

# Michigan Court of Appeals

When Someone Files an Appeal From Your Court Victory



## Appellee's Guide

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## **Court of Appeals Contact Information**

**All contacts with, and documents filed in, the Court of Appeals must be through one of the clerk's offices listed below. You may use whichever is most convenient for you.**

### **Addresses and Telephone Numbers**

#### **Detroit**

Cadillac Place  
3020 W. Grand Boulevard, Suite 14-300  
Detroit, MI 48202  
Telephone: (313) 972-5678

#### **Troy**

Columbia Center  
201 W. Big Beaver, Suite 800  
Troy, MI 48084  
Telephone: (248) 524-8700

#### **Lansing**

Hall of Justice  
925 W. Ottawa St., P. O. Box 30022  
Lansing, MI 48909-7522  
Telephone: (517) 373-0786

#### **Grand Rapids**

State of Michigan Office Building  
350 Ottawa St. NW  
Grand Rapids, MI 49503-2349  
Telephone: (616) 456-1167

Offices are open from 9:00 a.m. until 5:00 p.m., Monday through Friday, except on Court holidays.

### Purpose of Manual

The purpose of this manual is to provide some basic information, forms and instructions to non-attorneys who intend to represent themselves when another party files an appeal from a lower court or administrative tribunal case in which you were involved. If that decision was favorable to you in some way, you may wish to participate in the appeal to protect your interests.

### The Rules

The actions and documents described in this manual are based on the Michigan Court Rules (MCR), which are the procedural rules governing all courts in Michigan. MCR 7.201-7.219 are the rules specifically written for the Court of Appeals, although other rules also apply. For your convenience, references to the applicable court rules are provided throughout this manual in **inverse shading**. While this manual presents the current interpretation of the current rules, the rules and their interpretations may change at any time. You can find a copy of the Michigan Court Rules at any law library, or on the Court's web site at <http://coa.courts.mi.gov> under the Resources tab.

**CAUTION: The publication of this manual should not be viewed as encouragement to represent yourself. It will involve a great deal of time, energy and frustration. The decision to proceed without an attorney should only be made after very serious consideration.**

## What is an Appeal?

An **appeal** is a request made to a higher court to review the decision of a lower court or administrative agency (tribunal). The party(ies) who file the appeal are the **appellant(s)**. The other party(ies) are **appellee(s)**. **This manual is for appellees.** A glossary of terms is on pages 37-38 of this manual.

## How will the Court of Appeals Decide an Appeal?

The appellant(s) will present legal arguments as to why they believe the lower court or tribunal erred in its decision. The appellee(s) may respond with legal arguments as to why the lower court/tribunal's decision was correct. A basic diagram of the appellate process is on page 39 of this manual.

The Court of Appeals will decide the appeal based on the law and the written record of the proceedings in the lower court or tribunal. Generally, it will not consider new evidence or testimony, and will not decide an issue that was not presented to, and decided by, the lower court or tribunal.

## What *Must* an Appellee do?

An appellee does not have to do anything. The appellant carries the burden of initiating the appeal and moving the case forward to decision. **See MCR 7.204(B), 7.205(B), 7.210(B)(1)(a), 7.212(A)(1) and 7.217(A).**

## What *Can* an Appellee do?

Although an appellee is not required to participate in the appeal, it is generally advantageous to do so. It will assure that all filings and decisions made in the case are received, and provide the opportunity to present arguments to the judges. This manual presents forms, examples and instructions for the documents appellees most commonly file.

## Determining the First Step

### What type of appeal was filed?

An appellee is in a “responsive” position. The appellant has initiated the appeal and is charged with the responsibility to assure that it proceeds. Therefore, an appellee’s actions will depend on what the appellant filed. At the beginning of the appeal, that would depend on the **type of appeal** that appellant filed.

