

Order

Michigan Supreme Court
Lansing, Michigan

December 16, 2020

Bridget M. McCormack,
Chief Justice

ADM File No. 2020-35

David F. Viviano,
Chief Justice Pro Tem

Adoption of Wayne County
Probate Court Local Court
Rule 5.101

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

On order of the Court, the following local court rule for the Wayne County Probate Court is adopted, effective immediately.

Local Court Rule 5.101 Mandatory Filing by Email by Attorneys

- (A) Scope and Applicability. This local court rule applies to all filings by attorneys in the Wayne County Probate Court.
- (B) Mandatory Filing via Electronic Mail. Attorneys are required to file all items via email in a single .pdf attachment for each filing. Multiple .pdf attachments can be submitted in one email.
- (C) Exception for Original Wills.
 - (1) A scanned copy of an original will is to be submitted as part of the .pdf file for the case. The original will must be sent via mail, certified mail, or a delivery service to the court and received within 14 days of the date of filing via electronic mail. The court reserves the right to dismiss the case if the original will is not submitted within this period.
 - (2) An original will delivered by the custodian to the court pursuant to MCL 700.2516 where no case is being opened must be sent by mail, certified mail, or a delivery service to the court.
- (D) Filing Instructions. Details regarding the electronic filing and payment protocols will be posted on the court's home page, including an email address and phone number for questions and resolving issues related to this process.
- (E) Request for Exemption.

- (1) Upon request, an attorney who has a disability that prevents or limits his or her ability to use electronic mail is exempt from filing via electronic mail without the need to demonstrate good cause.
 - (2) All other requests for an exemption must be filed with the court and shall be granted if the attorney can demonstrate good cause. There is no fee for the request. The request must specify the reasons that prevent the attorney from filing electronically. The attorney may file supporting documents along with the request for the court's consideration. The court shall consider the following factors in determining whether the party has demonstrated good cause:
 - (i) Whether the attorney has a lack of reliable access to an electronic device that includes access to the Internet;
 - (ii) Whether the attorney must travel an unreasonable distance to access a public computer or has limited access to transportation and is unable to access an electronic mail system from home;
 - ~~(iii) Whether the attorney has the technical ability to use and understand email ;~~
 - (iv) Whether access from a home computer system or the ability to gain access at a public computer terminal present a safety issue for the attorney;
 - (v) Any other relevant factor raised by the attorney.
 - (3) A judge must review the request and any supporting documentation and issue an order granting or denying the request within two business days of the date the request was filed. The court must promptly email or mail the order to the attorney. The court must place the request, any supporting documentation, and the order in its records, which must be maintained in a group file.
- (G) Expiration Date. This local court rule will expire upon the entry of a local administrative order by the State Court Administrative Office designating the Wayne County Probate Court Phase Four of its plan to return to full capacity.

Staff comment: This rule was requested by Wayne County Probate Court to promote more efficient processing of filings.

The staff comment is not an authoritative construction by the Court. In addition, adoption of an 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.

December 16, 2020

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk