

State of Michigan



PHILIP E. RODGERS, JR.
THOMAS G. POWER
CIRCUIT JUDGES

Thirteenth Judicial Circuit

328 WASHINGTON STREET, SUITE 300
TRAVERSE CITY, MICHIGAN 49684

(231) 922-4701

c13court@hotmail.com

www.13thcircuitcourt.org

COUNTIES

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GRAND TRAVERSE
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Court Administrator

MEMORANDUM

TO: Clerks of the Court, Attorneys and Legal Staff practicing in the 13th Circuit Court

FROM: Hon. Philip E. Rodgers, Jr.
Hon. Thomas G. Power

DATE: January 25, 2013

RE: 13th Circuit Court Policy with Respect to Self-Represented Parties

The 13th Circuit Court is a mandatory e-filing jurisdiction. Parties who represent themselves are generally expected to electronically file their documents. Other than originating documents (the summons and complaint), all subsequent filings must be made electronically.

A self-represented party may submit their documents in paper to the Clerk. Typically, such a person will have neither a computer nor an e-mail address nor a credit card. The Clerk will then scan them into the public record for the same \$8 fee which is charged to others.

In such a situation, it remains the obligation of the party to serve the documents filed by the Clerk on other parties of record and file a proof of service showing they have done so. If the proof of service is presented concurrently to the Clerk with the relevant document, it is considered one "bundle" and subject to only one \$8 fee. If the proof of service is filed or presented to the Clerk on a subsequent date, then an additional \$8 fee will be charged.

The Clerk cannot serve parties of record as the Clerk is not receiving documents through the TrueFile system but directly from a party who professes to have neither a computer nor an e-mail address, nor a credit card.

If the party has received a fee waiver, then paper submissions may be made to the Clerk and no fee will be charged. A request for a fee waiver should be made in writing at the time the original complaint or answer is submitted to the Clerk. A fee waiver will expire upon the entry of a judgment or other order closing the case. Post judgment fee waivers will expire after six (6) months.

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There are parties whose participation in litigation involves cases where fee waivers are routinely granted. At this time, the Court does not have software programming in place to simply absolve said attorneys and their clients from fees in one universal order. Until further notice, attorneys who believe they are entitled to a fee waiver because they represent indigent clients or prosecuting attorneys in criminal cases or legal aid attorneys or others performing pro bono services should seek fee waivers concurrently with their appearance in the litigation.

Finally, it is not uncommon for a self-represented party to have a confidential address. When this is the case, the Court rules require that the party provide the Court with an alternative address for service of notice and Court papers. MCR 3.203(F).

PER/TGP:JAA