



Michigan Supreme Court
State Court Administrative Office
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John D. Ferry, Jr., State Court Administrator

DATE: December 15, 2003

TO: Chief Judges
cc: Court Administrators and Clerks of Court

FROM: John D. Ferry, Jr.
State Court Administrator

RE: SCAO Administrative Memorandum 2003-13
Facsimile Transmission of Documents

New MCR 2.406 governing facsimile transmission of documents takes effect January 1, 2004. Courts choosing to accept pleadings by facsimile communication equipment under this new rule should develop a policy governing that practice. The court should post the policy in a conspicuous location and notify the local bar of the policy. A model policy is attached to this memorandum.

The attached schedule of fees for facsimile transmission of documents is established pursuant to MCR 2.406(D). Courts choosing to accept pleadings by facsimile communication equipment may impose a fee according to the schedule. No fee exceeding the schedule may be imposed.

If you have any questions concerning these recommendations, please contact Dan Voss, Management Analyst, at (517) 373-2106.

**SCHEDULE OF FEES
FOR
FACSIMILE TRANSMISSION OF DOCUMENTS
MCR 2.406**

The following schedule of fees is established pursuant to MCR 2.406(D). Courts may choose to impose fees that conform to this schedule, but are not required to impose a fee except for pleadings that require a fee by statute or court rule.

Per page: Any amount in \$1.00 increments up to \$3.00 per page.

First page: Any amount in \$1.00 increments up to \$3.00 in addition to the per page fee.

MODEL POLICY

Facsimile Transmission of Documents

Pursuant to Michigan Supreme Court Administrative Order 2002-54, the _____ Court adopts the following policy governing facsimile transmission of documents.

1. The filing of documents by facsimile equipment is governed by MCR 2.406.
2. Cover sheet. A cover sheet provided by the clerks office must accompany every transmission. The following information must be included on this sheet: case name, case number (not applicable for new filings), document title, name and telephone number of sender, credit card number, expiration date of card, signature of authorized agent for card.
3. For pleadings requiring a fee, include the credit card number on the cover sheet at the time of filing. Unsuccessful credit card transactions will result in your pleading not being accepted for filing.

(Alternative language for # 3.)

No pleadings requiring a fee will be accepted for filing.

4. Fees. In addition to fees required by statute, the following fee is established for facsimile transmission of documents (include the credit card number on the cover sheet):

(Insert fees that the court will charge for faxed pleadings here.)

(Alternative language for # 4.)

No fee will be charged for facsimile transmission of documents.

5. Number of Pages. No document will be accepted which is in excess of _____ pages.
6. Paper. All filings must be on 8½- by 11-inch paper, and the print must be no smaller than 12-point type (MCR 1.109). These requirements do not apply to attachments and exhibits, but parties are encouraged to reduce or enlarge such documents to 8½ by 11 inches, if practical.
7. Hours. Documents received during regular business hours of the court will be deemed filed on that business day. Documents received after regular business hours and on weekends or designated court holidays will be deemed filed on the next business day.

8. Originals. Documents filed by facsimile communication equipment are considered original documents. The filing party shall retain the documents that were transmitted by facsimile communication equipment as well as the facsimile confirmation sheet. Subsequently received copies of faxed documents will be discarded.
9. Signature. For purposes of MCR 2.114, a signature includes a signature transmitted by facsimile communication equipment.