

Chapter 1 General Provisions

Subchapter 1.100 Applicability; Construction

MCR 1.101	Title; Citation	1
MCR 1.102	Effective Date	1
MCR 1.103	Applicability	1
MCR 1.104	Statutory Practice Provisions	1
MCR 1.105	Construction	1
MCR 1.106	Catch Lines	1
MCR 1.107	Number	1
MCR 1.108	Computation of Time	2
MCR 1.109	Court Records Defined; Document Defined; Filing Standards; Signatures; and Access	2
MCR 1.110	Collection of Fines and Costs	3

Subchapter 1.200 Amendment of Michigan Court Rules

MCR 1.201	Amendment Procedure	3
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Subchapter 1.100 Applicability; Construction

MCR 1.101 Title; Citation

These rules are the “Michigan Court Rules of 1985”. An individual rule may be referred to as “Michigan Court Rule _____”, and cited by the symbol “MCR _____”. For example, this rule may be cited as MCR 1.101.

MCR 1.102 Effective Date

These rules take effect on March 1, 1985. They govern all proceedings in actions brought on or after that date, and all further proceedings in actions then pending. A court may permit a pending action to proceed under the former rules if it finds that the application of these rules to that action would not be feasible or would work injustice.

MCR 1.103 Applicability

The Michigan Court Rules govern practice and procedure in all courts established by the constitution and laws of the State of Michigan. Rules stated to be applicable only in a specific court or only to a specific type of proceeding apply only to that court or to that type of proceeding and control over general rules.

MCR 1.104 Statutory Practice Provisions

Rules of practice set forth in any statute, if not in conflict with any of these rules, are effective until superseded by rules adopted by the Supreme Court.

MCR 1.105 Construction

These rules are to be construed to secure the just, speedy, and economical determination of every action and to avoid the consequences of error that does not affect the substantial rights of the parties.

MCR 1.106 Catch Lines

The catch lines of a rule are not part of the rule and may not be used to construe the rule more broadly or more narrowly than the text indicates.

MCR 1.107 Number

Words used in the singular also apply to the plural, where appropriate.

MCR 1.108 Computation of Time

In computing a period of time prescribed or allowed by these rules; by court order, or by statute, the following rules apply:

- (1) The day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period is included, unless it is a Saturday, Sunday, legal holiday, or day on which the court is closed pursuant to court order; in that event the period runs until the end of the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is closed pursuant to court order.
- (2) If a period is measured by a number of weeks, the last day of the period is the same day of the week as the day on which the period began.
- (3) If a period is measured by months or years, the last day of the period is the same day of the month as the day on which the period began. If what would otherwise be the final month does not include that day, the last day of the period is the last day of that month. For example, “2 months” after January 31 is March 31, and “3 months” after January 31 is April 30.

History

1.108(1) Am. eff. Sept 1, 2010

MCR 1.109 Court Records Defined; Document Defined; Filing Standards; Signatures; and Access

(A) Court Records Defined.

- (1) Court records are defined by MCR 8.119 and this subrule. Court records are recorded information of any kind that has been created by the court or filed with the court in accordance with Michigan Court Rules. Court records may be created using any means and may be maintained in any medium authorized by these court rules provided those

records comply with other provisions of law and these court rules.

(a) Court records include, but are not limited to:

- (i) documents, attachments to documents, discovery materials, and other materials filed with the clerk of the court,
- (ii) documents, recordings, data, and other recorded information created or handled by the court, including all data produced in conjunction with the use of any system for the purpose of transmitting, accessing, reproducing, or maintaining court records.

(b) For purposes of this subrule:

- (i) Documents include, but are not limited to, pleadings, orders, and judgments.
 - (ii) Recordings refer to audio and video recordings (whether analog or digital), stenotapes, log notes, and other related records.
 - (iii) Data refers to any information entered in the case management system that is not ordinarily reduced to a document, but that is still recorded information.
 - (iv) Other recorded information includes, but is not limited to, notices, bench warrants, arrest warrants, and other process issued by the court that do not have to be maintained on paper or digital image.
- (2) Discovery materials that are not filed with the clerk of the court are not court records. Exhibits that are maintained by the court reporter or other authorized staff pursuant to MCR 2.518 or MCR 3.930 during the pendency of a proceeding are not court records.
- (B) Document Defined.** A document means a record produced on paper or a digital image of a record originally produced on paper or originally created by an approved electronic means, the output of which is readable by sight and can be printed to paper.

(C) Filing Standards.

- (1) All pleadings and other documents prepared for filing in the courts of this state must comply with MCR 8.119(C) and be filed on good quality 8 1/2 by 11 inch paper or transmitted through an approved electronic means or created electronically by the court and maintained in a digital image. The print must be no smaller than 10 characters per inch (non-proportional) or 12-point (proportional), except with regard to forms approved by the State Court Administrative Office.
- (2) All other materials submitted for filing shall be prepared in accordance with this subrule and standards established by the state court administrative office. An attachment or discovery material that is submitted for filing shall be made part of the public case file unless otherwise confidential.
- (3) All original documents filed on paper may be reproduced and maintained by the court as a digital image in place of the paper original in accordance with standards and guidelines established by the state court administrative office.
- (4) A clerk of the court may reject nonconforming documents as prescribed by MCR 8.119.

(D) Signatures.

- (1) A signature, as required by these court rules and law, means a written signature as defined by MCL 8.3q or an electronic signature as defined by this subrule.
- (2) An electronic signature means an electronic sound, symbol, or process, attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- (3) If a law or court rule requires a signature to be notarized or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law or court rule, is attached to or logically associated with the signature.
- (4) Retention of a signature electronically affixed to a document that will be retained by the court in electronic format must not be dependent upon the mechanism that was used to affix that signature.

- (E)** Requests for access to public court records shall be granted in accordance with MCR 8.119(H).

History

1.109 New eff. Jan 1, 1991; am. eff. Jan 1, 2004; May 24, 2012; Jan 1, 2013

MCR 1.110 Collection of Fines and Costs

Fines, costs, and other financial obligations imposed by the court must be paid at the time of assessment, except when the court allows otherwise, for good cause shown.

History

1.110 New eff. Jan 1, 2002

Subchapter 1.200 Amendment of Michigan Court Rules

MCR 1.201 Amendment Procedure

- (A) Notice of Proposed Amendment.** Before amending the Michigan Court Rules or other sets of rules within its jurisdiction, the Supreme Court will notify the secretary of the State Bar of Michigan and the state court administrator of the proposed amendment, and the manner and date for submitting comments. The notice also will be posted on the Court's website, www.courts.mi.gov/supremecourt.
- (B) Notice to Bar.** The state bar secretary shall notify the appropriate state bar committees or sections of the proposed amendment, and the manner and date for submitting comments. Unless otherwise directed by the Court, the proposed amendment shall be published in the Michigan Bar Journal.
- (C) Notice to Judges.** The state court administrator shall notify the presidents of the Michigan Judges Association, the Michigan District Judges Association, and the Michigan Probate and Juvenile Court Judges Association of the proposed amendment, and the manner and date for submitting comments.
- (D) Exceptions.** The Court may modify or dispense with the notice requirements of this rule if it determines that there is a need for immediate action or if the proposed amend-