

e-filing

Michigan Filers

Frequently Asked Questions:

Q1: How long will it take for the whole state to be on the new e-filing system and how can practitioners learn when e-filing will begin in the particular courts where they practice?

A: *The implementation schedule is still being developed. Our plan is to get this project right so that our customers can benefit from a program that reflects the best technology. We expect an RFP will be published in August, and following an extensive evaluation process, a vendor will be chosen and a contract awarded by January 2017. At that point, the vendor will be working with our Judicial Information Services division and with individual courts to develop specific implementation plans. Certainly, some counties will be prepared to be early adopters, such as the existing e-filing courts, but we won't have a specific schedule for trial court implementation until next year.*

Q2. Why is implementation going to take so long?

A: *We are committed to implementing the statewide e-filing system as quickly as possible, but our first and foremost objective is getting the system right, and that takes time given Michigan's complicated system of 242 trial courts and 165 funding units, as well as 83 county clerks with responsibility for handling court records. Because Michigan courts vary so greatly in terms of available resources and capabilities, implementation time will differ from court to court. Starting in 2017, the e-filing vendor will be working closely with SCAO and with individual courts to develop specific implementation plans.*



*As shown in the above diagram, there are many time-consuming steps in the process of implementing a statewide e-filing system. Most importantly, we need to understand stakeholder requirements and get your input regarding what the system should look like. Stakeholder needs and expectations will shape the RFP that will be used to solicit vendor responses. When a vendor is selected, a contract will be negotiated and the development of specific court implementation plans will begin in 2017.*

Q3: Are you concerned about issues that could accompany the ability to access legal documents on line, such as children reading their parents' divorce files or the dissemination of mental health information?

A: *E-filing and document access are different and distinct issues, and we expect to address a variety of issues related to document access in the future. Most importantly, the need to resolve access questions need not slow down the implementation of e-filing. Ultimately, the Supreme Court and the State Court Administrative Office (SCAO) will have to grapple with where to draw the line on what documents can be accessed electronically. However, it should be noted that nothing is changing regarding which documents are public or nonpublic.*

Q4: How long will e-filed documents remain available?

A: *This will depend on the cost of storing old documents, the casefile management standards, and the court rule requirements.*

Q5: Will e-filed documents be maintained only at the local level, or will all or some of them be stored at the state level?

A: *Part of the e-filing system authorized and funded by the 2015 e-filing legislation is a state-based electronic document management system. Counties will not be required to use it because some counties already have document management systems, which they can keep if they so choose. Any court that does not have its own document management system or wants a more accessible system will presumably want to join the state-based system.*

Q6: Will I be able to e-file documents from my smartphone?

A: *The Court favors and is working to expand the use of smartphones in terms of all automated processes. Many details obviously rely on continued discussion, planning, and implementation, but there is no question that smartphone and other mobile device usage is the future. That means e-filing must accommodate those needs. And that's also why SCAO is soliciting filer input into the development of the e-filing system.*

Q7: Will we still need to serve opposing counsel by mail, or electronically under MCR 2.107(C), if we are notified by e-mail by the e-filing system that a document has been filed? And what will be the cut-off hour for filing? If midnight, will deadlines to file responsive documents be extended?

A: *The Michigan Court Rules will have to change and recognize the new future of e-filing. We will likely see an initial revision of the court rules addressing how paper-centered processes need to be amended to implement e-filing in the near future, but we don't have answers to those specific questions yet.*

Q8: Are there any plans to have e-filing kiosks in every courthouse?

A: *There is not a specific plan yet, but we must ensure the ability for all those who may not have access to the internet, to file their documents as required by the court rules. One possibility is public kiosks.*

Q9: Will e-filing affect the process for requesting a waiver of filing fees?

A: *E-filing will have no effect on the requirements for obtaining or entitlement to a waiver of filing fees, including the electronic filing system fee.*

Q10: What's next?

A: *Stay tuned because SCAO and our technology consultants will be soliciting comments and concerns on what filers want. The Bar will be an integral component going forward and its members must remain a strong partner with the Court on this issue. We must build a system that works well now and in the future as technology and the practice of law changes.*