## Types of Appeals

There are two (2) types of appeals:

1. A **claim of appeal** is an appeal as a matter of right provided by the Michigan Constitution, a statute or court rule. If an appellant files all the required documents correctly within the time allotted, the Court of Appeals must review the substance of the arguments and issue a decision on the merits. **MCR 7.203(A); MCR 7.204**

The claim is generally a one or two page document entitled “Claim of Appeal,” that is accompanied by several other required documents. **MCR 7.204(C)**

### Documents Appellee Might File in a Claim of Appeal 6-29

2. An **application for leave to appeal** is a request for the Court of Appeals to accept an appeal which the appellant does not have an automatic right to file. The Court of Appeals will decide whether it will grant full review based on the content of the application and any answer filed. If the Court grants the application, then it will review the substance of the arguments and issue a decision on the merits. **MCR 7.203(B); MCR 7.205**

An application is in the form of a legal brief, and must present full legal arguments at the start. It will generally be entitled “Application for Leave to Appeal” or “Delayed Application for Leave to Appeal,” and be accompanied by several other required documents. **MCR 7.205(B)**

### Documents Appellee Might File in an Application<sup>1</sup> 31-36 & 12-29

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<sup>1</sup> Whether the application is timely or “delayed,” the process is the same for appellees.

## Claim of Appeal – Appearance

An **appearance** is a document by which an appellee indicates that he/she/it is participating in the appeal. It will assure that the appellee receive copies of all documents and correspondence that all parties file in the Court, and copies of any correspondence or decision that the Court issues. **MCR 7.204(G)**

An appearance should be filed within 14 days of service of the Claim of Appeal, but will be accepted at any time. In addition, it must be served on all other parties in the case, and a proof of service must be filed in the Court of Appeals.

### Needed Information:

You may photocopy the form on the facing page and type or print legibly the following information in the areas provided.

- [1] Enter the case **caption** as it was on lower court documents, or as it is on appellant's claim of appeal. Include the Court of Appeals case number, if known.
- [2] Enter **your name** as it appears in the caption.
- [3] Enter the current **date** and **sign** the appearance.
- [4] Type or print legibly your **full name, address and telephone number**. If you are incarcerated, this would include your prisoner number and the name and address of the facility where you are living.

**Please immediately notify this Court whenever your address changes so that all correspondence, orders, and opinions will be sent to the right address.**

**STATE OF MICHIGAN**  
**IN THE COURT OF APPEALS**

---

\_\_\_\_\_ ,

Plaintiff(s)-Appell \_\_\_\_\_(s),

Court of Appeals Case No: \_\_\_\_\_

[1]

v

Lower Ct/Tribunal Case No: \_\_\_\_\_

\_\_\_\_\_ ,

Defendant(s)-Appell \_\_\_\_\_(s).

---

APPEARANCE

[2]

\_\_\_\_\_ appears in this appeal as an appellee.

[3]

Date: \_\_\_\_\_

\_\_\_\_\_

Signature

[4]

\_\_\_\_\_

## Proof of Service

A copy of the appearance must be served (by mail or hand deliver) on all other parties in the case, and a proof of that service must be filed in the Court of Appeals. **MCR 7.204(C)(3)**

### Needed Information:

- [1] Enter the **caption** as it appears on the appearance.
- [2] Enter the **date** on which all the parties were served, and check whether the service was by mail or hand-delivery.
- [3] The **names** of all the parties and the **addresses** where they were served.
- [4] The current **date** and the **signature** of the person who served the documents.

**STATE OF MICHIGAN**  
**IN THE COURT OF APPEALS**

\_\_\_\_\_ ,

Plaintiff(s)-Appell\_\_\_\_\_,

Court of Appeals No. \_\_\_\_\_

[1]

v

Lower Ct./Tribunal No. \_\_\_\_\_

\_\_\_\_\_ ,

Defendant(s)-Appell\_\_\_\_\_.

**PROOF OF SERVICE**

[2]

On \_\_\_\_\_, I  mailed  hand-delivered a copy of my appearance in this appeal to:

[3]

\_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_

[4]

Date: \_\_\_\_\_

\_\_\_\_\_

Signature

## Claim of Appeal – Appellee’s Brief

### WHAT is a brief?

A brief is used to present the relevant facts, issues and legal analysis of the issues, and ask the Court of Appeals for the result desired. An **appellee’s brief** will respond to the appellant’s brief.

### WHEN must it be filed?

Following are due dates for filing the appellee’s brief.<sup>2</sup> The **timely** filing of the brief preserves your right to appear for oral argument to the judges. However, **an untimely brief will be accepted**. The danger of waiting too long is that the case may be decided before the brief is filed.

