

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

CHAPTER 3
COURT OF APPEALS: ORGANIZATION AND POWERS

600.301 Court of appeals as court of record; number of judges.

Sec. 301. Except as otherwise provided in this section, the court of appeals consists of 28 judges and is a court of record. Beginning on the date as determined under section 303a, the court of appeals consists of 24 judges.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 1968, Act 127, Imd. Eff. June 11, 1968;—Am. 1974, Act 144, Imd. Eff. June 5, 1974;—Am. 1986, Act 279, Eff. Mar. 31, 1987;—Am. 1993, Act 190, Eff. Oct. 13, 1993;—Am. 2012, Act 40, Eff. Mar. 25, 2012.

Compiler's note: Section 2 of Act 144 of 1974 provides:

“Notwithstanding any other provision of law, nominating petitions for the offices added by this 1974 amendatory act shall contain not less than 1/4 of 1% nor more than 1% of the total number of votes cast in that appellate court district for secretary of state at the last preceding general November election in which a secretary of state was elected.”

600.302 Judicial districts for election of judges of court of appeals.

Sec. 302. The state is divided into 4 judicial districts for the election of judges of the court of appeals. Except as otherwise provided in this section, each district is entitled to 7 judges. Beginning on the date as determined under section 303a, each district is entitled to 6 judges. The districts are constituted and numbered as follows:

(a) District 1 consists of the counties of Branch, Hillsdale, Kalamazoo, Lenawee, Monroe, St. Joseph, and Wayne.

(b) District 2 consists of the counties of Genesee, Macomb, and Oakland.

(c) District 3 consists of the counties of Allegan, Barry, Berrien, Calhoun, Cass, Eaton, Ionia, Jackson, Kent, Mason, Montcalm, Muskegon, Newaygo, Oceana, Ottawa, Van Buren, and Washtenaw.

(d) District 4 consists of the counties of Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Gratiot, Houghton, Huron, Ingham, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Lapeer, Leelanau, Livingston, Luce, Mackinac, Manistee, Marquette, Mecosta, Menominee, Midland, Missaukee, Montmorency, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Sanilac, Schoolcraft, Shiawassee, St. Clair, Tuscola, and Wexford.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 1968, Act 127, Imd. Eff. June 11, 1968;—Am. 1972, Act 157, Imd. Eff. June 5, 1972;—Am. 1974, Act 144, Imd. Eff. June 5, 1974;—Am. 1986, Act 279, Eff. Mar. 31, 1987;—Am. 1993, Act 190, Eff. Oct. 13, 1993;—Am. 2001, Act 117, Eff. Mar. 22, 2002;—Am. 2012, Act 40, Eff. Mar. 25, 2012;—Am. 2012, Act 624, Imd. Eff. Jan. 9, 2013.

Compiler's note: Section 2 of Act 144 of 1974 provides:

“Notwithstanding any other provision of law, nominating petitions for the offices added by this 1974 amendatory act shall contain not less than 1/4 of 1% nor more than 1% of the total number of votes cast in that appellate court district for secretary of state at the last preceding general November election in which a secretary of state was elected.”

600.302a Judicial district; county lines; preparation of map by secretary of state.

Sec. 302a. Each judicial district described in section 302 shall be drawn on county lines. The secretary of state shall prepare a map of each district constituted under section 302 that shows the counties that comprise that district and convey the map of each district to the legislature and the governor.

History: Add. 2001, Act 117, Eff. Mar. 22, 2002.

600.303 Judges; terms; oath of office.

Sec. 303. (1) Judges of the court of appeals shall be elected at the general November elections and shall take office on the succeeding January 1 in accordance with the constitution and election laws of the state.

(2) Judges of the first court of appeals shall be elected in the general November election of 1964.

(3) In the general November election of 1964, the 3 candidates for the office of judge of the court of appeals in each district receiving the highest number of votes shall be deemed elected. Of these candidates elected, the candidate receiving the highest number of votes cast shall be elected for a 10-year term, the candidate receiving the next highest number of votes cast shall be elected for an 8-year term and the candidate receiving the third highest number of votes shall be elected for a 6-year term. Thereafter in each general November election in which judges are to be elected for a 6-year term, the office shall be filled under the general election laws of this state.

(4) Judges of the court of appeals shall take and subscribe the oath of office required by the constitution

before entering upon the discharge of their duties.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964.

600.303a Transition to 6 judges in each district.

