

Michigan Court of Appeals

Overview

The Michigan Court of Appeals is as fine an example as we have found of business process discipline in the judicial branch, where court leaders have applied modern and innovative tools and techniques to operations management. It is an intermediate appellate court created in 1963.²⁸ At present, 28 judges sit state-wide and are elected or appointed from one of four districts.²⁹ The court sits in three-judge panels. The clerk's office has 42 staff located in the four district offices, and the research division has 41 central staff attorneys and supervising attorneys located in three of the district offices, not including part-time contract attorneys.³⁰ Case filings for 2012 totaled 6,267.

MAPPIS is the court's internally developed case management system. This software package is supplemented by other applications developed and maintained by the court's Information Systems department.

Background

The Court of Appeals developed standard business process documentation for most of its work in the late 1970s. This increase in business process discipline facilitated many other operational and management improvements that followed.

Compared to most general jurisdiction trial courts, the number of appellate court business processes is small. Most cases are handled in a similar fashion, with relatively minor variations. There is an intake stage, where all of the required resources (e.g., initiating documents, briefs, transcripts, and trial court records) are assembled. When the case is ready to be processed, it goes to the warehouse.³¹ Eventually the case will move to the research stage (timing is dependent on resource availability), where it will be reviewed by a central staff attorney. After a research report and draft opinion are prepared by the staff attorney, the case goes into the judicial stage, where arguments are held, a decision is made, and an opinion is issued. Because of reduced staff levels due to budget constraints, not every case will have a research report and draft opinion; some cases are placed directly on case call, and the law clerk of the judge with primary writing responsibility prepares the report and opinion. Even though the number of business processes in the Court of Appeals is small, those processes are just as complex as those in any trial court.

The concept of management lists grew out of the desire to use automation to enforce court rule requirements. For example, when an appellant's brief was filed with the clerk, court rules provided a fixed number of days for a brief to be filed by the appellee.

²⁸ <http://courts.mi.gov/Courts/COA/aboutthecourt/Pages/About.aspx>

²⁹ By a statute enacted in 2012, the size of the court will be reduced to 24 judges through attrition.

³⁰ The court also uses approximately 25 part-time contract attorneys, most of whom are former research attorneys with the court.

³¹ *Warehouse* is a term used by the court to describe a holding area for cases that are ready to be processed by research attorneys.

The case went on a list of cases awaiting appellee briefs. Many case management systems today provide “ticklers” to notify staff if the brief is not received on time. When the brief is filed in a timely manner, the tickler automatically disappears. The Michigan Court of Appeals created tickler reports, or management lists, showing all of the cases that were at various points in the process.

Over the years, the list concept was expanded to include areas that were not subject to specific deadlines in the court rules. Many lists came and went. Eventually, a list was created for every stage of processing and for every major exception condition. It is now even possible for a case to be on more than one list, such as when a motion is filed on a case that is in the research stage, or when both a docketing statement and transcript are overdue. This process culminated in the development of a list for cases that were not on any other list. Court staff is able to locate any case in the appellate court process at a very fine level of detail, based on the next expected action, and to determine how long it has been there.

The court also developed business rules concurrently with the creation of management lists. These rules are attached to the lists, along with case flags and properties, and define when a case should be placed on the list.³² As the lists have been improved over the years, the business rules also have been adjusted and refined.

A COBOL mainframe application was developed in-house to support the work of the court in the 1970s. This package was used until Y2K concerns led to the development of MAPPIS, which was implemented in 1999. MAPPIS was designed using classic ASP and an Oracle database to support business operations in the Court of Appeals. Currently, the court is in the process of migrating MAPPIS to the Microsoft .Net platform and SQL Server database. During this lengthy transition, the applications actually write to both the old and the new databases.

MAPPIS contains robust document and e-mail generation capabilities, which is a typical need of appellate courts. The court also employs e-filing on a voluntary basis and has experienced a high level of participation. All documents for the case call are scanned, if they were not e-filed, and linked to docket events in MAPPIS. Most judges and staff work from electronic versions of documents, but a few still rely on paper files. Many judges download the materials for case call and motion dockets (e.g., the parties’ pleadings/briefs and internal staff reports) onto their iPads where they can be read, edited, annotated, and shared electronically with other judges on the panel. It is not unusual for the judges to have only their iPads, and no paper files whatsoever, on the bench during case call.

³² Flags are used, for example, to denote characteristics of cases, not unlike subtypes in a trial court’s case management system; up to four flags may be defined on a case. Properties are stored in a table in the database and contain a history of all of the state changes in the case. This information is invaluable for performing analysis to support the optimization of business processes.

Unique Characteristics

Two characteristics of the Michigan Court of Appeals stand out: very strong management and information technology capabilities, and a very high level of business process discipline.

Strong Management and Information Technology Capabilities

The court has a culture of innovation and cooperation, along with a high level of vision and competence in its judges and staff. There was no conscious effort to implement private sector quality control methods and no grand reengineering initiative – only a long-term, incremental approach to gradually improving the way the court works. Over time, the chief judges of the court have been supportive, staff has felt empowered, and everyone has worked together. It is a well-organized, well-run operation that is, to an outsider, quite extraordinary.

Leaders of the business units (research and the clerk's office) have a tremendous amount of discretion in organizing their operations to be as effective and economical as possible. All parts of the court organization communicate and work together very well. Staff of the Information Systems Department and its leadership must be recognized for having the vision to build a responsive and flexible system that can be easily molded over time to accommodate changing court rules, caseloads, demographics, district geography, and court policy. Judges are generally willing to try new technologies and processes, but are focused on their most important mission – issuing correct and well-articulated decisions in cases. This has not been easy with changing caseloads, tight budgets, and political pressure to cut operational costs. Even line-level clerical staff members who are relatively new to the court seem to be well-trained and understand their roles and responsibilities thoroughly. They are much more than data entry operators; they must understand all aspects of case processing in the court.

High Level of Business Process Discipline

It is hard to imagine a court having a higher level of business process discipline than the Michigan Court of Appeals. While the definition of business practices and management control of their execution has been achieved by many other courts, very few have the business process performance data available in this court, and even fewer use that data effectively in optimizing process performance.

In observing the court in action, one is reminded of an emergency room in a hospital. It seems that every aspect of the operation is constantly monitored. While it lacks the blinking lights and beeping alarms of a hospital facility, the court has an incredible amount of data. Triggering events take into account buffer time to ensure that delays in processing do not unfairly cause disruptive actions. They run all kinds of statistical reports that help them see exactly what is happening and where – right down to the performance of individual employees.

Many courts have performance data on overall case processing activities. An important lesson for other courts is the ability of the Michigan Court of Appeals to understand the performance of each individual business process – how long it takes a case to move

from one step to the next. This information can be analyzed by various case properties, e.g., comparing briefing times between domestic relations and general civil cases, measuring time to issue an opinion in cases for which a staff attorney prepared a draft opinion and those for which a draft was not prepared, and analyzing the number and ages of cases being warehoused in the four districts to determine the number of future case call panels to schedule in each courtroom location.

Exemplary Techniques and Best Practices

Several lessons can be learned by other courts from the Michigan Court of Appeals. First, it is important to define case states in the business process model to determine where a case is and how long it has been there.³³ Second, good management requires the ability to aggregate the state of all cases. Third, comprehensive business rules must be in place to define case state and to control the flow of work. Fourth, case properties are essential for two reasons: to analyze cases in logical groups, and to maintain a state change history for analysis and operational optimization. Fifth, it is necessary to implement all of this in a case management system.

Case State

Most court case management systems track the status of a case. These case status indicators may be as simple as *open* and *closed*. They may indicate whether a case has been disposed but is still open for post-judgment proceedings, or whether it is in inactive pending status because of a bankruptcy stay, issuance of a bench warrant for failure to appear, etc.

A more detailed case state offers many advantages. It can restrict the options that are available to court workers, e.g., a clerk would only see the four or five valid docketing codes for a case at certain point in the process, instead of being required to sort through hundreds of possibilities. The case management system would not allow an inappropriate event to be scheduled, e.g., a pretrial hearing in a case that has already been disposed. When implemented in a state-sensitive case management system, a detailed case state could save effort and improve data quality.

Of course, it would be necessary to develop processing models for each case type in the court in order to use the case state effectively. Certainly case state should be driven by the key milestones in a case, which are usually defined in court rules. Once a case passes one of these milestones, it would be unusual (but not impossible) for it to revert to an earlier processing point.

The granularity of the case state is an issue. If a criminal case, for example, were awaiting arraignment and a motion was filed by the defense, would that constitute the same state as a case in which a motion was filed after the arraignment was held? Perhaps a multi-level case state could solve this problem, indicating that the state of the case was *pre-arraignment with motion pending* or *pre-trial with motion pending*.

³³ While the Michigan Court of Appeals did not invent the concept of case state and does not even use the term, it has effectively implemented the concept in an exemplary manner.

Another important question is how to characterize the case state. The Michigan Court of Appeals focuses on the next likely action with its lists, but a court might instead consider driving the case state from the last completed action. While either could work, one method might prove to be less confusing in a trial court where there may be many more possible next events.

Could a case be simultaneously in more than one state? In a child welfare case, for example, would the case state follow the parents or the child? In a multi-party case, what if individual parties were at different points in the process? Clearly a court must think through all of the possibilities, as the Michigan Court of Appeals has done in building its management list system.

The Court of Appeals also has shown that it is not enough to know exactly where a case is in the process — it is also essential to know how long it has been there (by storing dates) and how it got there (by storing history). This implies keeping a record of state changes and other properties. These issues will be discussed later in this document.

Management Lists

Management lists are a way of looking at case state across a large number of cases. As mentioned, this can highlight case processing and data quality issues. At some points, a list is also like an operational work queue — it shows that someone must take a specific action on the cases in the list. Case state is really a byproduct of managing the flow of activity in case processing through lists.

The following is a list of the management lists currently available to court leaders in the Michigan Court of Appeals:

- List 1: cases not on any other list
- List 6: cases with no docketing statement
- List 9: cases with no transcript requests
- List 11: cases with late transcript – warning
- List 14: cases with transcript due, dismissal warning, not yet submitted
- List 15: cases with appellant’s brief overdue
- List 16: cases with cross-appellant’s brief overdue
- List 17: cases in settlement conference
- List 18: domestic relations cases in settlement conference
- List 19: cases with involuntary dismissal letter sent
- List 20: cases ready for noticing
- List 21: prosecutor appeal cases with appellee brief due
- List 22: cases with appellant brief overdue and notice due
- List 24: cases with record overdue
- List 25: cases with record show cause
- List 26: cases with level one record request
- List 27: cases with outstanding motions, not submitted
- List 28: cases with outstanding submissions, no order
- List 29: applications 90 days old

- List 30: involuntary dismissal docket, no order
- List 31: cases with rehearing not submitted
- List 32: cases with rehearing motion, no order
- List 33: cases with stipulation to dismiss, no order
- List 37: cases held in abeyance
- List 39: monitored cases
- List 40: TEMP cases needing review
- List 41: HOLD cases needing review
- List 50: remanded cases
- List 52: remanded cases to appoint new counsel
- List 53: cases with post-judgment motions overdue
- List 54: priority cases ready for research
- List 57: cases ready for research
- List 58: cases at research
- List 58A: cases at summary commissioner's office
- List 59: priority cases in research
- List 60: cases at commissioner's office
- List 61: cases ready for call but not noticed
- List 62: cases ready for case call
- List 72: cases on case call
- List 72A: Headlee cases on case call
- List 80: cases applied to Supreme Court and not closed out at Supreme Court
- List 85: cases remanded and record not returned
- List 87: status and close order of case inconsistent – reopened cases
- List 88: status and close order of case inconsistent
- List 89: cases closed by order, record filed
- List 90: cases closed by order, record not filed
- List 91: cases closed by unpublished opinion
- List 92: cases closed by published opinion
- List 95: cases inactive for six months

Some lists serve as quality control points — when data indicate an inconsistency between where a case is and where it logically should be, it is placed on a list for manual inspection. Most lists indicate that some action is required by someone in the court. In this respect, they function as work queues that are common to many systems.