In a **child custody** or **termination of parental rights case**,<sup>3</sup> an appellee’s brief is due 21 days after the date on the proof of service of appellant’s brief. **MCR 7.212(A)(2)(a)(i)**

Otherwise, an appellee’s brief is due 35 days after the date on the proof of service of appellant’s brief. **MCR 7.212(A)(2)(a)(ii)**

### WHERE must it be filed?

You must file the brief by mail or in person at any of the four (4) Court of Appeals clerk’s office. **MCR 7.201(B)(2)** The addresses for those offices are listed on page 2 of this manual.

**NOTE:** The brief is not “filed” until it has been received by a clerk of the Court of Appeals. **MCR 7.202(2)&(4)** Thus, it is not yet filed when it is placed in the mailbox. It is filed when it reaches the Court of Appeals. The clerk’s office will stamp all documents it receives with the date and time of their arrival.

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<sup>2</sup> As noted above, an appellee need not file a brief at all.

<sup>3</sup> It is assumed that a defendant will have counsel in an interlocutory criminal appeal.

## **HOW Must it be filed?**

An appellee must file **five (5) copies** of the brief in the format described on the pages 12-27 with the following general characteristics: **MCR 7.212(A)(2)(a), (B) & (D)(1)**

- At least 1" margins on the top, bottom, and both sides (or the equivalent).
- Typed in at least 12-point type or printed legibly.
- Double-spaced. Footnotes and quotations can be single-spaced.
- No more than 50 pages, not counting indexes and appendices.

You must also serve all other parties to the appeal with a copy of the brief. A form and instructions for a proof of service are provided at the end of the discussion of the brief on pages 28-29.

Forms and instructions for the brief and proof of service are provided on the following pages.

## Brief Cover Page

The first page of the brief is a cover or title page, identifying the case and type of document being filed. **MCR 7.212(C)(1) & (D)(1)**

### Needed Information:

You may photocopy the form on the facing page and type or print legibly the following information in the areas provided.

- [1] Enter the **caption** as it appears on the lower court documents, appearance or documents that appellant filed.
- [2] **Check** the box to indicate whether or you are requesting oral argument. If you are incarcerated, it is not likely that you will be able to appear and argue, so you would not request it.
- [3] Although not required, it is worthwhile to enter the **date** and type or print legibly your full **name, address and telephone number**. If you are incarcerated, this would include your prisoner number and the name and address of the facility where you are living.

**MCR 7.212(C)(1) & (D)(1)**

**Please immediately notify this Court whenever your address changes so that all correspondence, orders, and opinions will be sent to the right address.**

**STATE OF MICHIGAN**  
**IN THE COURT OF APPEALS**

---

\_\_\_\_\_

Plaintiff(s)-Appell\_\_\_\_(s),

Court of Appeals No. \_\_\_\_\_

[1]

v

Lower Ct./Tribunal No. \_\_\_\_\_

\_\_\_\_\_

Defendant(s)-Appell\_\_\_\_(s).

---

[2]

ORAL ARGUMENT  REQUESTED  
 NOT REQUESTED

**APPELLEE'S BRIEF**

[3]

Date: \_\_\_\_\_

\_\_\_\_\_

## Table of Contents Section

The next item required after the cover/title page, is the “Table of Contents,” which lists the section headings of the brief, and states the page numbers where each is located. **MCR 7.212(C)(2) & (D)(1)** Each of the individual sections is explained in detail on the following pages. You may wish to wait until the rest of the brief is completed to fill in the page numbers and additional section headings.

### Needed Information:

You may photocopy the form on the facing page and type or print legibly the pertinent information in the areas provided as described below.

- [1] You may number the pages of the indexes in the beginning of the brief in small roman numerals (i.e. i, ii, iii, etc.) and then, starting with the Statement of Facts, use Arabic numbers (i.e. 1, 2, 3, etc.) for the remainder of the brief.
- [2] Under each “Argument” section, write the *principal* point of your argument. It should be only one or two sentences.

Repeat the argument structure shown if there are additional arguments.

**TABLE OF CONTENTS**

	<u>Page No.</u>
Index of Authorities .....	ii
Jurisdictional Statement .....	iii [1]
Statement of Questions Involved .....	iv
Statement of Facts .....	1
Argument I: .....	[REDACTED]
Standard of Review .....	[REDACTED]
Preservation of Error: .....	[REDACTED]
Principle Point of Argument:	
[REDACTED]	
Argument II: .....	[REDACTED]
Standard of Review .....	[REDACTED]
Preservation of Error: .....	[REDACTED]
Principle Point of Argument:	
[REDACTED]	
Relief Requested .....	[REDACTED]

[2]

## Index of Authorities Section

The next section required in the brief is the “Index of Authorities,” which is for a list of all the legal citations to support your arguments, along with the page number(s) where each citation is mentioned. **MCR 7.212(C)(3) & (D)(1)** Legal citations might be case law, statutes, court rules, legal treatises or encyclopedias, etc.

