

MICHIGAN SUPREME COURT
FREQUENTLY ASKED QUESTIONS (FAQs)

What are the filing fees in the Michigan Supreme Court?

The filing fees are set by statute, MCL 600.244, and are also enumerated in the court rules, MCR 7.319(C)(3).

- \$375 for an application for leave to appeal or an original proceeding.*
- \$150 for motions for immediate consideration and to expedite the appeal except that prosecutors do not have to pay the fee if the appeal arises out of a criminal proceeding and the defendant is represented by a court-appointed lawyer.
- \$75 for all other motions.

*Beginning March 1, 2016, MCL 600.1986 requires the Supreme Court to collect a \$25 “electronic filing system fee” in addition to the \$375 filing fee upon the **commencement** of a civil action except when the filing party is a governmental entity or is entitled to a fee waiver. The fee is charged regardless whether the civil action is initiated electronically through TrueFiling or by filing hard copies. The Supreme Court will collect the \$25 fee for **original civil actions** filed on or after March 1, 2016.

Can the fees be waived? If yes, how do I obtain a waiver?

Yes, court fees may be waived for an indigent party in most cases.** A party who is unable to pay a filing fee should file a motion and affidavit requesting a fee waiver and disclosing the reason(s) for the inability to pay. If the party’s filing fees were waived by the Court of Appeals, they will likely also be waived by the Supreme Court. There is no charge for filing a motion to waive fees. But if the motion is denied, you will have to pay the fee for underlying filing. MCR 7.319(C).

**Under MCL 600.2963, fees for prisoners under the jurisdiction of the department of corrections cannot be waived when the prisoner is the appellant in a civil appeal.

How many copies do I need to file?

If you electronically file your documents through the Court’s e-filing system, [TrueFiling](#), you do not have to submit any paper copies. Administrative Order No. 2014-23, sec. II(A).

For applications, answers, replies, motions, briefs, proofs of service, correspondence, and any other papers, only one signed copy has to be filed. MCR 7.305(A) and 7.312(F)(1).

How should I bind my papers?

Generally, you may use whatever binding method seems most appropriate for the size of the document.

However, please do not use plastic covers, ring binders, or folders. Also, because the Clerk’s Office needs to two-hole punch the top of the original document for placement in the Court’s file, you should not edge-bind or staple the original document—use a large binder clip or rubber band instead.

What color paper must I use for the cover page of briefs and appendixes in cases where leave to appeal has been granted?

<i>Appellant’s brief</i>	=	blue
<i>Appellee’s brief</i>	=	red
<i>Reply brief</i>	=	gray
<i>Intervenor/Amicus brief</i>	=	green
<i>Appendix (of any party)</i>	=	yellow

MCR 7.312(C) & (D). [NOTE: If you electronically file your brief and appendix, do not colorize the first sheet because it may muddy the text if the document is printed.]

Where do I file my papers?

The Clerk's Office on the 4th floor of the [Hall of Justice in Lansing](#) is the only location where papers can be filed. Documents may also be electronically filed with [TrueFiling](#) using any computer with an Internet connection. Administrative Order No. 2014-23.

What are the office hours for filing papers?

The Clerk's Office is open from 8:30 AM to 5:00 PM, including over the lunch hour, Monday through Friday, except on [Court holidays](#). Documents may be electronically filed 24 hours a day, seven days a week (with occasionally outages for scheduled maintenance). Documents submitted to [TrueFiling](#) before 11:59:59 PM on a business day are docketed as being received that day. Administrative Order No. 2014-23, § IX.

What are the Court holidays and how do they affect my due date?

If the due date of your pleading falls on a [Court holiday](#), the due date becomes the next business day following that holiday. Holidays that occur during the filing period but not on your due date have no effect on the due date. MCR 1.108(1).

When is my document considered filed?