Business Rules

Each of these 49 lists has business rules associated with it. Most are quite lengthy; the following example is one of the shortest, since rules for list 20 also are considered:

List 21 – Prosecutor Appeal Cases with Appellee Brief Due (cases will appear on this list, instead of list 20, if)

- The case is a prosecutor appeal case (PA in case flag) and the appellee counsel type is APP or SADO and the appellee brief has not been filed.
- A non-defective appellant brief has been filed and

- The appellee brief has not been filed, and
- At least 35 days have elapsed since the later of the following (if they exist)
 - Service on the appellee of the appellant brief
 - The extend-to date of any non-vacated order or stipulation extending time for the appellee brief
 - The “inside date” (proof of service date) of the “LCt Order – Appoint AE Atty”
 - The Proof of Service of an event “Proof of Service – AT Brief” if it follows the item above (LCt Order – Appoint AE Atty).
- The case has not already been noticed
- There is no Involuntary Dismissal (Invol Dismissal Warning – No Appellee Brief – Appointed Counsel for AE) that was filed after the due date of the appellee brief. Filters on this list do not need an expiration date. If a case is noticed after being filtered on, the Filter On entry will be nullified. This action will be noted in the comments for that docket entry.

A review of the lists and of a sample of the business rules shows that court leaders have access to an incredible amount of information about where cases are in the appellate process. It allows them to understand how business processes are performing at any time and to make adjustments easily, since all of this is built into the case management system. Optimization decisions are data driven and business rules can be easily modified to solve problems.

Case Properties

The case properties table contains key information about the case and case processing. For example, elements of the case properties table indicate if the case is an adoption case, a general civil case, a custody case, a delinquency case, a termination of parental rights case, or a worker’s compensation case. The flags can be used to examine differences in processing and processing times for these case types. In addition, key events in case processing are recorded, e.g., all transcripts satisfied, appellant brief filed, appellee brief filed, docketing statement filed, lower court record filed (and returned), research complete, case closed, and case reopened. Also, the table contains information about processing steps, e.g., applied for leave to appeal with the Michigan Supreme Court, evaluated by commissioner, expedited case, and research evaluation date. In total, there are 129 fields for recording information about the case. While this information is used primarily for case processing, it is a gold mine of information about the performance of individual business processes in the court.

Users cannot directly manipulate this data. As with the placement of cases on lists, updates are driven by operational tasks performed by the clerks. Case state changes are automatically and permanently recorded in this table in the form of dates that key activities were completed.

Automation Support

In order to achieve successful business process automation, a court must exercise complete control over its case management system and other applications. MAPPIS is a

custom system that is completely integrated with the work of the court. This is essential in collecting, processing, and understanding the data about the performance of individual business processes. It is also necessary in easily implementing change. For example, amending system business rules that govern when cases move from list to list and adjusting how resources are allocated to performing work.³⁴

Remaining Issues

The current challenge facing the Michigan Court of Appeals relates to maintaining the existing technological infrastructure even as new technologies are being introduced. In addition to maintaining MAPPIS, the Information Systems Department is working on a number of projects including enhancing the functionality of MAPPIS, integrating a new e-filing system, and migrating the file and print system to a more efficient platform. The NCSC observed that the pace at the court is intense and everyone works hard to achieve the goal of producing high quality decisions and opinions in a timely manner.

Key Players

The following individuals play or have played key roles in the development of the management and technology innovations in the Michigan Court of Appeals:

William B. Murphy, Chief Judge

Jerome W. Zimmer Jr., Chief Clerk

Denise Devine, Director of Information Systems

Larry Royster, Supreme Court Chief of Staff (former Chief Clerk/Research Director for Court of Appeals)

Sandra Schultz Mengel, former Chief Clerk

³⁴ The NCSC discussed a specific example with staff of the court. Research on certain cases is performed by staff attorneys, while this work is performed by research attorneys for other types of cases. When a backlog develops in one of these areas, managers can divert some case types in the other direction to balance the work and to give staff more time to eliminate the backlog.



Michigan Court of Appeals
Annual Report

2013

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Introduction



In September of 2013, the National Center for State Courts (NCSC) published its *Business Process Automation Case Studies* highlighting the “efforts by innovative courts” in the area of operations management. From courts throughout the United States, the Michigan Court of Appeals was one of three courts selected for this study “because of its high level of business process discipline and the implementation of these principles in its case management system.” According to the NCSC, the “Court of Appeals is as fine an example as we have found of business process discipline in the judicial branch, where Court leaders have applied modern and innovative tools and techniques to operations management.” The NCSC noted that the Court’s “long-term, incremental approach to gradually improving the way the Court works” has resulted in the Court being a “well-organized, well-run operation that is, to an outsider, quite extraordinary.”

That the NCSC study recognized the Court of Appeals’ long-term, consistent focus on improving the way the court works is a fitting testament to the work of the Court’s judges and staff, past and present. As the report demonstrates, and as the NCSC noted, the Court of Appeals has committed, for many years, to utilize performance data to track “what is happening and where – right down to the performance of individual employees.” Through the innovative application of technology and business process discipline, the Court has developed a unique level of performance data which its leaders use to optimize the Court’s operation.

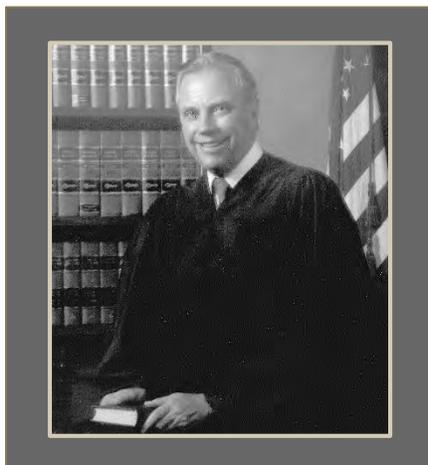
In working to maintain the level of performance from prior years, the Court of Appeals faced several unique challenges in 2013: the appointment of Judge Michael J. Talbot as special judicial administrator to the 36th Judicial District Court, the move of Chief Clerk and Research Director Larry S. Royster to the Michigan Supreme Court, and the addition of the Court of Claims to the work of the Court. To meet these challenges, the Court actively managed its docket to focus on more complex cases while, at the same time, refining some internal practices in order to move leave applications along more expeditiously. The result being that the Court disposed of more cases in 2013 than in the prior year. With new filings down slightly in 2013, the increase in dispositions allowed the Court to achieve its highest clearance rate since 2009.

The following pages provide detailed statistics of the Court’s operations for 2013. The numbers evidence the efforts of the Court’s 28 judges and approximately 170 employees to best effectuate the Court’s mandate: “[T]o secure the just, speedy, and economical determination of every action and to avoid the consequences of error that does not affect the substantial rights of the parties.” MCR 1.105. As the Chief Judge, I am grateful to my judicial colleagues and the dedicated staff of this Court for their many contributions, made on a daily basis, in that cause.

Chief Judge William B. Murphy

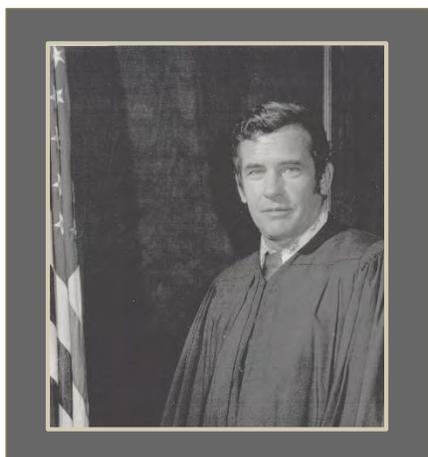
In Memoriam

Former COA Chief Judge Robert Danhof



Former Chief Judge Robert J. Danhof, age 87, passed away on March 1, 2013. Judge Danhof, who was born in Grand Rapids, Michigan, earned his undergraduate degree from Hope College and his law degree from the University of Michigan Law School in 1950. After practicing law in Muskegon, he became an assistant U.S. attorney and was later named U.S. Attorney for the Western District of Michigan in 1960. He was also a delegate to the state Constitutional Convention in the early 1960's, chairing the Judicial Branch Committee, and subsequently he became legal advisor and legislative aide to Governor George Romney. In 1969, Governor Romney appointed Judge Danhof to the Court of Appeals. Judge Danhof was re-elected four times and served for sixteen years as chief judge until his retirement in 1992.

Former COA Judge Michael Kelly



Judge Michael J. Kelly, age 84, passed away on December 31, 2013. Judge Kelly, who was born in Cleveland, Ohio, was attending college in Ohio when he joined the U.S. Army and served in the Korean War in 1953 and 1954. He earned his law degree from the University of Detroit Law School in 1956 and practiced as a trial attorney in the Metropolitan Detroit area for eighteen years before he was elected to the Court of Appeals to serve a term beginning January 1, 1975. He was in the inaugural class of the appellate judges' program at the University of Virginia from 1980 to 1982 and was the first Michigan judge to receive a master's degree in this program. Judge Kelly was re-elected three times and retired on December 31, 2000.

In Memoriam

Ann Herzberg

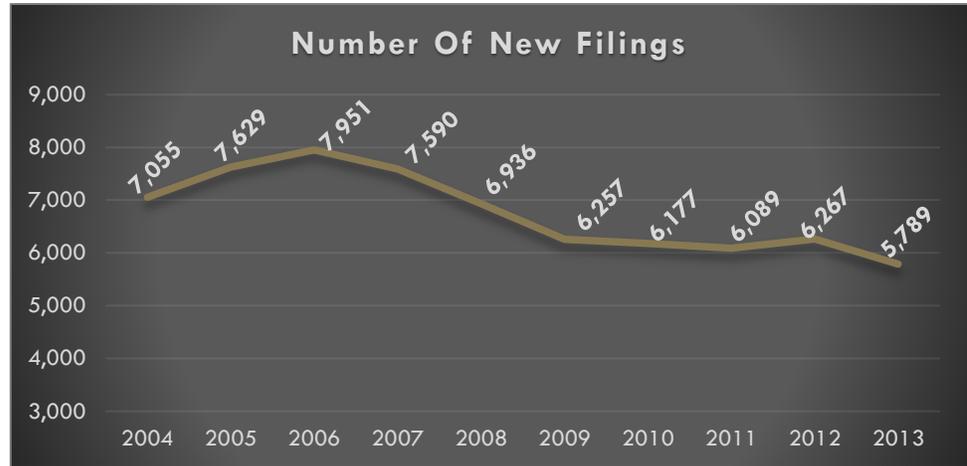
Ann Herzberg, age 56, passed away at her home in Eaton Rapids on September 13, 2013, after a long and courageous battle with cancer. Ann received a B.A. degree from Michigan State University with high honors in 1978, and a J.D. degree from The Ohio State University College of Law in 1981. After working for four years as an associate attorney with a Lansing-area law firm, Ann joined the Michigan Court of Appeals as a prehearing attorney in 1985. Thereafter, she served as a Special Research attorney, Prehearing Supervisor, and the Court's first Case Screener. In that latter role, Ann helped devise a method of evaluating the difficulty of the cases based on several objective factors that is still being used by the Court today. In 1988, Ann was named Editor of the Michigan Appellate Digest. In that role she also created and maintained the Court's catalog issues—more than 175 mini-treatises on a variety of legal topics. Ann's precision in summarizing the Courts' opinions and drafting the catalog issues benefited the judges, staff attorneys, and litigants for twenty-five years.



Court Performance

New Filings

In 2013, there were 5,789 new filings with the Court. The decrease from prior years continued the downward trend of recent years. The line graph to the right shows the number of new filings from 2004 to the present.



Of the new filings in 2013, 51% were appeals by right, 47% were discretionary appeals, and 2% were “other” case initiations (e.g., original actions). Roughly 53% of the cases were civil and 47% were criminal.

Appeals from civil cases encompass family matters, including termination of parental rights and child custody, as well as personal injury, probate, tax, and appeals from agency decisions. The chart on the right identifies the approximate share of the Court of Appeals’ civil caseload in 2013 for some of the various case types.

