

STATE OF MICHIGAN  
44<sup>TH</sup> CIRCUIT COURT  
47<sup>TH</sup> PROBATE COURT  
53<sup>RD</sup> DISTRICT COURT  
LIVINGSTON COUNTY

C44 and P47 Administrative Order 2010-1J; D53 Administrative Order 2010-2J

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

**IT IS ORDERED:**

This administrative order is issued in accordance with Michigan Court Rules 8.119(E), effective September 30, 1999, and 8.110(C) (7), effective October 1, 1988. The purpose of this order is to regulate requests for inspection and reproduction of court records and to allow flexibility in providing approved forms or creating new records.

1. Court records are public unless specifically made not public by statute, court rule, case law, or court order. Specific court records include, case files, registers of action, indexes, video/audio/digital court recordings (including notes, tapes, and logs), and other court records. Procedures for inspection and reproduction of nonpublic information and records are set forth in Component 19 of the Michigan Trial Court Case File Management Standards, Nonpublic and Limited Access Records Chart, and Administrative Order 2006-2, Privacy Policy and Access to Records.
2. A list of court records not subject to public inspection is contained within the Nonpublic and Limited Access Records Chart.
3. Court records are not subject to Freedom of Information Act requests. MCL 15.232(d) (v) specifically exempts the judiciary from the Freedom of Information Act.
4. In accordance with MCR 8.110(C) (7), 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 5 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.
  - c. There will be no charge for forms prepared by the court.

- d. The circuit court or clerk of the court may not charge for pro se forms for personal protection proceedings or motion forms for criminal post appeal relief. MCL 600.2950, 600.2950a, MCR 6.502(C) (15)
5. Any person may inspect any court record to which access is not restricted by statute, court rule, case law, or court order and may obtain copies subject to the following regulations established in accordance with MCR 8.119(E).
- a. General
    - 1) All requests for court records and/or copies must be made on a "record/copy request form" and must specify a complete case number or party names except as provided under item b. 5).
    - 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. Such indexes will be limited to the public access terminal.
    - 3) Court records shall be reviewed at the public counter.
    - 4) 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.
    - 5) Court staff will not perform file look-up via phone or fax inquiry. All parties will be directed to the on-line service for court record searches at [www.co.livingston.mi.us](http://www.co.livingston.mi.us)
  - b. Access
    - 1) A court will make every attempt to provide access to case files within 1 business day, however, the right to provide access within 3 business days, is reserved, when possible. If a case file is being microfilmed off premises, access to the specific case file will be accommodated upon the completion of the microfilm process and the court's receipt of the file.
    - 2) Requests for access to multiple 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 court records in storage will be accommodated within three business days, when possible.
- 4) Case information requests from other courts that lack specific case numbers or party names shall be researched by the court. Requested information will be provided at no charge and will not require a "copy request" form.
- 5) 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 5.a.2.
- 6) Requests for the wholesale review of particular types of court records 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.
- 7) Access to digital and/or videotape recordings of court proceedings for viewing is addressed in "Policy Regarding Access to Recording of Court Proceedings" adopted May 5, 2010.

c. Copies

- 1) The court will provide a limited number of copies up to 20 pages, at a cost of \$1.00 per page, while the individual waits, when possible.
- 2) Requests for more than 20 copies of documents will be accommodated within 5 business days or 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.
- 3) Requests for copies of the digital and/or videotape record of court proceedings cannot reasonably be accommodated

by the Courts.

- 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.

d. New Record Creation

- 1) Requests for creation of a new record or compilation of records pertaining to case files or case-related information which are granted will be accommodated within a reasonable amount of time
  - a) as determined by the availability of sufficient data already contained in the records or record data base to easily identify those records requested, and
  - b) only if such compilation will not unreasonably interfere with the discharge of court functions.
- 2) Costs to provide records under this subsection will include direct costs to the court to develop, generate, and validate the accuracy of the record.
- 3) Transcripts may be ordered through written request as follows:

**44<sup>th</sup> Circuit Court - Civil and Criminal Division**

Contact: Circuit Court Administration  
204 S. Highlander Way, Suite 5  
Howell, MI. 48843  
517-546-8078  
FAX: 517-546-0048

**44<sup>TH</sup> Circuit Court – Family Division - Judge David Reader**

Contact: Circuit Court Administration  
204 S. Highlander Way, Suite 5  
Howell, MI. 48843  
517-546-8078

FAX: 517-546-0048

**47th Probate Court**

**44<sup>th</sup> Circuit Court - Family Division - Judge Hackett Garagiola**

Contact: Court Recorder  
204 S. Highlander Way, Suite 5  
Howell, MI. 48843  
517-546-2077  
FAX: 517-552-2511