Again, you may wish to wait until the rest of the brief is completed to fill in the legal authorities cited and page numbers.

### Needed Information:

You may photocopy the form on the facing page and type or print legibly the authorities, citations, and page numbers where the citations are mentioned.

First, list all **cases** cited in the brief in alphabetical order. Each case must have the complete citation, including the year of decision. Indicate all the pages on which each case is mentioned. A case citation might look like the following:

*People v Peterson*, 789 Mich App 456, 458 (2002).  
*Gerginson v GMC*, 123 Mich 654, 666 (2001).

Second, list all Michigan **statutes** that you cite in the brief. If you cite statutes from another state, list them after the Michigan statutes. Indicate all the pages on which each statute is mentioned. A statute cite might look like the following:

MCL 600.2963

Third, list any **other legal authority** you cite in the brief. Indicate all the pages on which each authority is mentioned. A court rule citation might look like the following:

MCR 7.212(C)(3)

Use additional pages as needed.

**INDEX OF AUTHORITIES**

Page Nos.

**Cases Name and Citation:**

[Redacted]

[Redacted]

**Statutes:**

[Redacted]

[Redacted]

**Other:**

[Redacted]

[Redacted]

## Statement of Jurisdiction Section

The next section in the brief is the “Statement of Jurisdiction” which indicates whether the Court of Appeals has jurisdiction over (i.e. the legal authority to review) the appeal. **MCR 7.212(C)(4)**

### **Needed Information:**

An appellee may either agree that the Court of Appeals has jurisdiction, or can set forth an analysis of why the Court of Appeals does not have jurisdiction. **MCR 7.212(C)(4) & (D)(1) & (2)** However, challenging the jurisdiction of the Court should only be done if it is supported by legal authority.

You may photocopy the form on the facing page and place a check mark in the box next to the statement that describes your position as to the Court’s jurisdiction. If you contest this Court’s jurisdiction, state your reasons, supported by legal authority.

## STATEMENT OF JURISDICTION

- I agree that the Court of Appeals has jurisdiction over this appeal.
  
- The Court of Appeals does not have jurisdiction over this appeal because



## Statement of Questions Section

The next section in the brief is for the “Statement of Questions,” meaning the legal questions or issues raised on appeal.

### Needed Information:

You may either accept the appellant’s statement of the legal questions involved in this appeal or write a counter-statement of questions.<sup>4</sup> **MCR 7.212(C)(5) & (D)(1) & (3)(a)**

You may photocopy the form on the facing page and place a check mark in the box next to the statement that describes your position as to the statement of questions.

If you restate the questions, **concisely** state each one separately with a corresponding number. Each question should then be answered in a separate discussion in the “Arguments” section.

**Examples** of questions might be:

- I. DID THE TRIAL COURT ERR IN ADMITTING EVIDENCE OF PLAINTIFF’S UNFAITHFULNESS DURING THE MARRIAGE, AND CONSIDERING HIS FAULT IN DIVIDING THE MARITAL PROPERTY?
- II. WHETHER THE TRIAL COURT ERRED IN DETERMINING THAT PLAINTIFF CAUSED INJURY TO DEFENDANT, AND WAS LIABLE TO DEFENDANT IN THE AMOUNT OF \$30,000.

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<sup>4</sup> You may not raise new questions or issues without filing a cross-appeal. You can only restate or correct how appellant stated the question(s).

## STATEMENT OF QUESTIONS INVOLVED

- Appellee accepts appellant's statement of questions.
- Appellee restates the questions involved in this appeal as follows:

I.



II.



## Statement of Facts Section

The next section is the “Statement of Facts” which allows for an explanation of the material and procedural facts that have led to this appeal.

### **Needed information:**

You may either accept the appellant’s statement of facts or write a counter-statement of facts. **MCR 7.212(C)(6) & (D)(1) & (3)(b)**

You may photocopy the form on the facing page and check the box next to your position in regard to the statement of facts.