Type of Civil Appeal	% of All Civil Appeals
Agency Appeal	2.1%
Contracts	9.2%
Divorce w/ minor children	6.9%
Divorce w/o minor children	1.8%
Housing & Real Estate	6.0%
Medical Malpractice	3.1%
No-Fault Auto Insurance	3.2%
Personal Injury Automobile	4.4%
Professional Malpractice	1.1%
Personal Injury	5.0%
Termination of Parental Rights	15.3%

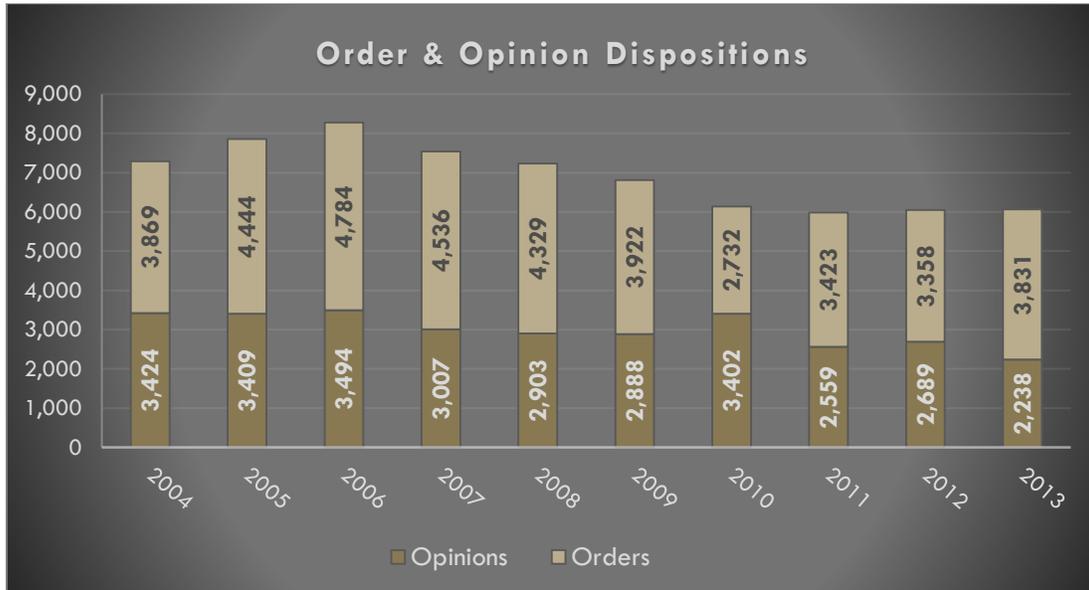
Dispositions

Cases filed with the Court of Appeals are resolved by order or opinion. Dispositions by order usually occur in discretionary appeals, while dispositions by opinion typically occur in appeals by right or in discretionary appeals that have been granted. Dispositions by opinion take longer because of the time periods allowed by the court rules for transcript preparation, briefing, and record transmission, and because they generally receive reports on the relevant facts and applicable law by staff attorneys, are scheduled for oral argument, and are submitted for plenary consideration to three-judge panels.

In 2013, the Court issued 2,238 opinions and 3,831 dispositive orders for a total of 6,069 dispositions. The bar graph on page 5 shows the number of opinion and order dispositions over the past ten years. While the overall number of dispositions for 2013 was higher than the prior two years, the number of opinion dispositions was slightly lower. The increase in order dispositions results from changes the Court

Court Performance

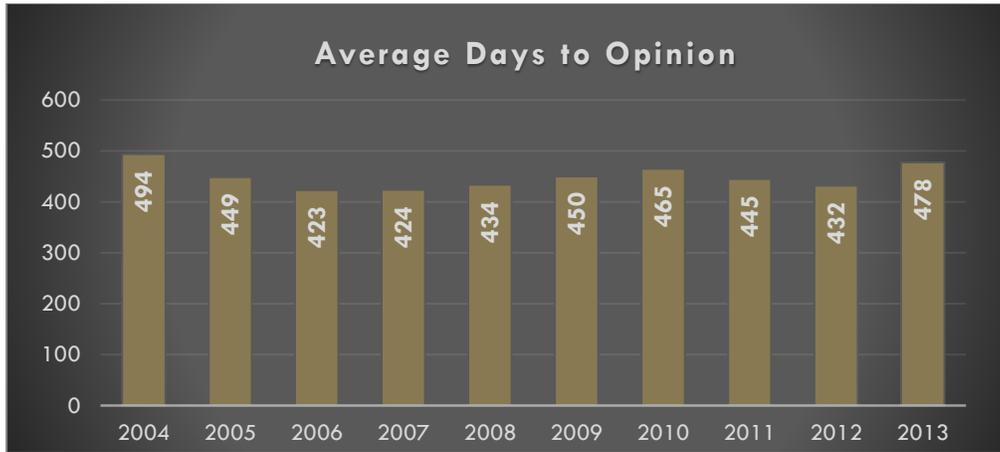
made to expedite the processing of application cases. These changes primarily involved submitting more applications directly to the judges without research reports from the Court's District Commissioners and the creation of "volunteer" judicial panels which allowed more applications to be submitted each month.



Delay Reduction

In 2001, it took on average 653 days for the Court to dispose of a case by opinion. Recognizing that such a delay was unacceptable, the Court voluntarily undertook an ambitious plan in 2002 to reduce the delay in dispositions so that 95% of all cases would be decided within 18 months. Under the delay reduction plan, the average time to disposition by opinion dropped to 603 days in 2002, 554 days in 2003, 494 days in 2004, 449 days in 2005, and 423 days in 2006. Thus, between 2001 and 2006, the average time to disposition by opinion cases was reduced by 230 days. The average days to opinion disposition has fluctuated slightly, due in part to reductions in the number of staff attorneys employed by the Court, but the time to disposition has remained relatively constant over the past several years, as shown in the chart on page 6. For 2013, the Court took an average of 478 days to opinion disposition.

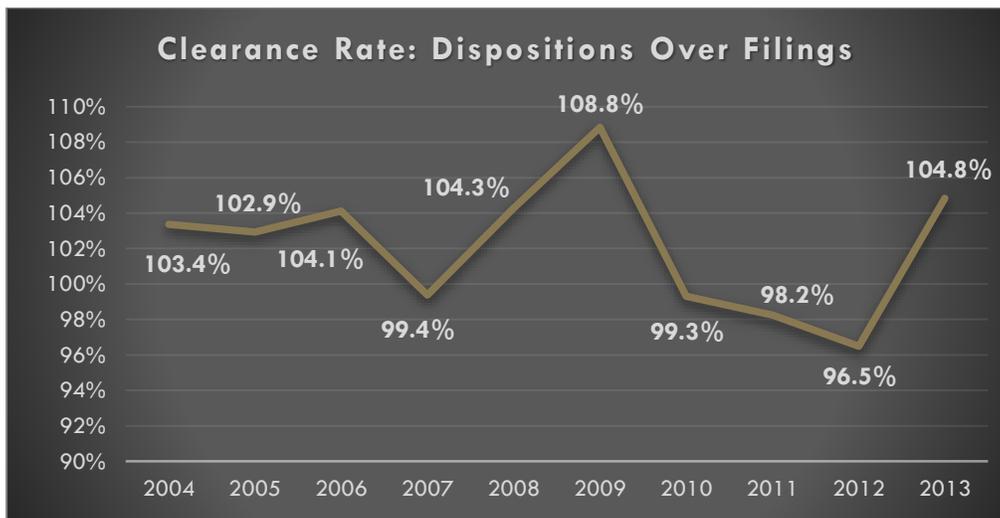
Court Performance



The Court also separately tracks the average disposition times of various matters expedited by statute, court rule, or court order. In 2013, the average disposition time of all expedited cases was 276 days. For child custody and termination of parental rights (TPR) appeals, the average disposition time was 265 days. While these numbers are higher than in 2012, they still represent a vast improvement over the pre-delay reduction timeframe of 351 days and 325 days for all expedited cases and child custody/TPR appeals, respectively.

Clearance Rate

The clearance rate reflects the number of cases disposed of compared to the number of new cases filed. In 2013, the Court achieved a clearance rate of 104.8%, disposing of 6,069 cases while receiving 5,789 new filings. This rate was significantly higher than prior years and results from the increase in dispositions for the year, coupled with the decrease in new filings. The line graph below shows the Court's clearance rate since 2004.



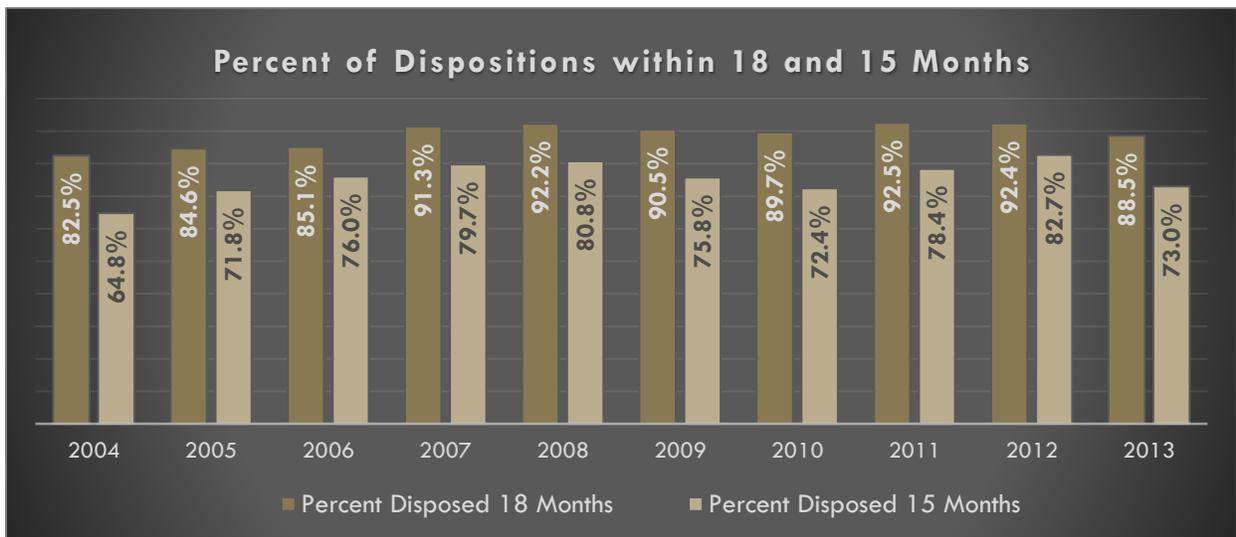
Court Performance

Percentage of Dispositions within 18 and 15 Months

For the delay reduction effort that began in 2002, the Court set a goal of disposing of 95% of all cases (i.e., by opinion or order) within 18 months of filing. In the first year of delay reduction, 65.8% of all cases were disposed within 18 months of filing. For just opinion cases, only about one-third were disposed within that time period. By comparison, in 2013, 88.5% of all cases and 73.9% of opinion cases were disposed within 18 months.

Being within just a few percentage points from achieving its “95-in-18” goal, in 2012 the Court set a new goal of deciding 95% of all cases within 15 months of filing. In 2013, 73% of all cases and 53.4% of opinion cases were decided within 15 months, respectively.

The slight decline in these categories from 2012 is attributable to the decision to focus on more complex cases and the less than full complement of case call panels. The bar graph below shows the percentage of all cases disposed within 18 months and 15 months for the years 2004 through 2013.



Judicial Chambers

Court of Appeals Judges

In 2013, the Court of Appeals was statutorily authorized to operate at twenty-eight judgeships, although legislation that was enacted in 2012 will eventually reduce the number to twenty-four through attrition. The judgeships are divided into four districts for election purposes but the judges sit statewide in panels of three, rotating with two other judges with equal frequency and among the three courtroom locations (Detroit, Lansing and Grand Rapids). Published opinions of the Court of Appeals are controlling across all four districts unless and until reversed or overruled by a special conflict panel of the Court or by the Supreme Court.

On May 28, 2013, the Michigan Supreme Court appointed Judge Michael Talbot as special judicial administrator to the 36th District Court in Detroit. As a result, the Court of Appeals operated with twenty-seven judges for the remaining portion of the year.



