

1.0. DEFINITIONS

E-Filing means submitting court records for a filing in a case through electronic systems and processes in compliance with Michigan Court Rule 1.109(C) and all other applicable rules of procedure. E-filing includes filing a court record with accompanying data elements necessary to either establish an index of records for new cases or associate the record with an existing case in the case management system. E-filing may also be referred to using the acronym ECF (Electronic Court Filing) as established by The National Center for State Courts.

Electronic Court Records means those records as defined in Michigan Court Rule 1.109(A) that are filed with or maintained by the clerks of court in electronic format. Electronic court records are electronic records created, generated, sent, communicated, received, or stored by electronic means that are capable of being printed as paper, or transferred to archival media, without loss of content or material alteration of appearance. Court records may be created or converted to electronic formats by the filer and electronically filed with clerks of court who maintain them using electronic document management systems. Court records that have been filed in paper format may be converted to searchable electronic records using scanning technology. Electronic court records shall constitute the official record and are the equivalent to court records filed in paper.

Electronic Access to the Courts encompasses many levels of information, functionality, and case processing conducted in the judicial branch that may be completed by electronic means. Electronic access to the courts may include technology that permits e-filing, electronic access to documents, electronic calendaring, case management systems, records management systems, statistics, resource management systems, and e-commerce.

2.0. MICHIGAN COURTS E-FILING MANAGER

The Michigan Courts E-Filing Manager shall provide a single uniform processing point for all court e-filings. The E-Filing Manager shall be developed in compliance with e-filing court rules and these standards and to maintain interfaces with other existing statewide information systems.

2.1. E-Filing Manager Functionality

The E-Filing Manager shall have the following minimum functionality:

Phase I – January 2014

1. Utilize XML ECF 4.0. Standards
2. Accommodate bi-directional transmissions to/from courts
3. Accept electronic forms of payment
4. Consolidated electronic notification section

Phase II - TBD

1. Automated interface with other e-filing systems
2. Process for local validation
3. Process for nonattorneys and for self-represented users to access the system

Phase III – TBD

1. Integrate with other established statewide systems
2. Single statewide login
3. Uniform authentication method
4. Single point of access

3.0 ELECTRONIC TRANSMISSION/FILING OF DOCUMENTS

In accordance with Michigan Court Rules 1.109(C)(1) and 2E.003, a court must apply to the Supreme Court for authorization to accept the electronic transmission/filing of documents.

3.1.1. Uniform Personal Identification

Each person using an e-filing system must have a unique identifier.

3.1.2. Security

Any computer utilized to accept e-filings, particularly from sources external to the court, must be protected from unauthorized network intrusions, viruses, and worms, and must be isolated from other court networks or applications. Software and security devices such as antivirus software, firewalls, access control lists, and other filters must be utilized. Media capable of carrying viruses into court and clerk of court computers (e.g., computer networks and electronic media) must be scanned for viruses before processing.

3.1.3. Filing Process and Payment

The statewide E-Filing Manager (EFM) shall establish a means to accept payments of fees, fines, surcharges, and other financial obligations electronically, including the processing of applications to waive fees.

3.1.4. Remedy for Failure of Electronic Processes

Procedures for resolving controversies arising from the electronic filing process should be provided by the court. The e-filing system provider must maintain a record as required by MCR 2E.102 for reference in the event of controversy.

3.1.5. Retransmission of Electronic Filing

If, within 24 hours after filing information electronically, the filer discovers that the version of the document available for viewing through the Electronic Filing System is incomplete, garbled or otherwise does not depict the document as transmitted, the filer shall notify the clerk of court immediately and retransmit the filing if necessary.

3.1.6. Document Format

Any information that will become part of, or is related to, a court case file, and which is being transmitted electronically to the clerk of the court must be in a format that can be rendered with high fidelity to originals and is searchable.

3.1.7. Data Accompanying Submitted Documents

At a minimum, filers are required to transmit data identifying a submitted document, the case number, and fee information. If the document is initiating a new case, the filer must comply with captioning requirements in the Michigan Court Rules.

3.1.8. Embedded Hyperlinks

Each filed document must be self-contained. Hyperlinks embedded within a submission must refer only to information within the same document.

3.1.9. Non-Electronic Materials

Courts must accommodate the filing of materials that cannot be filed electronically.

3.1.10. Accommodation of Paper Submissions

Documents that are submitted in paper form shall be converted to an electronic format (i.e. a searchable document) to facilitate the creation of a single electronic case file.

3.1.11. Documents Exempt from Public Access

All filers must comply with the privacy/confidentiality provisions of Michigan Supreme Court Administrative Order No. 2006-2, Michigan Court Rules, the Michigan Trial Court Case File Management Standards, and federal and state statutes. These requirements apply to all documents, including attachments.

3.1.12. Court Control of Records and Data Associated with Transmission of Records

Any record maintained by a vendor of an electronic document management system or an electronic filing system provider, or any data created by an electronic filing system provider during the transmission of records to the courts, is a court record as defined in MCR 1.109 and belongs to the court and shall not be sold, transferred, or otherwise used by the vendor or provider except as permitted by the Michigan Court Rules and these standards. A court may not enter into a contract with a vendor or provider to sell, transfer, or otherwise use a court record without the approval of the State Court Administrative Office. This standard also applies to records that are being maintained by an electronic filing system provider or other vendor for purposes of electronic service of those records.

3.1.13. Accessibility

In designing an e-filing system, courts shall take reasonable steps to make accommodations for the unique needs of indigent, self-represented, limited-English proficiency, disabled, or illiterate persons.

3.1.14. System Availability and Recovery Planning

Computer systems that are used for e-filing must protect electronically filed documents against system and security failures during periods of system availability. Additionally, contingencies for system failures and disaster recovery mechanisms must be established. Scheduled downtime for maintenance and updates should be planned, and a notification shall be provided to filers in advance of the outage.

Comment: These proposed standards provide additional guidance for courts planning for implementation of e-filing in their jurisdiction. The proposed standards are published to provide a context for the proposed e-filing rules and proposed administrative order that have also been published for comment in this file.