If you write a counter-statement of facts, you must fairly state all material facts, even when they are not favorable to you. In addition, you must indicate where in the lower court/tribunal record each fact is stated or shown. That might be a transcript page, the complaint or petition that was filed to start the action, or any other pleading or document that was admitted or offered in the lower court or tribunal.

Use additional pages as needed.

## STATEMENT OF FACTS

- Appellee accepts appellant's statement of facts. However, additional facts may be provided in each argument section.
- Appellee's counter-statement of facts is as follows:

## Arguments Section

The next section required in the brief is “Argument(s),” to present the legal analysis and answers to the questions/issues presented in the “Statement of Questions.” **MCR7.212(C)(7)& (D)(1)** The arguments should correspond one-on-one with the “Statement of Questions” presented earlier, and both should be in the same order as the “Principle Point of Argument” in the “Table of Contents.”

### Needed Information:

You may photocopy the form on the facing page and type or print legibly the following information in the areas provided.

- [1] State the ***principal point*** of the first argument in CAPITAL or **boldface** lettering at the top of each argument. This statement should duplicate the first “Principle Point of Argument” in the “Table of Contents,” and should answer the first question in the “Statement of Questions.”
- [2] ***Standard of Review.*** The Court of Appeals’ review of an appeal is limited by the legal standards<sup>5</sup> imposed on it. You may accept appellant’s standard of review, or provide a counter-standard of review. If you provide a counter-standard of review, you must support the statement with legal authority.
- [3] ***Analysis.*** Thoroughly, but concisely, cite and explain the applicable law for the issue involved, show how it applies to the facts of this case, and explain why it should lead the judges to conclude that the lower court/tribunal did not err in making its decision.

Repeat the above format for additional arguments. Use additional pages as needed.

---

<sup>5</sup> The three most common standards under which the Court of Appeals can review issues is abuse of discretion, *de novo*, and clear error.

## ARGUMENT(S)

[1]

I.

### Standard of Review:

- Appellee accepts appellant's standard of review for this issue.
- Appellee's counter-standard of review is as follows:

[2]

### Analysis:

[3]

## Relief Requested Section And Signature

The final requirements for a brief is to provide a statement explaining what relief or result you want the Court of Appeals to provide, and to sign the brief.

### Needed information:

You may photocopy the form on the facing page and type or print legibly the relief you request and sign your name in the areas provided.

- [1] Provide a concluding paragraph that explains to the Court of Appeals judges what you want them to do. **MCR 7.212(C)(8) & (D)(1)**

Examples of relief you might request are:

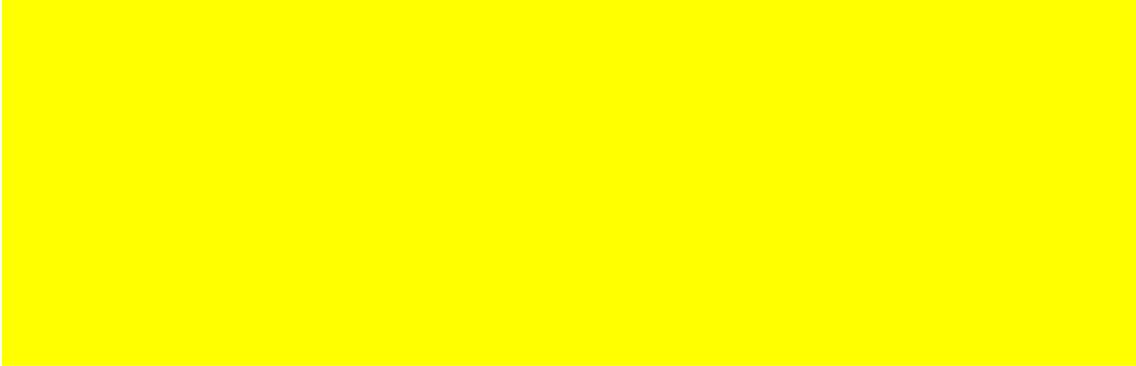
Based on the above analysis, appellee requests that this Court affirm the lower court judgment of \$30,000.

Appellee requests that the Court of Appeals affirm the grant of summary disposition.

