

# State of Michigan



HON. JOSEPH S. SKOCELAS  
HON. WILLIAM A. BAILLARGEON  
District Judges

KIRBY J. GOODWIN  
Attorney Magistrate

57TH DISTRICT COURT  
Allegan County Courthouse  
Allegan, MI 49010  
269-673-0400  
Fax 269-673-0490

LINDA L. LENAHAN  
Court Administrator

MICHAEL E. FINN  
Chief Probation Officer

## LOCAL ADMINISTRATIVE ORDER 2009-6 INSPECTION, REPRODUCTION, AND CREATION OF COURT RECORDS

This Local Administrative Order rescinds LAO 2006-3.

### 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 and video/audio/digital court recordings (including notes, tapes, and logs). 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 \$0.25 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 through the Court's public access terminals to identify and select specific cases for inspection.
    - 3) Court records shall be reviewed at the public counter unless, in the discretion of court supervisory personnel, approval is granted to review records in the clerk's office based on available space, the type and number of records to be reviewed, and the length of time necessary to review them.
    - 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.
  - b. Access
    - 1) Requests for access to no more than 5 specific case files will be accommodated within one hour unless the files are in storage.
    - 2) Requests for access 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.
    - 3) Requests for access to video and audio records (digital and analog) of court proceedings shall be granted within 2 business days, unless the records are in storage, or based on the availability of the judicial recorder overseeing access to the record.
    - 4) Requests for specific court records in storage will be accommodated within 3 business days.

- 5) 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 and will not require a "copy request" form.
- 6) 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 public access terminals referred to under subsection 5.a.2.
- 7) 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.

c. Copies

- 1) The court will provide a limited number of copies of documents (fewer than 20 total pages) at a cost of \$1.00 per page within 1 hour of the request for copies.
- 2) Requests for more than 20 total copies of 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.
- 3) Requests for copies of audio/video recordings shall be made on a "Request to Purchase DVD" form or a "Request to Purchase VHS Tape" form at a cost of \$15.00 per DVD/tape. DVD copies will generally be available within 3 business days depending on the availability of court staff. DVD's may only be viewed on computers, not retail DVD machines. VHS copies will generally be available within 5 business days depending on the availability of court staff and length of recording to be copied.
- 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.

Effective Date: December 21, 2009

November 19, 2009  
Date

/s/  
Hon. Joseph S. Skocelas  
Chief Judge, 57<sup>th</sup> District Court

**57<sup>th</sup> District Court Allegan County**  
**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.

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For Court Use Only

\_\_\_\_\_ copies x \$1.00 (per record/page fee)      \$ \_\_\_\_\_  
Total charged:      \$ \_\_\_\_\_

Processed by: \_\_\_\_\_ Date \_\_\_\_\_  
Court Clerk

# 57<sup>th</sup> District Court

## MEMORANDUM

**TO:** Persons Requesting General Record Checks

**FROM:** Linda L. Lenahan, Court Administrator

Please be advised that per 57<sup>th</sup> District Court Administrative Order 2009-5, 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 57<sup>th</sup> District Court's public access terminals to identify and select specific cases for inspection. Please note that this review may only provide information on current or recent court cases filed since 1994 from this court. The District Court will not certify any information obtained through the public access inquiries. The District Court does not conduct record investigations.
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 57<sup>th</sup> District Court regrets that it cannot accommodate your request at this time. If you have any additional questions, please contact the court at (269) 673-0400.