Sec. 303a. To effectuate the transition to 6 judges in each district, each district is entitled to 6 judges as follows:

(a) If there are not more than 6 incumbent court of appeals judges in a district on March 25, 2012, the number of judgeships in that district shall remain at 6.

(b) If there are more than 6 court of appeals judgeships in a district on March 25, 2012 and 1 of those judgeships is vacant, that judgeship is eliminated. If more than 1 of the judgeships in that district is vacant, only the vacant judgeship with the shortest remaining term is eliminated. If the elimination of a judgeship results in 6 incumbent court of appeals judges in that district, the number of judgeships in that district shall remain at 6.

(c) Except as otherwise provided in this subdivision, if there are more than 6 court of appeals judgeships in a district on March 25, 2012 and there are no judgeships to be eliminated under subdivision (b), 1 judgeship shall be eliminated from the district at the beginning of the term for which an incumbent judge of the court of appeals does not seek election or reelection to that office until there are 6 incumbent judges in that district. Thereafter, the number of judgeships in the district shall remain at 6. However, a judgeship held by an incumbent judge who is serving by appointment of the governor shall not be eliminated under this subdivision unless the judge does not seek election at the first general election held after the vacancy to which he or she was appointed occurred, as provided in section 23 of article VI of the state constitution of 1963, or does not seek reelection at the end of a subsequent term.

History: Add. 2012, Act 40, Eff. Mar. 25, 2012;—Am. 2012, Act 624, Imd. Eff. Jan. 9, 2013.

Compiler's note: Former MCL 600.303a, which pertained to nominating petitions for new or existing judgeships, was repealed by Act 149 of 1982, Imd. Eff. May 6, 1982.

600.303b Nomination, election, and terms of candidates for new judgeships.

Sec. 303b. In the primary election of 1974, the 4 candidates for the new judgeships, authorized in each court of appeals district pursuant to sections 301 and 302, who receive the greatest number of votes in the respective district in that primary election are nominated to run in the 1974 general election in that district. The candidate for the new judgeships receiving the greatest number of votes in the 1974 general election in each court of appeals district is elected for a term of 10 years commencing January 1, 1975. The candidate for the new judgeships receiving the second highest number of votes in the general election in each court of appeals district is elected for a term of 8 years commencing January 1, 1975.

History: Add. 1974, Act 144, Imd. Eff. June 5, 1974.

Compiler's note: Section 2 of Act 144 of 1974 provides:

“Notwithstanding any other provision of law, nominating petitions for the offices added by this 1974 amendatory act shall contain not less than 1/4 of 1% nor more than 1% of the total number of votes cast in that appellate court district for secretary of state at the last preceding general November election in which a secretary of state was elected.”

600.303c Election of candidates for new judgeships; terms.

Sec. 303c. In the general November election of 1988, the 2 candidates for the new judgeships authorized in each court of appeals district pursuant to sections 301 and 302, as amended by the 1986 amendatory act that adds this section, receiving the highest number of votes shall be elected. Of these candidates who are elected, the candidate for the new judgeships receiving the greatest number of votes in each court of appeals district is elected for a term of 8 years commencing January 1, 1989. The candidate for the new judgeships receiving the second highest number of votes in each court of appeals district is elected for a term of 6 years commencing January 1, 1989.

History: Add. 1986, Act 279, Eff. Mar. 31, 1987.

600.303d Transition from 3 judicial districts to 4 judicial districts; provisions; offices.

Sec. 303d. (1) To effectuate the transition from 3 districts having a total of 24 judges to 4 districts having a total of 28 judges, the following special provisions apply:

(a) The judgeship in district 1 filled on October 13, 1993 by an incumbent whose term expires January 1, 1995 and who is not eligible to seek reelection shall terminate January 1, 1995 and shall not be filled by election in 1994.

(b) To provide 7 judges in districts 3 and 4:

(i) In district 3, 4 new judgeships shall be filled by election in 1994. The candidate receiving the highest number of votes is elected for a term of 10 years, the candidates receiving the second and third highest

number of votes are elected for terms of 8 years each, and the candidate receiving the fourth highest number of votes is elected for a term of 6 years.

(ii) In district 4, 1 new judgeship shall be filled by election in 1994. The candidate receiving the highest number of votes is elected for a term of 6 years.

(2) A judge of the court of appeals who is elected or appointed to a first term that begins on or after January 1, 1994 shall maintain offices only in the principal court of appeals offices in the district in which he or she was elected or appointed or in another office located in the municipality where the principal court of appeals facilities are located.