- [2] Sign the brief. **MCR 7.212(C)(9) & (D)(1)**

**RELIEF REQUESTED**

[1]



[2]



Signature

## Proof of Service

You must serve (mail or hand deliver) one copy of the Appellee's Brief on all other parties in your case. You must then provide proof of that service to the Court of Appeals. **MCR 7.212(A)(2)(b)**

### Needed Information:

- [1] Enter the **caption** as it appears on the brief.
- [2] Enter the **date** on which all the parties were served, and check whether the service was by mail or hand-delivery.
- [3] The **names** of all the parties and the **addresses** where they were served.
- [4] The current **date** and the **signature** of the person who served the documents.

**STATE OF MICHIGAN**  
**IN THE COURT OF APPEALS**

\_\_\_\_\_ ,

Plaintiff(s)-Appell\_\_\_\_\_,

Court of Appeals No. \_\_\_\_\_

[1]

v

Lower Ct./Tribunal No. \_\_\_\_\_

\_\_\_\_\_ ,

Defendant(s)-Appell\_\_\_\_\_.

**PROOF OF SERVICE**

[2]

On \_\_\_\_\_, I  mailed  hand-delivered a copy of the Appellee's Brief to:

[3]

\_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_

[4]

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

**This page is intentionally blank.**

## Application for Leave to Appeal – Answer

If appellant filed an application for leave to appeal, an appellee may file an answer to the application to advise the Court why it should not grant appellant's request for leave to appeal.<sup>1</sup> **MCR 7.205(C)**

### **WHEN must an answer to the application be filed?**

The due date of an answer to the application is 21 days from the date on the proof of service of the application. However, late answers will be accepted. The danger of waiting too long is that the application may get decided before the answer is filed.

### **WHERE must the answer be filed?**

You must file the answer to the application by mail or in person at any of the four (4) Court of Appeals clerk's office. **MCR 7.201(B)(2)** The addresses for those offices are listed on page 2 of this manual.

**NOTE:** The answer is not "filed" until it has been received by a clerk of the Court of Appeals. **MCR 7.202(2)&(4)** Thus, it is not yet filed when it is placed in the mailbox. It is filed when it reaches the Court of Appeals. The clerk's office will stamp all documents it receives with the date and time of their arrival.

### **HOW must the answer be filed?**

**Five (5) copies** of the answer must be filed, one signed. **MCR 7.205(C)(1)**. All other parties to the case must also be served with a copy of the answer, and a proof of that service must be filed in the Court of Appeals. **MCR 7.205(C)(2)**

The answer must be in the format of a brief as described on pages 32-34 and 14-27, with the following general characteristics.

- At least 1" margins on the top, bottom, and both sides (or the equivalent).
- Typed in at least 12-point type or printed legibly.
- Double-spaced. Footnotes and quotations can be single-spaced.
- No more than 50 pages, not counting indexes and appendices.

Forms and instructions are for the answer and proof of service are provided on the following pages.

## Answer Cover Page

The first page of the answer is a cover or title page, identifying the case and type of document being filed. **MCR 7.205(C), 7.212(C)(1) & (D)(1)**

### Needed Information:

You may photocopy the form on the facing page and type or print legibly the following information in the areas provided.

- [1] Enter the **caption** as it appears on the lower court documents or the application.
- [2] Although not required, it is worthwhile to enter the **date** and type or print legibly your full **name, address and telephone number**. If you are incarcerated, this would include your prisoner number and the name and address of the facility where you are living.

**Please immediately notify this Court whenever your address changes so that all correspondence, orders, and opinions will be sent to the right address.**

**STATE OF MICHIGAN**  
**IN THE COURT OF APPEALS**

---

\_\_\_\_\_

Plaintiff(s)-Appell \_\_\_\_\_(s),

Court of Appeals Case No: \_\_\_\_\_

[1]

v

Lower Ct/Tribunal Case No: \_\_\_\_\_

\_\_\_\_\_

Defendant(s)-Appell \_\_\_\_\_(s).

---

**ANSWER TO APPLICATION**

[2]

Date: \_\_\_\_\_

\_\_\_\_\_

## Subsequent sections of the Answer to the Application

An answer to the application must include a table of contents, index of authorities, statement of jurisdiction, statement of questions, statement of facts, argument section, a request for relief and a signature. **MCR 7.205(C), 7.212(C)(1) & (D)(1)** These are the same sections required in a brief. The instructions for those sections in a brief are provided on pages 14-27 in this manual, and are equally applicable for an answer. Follow those instructions to complete the answer to the application. Then do a proof of service as provided below.

