

Michigan Court of Appeals

Electronic Filing & Service Guidelines

Effective October 1, 2006
Last Updated August 23, 2010

*These guidelines are subject to change as circumstances require.
The most current version of the Guidelines is posted on the
Court of Appeals E-Filing webpage.*

- 1. Scope of Electronic Filing and Service Program.** The electronic filing and service program is applicable on a voluntary basis for all case types (pending or newly filed). To qualify as an electronic filing under these guidelines, such filings must be made through the Odyssey File & Serve website at <https://wiznet.wiznet.com/appealsmi>.
- 2. Registration for Use of the Odyssey File & Serve System.** All users of the Odyssey File & Serve system must register in advance with Tyler and must submit a Registration Confirmation form to the Court of Appeals. Nothing in these Guidelines is intended to conflict with any terms and conditions for registration that are posted by Tyler on the Odyssey File & Serve website.
- 3. Applicability of Michigan Court Rules.** Nothing in these Guidelines is intended to conflict with the Michigan Court Rules. For example, existing filing deadlines and fee requirements are retained until further notice.
- 4. Filing.** Delivery of a document to a court clerk will be accomplished when the Odyssey File & Serve system has received an electronic filing and the system reflects an "Accepted" status, indicating that the filing has been forwarded to the Court of Appeals for processing.
- 5. Official Record.** As permitted by the Uniform Electronic Transactions Act, MCL 450.837, the electronic filing will be the official record of the Court. Until further notice, however, the Court will maintain a paper file for each case that contains a copy of all electronic filings. The printed copy of any electronic filing that is provided to the Court as noted in section 4 will be a paper representation of the official record, and it will be physically located in the Court of Appeals file as of the date and in the order in which it was received through the Odyssey File & Serve system.
- 6. Service of Filings.** The parties are responsible for accomplishing service of all filings as required by the applicable court rules. For this purpose, parties may use mail service, service by hand delivery or e-mail pursuant to MCR 2.107(C)(4). However, users will derive maximum benefit by using Odyssey File & Serve electronic service for each filing.

Effectively immediately, Court of Appeals filers who use the File & Serve e-service option must have the prior permission of the recipient to serve filings by e-service rather than by first class mail or by hand delivery. (The fourth method for service, via a filer's use of self-generated e-mail sent to a recipient pursuant to a stipulation governed by

MCR 2.107(C)(4), will continue to be handled as directed in that court rule.) A filer can establish the recipient's permission to use File & Serve e-service by including with the filing a brief statement that the recipients have agreed to e-service *in that case* either (1) through newly received case-specific permission or (2) because each recipient is included in the *List of Approved E-mail Addresses for E-Service*. Prior permission is required only once per case, not for each filing in a case. Further, if a party makes an electronic filing in a case, that act constitutes that party's agreement to be e-served with filings from other parties in the same Court of Appeals file.

A proof of service is generated as part of the Odyssey File & Serve transaction and will include the party's designation of how the filing was served on all parties to the case. A printed copy of the electronically generated proof of service must accompany any paper copies of electronic filings that are served by mail or by hand delivery on other parties to the appeal so that the parties and the Court of Appeals are in possession of the same documentation.

7. Signature. The Odyssey File & Serve system has been designed with a security feature that will lock each file in the electronic envelope and prevent modification by the filer. Parties who are capable of applying digital signatures with or without enabled security must omit such process from electronic filings submitted through the Odyssey File & Serve system. The system was not designed to accommodate such additional security and its application may cause a failure of the submission.

Individual documents that are submitted as filings through the File & Serve system (such as claims of appeal, briefs, or motions) may be "signed" by typing "/s/ Thomas J. Attorney" or "/s/ Peter J. Smith" (if a party is appearing *in propria persona*) on the signature line of the document, or by applying a graphic representation of the signature before the document is converted to PDF.

8. PDF Files. All filings that are submitted to the Court of Appeals through the Odyssey File & Serve system must be in PDF format. The Court very strongly prefers that original appellate pleadings be converted to PDF through a distiller to enhance the searchability of the document for Court of Appeals judges and staff attorneys. Non-original documents may be scanned into PDF as non-searchable images. As noted above, digital signatures, with or without enabled security, are not permitted as they may cause a failure of the submission.

9. Hours of Access. The system will be available for use around the clock (with the exception of periodic maintenance). Filings received by 11:59 PM on a business day will be docketed for that business day. Filings received between 12:00 AM and 11:59 PM on Saturday, Sunday, or a holiday will be docketed for the following business day. Although the Odyssey File & Serve system may be used around the clock, technical support is generally available only during regular business hours and not during the overnight hours.

10. **Emergencies.** The system can be used to file emergencies in all case types, provided the filer calls the Clerk's Office during business hours before making the e-filing. Clerk's Office staff will not be available after 5:00 p.m. or on weekends to process emergencies. A printed copy of the PDF filing(s) must be served by hand or mail [see MCR 7.211(C)(6)] unless opposing counsel has agreed to e-service. Filers should also type the word "Emergency" in the document description field when completing the e-file transaction form.

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Chief Clerk