Pictured From Left to Right

First row: Jane E. Markey, E. Thomas Fitzgerald, Chief Judge Pro Tem David H. Sawyer, Chief Judge William B. Murphy, Mark J. Cavanagh, Joel P. Hoekstra, Peter D. O'Connell

Second row: Christopher M. Murray, Kurtis T. Wilder, Stephen L. Borrello, Donald S. Owens, Michael J. Talbot, Jane M. Beckering, Patrick M. Meter, Pat M. Donofrio, William C. Whitbeck

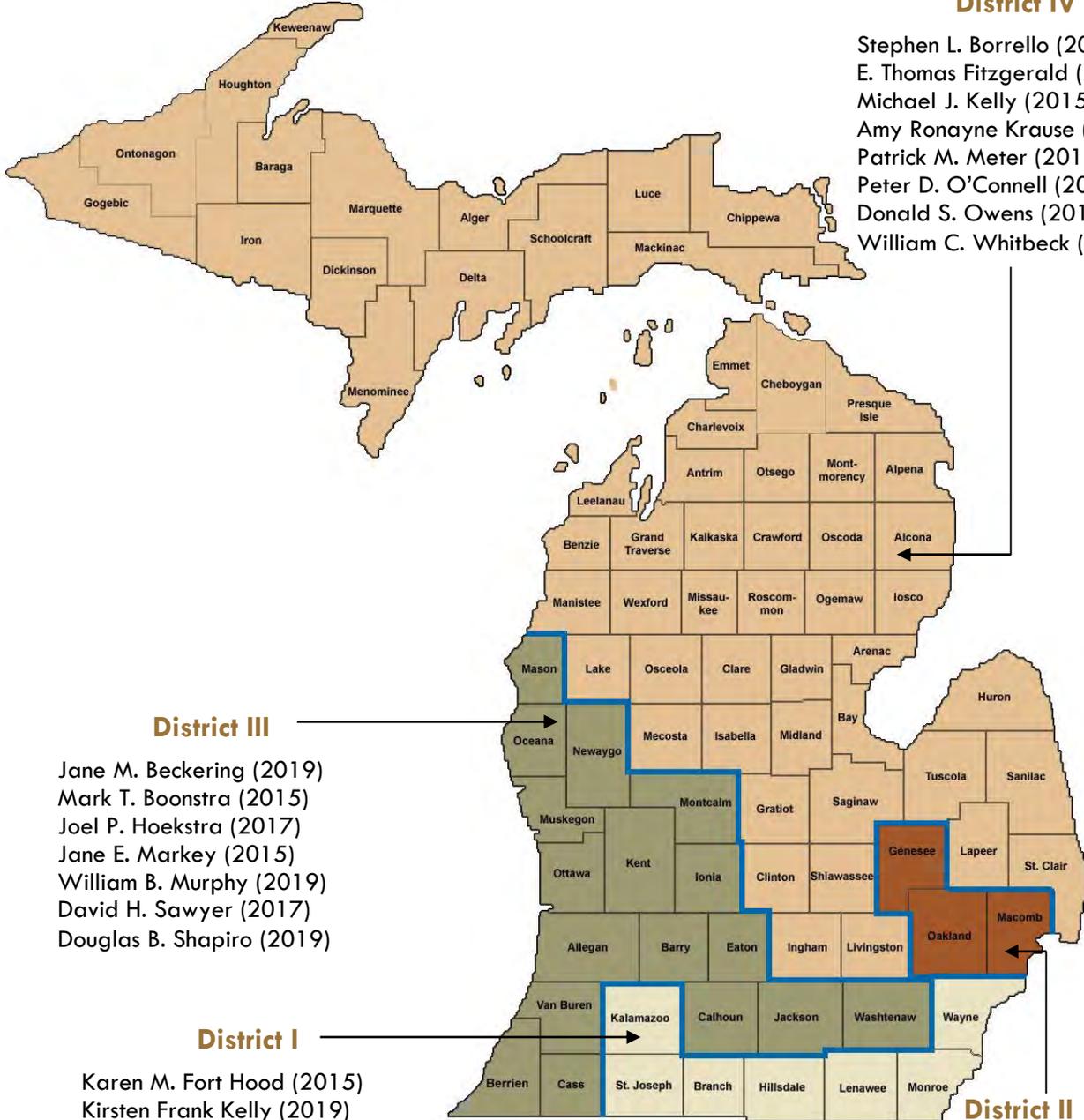
Third row: Cynthia Diane Stephens, Mark T. Boonstra, Douglas B. Shapiro, Elizabeth L. Gleicher, Amy Ronayne Krause, Michael J. Kelly, Michael J. Riordan

Not pictured: Kathleen Jansen, Henry William Saad, Kirsten Frank Kelly, Karen M. Fort Hood, Deborah A. Servitto

Judicial Chambers

Judges by District in 2013

Year that Current Term Expires Indicated in Parentheses



District III

Jane M. Beckering (2019)
 Mark T. Boonstra (2015)
 Joel P. Hoekstra (2017)
 Jane E. Markey (2015)
 William B. Murphy (2019)
 David H. Sawyer (2017)
 Douglas B. Shapiro (2019)

District I

Karen M. Fort Hood (2015)
 Kirsten Frank Kelly (2019)
 Christopher M. Murray (2015)
 Michael J. Riordan (2019)
 Cynthia Diane Stephens (2017)
 Michael J. Talbot (2015)
 Kurtis T. Wilder (2017)

District IV

Stephen L. Borrello (2019)
 E. Thomas Fitzgerald (2015)
 Michael J. Kelly (2015)
 Amy Ronayne Krause (2015)
 Patrick M. Meter (2015)
 Peter D. O'Connell (2019)
 Donald S. Owens (2017)
 William C. Whitbeck (2017)

District II

Mark J. Cavanagh (2015)
 Pat M. Donofrio (2017)
 Elizabeth L. Gleicher (2019)
 Kathleen Jansen (2019)
 Henry William Saad (2015)
 Deborah A. Servitto (2019)

Judicial Chambers

Judicial Assistants

The Judicial Assistants (JAs) perform a wide variety of secretarial and administrative tasks to assist the judges in operating the judicial chambers in a confidential and professional manner. A few examples of these tasks include scheduling and maintaining the judges' calendars, preparing files for motion dockets and case calls, submitting and tracking votes and memos concerning motion docket and case call matters, docketing the receipt and transmission of lower court records, proofreading and cite-checking opinions, typing bench memoranda, draft opinions, and original correspondence, and monitoring various case management lists.



Judge William C. Whitbeck with his Judicial Assistant.

Law Clerks

Each judge employs a single law clerk to assist him or her in handling the huge volume of motion docket and case call matters assigned to the judge. The law clerks read the appellate briefs of the parties and the staff reports written by Research Division attorneys, conduct independent research on the issues, and review the lower court files and transcripts to recommend appropriate resolutions of the issues and dispositions of the appeals. The law clerks also rewrite draft opinions written by the Research Division to reflect the judge's writing style or to add statements of facts and analyses of the legal issues. Further, the law clerks assist the judges in drafting concurrences and dissents, as well as those opinions where publication is recommended by the Research Division attorneys. In 2013, the law clerks collectively prepared bench memoranda and/or draft opinions in approximately 410 civil and criminal appeals that were assigned directly to the judges without the benefit of reports from the Research Division. The judges were assigned these cases without reports as a way of advancing the Court's delay reduction goals.

Clerk's Office

Overview

There are Clerk Offices in Detroit (District I), Troy (District II), Grand Rapids (District III), and Lansing (District IV). The district offices open new case files, docket incoming filings and correspondence, field inquiries by phone and at the public counters, review all filings for jurisdiction and compliance with the court rules, monitor numerous management lists to ensure that cases proceed without undue delay, process motions for submission to the judges, track the return of signed orders, and send the orders to the pertinent attorneys, parties, trial court judges, and staff. The Lansing Clerk's Office also schedules case call matters and releases the judges' opinions resolving those appeals. Lastly, the Clerk's Office is the public face of the Court in that it communicates with the general public, counsel of record, the parties, prospective litigants, lower courts or tribunals, and media representatives on case-related matters.



Entrance to the Clerk Office in Grand Rapids.

Since 2002, the staff of the Clerk's Office has been reduced by approximately 40% (from 48 to 29 total employees) due to budget cuts. While new filings have decreased over the last ten years by about 18%, the Clerk's Office staff has improved its efficiency through technology enhancements, creative processes, hard work, and positive attitudes.

Internal Operating Procedures (IOPs)



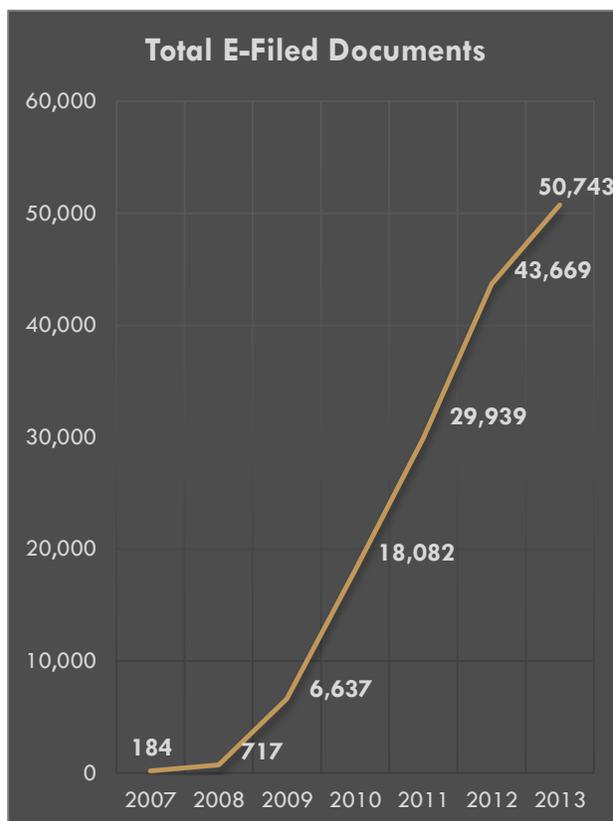
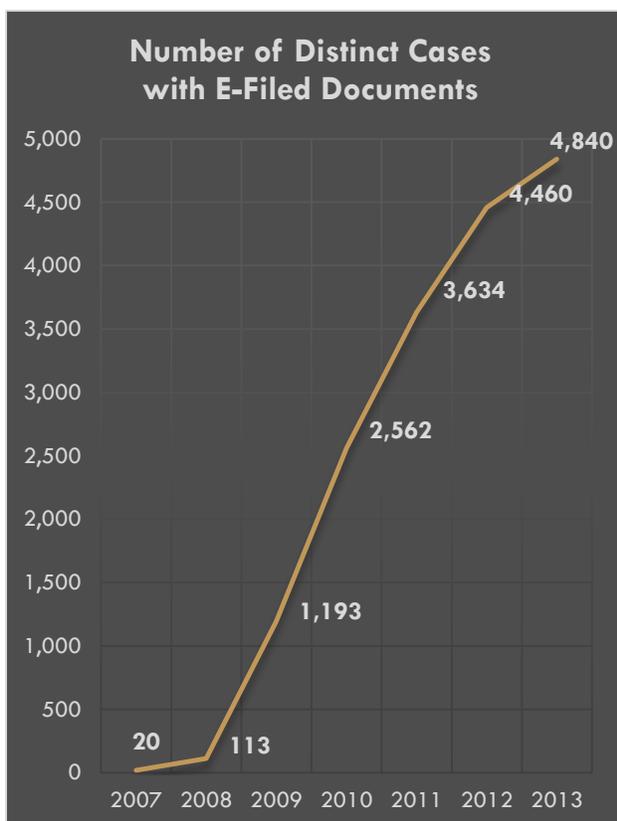
Common libraries in each district office contain current reference materials.

The IOPs were initially developed in 1998 by a task force of judges, court personnel, and appellate practitioners. The IOPs track the numbering system of the court rules and reflect the evolving practices and procedures of the Clerk's Office to implement the requirements of the Michigan Court Rules. The IOPs are updated continuously to reflect new practices or procedures that are occasioned by changes to the court rules or Court policy. The IOPs are available to the public on the Court's website at <http://courts.mi.gov/courts/coa/clerksoffice/pages/iop.aspx>.

Clerk's Office

Electronic Filing

In 2006, the Court deployed an electronic filing system through a third-party vendor (Wiznet Inc., now Tyler Technologies, Inc.) that litigants can use to initiate an appeal or original action, file all pleadings and forms in all case types with electronic cover sheets (including proofs of service), and electronically serve filings on opposing parties. Court fees are paid directly through the e-filing system. Although e-filing is not mandatory, the number of e-filed documents has increased exponentially over the years. At the end of 2013, 47% of the active cases had at least one document that was filed electronically. Of the cases with at least one document that was e-filed in 2013, approximately 63% were civil and 37% were criminal. Further, 51% of all appellant briefs and 61% of all appellee briefs were e-filed. The two bar graphs below show the number of distinct cases with e-filed documents and the total number of e-filed documents for the years 2007 through 2013.



When electronic documents are received and docketed, a link to the document is created in the Court's case management system. The judges and staff can immediately access the document from any location connected to the Court's network.

Training and best practice documents are available on the Court's website that provide guidance for users to create the most useful PDF documents for e-filing, ensure that the e-filings meet the technical requirements of the system and conform to the Michigan Court Rules.

Clerk's Office

Electronic Records

Just as an increasing number of documents are filed and stored electronically, more lower court and tribunal records exist in electronic form only. In 2011, the Court set up a File Transfer Protocol (FTP) server to receive the electronic records on appeal from lower courts and tribunals.

