

Michigan Court of Appeals

Electronic Filing & Service Guidelines

Effective October 1, 2006
Last Updated November 12, 2009

*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 Court of Appeals E-File&Serve website at <https://wiznet.wiznet.com/appealsmi>.

2. Registration for Use of the Court of Appeals E-File&Serve System. Nothing in these Guidelines is intended to conflict with any terms and conditions for registration that are posted by Wiznet on the Court of Appeals E-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 payments are retained until further notice.

4. Filing. Delivery of a document to a court clerk will be accomplished when the E-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 E-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, email pursuant to MCR 2.107(C)(4), or the E-File&Serve system offers the option of electronic service of each filing to designated parties. A proof of service is generated as part of the E-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 Court of Appeals E-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 Court of Appeals E-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 E-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 E-File&Serve system must be in PDF format. The Court encourages the conversion of word-processed documents 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.

10. Emergencies. The system can be used to file emergencies in the approved case types listed in section 1, 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. You should also type the word “Emergency” in the document description field when completing the E-file form.

Sandra Schultz Mengel
Chief Clerk