Papers are "filed" in the Supreme Court when they are received by the Clerk's Office in Lansing. There is one limited exception to the requirement of actual receipt by the Clerk's Office. Under the "prison mailbox rule," the office will accept as timely filed an application for leave to appeal in a criminal case from a prisoner who is acting pro se and who is housed in a Michigan, federal, or other state correctional facility if the application was date-stamped by the mail room of the correctional facility on or before the due date of the application. The "prison mail box" rule applies only to criminal applications for leave to appeal, not to civil appeals and not to other documents that might be filed in a criminal case, such as briefs or motions.

When is my application due?

- 1). For an application for leave to appeal *before* the Court of Appeals issues a decision on the merits of a trial court's ruling (i.e., a bypass application): 42 days after the claim of appeal or original action if filed, MCR 7.305(C)(1).
- 2). For an application for leave to appeal *after* the Court of Appeals decision on the trial court's ruling: (a) 28 days in a termination of parental rights case, (b) 42 days in a civil case, and (c) 56 days in a criminal case, MCR 7.305(C)(2). When the Court of Appeals denies a timely-filed motion for reconsideration or grants a motion to publish an opinion that was originally released as unpublished, the filing deadlines apply from the dates of those events.
- 3). For an application for leave to appeal from an order of the Court of Appeals that does not resolve the appeal or original action, including an order granting an application for leave to appeal (i.e., an interlocutory application): 28 days, MCR 7.305(C)(3).
- 4). For an application for leave to appeal from an Attorney Discipline Board order of discipline or dismissal: generally 28 days, MCR 7.305(C)(4) and 9.122(A)(1).
- 5). For an application for leave to appeal as cross-appellant: 28 days after the application is filed, MCR 7.307(A).

When is my brief due?

For a case in which the application for leave to appeal has been granted, the briefing deadlines are:

Appellant's brief: 56 days after the order granting leave. MCR 7.312(E)(1).

Appellee's brief: 35 days after the appellant's brief is served. MCR 7.312(E)(2).

Reply brief: 21 days after the appellee's brief is served. MCR 7.312(E)(3).

Amicus curiae brief: 21 days after the appellee's brief is filed. MCR 7.312(H)(3).

For a case being argued on the application, the briefing deadlines are specified in the Court's order. If the order is silent on the filing of amicus curiae briefs, the Court will generally accept them if they are filed within the time for filing the appellant's reply. See MCR 7.312(H)(3).

To determine the due date for filing your application, pleading or order, start counting on the day *after* the triggering act or event (e.g., the Court of Appeals decision), not the day of the act or event. The time period begins running the day after the triggering act or event regardless whether it falls on a weekend or Court holiday. Because the filing periods are usually expressed in multiples of "7," the due date should fall on the same day of the week as the triggering event. For example, if Court of Appeals issued its opinion in a criminal case on *Wednesday*, June 10, 2015, the application for leave to appeal would be due on *Wednesday*, August 5, 2015, which is 56 days after the date of the Court of Appeals decision. If the due date happens to fall on a Court holiday or day on which the Court is closed pursuant to court order, the pleading is due the next business day. MCR 1.108.

May I request an extension for filing my document?

The court rules provide that the Court will not grant an extension to file a late application for leave to appeal or a late motion for reconsideration. MCR 7.316(B). For other documents (e.g., answers, replies, briefs), you may request an extension of the time for filing them in a pending case by submitting a motion requesting the same. MCR 7.311 & 7.316(B).

How long will it take for the Court to make a decision on my application for leave to appeal?

At present, it takes five to seven months on average after the filing of an application for leave to appeal for the Court to render its decision. But some cases may be decided much sooner and some much later depending on the specifics of the case.

How do I obtain a Certificate of Good Standing and how much does it cost?

You should mail a letter request to the Clerk of the Court that includes your name, P number, date of admission, and \$10.00 (check or money order) for *each* certificate requested, along with a self-addressed stamped envelope. A [form for ordering Certificates of Good Standing](#) can be found on the Clerk's Office page of the Court's website.

Whom should I contact if I have additional questions?

Phone the Clerk's Office at (517) 373-0120 during business hours if you have additional questions. We are happy to help you understand and navigate the appellate process, although we are strictly prohibited from offering legal advice.