Following is a form and instructions for a proof of service of the answer.

### Proof of Service

You must serve (mail or hand deliver) one copy of the Answer to Application on all other parties in the case. You must then provide proof of that service to the Court of Appeals. **MCR 7.212(A)(2)(b)**

#### Needed Information:

- [1] Enter the **caption** as it appears on the answer.
- [2] Enter the **date** on which all the parties were served, and check whether the service was by mail or hand-delivery.
- [3] The **names** of all the parties and the **addresses** where they were served.
- [4] The current **date** and the **signature** of the person who served the documents.

**STATE OF MICHIGAN**  
**IN THE COURT OF APPEALS**

\_\_\_\_\_ ,

Plaintiff(s)-Appell\_\_\_\_\_,

Court of Appeals No. \_\_\_\_\_

[1]

v

Lower Ct./Tribunal No. \_\_\_\_\_

\_\_\_\_\_ ,

Defendant(s)-Appell\_\_\_\_\_.

**PROOF OF SERVICE**

[2]

On \_\_\_\_\_, I  mailed  hand-delivered a copy of the Answer to the Application to:

[3]

\_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_

[4]

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

## Application Granted – Appellee’s Brief

If the Court of Appeals issues an order granting appellant’s application for leave to appeal, appellant will be required to file a few other documents in this Court, including an Appellant’s Brief.

The brief will likely look very similar to the application for leave to appeal, and may simply be a duplicate of the application with a different cover page.

You may file **five (5) copies** of a response to the appellant’s brief, called the “**Appellee’s Brief.**” If you wish, you may duplicate the answer to the application you filed earlier with a new cover page.

Information, forms and instructions regarding the due date, number of copies required, and format of the appellee’s brief, as well as a proof of service, are on pages 10-29 in this manual.

## Glossary of Terms

**Appeal:** A request made to a higher court for review of a the lower court's or administrative tribunal's decision to determine if it was correct. The party that appeals is called the "appellant," the other party is the "appellee."

**Application for leave to appeal:** A request to a court to grant an appeal when the requesting party does not have an automatic right to an appeal.

**Brief:** A written document submitted by a party to an appeal that states the facts of the case, sets out the applicable law, and explains why the court should decide the case in that party's favor.

**Clerk of the court:** An officer of the court in charge of managing the flow of cases through the court, maintaining court records and providing other administrative support to the court and judges.

**Claim of appeal:** An appeal that a party has a right to file and have the judges review and decide. The right is given by statute or court rule.

**Complaint:** A document which initiates an original action.

**Court rule:** The procedural rules that govern how an appeal or original action can be filed and conducted. The Michigan Court Rules (MCR) 7.201 - 7.219 govern actions in the Court of Appeals.

**Docket Entries:** See "**Register of Actions.**"

**Jurisdiction:** The legal authority of a court to hear and decide a case.

**Motion:** A request by a party to the court for a decision on an issue relating to the appeal. An example would be a motion to waive fees.

**Opinion:** A court's written explanation of its decision.

**Order:** A short written decision by a court.

**Oral argument:** A hearing in front of the panel of judges assigned to a case, that allows the parties or their attorneys to summarize their positions and answer any questions regarding the case.

**Original action:** A case initiated or originated in a court. Even though the Court of Appeals is generally a Court where appeals are filed, there are certain actions which can be originated in it.

**Panel:** A group of judges assigned to decide the case. In the Court of Appeals, judges generally sit in panels of three.

**Party:** A litigant in a case. In an appeal, a party is usually referred to as appellant or appellee.

**Pleadings:** Documents filed in a court which outline a party's position. Claims of appeal, applications for leave to appeal and complaints are all pleadings.

**Pro Per:** A abbreviated version of the Latin phrase "in propria persona," meaning "on one's own behalf." Pro per refers to a party who presents his/her own case without an attorney.

**Record:** The written account of the proceedings in a case, including pleadings, transcripts of testimony and exhibits.

**Register of Actions:** A chronological list created by a court detailing all of the actions that occurred in a case. This is also known as "Docket Entries."

**Transcript:** A written, word-for-word record of what was said in a proceeding.

## DIAGRAM OF BASIC APPEAL PROCESS IN COURT OF APPEALS