History: Add. 1993, Act 190, Eff. Oct. 13, 1993;—Am. 2004, Act 448, Imd. Eff. Dec. 27, 2004;—Am. 2005, Act 326, Imd. Eff. Dec. 27, 2005.

600.304 Court of appeals judge; annual salary; expenses; insurance programs.

Sec. 304. (1) Each judge of the court of appeals shall receive an annual salary calculated as follows:

(a) 92% of the annual salary of a justice of the supreme court as of December 31, 2015.

(b) In addition to the amount calculated under subdivision (a), an amount equal to the amount calculated under subdivision (a) multiplied by the compounded aggregate percentage pay increases, excluding lump-sum payments, paid to civil service nonexclusively represented employees classified as executives and administrators on or after January 1, 2016. The additional salary under this subdivision takes effect on the same date as the effective date of the pay increase paid to civil service nonexclusively represented employees classified as executives and administrators. The additional salary calculated under this subdivision shall not be based on a pay increase paid to civil service nonexclusively represented employees classified as executives and administrators if the effective date of the increase was before January 1, 2016.

(2) The judges shall be reimbursed for their actual and necessary expenses from the state treasury upon the warrant of the state treasurer.

(3) A judge of the court of appeals is eligible to participate in the state contributory insurance programs on the same basis as a justice of the supreme court.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 1966, Act 306, Imd. Eff. July 14, 1966;—Am. 1970, Act 248, Imd. Eff. July 1, 1971;—Am. 1980, Act 438, Eff. Sept. 1, 1981;—Am. 1995, Act 259, Imd. Eff. Jan. 5, 1996;—Am. 1996, Act 374, Eff. Jan. 1, 1997;—Am. 2016, Act 31, Imd. Eff. Mar. 8, 2016.

Compiler's note: Sections 2 and 4 of Act 438 of 1980 provide:

“Conditional effective date; action constituting exercise of option; effect of exercising option.

“Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

“(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978.”

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

“Effective date of certain sections.

“Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981.”

600.305 Administration of court; rules of practice.

Sec. 305. The administration of the court of appeals shall be under the control of the supreme court. The court of appeals has authority to promulgate and amend general rules of practice and procedure before the court of appeals subject to the rule making powers of the supreme court.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964.

600.306 Temporary judges.

Sec. 306. The supreme court may transfer judges from the circuit court or probate court or may assign judges pursuant to section 23 of article VI of the state constitution of 1963 to the court of appeals to act as temporary judges. The transfer may be made to replace disabled or disqualified judges, or to enlarge the court

of appeals temporarily to not more than 48 judges if the business of the court of appeals is considered by the supreme court to warrant it. If the court of appeals sits in panels, the temporary judges may be assigned to any panel. Not more than 1 temporary judge shall be assigned to hear a case. A temporary judge is disqualified from hearing, in the court of appeals, cases tried before him or her in the trial court.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 1968, Act 127, Imd. Eff. June 11, 1968;—Am. 1974, Act 144, Imd. Eff. June 5, 1974;—Am. 1976, Act 283, Imd. Eff. Oct. 14, 1976;—Am. 1986, Act 279, Eff. Mar. 31, 1987;—Am. 1993, Act 190, Eff. Oct. 13, 1993.

Compiler's note: Section 2 of Act 144 of 1974 provides:

"Notwithstanding any other provision of law, nominating petitions for the offices added by this 1974 amendatory act shall contain not less than 1/4 of 1% nor more than 1% of the total number of votes cast in that appellate court district for secretary of state at the last preceding general November election in which a secretary of state was elected."

600.307 Judges; practice of law prohibited.

Sec. 307. The judges of the court of appeals shall not practice as attorneys or counselors in any court of the state, nor shall they engage in the practice of law for compensation.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964.

600.308 Jurisdiction of court of appeals on appeals from final judgments and final orders.

Sec. 308. (1) The court of appeals has jurisdiction on appeals from all final judgments and final orders from the circuit court, court of claims, and probate court, as those terms are defined by law and supreme court rule, except final judgments and final orders described in subsections (2) and (3). A final judgment or final order described in this subsection is appealable as a matter of right.

(2) The court of appeals has jurisdiction on appeal from the following orders and judgments that are reviewable only on application for leave to appeal granted by the court of appeals:

(a) A final judgment or final order of the circuit court under any of the following circumstances:

(i) In an appeal from a final judgment or final order of the district court appealed to the circuit court under section 8342.

(ii) In an appeal from a final judgment or final order of a municipal court.

