Order

Michigan Supreme Court
Lansing, Michigan

April 17, 2025

Megan K. Cavanagh,
Chief Justice

ADM File No. 2025-10

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas,
Justices

Adoption of Local Court Rule
2.518 for the 19th Circuit Court
and 85th District Court
(Manistee County)

On order of the Court, the following Local Court Rule 2.518 for the 19th Circuit Court and 85th District Court (Manistee County) is adopted, effective June 1, 2025.

LCR 2.518 Submission of Trial and Hearing Exhibits

(A) Introduction. This local rule establishes a procedure for represented and unrepresented parties to submit proposed exhibits to the court prior to hearings and trials.

(B) Submission of Exhibits in General.

(1) Exhibits are Not Court Records. Pursuant to MCR 1.109(A)(2), exhibits that are maintained by the court reporter or other authorized staff pursuant to MCR 2.518 or MCR 3.930 during the pendency of a proceeding are not court records.

(2) Personal Identifying Information. Motions and pleadings may reference attachments, except that such attachments shall not include unredacted personal identifying information, unless submitted in the form and manner established by the State Court Administrative Office.

(3) Attachment of Prohibited or Confidential Information. No motion or pleading shall attach any document that is:

(a) described in MCR 3.229,

(b) within the scope of a protective order filed or requested in the action, or

(c) the subject of an entered order or pending motion to seal the document under MCR 8.119(I), unless such document is identified as nonpublic, confidential, or sealed, pursuant to applicable court rule. Attachments

to pleadings that violate this rule are subject to being stricken pursuant to MCR 2.115(B).

(4) Prior Orders or Judgments. It is unnecessary and redundant to attach copies of prior court orders or judgments to pleadings filed in the same case, as such prior orders are already part of the record.

(5) Attachments to and Items Inserted Within Pleadings are Not Exhibits. No attachment to or item inserted, copied and pasted, or similarly included within a filed pleading shall be considered an exhibit. No attachment to or item inserted, copied and pasted, or similarly included within a filed pleading shall be simultaneously admissible as an exhibit at any subsequent hearing or trial (i.e., no attachment to a pleading may be removed from a court file to be used as an exhibit). A separate copy must be provided and marked as an exhibit at such a hearing or trial.

(6) Disposal of Exhibits. Pursuant to MCR 2.518, upon expiration of the applicable appeal period, parties shall retrieve the exhibits submitted by them except that any weapons and drugs shall be returned to the confiscating agency for proper disposition. If the exhibits are not requested and retrieved within 56 days after the conclusion of the applicable appeal period, the court may properly dispose of the exhibits without notice to the parties. Unretrieved exhibits that are confidential records or confidential electronic records may be disposed of by shredding or deletion, respectively.

(C) Prehearing and Pretrial Submission of Exhibits.

(1) Existing Pretrial Orders in a Case are Controlling. Documents, photographs, and other physical evidence shall be disclosed and exchanged between the parties in accordance with any pretrial or scheduling order entered in the case, and in accord with discovery requests pursuant to the Michigan Court Rules.

(2) Exchange of Exhibits in Absence of Pretrial Order. In the absence of a specific pretrial or scheduling order, parties shall exchange proposed exhibits at least fourteen (14) days before any evidentiary hearing or trial before the judge, and parties shall exchange proposed exhibits at least fourteen (14) days before any referee hearing or motion hearing, unless the court permits otherwise for good cause. These disclosure/exchange requirements do not apply to evidence submitted for rebuttal purposes. All proposed exhibits for

any evidentiary hearing or trial are subject to admissibility under the Michigan Rules of Evidence. If the volume or nature of the proposed

exhibit(s) makes them excessively expensive, difficult, or burdensome to print or submit in physical form, the proposing party shall promptly advise the court so as to determine whether electronic evidence can be exchanged between parties and presented to the court in a mutually-compatible electronic format, capable of being presented in court, and preserved as part of the electronic record. The timing of exhibit exchange under this rule does not override any requirements of the Michigan Court Rules imposing earlier exchange time frames.

(3) Court Staff Assistance is Limited. Court staff shall have no obligation to print any electronic file to paper or convert it to any other format prior to a hearing or trial. Any such printing done by court staff is strictly a courtesy to the judge and is conditioned upon court staff's time and availability. Judges and referees are not expected to search for proposed physical or electronic evidence prior to or during any hearing or trial, and submission of proposed exhibits directly to a judge or referee via email is prohibited as an ex parte communication.

(4) Prior Arrangement for Presentation of Electronic Evidence Required. Any party intending to present electronic evidence at any trial or hearing is responsible for confirming, before said trial or hearing, that:

(a) said electronic evidence is compatible with the court's technology;

(b) it can be seen, heard, or read during the trial or hearing;

(c) if admitted into evidence, it can be preserved as part of the court record; and

(d) said party will be capable of presenting said electronic evidence using available technology.

Failure to confirm such compatibility and capacity prior to the hearing or trial is not grounds for adjournment unless the court determines otherwise for good cause. Nothing in this subrule authorizes the court to refuse to admit evidence that is otherwise admissible pursuant to the Michigan Rules of Evidence.

Staff Comment (ADM File No. 2025-10): The adoption of LCR 2.518 facilitates the submission of proposed exhibits in the 19th Circuit Court and the 85th District Court

(Manistee County).

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.

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.

April 17, 2025

Clerk