**44<sup>th</sup> Circuit Court -Family Division - Friend of the Court (F.O.C.)**

**Referee Hearings**

Contact: Circuit Court Administration  
204 S. Highlander Way, Suite 5  
Howell, MI. 48843  
517-546-8078  
FAX: 517-546-0048

**53<sup>rd</sup> District Court – Judge Theresa Brennan**

Contact: Court Recorder  
224 N. First St.  
Brighton, MI 48116  
(517) 540-8904  
FAX: (810) 229-1770

**53<sup>rd</sup> District Court – Judge Susan Geddis**

Contact: Court Recorder  
204 S. Highlander Way  
Suite 1  
Howell, Mi 48843  
(517) 540-7644  
FAX: (517) 546-1502

**53<sup>rd</sup> District Court – Judge Carol Sue Reader**

Contact: Court Recorder  
204 S. Highlander Way  
Suite 1  
Howell, Mi 48843  
(517) 540-7635  
FAX: (517) 552-5020

Livingston County Probate Court, 44<sup>th</sup> Circuit Court Joint Local Administrative Order C44 2006-02J, P47 2006-02J, and 53<sup>rd</sup> District Court Local Administrative Order D53 2007-04 are hereby rescinded.

Effective Date:

Date:

Chief Judges Signatures:

5/12/10

Theresa M. Brennan

5-14-10

C. J. Longoria

5-17-10

Q. J. N.

44<sup>th</sup> Circuit Court, 53<sup>rd</sup> District Court, Livingston County Probate Court  
COURT RECORD/COPY REQUEST

1. Date of Request: \_\_\_\_\_

2. Requested by:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Home telephone no.

\_\_\_\_\_  
Business telephone no.

3. Specify the complete case number and/or party name(s):

Case Number: \_\_\_\_\_

Party Name(s): \_\_\_\_\_ v

4. Nature of Request:

Review Record. (Specify the type of record, such as case file, recording, etc.)

\_\_\_\_\_  
 Obtain Copies.

5. If copies are requested, list type of record to be copied:

Complete case file (except for any nonpublic court records).

Specific court record. (List documents, recordings, etc. Use an additional page if necessary.)

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

For Court Use Only

\_\_\_\_\_ copies x per record/page charge of \$ \_\_\_\_\_

Total charged: \$ \_\_\_\_\_

Processed by: \_\_\_\_\_

\_\_\_\_\_  
Court Clerk

\_\_\_\_\_  
Date

44<sup>th</sup> CIRCUIT COURT  
 53<sup>RD</sup> DISTRICT COURT  
 LIVINGSTON COUNTY PROBATE COURT

MEMORANDUM

**TO:** Persons Requesting General Record Checks

**FROM:** \_\_\_\_\_, Court Administrator

Please be advised that per Joint Court Administrative Order 2010 - XXJ, 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 designated Court to identify and select specific cases for inspection. Please note that this review may only provide information on current or recent court 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 contact the:

Michigan State Police



Central Records Bureau  
7150 Harris Drive  
Lansing, Michigan 48913  
Telephone: (517)322-5531

- (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 Court regrets that it cannot accommodate your request at this time. If you have any additional questions, please contact the court at (517)



**Michigan Supreme Court**  
State Court Administrative Office – Region II  
P.O. Box 30048  
Lansing, Michigan 48909  
Phone: (517) 373-9353 Fax: (517) 373-8760  
[hughesj@courts.mi.gov](mailto:hughesj@courts.mi.gov)

James P. Hughes  
Regional Administrator

May 24, 2010

Mr. David J. Scott  
P.O. Box 1432  
Brighton, Michigan 48116

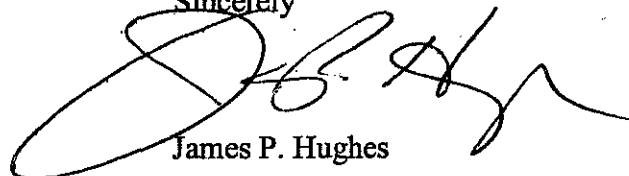
RE: Videotape Record of Court Proceedings

Dear Mr. Scott:

The Livingston County courts have determined that allowing parties to purchase and/or access videos cannot continue to be accommodated due to staffing concerns.

The Local Administrative Order (LAO) to which I referred is an administrative order under MCR 8.119(E) adopted by the three Livingston County courts.

Sincerely



James P. Hughes

JPH/dk

cc: Bill Newhouse