~s' Offices of the Michigan Supreme Court and Court of Appeals, the correctional facilities operated by the Michigan Department of Corrections ("MDOC") ~~identified in Exhibit A to this order~~, and the prisoner litigants housed in the ~~identified~~ correctional facilities who are or who seek to be parties to litigation filed in the ~~Michigan~~ Supreme Court or Court of Appeals. ~~Additional facilities may be made part of this program at the discretion of the Clerk's Office and the MDOC.~~

~~For the initial phase of the Prisoner Electronic Filing Program, the Court will provide to the MDOC, and retain ownership of, digital equipment for use in the identified correctional facilities with the sole purpose of transmitting authorized documents between the Court and the identified correctional facilities.~~ The digital equipment used to transmit the documents to the Courts are to~~will~~ be programmed with the~~an~~ email addresses of~~used by~~

the Clerk~~'~~s' Offices for receiving electronic filings from the MDOC. The MDOC will provide the Clerk~~'~~s' Offices with email addresses for receiving electronic notices from the Courts on behalf of the prisoner litigants at the ~~identified~~ correctional facilities.

Prisoner litigants may, but are not required to, utilize the forms created by the Clerks' Offices of the Supreme Court and Court of Appeals for self-represented litigants and made available to the MDOC. The Courts will accept all case-related documents in criminal or civil matters.

Filings by prisoner litigants should be submitted electronically to the appropriate Clerk's Office to avoid delayed or lost filings by the U.S. Postal Service~~during the initial phase of the program will be limited to applications for leave to appeal and related documents in criminal cases. Prisoner litigants must utilize the form created by the Clerk's Office for self represented litigants and made available to the MDOC.~~

~~All filings by prisoner litigants must be submitted electronically to the Clerk's Office unless the system is not operational when the documents are presented to the MDOC for e-filing.~~ If the e-filing system is not operational at the time of the filing's presentment to prison staff for transmission, the filing must~~shall~~ be submitted by mail~~,~~ unless the system is expected to resume operation before the filing deadline. A prisoner litigant who is transferred from a correctional facility with e-filing capability to a correctional facility without e-filing capability must submit all future filings by mail via the p~~U.S. P~~ostal s~~S~~ervice. A prisoner litigant who is transferred into a correctional facility with e-filing capability should~~must~~ electronically transmit all subsequent filings to the appropriate Court. The prisoner litigant must immediately notify the appropriate Clerk's Office ~~immediately~~ of any change of address.

MDOC staff will scan the prisoner litigant's filings at the correctional facility and transmit them~~, with a time stamp applied by the digital equipment,~~ to the appropriate Clerk's Office email address. An automated email reply will be ~~immediately~~ sent to the MDOC email address acknowledging receipt of the filing. The original documents will be returned to the prisoner litigant, who must retain them in their original form and produce them at a later time if directed~~ordered~~ by either~~the~~ Court.

The Clerk~~'~~s' Offices will review filings as soon as practicable ~~(usually by 5:00 p.m. if received in the morning on a business day or by 12:00 p.m. the following business day if received in the afternoon)~~ for jurisdiction and compliance with the court rules. If the Courts do~~es~~ not have jurisdiction or if the filing does not substantially comply with the court rules, the Clerk~~'~~s' Offices will transmit a Notice of Rejection to the MDOC that specifies the reason(s) for the rejection.

If the filing is accepted, it will be docketed in the Court's case management system and electronically served on those persons or entities that the prisoner litigant has identified as

parties to the litigation if they are registered users of MiFILE~~TrueFiling~~ or have ~~provided~~ an ~~official~~ email address listed in the State Bar of Michigan attorney directory~~to the Court~~. The Clerk~~'~~s' Offices will mail copies of the prisoner litigant's filing via the U.S. Postal Service to identified parties who cannot be e-served. For accepted filings, the Clerk~~'~~s' Offices will transmit a Notice of Acceptance~~Electronic Filing~~ to the MDOC that identifies, among other things, the names and service information of parties who were served with the filing. The Notice of Acceptance~~Electronic Filing~~ also will be electronically transmitted or mailed to the lower~~Michigan Court of Appeals and the trial~~ courts/tribunals as notice of the appeal under MCR 7.204(E), MCR 7.205(B), or MCR 7.305(A)(3), as applicable. The MDOC will provide a copy of the Notice of Rejection or Notice of Acceptance~~Electronic Filing~~ to the prisoner litigant as soon as practicable.

~~**Exhibit A**~~

~~Correctional Facilities Participating in the Prisoner Electronic Filing Program:~~

~~•Carson City Correctional Facility, 10274 Boyer Road, Carson City, MI 48811~~

~~•St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, MI 48880~~

Staff Comment (ADM File No. 2024-25): The amendment of AO 2016-3 expands the Prisoner Electronic Filing Program.

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

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by February 1, 2025 by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2024-25. Your comments and the comments of others will be posted under the chapter affected by this proposal.

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.

October 2, 2024

Clerk