(b) A final judgment or final order from the circuit court based on a defendant's plea of guilty or nolo contendere.

(c) Any other judgment or interlocutory order from the circuit court, court of claims, business court, or probate court as determined by supreme court rule.

(3) An order concerning the assignment of a case to the business court under chapter 80 is not appealable to the court of appeals.

(4) The court of appeals has exclusive original jurisdiction over any action challenging the validity of section 6404, 6410, 6413, or 6419.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 1968, Act 116, Imd. Eff. June 11, 1968;—Am. 1981, Act 206, Eff. Jan. 1, 1982;—Am. 1994, Act 375, Imd. Eff. Dec. 27, 1994;—Am. 2012, Act 333, Eff. Jan. 1, 2013;—Am. 2013, Act 164, Imd. Eff. Nov. 12, 2013;—Am. 2016, Act 186, Eff. Sept. 27, 2016.

600.308a Action under Const. 1963, Art. 9, § 32; commencement; jurisdiction; limitations; governmental unit as defendant; officer as party; continuation of action against governmental unit and officer's successor; referral of action; findings of fact; costs.

Sec. 308a. (1) An action under section 32 of article 9 of the state constitution of 1963 may be commenced in the court of appeals, or in the circuit court in the county in which venue is proper, at the option of the party commencing the action.

(2) The jurisdiction of the court of appeals shall be invoked by filing an action by a taxpayer as plaintiff according to the court rules governing procedure in the court of appeals.

(3) A taxpayer shall not bring or maintain an action under this section unless the action is commenced within 1 year after the cause of action accrued.

(4) The unit of government shall be named as defendant. An officer of any governmental unit shall be sued in his or her official capacity only and shall be described as a party by his or her official title and not by name. If an officer dies, resigns, or otherwise ceases to hold office during the pendency of the action, the action shall continue against the governmental unit and the officer's successor in office.

(5) The court of appeals may refer an action to the circuit court or to the tax tribunal to determine and report its findings of fact if substantial fact finding is necessary to decide the action.

(6) A plaintiff who prevails in an action commenced under this section shall receive from the defendant the costs incurred by the plaintiff in maintaining the action.

History: Add. 1980, Act 110, Imd. Eff. May 13, 1980.

600.309 Appeals as of right; appeals by leave of court.

Sec. 309. Except as provided in section 308, all appeals to the court of appeals from final judgments or decisions permitted by this act shall be a matter of right. All other appeals from other judgments or orders to the court of appeals permitted by statute or supreme court rule shall be by right or by leave as provided by the statute or the rules promulgated by the supreme court.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 1994, Act 375, Imd. Eff. Dec. 27, 1994.

600.309a Relief from certain circuit court judgments based on jury verdict; appeal; applicability.

Sec. 309a. (1) The legislature finds and declares all of the following:

(a) The right to trial by jury, as preserved by the state constitution of 1963, is sacrosanct and the decisions of juries should not be lightly discarded.

(b) It is the public policy of this state that litigants be afforded the highest possible degree of certainty that jury verdicts will be respected and enforced.

(2) This section applies only if a party seeks relief from a circuit court judgment entered in a civil action based on a jury verdict on any of the following grounds:

(a) Mistake, inadvertence, surprise, or excusable neglect.

(b) Newly discovered evidence.

(c) Fraud, misrepresentation, or other misconduct of an adverse party.

(d) That the judgment is void.

(e) Another reason that justifies relief from the operation of the judgment.

(3) If a circuit court order grants relief to a party as described under subsection (2), an opposing party may file an appeal of right from that order to the court of appeals. Action in the circuit court must be stayed while the matter is on appeal.

(4) In an appeal of right to the court of appeals under subsection (3), the court shall take appropriate steps toward ensuring, consistent with the appellate court rules, a timely processing of the appeal.

(5) This section does not apply to an action to which section 6098 applies.

(6) This section applies only to an action, case, or proceeding commenced after the date this section takes effect.

History: Add. 2021, Act 83, Imd. Eff. Sept. 10, 2021.

600.310 Original jurisdiction; writs, directives and mandates.

Sec. 310. The court of appeals has original jurisdiction to issue prerogative and remedial writs or orders as provided by rules of the supreme court, and has authority to issue any writs, directives and mandates that it judges necessary and expedient to effectuate its determination of cases brought before it.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 1967, Act 65, Imd. Eff. June 20, 1967.

600.311 Panels; quorum; rotation; assignment of judges and cases.

Sec. 311. (1) Unless otherwise provided by supreme court rule, the court of appeals shall sit in panels consisting of not less than 3 judges.

