



Michigan Supreme Court

State Court Administrative Office
Michigan Hall of Justice
P.O. Box 30048
Lansing, Michigan 48909
Phone (517) 373-0128

John A. Hohman, Jr.
State Court Administrator

MEMORANDUM

DATE: September 3, 2014

TO: Circuit Court Administrators
County Clerks
District Court Administrators/Clerks
Probate Court Administrators/Registers

FROM: John A. Hohman, Jr.

RE: Updates to Records and Case File Management Policies, Procedures, and Standards

As a result of the enactment of 2013 PA 199 and 201 and certain amendments of court rules regarding court records adopted in the past few years, various State Court Administrative Office materials have been updated. Attached are revisions to the:

- 1) [General Records Retention and Disposal Schedule #16 – Michigan Trial Courts](#),
- 2) [Michigan Trial Court Case File Management Standards](#),
- 3) [Michigan Trial Court Guidelines and Standards for Digital Imaging](#), and
- 4) Revised [Model LAO 8 – Inspection, Reproduction, and Creation of Records](#). In addition, SCAO Administrative Memorandum 2005-06 is rescinded, effective immediately.

In light of the revisions to Model LAO 8, courts must resubmit their local administrative orders concerning inspection, reproduction, and creation of records by December 31, 2014. Please note that the revised model addresses more clearly that charging access fees is not authorized. MCR 8.119 was amended in 2013 in anticipation of statutory authority to allow the Supreme Court to enter an order authorizing such access fees. However, that proposed legislation was substantially amended during the legislative process and the authority to set fees was not granted to the court.

Reproduction of Original Documents

The Records Reproduction Act (MCL 24.401 - 406) authorizes the reproduction of public records by Michigan government entities. Trial courts that want to destroy original documents

and use their digital images or microfilm as the official record must create their images according to the state of Michigan's standards. Trial courts that choose to maintain records in digital format must also comply with the state standards and the Michigan Trial Court Guidelines and Standards for Digital Imaging (link noted above).

In addition, with the passage of 2013 PA 199 and 201, a number of statutes were amended to remove the minimum retention period for maintaining paper originals of court documents. Act 199 (MCL 600.1428) also granted the State Court Administrative Office authority to establish and maintain records management policies and procedures for the courts in this regard. Pursuant to that statute, the State Court Administrative Office has adopted the state government standards and best practices, permitting any paper original document that is reproduced in accordance with the Records Reproduction Act and the state of Michigan's standards to be destroyed at any time after the document is filed with the court.

Long-Term Retention

Courts also now have more options for long-term record retention. To ensure the integrity of trial court records and to adequately comply with the long-term retention periods required by General Schedule 16-Records Retention and Disposal Schedule for Michigan Trial Courts (link noted above), trial courts must comply with the standards established by the State Court Administrative Office and the technical standards established by Records Management Services of the Michigan Department of Technology, Management and Budget. In addition to these standards, best practices have been created by Records Management Services, which can be followed by trial courts except as otherwise indicated in this memorandum or where they are in conflict with the Michigan Trial Court Case File Management Standards, court rules and statutes, and General Schedule 16-Records Retention and Disposal Schedule for Michigan Trial Courts.

After the retention period has expired, a court may dispose of its records (regardless of the format) in accordance with General Schedule 16-Records Retention and Disposal Schedule for Michigan Trial Courts and MCR 8.119(K).

State of Michigan Standards and Best Practices

Listed below are links to the state of Michigan's standards:

[Technical Standards for Capturing Digital Images from Paper or Microfilm](#)
[Technical Standards for Capturing Microfilm Images from Paper](#)
[Technical Standards for Microfilming Digital Records](#)

The best practices are found under the following titles:

[Best Practices for Reproducing Public Records](#)
[Best Practices for Capture of Digital Images from Paper or Microfilm](#)

Updates to Records and Case File Management Policies,
Procedures, and Standards
September 3, 2014
Page 3 of 3

[Best Practices for the Microfilming of Paper Records](#)
[Best Practices for the Microfilming of Digitized Records](#)

Questions may be directed to Amy Garoushi at 517-373-4864 or elgaroushia@courts.mi.gov.

Attachments