

Order

**Michigan Supreme Court
Lansing, Michigan**

October 23, 2019

Bridget M. McCormack,
Chief Justice

ADM File No. 2002-37

David F. Viviano,
Chief Justice Pro Tem

Administrative Order No. 2019-4

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

Electronic Filing in the 3rd, 6th,
13th, 16th, and 20th Circuit Courts

Administrative Order No. 2019-4 – Electronic Filing in the 3rd, 6th, 13th, 20th, and 16th Circuit Courts

On order of the Court, the 3rd, 6th, 13th, 16th, and 20th Circuit Courts are authorized to continue their e-Filing programs in accordance with this order while the State Court Administrative Office develops and implements a statewide e-Filing system (known as MiFILE). This order rescinds and replaces Michigan Supreme Court Administrative Orders 2007-3 (Oakland County), 2010-4 (the 13th Judicial Circuit), 2010-6 (the 16th Judicial Circuit), 2011-1 (the 3rd Circuit Court), and 2011-4 (Ottawa County).

1. Construction.

Until each court is fully implemented on MiFILE, each court shall operate its current e-Filing system in accordance with this order and Michigan Court Rules 1.109(G) and 8.119. This includes that each court may continue to exercise its discretion to grant necessary relief to avoid the consequences of error so as not to affect the substantial rights of the parties until the court is fully implemented on MiFILE. The Michigan Rules of Court govern all other aspects of the cases that are required to be filed electronically.

2. Participation in E-Filing.

a. Mandatory Participation.

Participation in the e-Filing system is mandatory for the case types in place and for parties currently required to e-File in each court, as of the date of this order. Each court shall post on its website and in the clerk's office a list of the case types, mandated filers, and types of filings as specified in State Court Administrative Office Memo 2019-4. The State Court Administrative Office shall also maintain this information on its One Court of Justice website.

On or before the date a pilot court is transitioned to MiFILE, the court must have in place an approved e-Filing access plan as required by Administrative Order 2019-2. Approval of the e-Filing plan means that the court has demonstrated full access for self-represented litigants. Nothing in this order precludes a court from implementing an e-Filing access plan before full implementation of MiFILE.

b. Exemption from E-Filing Participation.

Circumstances may arise that will prevent a party from e-Filing where e-Filing is mandated by these courts. A filer may file a request for exemption from e-Filing under MCR 1.109(G)(3). The court shall consider those requests with factors described in MCR 1.109(G)(3)(g)-(h) and shall comply with all other requirements in the rule. The clerk of the court must promptly mail or hand-deliver the order of exemption to the individual.

3. E-Filing Rules, Standards, and Local Requirements

a. Court Responsibility.

With the exception of the e-Filing requirements in the Michigan Court Rules and any e-Filing standards prescribed by the State Court Administrative Office, each court will comply with the requirements of this order and, to the extent possible, continue to accept and process e-Filed documents for the case types, case initiation procedures, subsequent filing procedures, and filer requirements in place in each court as of the date of this order. Each court shall make this information readily available to filers from the court's website and at the clerk's office.

b. Filer Responsibility.

With the exception of the e-Filing requirements in the Michigan Court Rules and any e-Filing standards prescribed by the State Court Administrative Office, filers will comply with the requirements of this order and the e-Filing procedures and requirements in place in each court as of the date of this order.

4. Personal Identifying Information

- a. With respect to any document submitted through the e-Filing system, the following requirements for personal identifying information apply:
- i. Social Security Numbers: Pursuant to Administrative Order No. 2006-2, full social security numbers shall not be included in public documents. If an individual's social security number must be referenced in a public document, only the last four digits of that number may be used, with the number specified in the following format: XXX-XX-1234.
 - ii. Names of Minor Children: Unless named as a party or otherwise required by statute, court rule, or administrative order, the identity of minor children shall not be included in a public document. If a non-party minor child must be mentioned, only the initials of that child's name may be used.
 - iii. Dates of Birth: Except as required by statute, court rule, or administrative order, an individual's full birth date shall not be included in a public document. If an individual's date of birth must be referenced in a public document, only the year may be used, with the date specified in the following format: XX/XX/1998.
 - iv. Financial Account Numbers: Full financial account numbers shall not be included in public documents unless required by statute, court rule, or other authority. If a financial account number must be referenced in a public document, only the last four digits of these numbers may be used, with the number specified in the following format: XXXXX1234.
 - v. Driver's License Numbers and State-Issued Personal Identification Card Numbers: A person's full driver's license number and state issued personal identification number shall not be included in a public document. If an individual's driver's license number or state-issued personal identification card number must be referenced in a public document, only the last four digits of that number may be used, with the number specified in the following format: X-XXX-XXX-XX1-234.
 - vi. Home Addresses: With the exception of a self-represented party, full home addresses shall not be included in e-Filings. If an individual's home address must be referenced in an e-Filing,

only the city and state should be used. For a party whose address has been made confidential by court order pursuant to MCR 3.203(F), the alternate address shall be treated as specified above.

- b. Parties wanting to file a pleading containing a complete personal data identifier as listed above may:
 - i. Pursuant to and in accordance with the MCR and the LAO, file a motion to file a traditional paper version of the document under seal. The court, in granting the motion to file the document under seal, may still require that an e-Filing that does not reveal the complete personal data identifier be filed for the public files; or,
 - ii. Pursuant to and in accordance with the applicable MCR and LAO, obtain a court order to file a traditional paper reference list under seal. The reference list shall contain the complete personal data identifiers and the redacted identifiers used in the e-Filing. All references in the case to the redacted identifiers included in the reference list shall be construed to refer to the corresponding complete personal data identifiers. The reference list must be filed under seal, and may be amended as of right.
- c. Parties should exercise caution when filing papers that contain private or confidential information, including, but not limited to, the information covered above and listed below:
 - i. Medical records, treatment, and diagnosis;
 - ii. Employment history;
 - iii. Individual financial information;
 - iv. Insurance information;
 - v. Proprietary or trade secret information;
 - vi. Information regarding an individual's cooperation with the government; and

- vii. Personal information regarding the victim of any criminal activity.
- d. These rules are designed to protect the private personal identifiers and information of individuals involved or referenced in actions before the court. Nothing in these rules should be interpreted as authority for counsel or a self-represented litigant to deny discovery to the opposing party.
- e. These rules regarding personal information will remain in effect until they are superseded by amendments of MCR 1.109, MCR 8.119, and Administrative Order 1999-4. Those amendments, adopted by the Court on May 22, 2019, are effective on January 1, 2021.



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.

October 23, 2019

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

Clerk