



THIRD JUDICIAL CIRCUIT
OF MICHIGAN

701 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3413

VIRGIL C. SMITH
CHIEF JUDGE

(313) 224-5430

DOCKET DIRECTIVE 2011 – 12

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT

SUBJECT: DISCONTINUANCE OF FILING FEES FOR PETITIONS FOR SUPOENAS IN OUT-OF-STATE PROCEEDINGS

This Docket Directive is being issued pursuant to MCR 8.110(C)(3)(h), and for the purpose of effecting compliance with the current directive of the State Court Administrative Office regarding the collection of filing fees for petitions for the issuance of a subpoena for a pending out-of-state proceeding, see MCR 2.305(E), as set forth in a Memorandum, dated June 9, 2011 from the State Court Administrative Office (copy attached).

IT IS ORDERED THAT:

The Wayne County Clerk, as the Clerk of the Court, shall terminate the practice of charging a filing fee for a petition that seeks, pursuant to MCR 2.305(E), the issuance of a subpoena to testify with respect to an out-of-state proceeding.

No case-type code shall be assigned to such petitions, but the Third Circuit Court's Case Processing Department shall develop and maintain a process on Odyssey Case Management System-Civil that will allow for the recording of the petitions, assignment of a petition number, and random assignment to judges in the Civil Division.

The Wayne County Clerk, the Third Circuit Court's Case Processing Department and the Third Circuit Court's Information Technology Systems Bureau are directed to take all steps necessary to implement this Directive.

EFFECTIVE: IMMEDIATELY

Virgil C. Smith, Chief Judge
Third Judicial Circuit of Michigan

Date: 08/11/2011



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Steven D. Capps
Director

MEMORANDUM

DATE: June 9, 2011

TO: Circuit Court Administrators and County Clerks
cc: Chief Circuit Judges

FROM: Jim Inloes, Management Analyst

RE: Filing Fee for Petition for Subpoena to Testify Out-of-State

It has come to the attention of the State Court Administrative Office that circuit courts throughout the state have inconsistent practices regarding the processing of a petition, including assessment of a filing fee, to obtain a subpoena for use in an out-of-state proceeding. MCL 600.1852 and MCR 2.305(E) regulate the process for acting on such a petition.

The filing of a petition to obtain a subpoena does not create a case. Therefore, no case-type code should be assigned and no filing fee should be collected. Authorization to assess a fee would necessitate a change in the statute (MCL 600.2529). Petitions and subpoenas can be maintained in a group file in accordance with Component 18 (Group Files) of the Michigan Trial Court Case File Management Standards.

Court and county clerk staff who have questions should contact Jim Inloes at inloesj@courts.mi.gov or 517-373-0122.