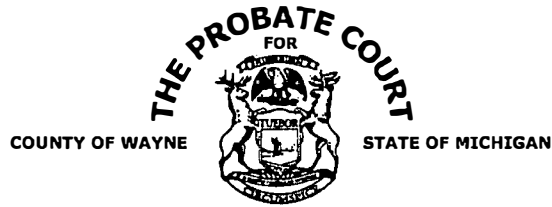


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JEANNE S. TAKENAGA  
PROBATE REGISTER 1990-2011

STATE OF MICHIGAN

IN THE PROBATE COURT FOR THE COUNTY OF WAYNE

ADMINISTRATIVE ORDER 2020-02

At a session of the above Court held in the Coleman A. Young Municipal Center, City of Detroit, County of Wayne, State of Michigan, on

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Present: Honorable Freddie G. Burton, Jr., Chief Judge

ACCESS, INSPECTION, REPRODUCTION, AND CREATION OF COURT RECORDS

**IT IS ORDERED:**

This administrative order is issued in accordance with Michigan Court Rules 8.119(H) and 8.110(C)(8) and supersedes Local Administrative Order 2015-01. The purpose of this order is to regulate requests for access, inspection, and reproduction of public court case records and to allow flexibility in providing approved court forms or creating new case records.

The clerk may not permit any case record to be taken from the court without the order of the court. The court may provide access to the public information in a register of actions through a publicly accessible website; however, all other public information in its case records may be provided through electronic means only upon request.

1. Court records addressed by this administrative order include:
  - a) Records Kept by the Clerk of the Court. This includes case files, registers of action, numerical and alphabetical indexes, and calendars. MCR 8.119(D).
  - b) Court Recordings, Log Notes, Jury Seating Charts, and Other Media. This includes video/audio/digital court recordings, notes, tapes, logs, backup tapes, discs, and any other medium used or created in the making of a record of proceedings and kept pursuant to MCR 8.108. MCR 8.119(F).
2. Procedures for accessing, inspecting, and reproducing nonpublic information and records are set forth in Component 19 of the Michigan Trial Court Case File Management Standards, chart of Nonpublic and Limited-Access Court Records, Local Administrative Order 1 (friend of the court records), and Administrative Order 2006-2, Privacy Policy and Access to Records.

3. A list of court records, including those defined in MCR 8.119(E), that are not subject to public access and inspection is contained in the chart of Nonpublic and Limited-Access Court Records.
4. 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.
5. In accordance with MCR 8.110(C)(7), the court may provide litigants with forms approved by the state court administrator at the cost of up to \$1.00 per form.
  - a) Parties will be limited to a maximum of one copy 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.
6. Any person may access and inspect, at no charge, any case record or information contained in those records, regardless of means of access and record format, unless access is restricted by statute, court rule, or a court order entered pursuant to MCR 8.119(I) and may make photographic copies in accordance with MCR 8.115(C)(5)(a) or obtain copies subject to the following regulations established in accordance with MCR 8.119(J).
  - a) General
    - i) All requests to access and inspect case records identified in this administrative order and/or for copies of those records must be made at the File or Probate Counters and must specify a complete case number or party names except as provided under item b. iv) below. Such requests must include sufficient identifying information to locate the file such as date of death, date of birth, and the last four digits of the social security number.
    - ii) 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.
    - iii) Case records shall be reviewed in the court at its public file viewing area. In the court's discretion, records may be reviewed in another location in the court.
    - iv) 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.
  - b) Access
    - i) Except for online public case indexes and registers of case action, requests for access and inspection to no more than 5 specific case files will be accommodated within 2 hours unless the files are not in the active file area.
    - ii) Requests for access and inspection to more than 5 specific 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.
    - iii) Requests for specific case records that are not in the active file area will be accommodated within 30 days, depending on availability of staff to travel offsite.

- iv) Case information requests from other courts that lack specific case numbers or party names shall be researched by this court. Requested information will be provided at no charge.
- v) Requests for the wholesale review of particular types of case records will only be considered if, in the court's discretion, the request will not unreasonably interfere with the discharge of court functions. With these types of requests, the court 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.

c) Copies

- i) The court will provide copies of case file documents (10 or fewer total pages) at a cost of \$2.00 per page within 2 hours of the request for copies, except that copies of transcripts filed with the court shall not exceed \$.30 per page pursuant to MCL 600.2543.
- ii) Attorneys, parties, and members of the public may use a portable electronic device to reproduce public court documents in a clerk's office as long as the device leaves no mark or impression on the document and does not unreasonably interfere with the operation of the clerk's office.
- iii) Requests for more than 10 total copies of case file documents will be accommodated within 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.
- iv) The court will provide a limited number of certified copies within a reasonable amount of time at a cost as determined by MCL 600.2546 and the State Court Administrative Office Probate Court Fee and Distribution Schedule.
- v) Requests for more than three total certified copies per document will be accommodated within a reasonable amount of time as determined by (1) the total number of pages per document to be copied, (2) the availability of court staff and photocopying equipment, and (3) the nature of the request, i.e., the degree to which court staff is required to identify, select, and review documents to be copied.
- vi) 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, other than a portable electronic device defined in MCR 8.115(C)(2)(a)

d) New Record Creation

- i) Requests for creation of a new record, as defined in MCR 8.119(J)(4), will be granted only if creating the new record will not unreasonably interfere with the discharge of court functions. If granted, the request will be accommodated within a reasonable amount of time dependent upon the availability of sufficient public data within the body of case records (including related databases), and the ease in which those records can be identified and compiled.
- ii) Costs to provide a new record may not exceed the actual cost of labor and supplies and the actual use of the system to develop, generate, and validate the accuracy of the record.

7. Access to court recordings, log notes, jury seating charts, and other media of court proceedings made pursuant to MCR 8.108 is permitted in accordance with this order.

i) Requests for access to video and audio recordings of court proceedings shall be granted to parties and attorneys of record within 15 working days. If the recordings are in offsite storage, requests for access will be accommodated within 30 days, depending on availability of staff to travel offsite.

. The following restrictions apply to the viewing of the video\audio recordings of court proceedings:

- Recordings will be viewed at a location of the court's choosing within the court. The location and time will be scheduled based on factors which include, but are not limited to, courtroom and courtroom staff availability.
- Recordings will be viewed under the supervision of a staff member of the court.
- Recordings cannot be copied as part of the viewing process. Requests for transcripts of court proceedings are to be processed pursuant to court policy.
- Any party, attorney, nonparty, media, or any other individual who copies, records or permits another to copy or record any video and\or audio recording of court proceedings forfeits their right to view any court recordings.

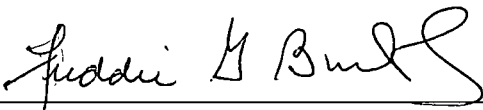
Requests by nonparties for access to video or audio recordings of court proceedings must be filed with the court in a written motion pursuant to MCR 2.119. A judge may limit or deny nonparty access to audio or video recordings if the judge determines that the fair administration of justice requires such action. The judge has sole discretion to exclude access to the video or audio testimony of certain witnesses.

Requests by the media for access to video or audio recordings of court proceedings must be made by written request. A judge may limit or deny media access to audio or video recordings if the judge determines that the fair administration of justice requires such action. The judge has sole discretion to exclude access to the video or audio testimony of certain witnesses.

8. Copies of court recordings, log notes, jury seating charts, and other media of court proceedings made pursuant to MCR 8.119(F) are not available for access under 8.119(H)(2)(b).

Effective Date: 5-1-2020

4-23-2020  
Date

  
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Freddie G. Burton, Jr.  
Chief Judge