(2) A majority of the judges assigned to a panel shall constitute a quorum for hearing cases and transacting business before the panel.

(3) The rotation of panels and the assignment of judges and cases shall be in accordance with rules of the supreme court.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 1974, Act 144, Imd. Eff. June 5, 1974.

Compiler's note: Section 2 of Act 144 of 1974 provides:

“Notwithstanding any other provision of law, nominating petitions for the offices added by this 1974 amendatory act shall contain not less than 1/4 of 1% nor more than 1% of the total number of votes cast in that appellate court district for secretary of state at the last preceding general November election in which a secretary of state was elected.”

600.312 Sessions of court; office space.

Sec. 312. (1) The court of appeals shall hold such sessions as are necessary to dispose of the matters before it.

(2) The court of appeals shall hold court sessions at such places as the supreme court shall direct.

(3) Except as otherwise provided by law or by supreme court rule, the offices of the court of appeals shall be located in the city of Lansing.

(4) The department of administration shall furnish the court with suitable space and equipment in the city of Lansing, and at such other locations as the court shall hold court sessions.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964.

600.313 Decisions to be in writing; delivery and printing of opinions; effect of equally divided court.

Sec. 313. (1) Decisions of the court of appeals shall be in writing. Copies of written opinions of the court of appeals shall be delivered to the supreme court reporter not later than when they are filed with the clerk of the court of appeals. The reporter shall cause the opinions to be printed pursuant to rules of the supreme court.

(2) When the judges of a panel of the court of appeals hearing a case are equally divided as to the ultimate decision of any case properly before the court on review, the judgment of the court below shall be affirmed.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 1974, Act 144, Imd. Eff. June 5, 1974.

Compiler's note: Section 2 of Act 144 of 1974 provides:

"Notwithstanding any other provision of law, nominating petitions for the offices added by this 1974 amendatory act shall contain not less than 1/4 of 1% nor more than 1% of the total number of votes cast in that appellate court district for secretary of state at the last preceding general November election in which a secretary of state was elected."

600.314 Finality of decisions; superintending control of supreme court.

Sec. 314. (1) The decisions on appeal of the court of appeals are final, except as reviewed by the supreme court as provided by supreme court rule.

(2) The court of appeals is subject to the superintending control power of the supreme court, and this section does not affect the exercise of that power, nor the issuance of writs by the supreme court pursuant to its constitutional powers.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964.

600.315 Process; style, execution, seal.

Sec. 315. (1) All writs and process issuing out of the court of appeals shall be styled: "In the name of the people of the state of Michigan," and shall run into and be executed in any county of the state.

(2) The seal of the court of appeals affixed to, or impressed upon, any writ or process in any action or proceeding shall be conclusive evidence that the writ or process was issued by the court of appeals in all cases where such writ or process may be lawfully issued.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964.

600.316 Process issued by court of appeals; service; court order prohibiting disclosure of party's address or contacting another party; service on protected party.

Sec. 316. (1) Process issued by the court of appeals may be served by any member of the Michigan state police or by any other officer or individual authorized to serve process issued by a circuit court.

(2) If a court order has been entered in an action appealed to the court of appeals that prohibits the disclosure of the address of a party to the action or that prohibits a party to the action from contacting another party to the action, a party shall serve process or papers in the appeal that are required to be served directly on the protected party by delivering sufficient extra copies of the process or papers to the clerk of the court of appeals with a request that the clerk, a sheriff, deputy sheriff, or police officer, or an appointed court officer serve the process or papers on the protected party. The clerk, sheriff, deputy sheriff, police officer, or court officer shall serve process or papers received under this subsection at 1 of the following:

(a) The confidential address provided by the protected party to the court under Michigan court rules.

(b) If a confidential address has not been provided under subdivision (a), the last known address of the protected party as provided by the trial court.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 2016, Act 91, Eff. July 25, 2016.

600.317 Chief clerk; deputy clerks; personnel; duties; qualifications; bond; court officers.

Sec. 317. (1) There shall be 1 chief clerk who shall be appointed and may be removed by the court of appeals. The office of the chief clerk shall be located in the city of Lansing.

(2) Deputy clerks as are necessary shall be appointed by the chief clerk with the approval of the court of appeals. Deputy clerks shall be assigned by the chief clerk to locations approved by the court of appeals. The chief clerk and deputy clerks shall engage necessary personnel with the approval of the court of appeals and maintain such records under such standards as the court of appeals directs. Action taken in accordance with this subsection is subject to the superintendence of the supreme court and the court administrator.