To date, the Court regularly receives records in electronic format directly to its FTP server from the Public Service Commission, 4th Circuit Court (Alpena County), 13th Circuit Court (Grand Traverse County), 16th Circuit Court (Macomb County), 20th Circuit Court (Ottawa County), 6th Circuit Court (Oakland County), and the St. Clair Probate Court. Having records accessible electronically through the Court's case management system allows the judges, law clerks, and staff attorneys to access the records simultaneously and instantly, and greatly reduces costs associated with the physical transfer of the printed records.



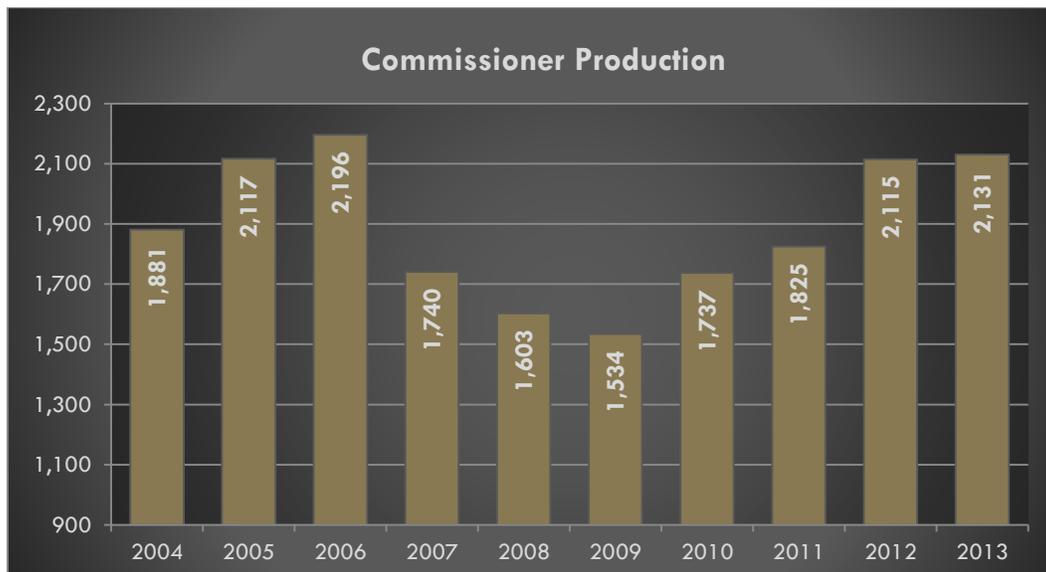
E-records enable the judges, law clerks, and staff attorneys to access the records simultaneously and instantly.

Research Division

Commissioners

The commissioners are experienced staff attorneys whose primary functions are to prepare written reports and proposed orders for (1) applications for leave to appeal (which are discretionary appeals) and any accompanying motions, (2) original actions, such as complaints for writs of habeas corpus, superintending control, and mandamus, and (3) motions to withdraw as counsel in termination of parental rights appeals and criminal appeals. The commissioners also review incoming emergency applications and work closely with the judges to resolve priority matters on an expedited basis. They are also responsible for the jurisdictional review of applications and original actions and for ensuring the pleadings comply with the Michigan Court Rules. The commissioners are located in each of the four district offices — Detroit, Troy, Lansing, and Grand Rapids.

In 2013, the commissioners prepared reports in 2,131 leave applications and miscellaneous matters. The graph below shows the production of commissioner reports for the past ten years.



Research, Senior Research and Contract Attorneys

Research attorneys are typically recent law school graduates who are hired for a period of one to three years. Although these graduates are primarily recruited from in-state law schools, the Research Division also made an on-campus recruitment visit in 2013 to the University of Notre Dame Law School in Indiana. In addition, many students from other out-of-state law schools were interviewed at the Research offices in Detroit, Lansing, and Grand Rapids. In 2013, the research staff represented the in-state law schools of Michigan State University, Thomas M. Cooley, University of Michigan, University of Detroit Mercy, and Wayne State University, and the out-state law schools of Ave Maria (Naples, FL), Boston University (Boston, MA), DePaul (Chicago, IL), Chicago-Kent (Chicago, IL), Howard University (Washington, DC), Indiana University Mauer School of Law (Bloomington, IN), Loyola University

Research Division

(Chicago, IL), Northwestern University (Chicago, IL), Notre Dame (South Bend, IN), University of Illinois at Urbana-Champaign (Urbana, IL), and West Virginia University (Morgantown, WV). Most research attorneys ranked in the top 5 percent of their graduating classes.

The research attorneys generally prepare research reports in cases that are determined to be easy to moderately difficult.¹ A research report is a confidential internal Court document that contains a comprehensive and neutral presentation of the material facts with citation to the lower court record, a recitation of the issues raised by the parties, a summary of the parties' arguments, a thorough analysis of the law and facts on each issue, and a recommendation as to the appropriate disposition. In cases involving non-jurisprudentially significant issues, which do not require a published opinion, the research attorneys also prepare rough draft opinions to accompany the reports. The judges and their law clerks are responsible for preparing those opinions when publication is recommended, as well as editing, refining, or rewriting the rough draft opinions provided by the research attorneys.

Senior research is comprised of experienced attorneys who have worked as a research attorney and as a law clerk to one of the Court's judges, and/or who have worked in private practice or at other courts. Unlike the research attorneys, the tenure of the senior research attorneys is not for a limited duration. The primary function of senior research attorneys is to prepare research reports in the longer or more complex cases for case call. The content of these research reports is the same as those prepared by the research attorneys, but the cases are typically more difficult in nature.² The main office of senior research is located in Detroit, but several attorneys also work in Lansing and Grand Rapids.

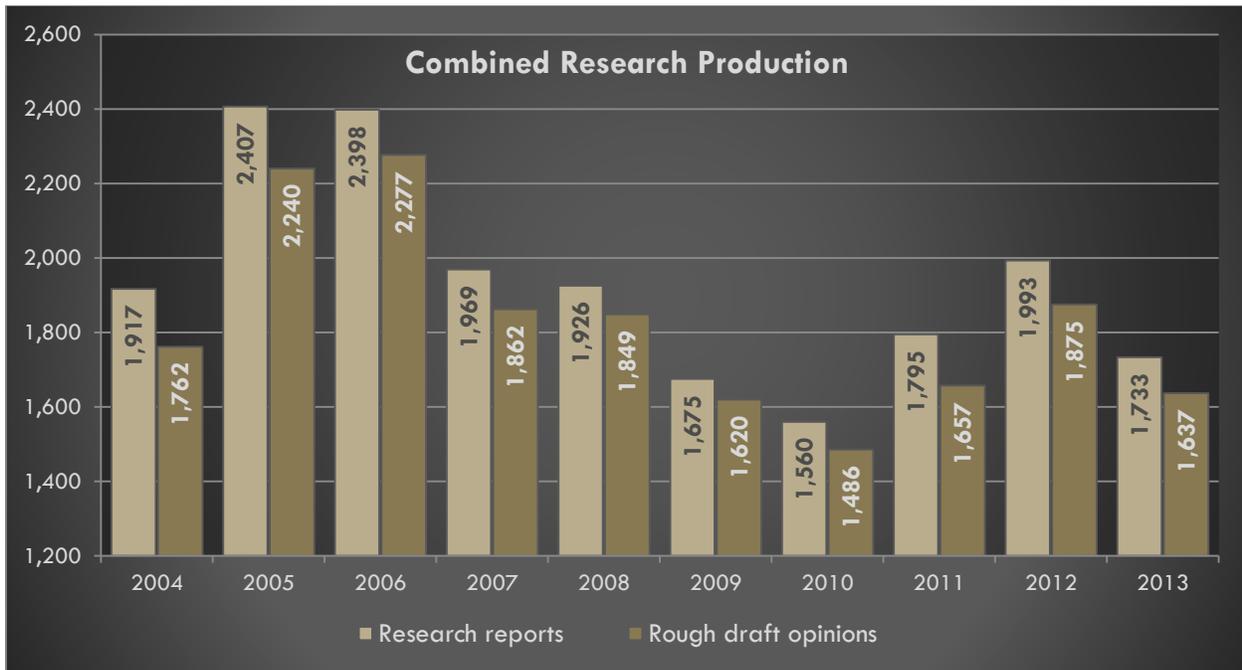
Contract attorneys work for the Court on a contractual basis, primarily preparing reports and rough draft opinions for a significant number of routine criminal and civil appeals, as well as for routine termination of parental rights (TPR) appeals. Most of the contract attorneys previously worked for the Court in research or senior research. The contract attorneys now work from their homes and are not otherwise engaged in the practice of law.

Combined, the research attorneys, senior research attorneys, and contract attorneys prepared 1,733 research reports and 1,637 rough draft opinions in cases that were submitted on case call. The graph on page 16 compares the combined production numbers from 2004 to 2013.

¹ When cases are ready for reports from the Research Division, an experienced staff attorney reviews the lower court records and appellate briefs and, based on established criteria, assigns a day evaluation to them. The day evaluations represent how long it should take an average research attorney to complete reports in the cases. The day evaluations are calculated in whole numbers only (i.e., no fractions of a day). Research attorneys generally work on cases that are evaluated at six days or lower, and are expected to complete the reports within the day evaluations of the cases, as measured on a monthly basis.

² Senior research attorneys generally work on cases that are evaluated at seven days or more (see footnote 1, *supra*). They have higher production requirements than the research attorneys and are expected to complete the reports in approximately 25% less time than the day evaluations.

Research Division



The lower number of reports and opinions from the previous year was due (in part) to an increased emphasis on eliminating a backlog of the larger day-evaluated cases (referred to as “box cases”). As explained further below, there also was a slight decrease in the staffing level and a slight increase in average day evaluations of all cases screened, which also contributed to the decrease in the number of reports and opinions.

The number of research reports and rough draft opinions produced annually by the Research Division correlates directly with the staffing levels and average day evaluations of the cases for any given year.

The table to the right shows the number of research and senior research attorneys, as well as the average day evaluation of the cases, for 2013 and the prior ten years.

	Number of Research & Senior Research Attorneys	Average Day Eval of All Cases Screened
2004	44.8	3.99
2005	45.4	3.97
2006	42.8	3.99
2007	37.5	4.15
2008	36.4	4.06
2009	36.8	3.95
2010	32.4	3.99
2011	35.3	3.88
2012	45.4	4.05
2013	44.6	4.15

Court Highlights

Court of Claims

With the passage of 2013 PA 164, effective November 12, 2013, the Court of Appeals became home to the Michigan Court of Claims. Operation of that Court was previously a function of the 30th Circuit Court in Ingham County. On November 13, 2013, the Michigan Supreme Court unanimously selected Court of Appeals' Judges Michael J. Talbot, Pat M. Donofrio, Deborah A. Servitto, and Amy Ronayne Krause to serve as judges of the Court of Claims. Judge Talbot was named Chief Judge of the Court.



Representatives from the Court of Appeals met with Ingham Circuit Court management and other stakeholders to plan the transition. Approximately 120 active Court of Claims cases were transferred from Ingham Circuit to the Court of Appeals Clerk's Office as of the effective date of the legislation. Chief Judge Talbot immediately issued an order staying all pending Court of Claims matters for a period of 30 days to allow the judges and Clerk's Office to assign and organize the active cases. Over the next few weeks, under the provisions of the statute, several dozen cases pending in the circuit courts were also transferred to the Court of Claims. By year end, the Court of Claims caseload consisted of over 150 open matters.

In December 2013, the Court of Claims contracted with the State Court Administrator's Judicial Information Systems division to provide the Court with its MiCS case management system by February 2014. In addition, the Court retained a project manager to coordinate the remaining aspects of the transition. At the expiration of the 30-day blanket stay order, the new Court of Claims judges began to hold hearings and issue orders on their assigned cases. Policies and procedures, as well as logistical issues, continue to be developed and refined, but at the end of 2013 the Court of Claims was fully functioning in its new location.

Departure and Hiring of Chief Clerk and Research Director

On May 15, 2013, former Chief Clerk and Research Director Larry Royster was recommended to the full Supreme Court to assume the role of Chief Clerk and Chief of Staff to the Michigan Supreme Court. During his 27-year tenure at the Court, Larry was a law clerk for Judge Richard Maher, Supervisor of the senior research attorneys (then known as Advanced Research), Deputy Research Director (under former Research Director Carl Gromek) and then Research Director. Larry was selected to succeed Sandra (Sandy) Schultz Mengel as Chief Clerk in 2011 and continued to serve as Research Director.



Chief Judge Murphy congratulates Larry Royster during a farewell reception.

