

## To All Participants in the Odyssey File & Serve Program

This notice contains information on two topics:

- Agreement to Electronic Service
- Searchable PDF Pleadings

### Necessity to Establish Recipient's Agreement to Electronic Service of Filings

*E-Service Policy.* Court of Appeals filers who use the File & Serve program must have the prior permission of the recipient to serve filings by e-service rather than by first class mail or by hand delivery. The fourth method for service, via a filer's use of self-generated e-mail sent to a recipient pursuant to a stipulation governed by MCR 2.107(C)(4), will continue to be handled as directed in that court rule.

*Statement of Agreement to E-Service.* A filer can fulfill this new requirement as to File & Serve e-service by including with the filing a brief statement that recipients have agreed to e-service *in that case* either (1) through newly received case-specific permission or (2) because each recipient is included in the [List of Approved E-mail Addresses for E-Service](#) (see below).

*Case-Specific Agreement to E-Service.* It will be within the filer's discretion how to establish case-specific agreements to e-service and secure the recipient's preferred e-mail address(es) for inclusion in the Master Service List for that case. Prior permission will only be required once per case, not for each filing in a case. If a party makes an electronic filing in a case, that act constitutes that party's agreement to be e-served with filings from other parties in the same case.

*All-Cases Agreement to E-Service.* To confirm that an attorney has provided essentially "all-cases" agreement to e-service, access the [List of Approved E-mail Addresses for E-Service](#) on the homepage of the File & Serve system at <https://wiznet.wiznet.com/appealsmi/login.do>. (NOTE: The list was formerly titled List of Generic E-mail Addresses.) You may want to save the list as a favorite on your internet browser for quick access at <http://new.courts.mi.gov/courts/coa/efiling/pages/eservice.aspx>. Because the list is constructed from information provided by the listed attorneys, inclusion of an attorney's name, or firm, or agency indicates agreement to e-service by any filer in any case, so long as the filer uses the recipient's e-mail address that is specified on the approved list.

Registered users will be included in the [List of Approved E-mail Addresses for E-Service](#) upon completing the [Registration Confirmation Form](#) and submitting it as directed at the top of each form. Users who have already submitted this form but who wish to update or supplement the names and approved e-mail addresses for their office, firm, or agency, should complete and submit the new [Update E-Service / Listserv Form](#) that is also linked to that webpage.

If you are participating in the system, you are asked to include your name and e-mail address on this list. It will make the system that much more robust and it will help you avoid repeated contacts from opposing counsel who will otherwise require a case-specific agreement to e-service. Please submit your name and approved e-mail address today if you have not already done so.

## Searchable PDF Pleadings

Documentation for the File & Serve system states the Court's very strong preference to receive newly drafted pleadings in *searchable* PDF format. See, for instance, [User Guide](#), pp 4, 13; [Frequently Asked Questions](#), p 4; [Guidelines](#), p 2. To assist users in creating PDF filings, the e-filing section of the Court's website includes a [Best Practices](#) page that provides access to an instructional document titled [Preparing a PDF Document for Electronic Filing at the COA](#) ("Preparing a PDF"). As to searchability, page 1 states:

### **Searchable**

The Court prefers to receive documents in searchable PDF format. PDF documents that are created from electronic files, such as word-processing documents, automatically include searchable text which is passed through to the Court by our version of the Odyssey File & Serve system. On the other hand, scanning a printed document into PDF format creates only a graphic image of the document, which is not searchable. Appendices to pleadings will often be scanned images; original appeal pleadings should be converted into searchable PDF.

The Court's strong preference for searchable PDF pleadings arises from our judges' and staff attorneys' use of computers to review these electronically filed documents. Searchability allows a judge to navigate within a document with greater ease than if he or she were reviewing the pleading on paper. It can also allow the judge to search a folder of multiple electronic documents for specific documents that reference the same word or phrase. Judges (and staff attorneys) who are committed to working electronically cannot navigate scanned pleadings with the same ease and speed. And as their skill with using searchable PDF pleadings grows, they become increasingly frustrated when they must work with a scanned pleading.

To convert your pleadings to searchable PDF, see p 4 of [Preparing a PDF](#). The process is very quick and easy and can be accomplished without added expense to your office. Once you learn to create converted PDF pleadings, we ask that you also consider inserting bookmarks into the PDF to make your filings even more useful to the judges and court attorneys. Pages 7-9 of [Preparing a PDF](#) provide useful tips on customizing your PDF pleadings in this way for maximum utility to users. As a test, we invite you to access the [User Guide - File & Serve](#) on the E-filing homepage to sample the benefits of bookmarks and searchability to you as a consumer of that 33-page document. Without the bookmarks or searchability, most of the functionality of the electronic format would be lost and your navigation of the document would be far more time-consuming and frustrating.

If you are a filer who has submitted *scanned* PDF pleadings thus far, please take a moment to consider the benefits to your clients and your case of providing the Court with more functional electronic documents. The Court requests your cooperation in this regard. We think it will also benefit you in the long run.