(3) The chief clerk shall do all of the following:

(a) Take and subscribe the oath required by the constitution before taking office.

(b) Perform those duties as may be provided by law, or as prescribed by the court of appeals.

(4) The chief clerk and all deputy clerks shall each furnish a bond before taking office. The bond shall be

all of the following:

- (a) In favor of the people of the state.
 - (b) In the penal sum of \$10,000.00.
 - (c) Approved by the chief judge of the court of appeals.
 - (d) Filed with the secretary of state.
 - (e) Paid from the general fund in the state treasury on vouchers approved by the chief judge of the court of appeals.
 - (f) Conditioned on the faithful performance of his or her official duties with impartiality and correctness.
- (5) The judges of the court of appeals shall appoint court officers as deemed necessary by the court of appeals.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 1991, Act 71, Imd. Eff. July 11, 1991.

600.318 Research law clerk; employment; qualifications.

Sec. 318. (1) Each judge of the court of appeals may employ a research law clerk to assist the judge in connection with the work of his or her office.

(2) A clerk shall be a Michigan resident and a graduate of a law school approved and accredited by the council of legal education of the American bar association.

(3) A clerk shall be employed for a maximum of 5 years.

(4) A clerk shall perform those duties prescribed by the court of appeals.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 1992, Act 17, Imd. Eff. Mar. 16, 1992.

600.319 Secretarial personnel; employment.

Sec. 319. Each judge of the court of appeals may employ secretarial personnel to the extent he deems expedient to assist him in connection with the work of his office.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964.

600.320 Salaries and expenses; payment.

Sec. 320. All salaries and expenses of the court and its employees shall be paid out of appropriations made therefor in accordance with the accounting laws of the state.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964.

600.321 Fees to court of appeals; charge per page; waiver; deposit; costs; use.

Sec. 321. (1) The following fees shall be paid to the clerk of the court of appeals and may be taxed as costs if costs are allowed by order of the court:

(a) For an appeal as of right, for an application for leave to appeal, or for an original proceeding, \$375.00. This fee shall be paid only once for appeals that are taken by multiple parties from the same lower court order or judgment and can be consolidated.

(b) Upon the entry of any motion except a motion described in subdivision (c) upon the motion docket, \$100.00.

(c) Upon the entry of a motion for immediate consideration or a motion to expedite appeal upon the motion docket, \$200.00. This fee shall be paid only once regardless of the number of lower court files involved in the appeal. A prosecuting attorney is exempt from paying a fee under this subdivision with regard to an appeal arising out of a criminal proceeding.

(2) The clerk of the court of appeals shall charge 50 cents per page for certified copies of entries or papers in any action or proceedings when required for any other purpose than one connected with the progress or disposition of the action or proceeding.

(3) The clerk shall charge 50 cents per page for all uncertified copies of opinions, except those sent to 1 counsel representing each party in the case, for which no charge shall be made.

(4) If a person is unable to pay the fees required by this section, the person, by motion, accompanied by the person's affidavit stating facts showing that inability, may ask the court to waive the fees and the court or a judge of the court may waive payment of the fees.

(5) Each month the clerk of the court of appeals shall deposit with the state treasurer all fees collected and obtain and file a receipt for the fees deposited.

(6) Costs shall be awarded in the discretion of the court.

(7) The fees collected under this section shall be used to fund a probation swift and sure sanctions program created under the probation swift and sure sanctions act, chapter XIA of the code of criminal procedure, 1927 PA 175, MCL 771A.1 to 771A.8.

History: Add. 1964, Act 281, Imd. Eff. June 11, 1964;—Am. 1970, Act 248, Imd. Eff. Jan. 1, 1971;—Am. 1986, Act 274, Eff. Mar.

31, 1987;—Am. 1990, Act 277, Eff. Mar. 28, 1991;—Am. 1997, Act 182, Eff. Jan. 1, 1998;—Am. 2003, Act 138, Eff. Oct. 1, 2003;—Am. 2005, Act 151, Imd. Eff. Sept. 30, 2005;—Am. 2005, Act 326, Imd. Eff. Dec. 27, 2005;—Am. 2007, Act 64, Imd. Eff. Sept. 28, 2007;—Am. 2011, Act 130, Imd. Eff. Sept. 6, 2011;—Am. 2012, Act 617, Imd. Eff. Jan. 9, 2013.