Court Highlights

On May 23, 2013, the judges and staff gathered for Larry's farewell reception at the Hall of Justice. "I'm sure I speak for the entire Michigan Court of Appeals family, [in thanking Larry] for his dedicated and competent service to this Court over many years, and most recently as Chief Clerk/Research Director," said Chief Judge Murphy. The following day, Chief Justice Robert P. Young, Jr. announced Larry's appointment in a press release stating, "We are extremely fortunate to have someone of Larry's caliber to fill these very important roles for the Court."

Upon the announcement of Larry's departure, Chief Judge Murphy appointed ten judges to a search committee to make a recommendation for the position of Chief Clerk. Before the committee interviewed several internal and external candidates, Chief Judge Murphy named Angela DiSessa, the District Clerk for the Troy Clerk's Office, as "Acting Chief Clerk."

On July 11, 2013, Chief Judge Murphy announced the appointment of Jerome ("Jerry") W. Zimmer, Jr., as Chief Clerk. Jerry, who earned his undergraduate degree in Economics from the University of Michigan and law degree from the Detroit College of Law, joined the Court in 1995 as a prehearing attorney. He served as regulatory counsel for a financial corporation from 1997 to 2000, and returned to the Court as an assistant to then Chief Clerk Sandy Mengel. He then became an assistant clerk in the Troy Clerk's Office and subsequently the district clerk of the Detroit Clerk's Office in 2011. In his press release, Chief Judge Murphy stated, "In all his service to this court, Jerry has addressed critical issues, including delay reduction and use of new technologies, with innovative thinking and sound leadership."



Chief Judge Murphy conducted the swearing-in for Chief Clerk Jerry Zimmer.

On October 9, 2013, Chief Judge Murphy announced the selection of Julie Isola Ruecke as Research Director, stating that, "Julie brings a multitude of experience and leadership skills to the position; the Court will certainly benefit from having someone with her wide-ranging expertise fill this key role." Julie joined the Court of Appeals as a prehearing attorney in 1992. She served as law clerk to the Honorable Myron H. Wahls from 1993 to 1995, before returning to the Research Division as a Prehearing Supervisor. In 1999, Julie became a District Commissioner in the Court's Detroit Office and served in that capacity until being named Research Director in 2013. Prior to her tenure with the Michigan Court of Appeals, Julie was associated with Barris, Sott, Denn & Driker in their litigation department. Julie graduated from Michigan State University with a B.A. in Business Administration and earned her law degree from Wayne State University Law School.

Court Highlights

Ace Award

The Ace Award is named after Donald L. (“Ace”) Byerlein, who served as court administrator from the Court’s inception in 1965 until his retirement in 1997. Mr. Byerlein was known for being conscientious, dedicated, loyal, selfless, upbeat, civil, and possessed a “can-do” attitude. In 1998, the Court created the annual Ace Award in honor of Mr. Byerlein as a way to recognize current Court employees who possess those same qualities. The Ace Award is given to an outstanding employee (or employees) who was nominated by his or her peers and selected by a committee of judges and administrators.

Russell Rudd, Finance Director, was nominated by his peers and selected by a committee of judges and administrators as the 16th annual recipient of the Ace Award. Russ is a 1982 graduate of the University



Russ Rudd, Finance Director,
and Chief Judge Murphy.

of Michigan and worked in city and township governments before joining the Court in May of 2003. Those who nominated Russ described him as financially savvy, helpful with any questions, and committed to making the Court function more efficiently and smoothly. The nominations also noted his willingness to engage in “hard physical work” in order to cut costs and to complete office renovation projects timely and properly (with one nomination referring to Russ as “a Jack of all Trades”). These fellow workers also pointed out that Russ consistently has a pleasant and cheerful manner and positive attitude.

At the ceremony in June of 2013, Chief Judge Murphy presented the award to Russ. In addition, Sandy Justian (Judicial Assistant to Chief Judge Pro Tem David Sawyer) presented Russ with the “Travel Expense Voucher Award” on behalf of the judicial assistants in recognition of his dedication to assisting the JAs with online expense vouchers.

Court Highlights

Prior Ace Award honorees include:

Year	Ace Award Recipient(s)	Office Location
2013	Russell Rudd, Finance Director	Lansing
2012	Irene Coffee, Judicial Assistant	Grand Rapids
2011	Kathy Donovan, Technology Training Specialist	Lansing
2010	Matthew Johnson, Docket Clerk	Troy
2009	Anna Campbell, Judicial Assistant	Detroit
2008	Martha Sutton, Judicial Assistant	Lansing
	-and- Claudette Bexell Frame, Judicial Assistant	Lansing
2007	Rebekah Neely, Programmer (awarded posthumously)	Lansing
2006	Bob Kwiatkowski, Lead Court Officer	Detroit
2005	Thomas Rasdale, Assistant Clerk	Lansing
2004	Carol Abdo, PC Network Specialist	Lansing
	-and- Bobbie Dembowski, Commissioner Assistant	Lansing
2003	Elizabeth Gordon, Research Support	Lansing
2002	Suzanne Gammon, Judicial Assistant	Saginaw
2001	Mark Stoddard, District Commissioner	Grand Rapids
2000	John Pratt, Court Officer	Lansing
1999	Deborah Messing, Judicial Assistant	Petoskey
1998	Mary Lu Hickner, Deputy Clerk	Lansing

Court Highlights

Service Recognition

In June of every year, the Court recognizes current employees who have celebrated a five-year incremental anniversary with the Court during the preceding twelve months. In 2013, service recognition ceremonies were held in Detroit, Troy, Lansing, and Grand Rapids to honor thirty-two employees who represented 480 years of combined service. The employees were awarded lapel pins and certificates that indicate the individual's specific years of service. Immediately following the ceremonies, the Court also recognizes the contributions of all employees to the effective operation of the Court with a brief party and social gathering. Pictured below are those employees who were recognized for their service to the Court in 2013.



Troy Service Pin Recipients (above)

Detroit Service Pin Recipients (left)

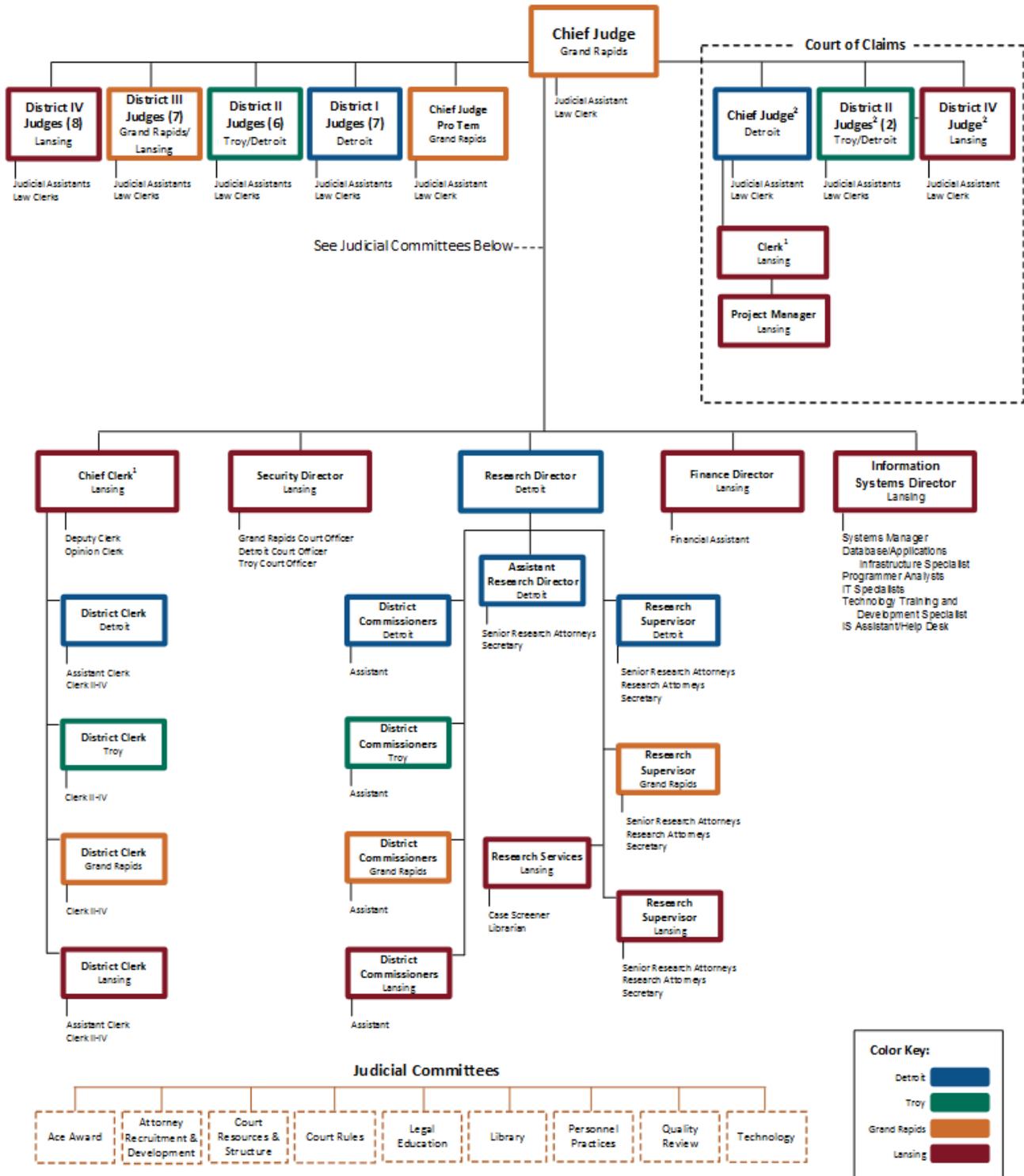


Grand Rapids Service Pin Recipient



Lansing Service Pin Recipients

Organizational Chart



¹ The Chief Clerk for the Court of Appeals is also the Clerk for the Court of Claims.

² These Judges are also Judges for the Court of Appeals.

December 2013

Directory

Jerome W. Zimmer, Jr.
Chief Clerk
Hall of Justice
925 West Ottawa Street
P.O. Box 30022
Lansing, MI 48909-7522
(517) 373-2252

Julie Isola Ruecke
Research Director
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3020 West Grand Boulevard
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Detroit, MI 48202-6020
(313) 972-5820

District I Clerk's Office – Detroit
John P. Lowe, District Clerk
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(313) 972-5678

District II Clerk's Office – Troy
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District III Clerk's Office – Grand Rapids
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District IV Clerk's Office – Lansing
Kimberly S. Hauser, District Clerk
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(517) 373-0786

Denise Devine
Information Systems Director
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Court of Appeals website address: <http://courts.mi.gov/courts/coa>

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For more information, visit <http://courts.mi.gov/courts/coa>



Michigan Court of Appeals Judge Biographies

Judge Michael J. Talbot is the Chief Judge of the Michigan Court of Appeals. Judge Talbot was appointed by Governor John Engler to the Michigan Court of Appeals in 1998. In May 2013, he was appointed by the Michigan Supreme Court to serve as the Special Judicial Administrator of Detroit's 36th District Court, which he served as until September 2014. Previously, Judge Talbot had been appointed by governors of Michigan to serve as a judge of the Wayne Circuit, Detroit Recorder's, and Detroit Common Pleas courts. Judge Talbot also worked as an attorney in private practice. He was a member of the Judicial Tenure Commission from 2004 to 2010 and presently serves by appointment of the Michigan Supreme Court as chair of the Court Reporting Board of Review. Judge Talbot is the Chair of the Board of Trustees of Madonna University, Trustee of Sacred Heart Major Seminary, and Trustee of the Archdiocese of Detroit Endowment Fund. He is the past chair of the Board of Education for the Archdiocese of Detroit and presently serves as Chair of the Archdiocese of Detroit Review Board. Judge Talbot received his bachelor's degree from Georgetown University and his law degree from the University of Detroit. His term expires January 1, 2021.

Judge Christopher M. Murray is the Chief Judge Pro Tem of the Michigan Court of Appeals. Judge Murray was appointed to the Court of Appeals in 2002, was elected to full terms in 2002, 2008, and 2014, and previously served as a judge on the Wayne Circuit Court, as Deputy Legal Counsel to Governor John Engler and as an attorney in private practice. Judge Murray currently serves as chair of the Board of Advisors for the Michigan Chapter of the Federalist Society, and serves on the Michigan Board of Law Examiners. He is a former member of the Board of Directors of the Catholic Lawyers' Society, Irish Lawyers and the Detroit Metropolitan Bar Association, the University of Detroit Mercy Inns of Court and is past president of the DMBA Inns of Court. Judge Murray was also a member on the Committee of Model Civil Jury Instructions. He is a graduate of Hillsdale College and the University of Detroit Mercy School of Law.

Judge David H. Sawyer was elected to the Court in 1986, and his present term expires January 1, 2017. He received his bachelor's degree from the University of Arizona and his law degree from Valparaiso School of Law. He was the Kent County Prosecuting Attorney and Past President of the Prosecuting Attorneys Association of Michigan. He served as Chief Judge Pro Tem of the Court from November 2009 through December 2014. He has served since January 2010 as the Court's representative on the Michigan Judicial Tenure Commission and currently holds the position of Chairperson.

Judge William B. Murphy was appointed to the Court in 1988, and subsequently elected on 5 occasions. Judge Murphy served as Chief Judge Pro Tem from 1992-96. In November 2009, Judge Murphy was selected as the eighth Chief Judge of the Michigan Court of Appeals and served in that capacity until January 2015. He was elected three times by his colleagues as a member of the Judicial Tenure Commission and served two terms as its chairperson. Prior to joining the Court, he was a member of the East Grand Rapids City Commission, a law clerk for the Michigan Court of Appeals, and he worked as an attorney in private practice for 17 years. Judge Murphy has served and continues to serve on numerous civic and bar related organizations and participates regularly as a guest lecturer to students and lawyers. He is an Adjunct Professor at Western Michigan University/Thomas M. Cooley Law School. Judge Murphy serves on the Executive Committee and is the Vice President of the Council of Chief Judges of the State Courts of Appeal. Judge Murphy received his bachelor's degree from Michigan State University and his law degree from Wayne State University, *cum laude*.

Judge Mark J. Cavanagh was elected to the Court in 1988. Previously, he worked as a special assistant attorney general, as an assistant Wayne County prosecutor, and as an attorney in private practice. Judge Cavanagh received his bachelor's degree from the University of Michigan and his law degree from the Detroit College of Law. His term expires January 1, 2021.

Judge Kathleen Jansen was appointed to the Court of Appeals in 1989. In November 1982, she was the first woman ever to be elected to the Macomb County Probate Court. In November 1984, she was the first woman elected to the Macomb County Circuit Court. Prior to her

elections, she worked as an attorney in private practice. Judge Jansen received her Bachelor of Science Degree from Michigan State University and attended Western Washington State University for graduate studies. She obtained her law degree from the University of Detroit Law School in 1982. Her term expires January 1, 2019.

Judge Henry William Saad was appointed to the Court in 1994, was elected for a six-year term in 1996, and was re-elected in 2002 and 2008. Prior to joining the bench, Judge Saad was a partner at Dickinson, Wright, Moon, Van Dusen & Freeman, where he practiced law for 20 years. Judge Saad received his bachelor's degree from Wayne State University School of Business with honors and his law degree from Wayne State University, magna cum laude.

Judge Joel P. Hoekstra was elected to the Court in 1994. Previously, he worked as an assistant Kent County prosecuting attorney, as a district court judge, and as an adjunct faculty member of Calvin College. Judge Hoekstra received his bachelor's degree from Calvin College and his law degree from Valparaiso University.

Judge Jane E. Markey a native of Saginaw, was elected to Grand Rapids 61st District Court in 1990, becoming the 2nd woman to serve on that bench. Four years later, she was elected to the Michigan Court of Appeals, finishing 2nd in an original field of twenty. Judge Markey graduated with high honors from Michigan State University with a B.A. in Spanish/English and Secondary Education. After five years of teaching and working for the Dept. of Social Services, she began pursuing her long-time dream of becoming an attorney. She graduated *cum laude* from Western Michigan University/Thomas M. Cooley Law School, was the school's first Editor-in-Chief of Law Review, and has served as member of the Board of Directors since 1995. Rather prophetically, she began her legal career as a Pre-hearing/law clerk with the Court of Appeals. In 1982 she joined the firm of Baxter & Hammond and in 1984, Dykema Gossett where she practiced civil litigation and appellate work until elected to the bench. She is a frequent speaker, faculty member, and panelist for legal and civic organizations and is a current and past board member of several organizations. In 2013 she was chosen as one of the Fifty Most Influential Women in West Michigan.

Judge Peter D. O’Connell was elected in 1994 and currently serves on the Michigan Court of Appeals in the Hall of Justice in Lansing, Michigan. He was a District Court Judge for 16 years prior to his election to the Court of Appeals and also served as the Chief Assistant Prosecutor in Isabella County. He holds a Juris Doctorate from Detroit College of Law and was the first trial judge in the State of Michigan to obtain a Masters of Judicial Studies Degree from the University of Nevada-Reno. He has served on the faculty of the Michigan Judicial Institute, the Institute of Continuing Legal Education, the Prosecuting Attorneys Association of Michigan, and the National Judicial College. Judge O’Connell has also served as an instructor at New Judge’s School and is an adjunct professor at Western Michigan University/Thomas M. Cooley Law School and Central Michigan University.

Judge Kurtis T. Wilder was appointed to the Court of Appeals by Governor John Engler in December, 1998, elected in 2000 and reelected in 2004 and 2010. Previously, Judge Wilder was Chief Judge of the Washtenaw County Trial Court. Before taking the bench, Judge Wilder practiced law with the law firms of Foster, Swift, Collins & Smith, P.C. (Lansing) and Butzel Long, P.C., (Detroit). He graduated from the University of Michigan with an A.B. degree in Political Science in 1981, and from the University of Michigan Law School with a Juris Doctor degree in 1984. Judge Wilder holds memberships in the State Bar of Michigan; the Fellows of the Michigan State Bar Foundation; the Michigan Judges Association; the Association of Black Judges of Michigan; the Federalist Society, Board of Advisors, Lawyers Division-Michigan Chapter; and the Wolverine Bar Association. He has served on numerous court-related advisory committees by appointment of the Michigan Supreme Court, and on numerous State Bar of Michigan committees. Judge Wilder is also a former chair of the State of Michigan Community Corrections Advisory Board, and serves on the Boards of the Interlochen Center for the Arts, Detroit Symphony Orchestra, and Nonprofit Enterprise at Work (NEW).

Judge Patrick M. Meter was appointed to the Court in 1999. Previously, he served as a judge of the Saginaw Circuit Court, and he worked as a prosecuting attorney for Saginaw County and as an attorney in private practice. Judge Meter received his bachelor's and law degrees from the University of Notre Dame.

Judge Donald S. Owens was appointed to the Court in 1999, elected in 2000, and reelected in 2004 and 2010. Previously, he served as judge of the Ingham County Probate Court from 1974 to 1999 and of the Ingham County Circuit Court (by permanent assignment) from January 1998 to December 1999. Before that, he was an attorney in private practice in Lansing. Judge Owens received his bachelor's, master's and law degrees from the University of Michigan. His views on the law have been sought by *Time* magazine, *U.S. News and World Report*, the British Broadcasting Corporation, the *Detroit News*, the *Detroit Free Press*, and the *Minneapolis Star-Tribune*, among others, and he has been interviewed on television news programs such as the CBS Morning News, CBS's Up to the Minute with Morley Safer, ABC's Nightline with Ted Koppel, and Cable News Network. He has served as Michigan Guardianship Ombudsman, president of the Michigan Probate Judges Association and chair of the Judicial Conference of the State Bar, among others. Considered by many to be a leading authority on laws affecting children and families in Michigan, Judge Owens has taught juvenile law to fellow judges, lawyers, police officers, and social workers throughout the state for over 35 years. His term expires on January 1, 2017.

Judge Kirsten Frank Kelly was elected to the Court of Appeals in 2000 and re-elected in 2006 and 2012. Prior to her election to the Court of Appeals, Judge Kelly was appointed to the Wayne County Circuit Court by Governor John Engler in 1994, where she was appointed the presiding judge of the Family Division in 1997 and presiding judge of the Juvenile Division in 1999. She was elected a municipal judge in 1987, and twice reelected. Judge Kelly serves on the Rules and Family Law committees of the Michigan Judges Association and has previously served as president of the Michigan Association of Municipal Judges and on the board of directors of the Michigan District Judges Association. Prior to her judicial career she practiced civil litigation as a partner at the Detroit law firm of Durant and Durant, after graduating from the University of Detroit Mercy School of Law.

Judge Pat M. Donofrio, of Macomb Township, was appointed to the Court of Appeals in 2002 and elected in 2004 and 2010. In 2013, he was judicially appointed to serve on the Court of Claims as part of the Michigan Court of Appeals. He previously served as a Macomb County

Circuit Court Judge after appointment and election in 1997 and 1998 respectively. From 1998 until appointment to the Michigan Court of Appeals, he served as the presiding judge of the civil/criminal division of the circuit court. Judge Donofrio attended the University of Michigan and Wayne State University, received a Bachelor of Science degree from Wayne State University in 1967 and earned his Juris Doctor degree from the Wayne State University Law School in 1970. At the time of entry into the judiciary, Judge Donofrio served as president of a major litigation law firm. Judge Donofrio is a member of the Michigan Judges Association, the State Bar of Michigan and several local bar associations. He served on the Judicial Crossroads Task force, a sanctioned independent organization endeavoring to create structural efficiencies and reduce costs across the entire judiciary. Judge Donofrio served as Chancellor of the American Inn of Court, Oakland County Bar division, an organization dedicated to the training of new lawyers in the effective and ethical practice of law. Judge Donofrio serves on both the court resources and structure committee and quality review committee and has served on the executive, delay reduction, and settlement committees. He has served on the faculty at the Institute for Continuing Legal Education, the National Judicial College, and the Michigan Judicial Institute. Judge Donofrio served three terms on the Michigan Supreme Court Committee on Model Civil Jury Instructions and served on the Michigan Supreme Court Task Force on Trial Court Performance Standards. He has earned certificates of accomplishment from the National Judicial College and the National Drug Court Institute. Judge Donofrio has presented numerous guest lectures. He is married with two children and one grandchild. His term expires January 1, 2017.

Judge Karen Fort Hood made history in November 2002 when she became the first black woman to be elected to the Michigan Court of Appeals. She was born in Detroit, Michigan, received her undergraduate degree in 1980 from the Regents College of the University of the State of New York at Albany, and her law degree in 1989 from the Detroit College of Law. Early in her career, Judge Hood worked as a teacher for the Detroit Public Schools, a probation officer, and served as a Special Assistant Prosecutor and Assistant Prosecuting Attorney for the Juvenile and Appellate divisions of the Wayne County Prosecutor's office. Judge Hood was elected to the Recorder's Court bench in 1992. In 1997, she was elected to the Wayne County Circuit Court, where she was appointed Presiding Judge over the Criminal Division in 1999.

Judge Hood's professional affiliations include the Association of Black Judges of Michigan, the Wolverine Bar Association, and the National Bar Association.

Judge Stephen L. Borrello was born in Saginaw, Michigan in 1959. He received his B.A. from Albion College in 1981, and his J.D. from the Detroit College of Law in 1984. Judge Borrello was Governor Granholm's first appointment to the Michigan Court of Appeals on June 9, 2003 and he was elected in November of 2004 and re-elected in 2006 and 2012. Prior to his appointment he was an assistant prosecuting attorney in Saginaw County before becoming a shareholder in the firm of Gilbert, Smith & Borrello, P.C. Judge Borrello was a co-chair with Governor Jennifer Granholm on Carl Levin's judicial selection committee for the Eastern District of Michigan. Judge Borrello was also appointed by Governor John Engler to serve as a member of the State Board of Canvassers. He is currently an adjunct professor in the Department of Criminal Justice at Saginaw Valley State University where he teaches courses in Criminal Procedure and Evidence.

Judge Deborah A. Servitto was born February 17, 1956, in Sewickley, Pennsylvania. She graduated from Oakland University in 1978 with a Bachelor of Arts degree in Political Science and from the Detroit College of Law with a Juris Doctor degree in 1982. She served from 1982 to 1986 as the first female assistant city attorney for the city of Warren. In 1986, Judge Servitto was elected to the 37th District Court. Governor James J. Blanchard appointed Judge Servitto to the Macomb Circuit Court in 1990, and she subsequently was elected three times to that court. Governor Jennifer M. Granholm appointed Judge Servitto to the Court of Appeals effective March 23, 2006.

Judge Jane M. Beckering has served on the Michigan Court of Appeals since 2007. She began her career at McDermott, Will & Emery, PC in Chicago, Illinois, and later returned to her hometown of Grand Rapids, Michigan and co-founded Buchanan & Beckering, PLC. During her 17 years in private practice she focused on litigation and earned an AV rating by Martindale-Hubbell. She was listed in "The Best Lawyers of America" and was ranked in the "Top 100 Lawyers" and the "Top 50 Women Lawyers" as designated by "Michigan Super Lawyers."

Judge Beckering received her undergraduate degree (with distinction) from the University of Michigan and her law degree (cum laude) from the University of Wisconsin. She is a member of the Michigan Supreme Court Committee on Model Civil Jury Instructions and the Steering Committee for the Hillman Trial Advocacy Program. Judge Beckering is also a co-editor of Michigan Civil Procedure, published by the Institute of Continuing Legal Education.

Judge Elizabeth L. Gleicher was appointed to the Court in 2007. Previously, she was an attorney in private practice for twenty-seven years. She began her career at Goodman, Eden, Millender & Bedrosian in Detroit, and opened her own litigation practice in 1994. She is an elected Fellow of the International Society of Barristers (2004) and the American College of Trial Lawyers (2005). She received the Respected Advocate Award from the Michigan Defense Trial Counsel in 2005 and the State Bar of Michigan Champion of Justice Award in 2001. Judge Gleicher has served on the faculty of the Institute for Continuing Legal Education and as an Adjunct Professor at Wayne State University Law School. She received her bachelor's degree from Carleton College in Northfield, Minnesota, and her law degree from Wayne State University Law School.

Judge Cynthia Diane Stephens served as Judge of the Third Circuit Court and the 36th District Court prior to her appointment to the Court of Appeals in 2008. An Emory Law School graduate, Judge Stephens has been admitted to practice in Georgia, Texas, and Michigan. She was the Vice Chair of the Wayne County Charter Commission, Associate General Counsel to the Michigan Senate, Regional Director for the National Conference of Black Lawyers-Atlanta office, and consultant to the National League of Cities Veterans Discharge Upgrade Project. She has served as adjunct faculty at Wayne State University Law School, the Detroit College of Law and the University of Detroit Mercy School of Law. She has been active in bar work including 16 years as a Commissioner of the State Bar of Michigan. She is the co-chair of the Diversity and Inclusion Advisory Committee. Judge Stephens has held leadership positions in the Association of Black Judges of Michigan and the National Bar Association. She serves on the board of the National Consortium on Racial and Ethnic Fairness in the Court. An author of numerous publications she was awarded the Roberts P. Hudson Award in 2005.

Judge Michael J. Kelly was elected to the Court in 2008. After serving as a judicial advisory assistant to a circuit court judge, he worked as a trial lawyer in private practice for twenty years. He attended Michigan State University and earned his B.A. from the University of Michigan – Flint in 1984. Following his enrollment at the Detroit College of Law, he was accepted as a participant in the London Law Program at Regents College in London, England, in 1987 and received his J.D. from the D.C.L. in 1988. He is currently an adjunct professor in the Department of Criminal Justice at Ferris State University where he teaches Criminal Law and Procedure. Term expires January 1, 2021.

Judge Douglas B. Shapiro was born in 1954 in New York City, New York. He earned a Bachelor of Arts in History with high distinction from the University of Michigan in 1983. He received his Juris Doctor degree, cum laude, from the University of Michigan Law School, in 1986. He also studied at Adam Mickiewicz University in Poznan, Poland. Following law school, Judge Shapiro served as a law clerk to Justice James H. Brickley of the Michigan Supreme Court and then as an assistant appellate defender before entering civil trial practice in 1991. In 1995, he became a partner in the law firm of Muth and Shapiro, P.C., where he specialized in personal injury litigation until his appointment on February 2, 2009, as a judge on the Michigan Court of Appeals.

Judge Amy Ronayne Krause has been on the Court of Appeals since December 2010. Previously, she served as a judge on the 54-A District Court in Lansing for nearly eight years. Judge Ronayne Krause received her Bachelor of Arts from the University of Michigan and her Juris Doctor from the University of Notre Dame. Judge Ronayne Krause began her legal career as a litigation attorney for a private law firm and then served eight years as an assistant prosecuting attorney. In 1997, she was appointed an assistant attorney general by then Attorney General Frank J. Kelley and was the first recipient of the Frank J. Kelley Award for Excellence in Trial Advocacy. Judge Ronayne Krause worked for the Attorney General's office for six years. Before taking the bench, Judge Ronayne Krause was elected to serve on the Ingham County Board of Commissioners, during which time she chaired the Law and Courts Committee. In September 2007, Judge Ronayne Krause was recognized statewide for her outstanding work

with the State Bar of Michigan's Champion of Justice Award. She has served her community as a board member of the Lansing Educational Advancement Foundation (LEAF), the Uplift Our Youth Foundation, and is currently on the American Red Cross Board of Directors for the Great Lakes Region. Judge Ronayne Krause was appointed in 2011 by the Speaker of the House and the Senate Majority Leader to the State Drug Treatment Court Advisory Committee and is currently Chair of the committee.

Judge Mark T. Boonstra was appointed to the Court of Appeals by Governor Rick Snyder in March, 2012, and he was subsequently elected in 2012 and 2014. His current term expires on January 1, 2021. Prior to serving on the Court, Judge Boonstra was a senior principal in the law firm of Miller, Canfield, Paddock and Stone, P.L.C., where he practiced law for 27 years, including serving as a Deputy Chair of the firm's Litigation practice group and as Co-Chair of its Appellate Practice section. At the time he joined the Court, he was recognized in Best Lawyers in America in the areas of: Antitrust Law; Appellate Practice; Bet-the-Company Litigation; Commercial Litigation; Litigation - Antitrust; Litigation - First Amendment; and Litigation - Securities. He previously also served as a Law Clerk to Hon. Ralph B. Guy, Jr., in the United States District Court for the Eastern District of Michigan from 1983 to 1985. Judge Boonstra graduated from the University of Michigan in 1983 with both a Juris Doctor degree and with a Master of Applied Economics Degree. He is also a 1979 Phi Beta Kappa graduate of Michigan State University, with a B.A. in Political Science. A native of Muskegon, Michigan, Judge Boonstra graduated from Western Michigan Christian High School in 1975. Judge Boonstra has been active in the State Bar of Michigan, including serving in the Representative Assembly (2005-2011), and as Chair of the Section on Antitrust, Franchising, and Trade Regulation (2000-2001), and is a Fellow of the Michigan State Bar Foundation. He also currently serves on the Michigan Supreme Court Committee on Model Civil Jury Instructions, and as Chair of the Michigan Judges Retirement Board. Judge Boonstra also has served in a leadership capacity in a variety of other community and civic organizations.

Judge Michael J. Riordan was appointed by Governor Rick Snyder to the Michigan Court of Appeals on March 16, 2012 and he was elected to a six-year term commencing January 1, 2013.

Previously, Judge Riordan worked as an Assistant United States Attorney for the Eastern District of Michigan; as an Assistant General Counsel for the Northwestern Mutual Financial Network; and as a Senior Attorney in the Enforcement Division of the United States Securities and Exchange Commission. Upon his graduation from law school, Judge Riordan served a two-year clerkship to the Honorable Robert E. DeMascio, United States District Judge for the Eastern District of Michigan. Judge Riordan serves as a professor of securities regulation and business organizations at the University of Detroit Mercy School of Law and was elected Adjunct Professor of the Year in 2010. Judge Riordan has been a member of the State Bar of Michigan's Board of Commissioners since 2006. He is a member of the Federalist Society, is a past-president of the Michigan Lawyers Chapter and now serves on its board of advisors. He is the immediate past-president of the Federal Bar Association of the Eastern District of Michigan and is a past-president of the Incorporated Society of Irish-American Lawyers. He is vice-president of the University of Detroit Mercy School of Law Alumni Association and is on the board of the Catholic Lawyers Society. Judge Riordan received his BA from Michigan State University and his JD, cum laude, from the University of Detroit Mercy School of Law.

Judge Michael F. Gadola Judge Gadola was appointed to the court effective January 5, 2015. He is a graduate of Michigan State University's James Madison College (B.A., 1985) and graduated with honors from the Wayne State University Law School (J.D., 1990), where he served as Editor-in-Chief of the Wayne Law Review. He practiced law with the Dickinson Wright law firm in both Detroit and Lansing. He served as Deputy Legal Counsel, Counsel for Executive Organization, and Director of the Office of Regulatory Reform for Governor John Engler. He went on to serve as House Majority Counsel in the Michigan Legislature and as Michigan Supreme Court Counsel. He then served as Legal Counsel to Governor Rick Snyder. Judge Gadola is a fellow of the Michigan State Bar Foundation, a member of the Michigan Supreme Court Historical Society, a member of the Advisory Board for the Michigan Chapter of the Federalist Society, and is a former chairman of the Saint Vincent Catholic Charities board of directors and former board member of the Boys & Girls Club of Lansing. Judge Gadola and his wife Preeti Gadola, also an attorney, reside in the mid-Michigan area with their two children. Term expires January 1, 2017.

Judge William C. Whitbeck served on the Michigan Court of Appeals from his appointment in October, 1997 until his retirement in November, 2014. Judge Whitbeck served six years as Chief Judge and two years as Chief Judge Pro Tem. In private practice for over 20 years, Judge Whitbeck was a partner in the law firms of Honigman Miller, Dykema Gossett, and McLellan, Schlaybaugh & Whitbeck. Judge Whitbeck also served in the administrations of three Michigan Governors: George Romney, William Milliken, and John Engler. He was a member of the transition teams of President Ronald Reagan and Governor Engler. Judge Whitbeck graduated from the University of Michigan Law School in 1966 and Northwestern University School of Journalism in 1963. Judge Whitbeck's first legal mystery, *To Account for Murder*, was published in November 2010. He is hard at work at his second book, another legal mystery, with the working title of *A Rendezvous with Death*.

BY THE NUMBERS: THE MICHIGAN COURT OF APPEALS AT 50 YEARS

- A caseload of **365** cases transferred from the Michigan Supreme Court greeted the **9** new Judges and **45** employees of the Court of Appeals at its opening on **January 12, 1965**. By the end of that year, the Court had received **1,235** case filings. Filings increased steadily each year to a high of **13,352** cases in **1992**. As of its **50th** anniversary, over **325,000** cases have been filed with the Court of Appeals.
- The Judges of the Court of Appeals have issued over **151,700** dispositive opinions in the Court's first **50** years. Of those, over **28,300** are published opinions reported in the **306** volumes of the Michigan Appeals Reports.
- **82** Judges have served on the Court of Appeals bench; **41** reached the Court of Appeals initially by election and **41** were by appointment of the Governor. **13** Judges have gone on to serve on the Michigan Supreme Court and **3** others were subsequently appointed to the federal bench.
- The **1st** female member of the Court of Appeals bench was former-Justice Dorothy Comstock Riley; she was appointed by Governor William G. Milliken in **1976**. Since Justice Riley's appointment, **19** more women have been elected or appointed to the Court.
- **28** years by current Judge David H. Sawyer represents the longest term of service as a Judge of the Court of Appeals. The shortest term was **1.5** years by Judge John D. Watts, an original member of the Court who died in office in **June 1966**.
- **3** employees have served the Court of Appeals for more than **40** years. Elizabeth Pyzik was the last of the Court's original employees when she retired in **2009** after nearly **41** years with the Court. In **2015**, current employees Annie Madigan and Barbara Buckley will achieve **41** and **40** years of service respectively.
- The Court of Appeals centralized research staff was a **1st** of its kind when Chief Judge T. John Lesinski introduced it in **1968**, possibly his most lasting legacy to the Court. Since its inception, well over **1,000** young attorneys have started their careers with the Court and have gone on to distinguished careers as practitioners, judges, justices, and court administrators, making a remarkable impact on Michigan jurisprudence.
- Since the Court of Appeals implemented its voluntary electronic filing (e-filing) system in **2006**, over **206,000** documents in roughly **17,500** cases have been electronically filed. E-filings have increased exponentially over the years, from roughly **1,000** filings per year to over **50,000** filings in recent years. In **January 2015**, the Court will take the next step in this technological evolution, partnering with the Michigan Supreme Court in the adoption of a new e-filing solution for both Courts developed by ImageSoft Inc. of Southfield.
- In **2010**, the Court of Appeals began to accept electronic case records from lower courts. Initially filed on compact discs, the e-records are now received by electronic file transfer directly into Court servers. In the first **4** years the Court has received over **1,700** electronic case records from several circuit courts, **1,300** from Oakland Circuit Court alone. Other courts that regularly provide e-records are Macomb, Grand Traverse, and Alpena Circuit Courts.