

Appeals from an Agency Governed by the Administrative Procedures Act Circuit Court Appeal Procedure

The procedure for appeals to Circuit Court from a decision of an agency governed by the Administrative Procedures Act is controlled by MCR 7.119. Please note the following highlights. Failure to comply with the Court Rules may result in a sanction up to and including dismissal of your appeal.

1. Unless MCR 7.119 provides otherwise, MCR 7.101 through MCR 7.115 apply. MCR 7.119(A).
2. An application for interlocutory appeal is governed by MCR 7.119(C). Appellee may file an answer to an application for interlocutory appeal. MCR 7.119(C)(3). There is no oral argument unless directed by the Circuit Court. MCR 7.105(D)(1). The Circuit Court must decide the application within 35 days of the filing date, absent good cause. MCR 7.105(D)(2). If the application is granted, the appeal proceeds in the same manner as an appeal of right. MCR 7.119(C)(4).
3. An appeal of right is governed by MCR 7.119(B).
4. Appellant shall serve copies of the claim of appeal on the agency, attorney general and all other parties, and file proof of service with the Court. MCR 7.119(B)(2)(f).
5. Appellant shall comply with MCR 7.104(D), which includes Appellant filing a copy of a written request or order for a certified copy of the record to be sent to the Circuit Court. MCR 7.119(B)(2)(d).
6. Appellee shall file an appearance that complies with MCR 7.104(F) within 14 days after service of the claim of appeal. MCR 7.119(B)(3).
7. The filing of an appeal does not stay enforcement of the agency's decision or order; however, a party may seek a stay in the Circuit Court pursuant to MCR 7.119(E).
8. The Circuit Court must immediately send written notice to the parties when the record is filed. MCR 7.109(G)(3).
9. The appeal is heard by the Circuit Court on the certified record. Briefs and oral arguments are governed by MCR 7.111 which state as follows:
 - a. Within 28 days after the Circuit Court clerk notifies the parties that the record on appeal has been filed with the Circuit Court, Appellant must file a brief in the Circuit Court and serve it on Appellee. MCR 7.111(A)(1). Appellee may file and serve a reply brief within 21 days after Appellant's brief is served on Appellee. MCR 7.111(A)(2).
 - b. If Appellant does not file a brief within the 28 days and the Circuit Court has not granted a motion for further time, the appeal may be considered abandoned, and the Circuit Court may dismiss the appeal on 14 days' notice to the parties. MCR 7.111(A)(1)(b).
 - c. A party who has filed a timely brief is entitled to oral argument by writing "**ORAL ARGUMENT REQUESTED**" in boldface type on the title page of the party's brief. MCR 7.111(C). Even if oral arguments are properly requested, the Circuit Court may dispense with oral arguments if the briefs and record adequately present the facts and legal arguments, and the Circuit Court's deliberation would not be significantly aided by oral argument. MCR 7.114(A). The assignment clerk will schedule a hearing and notify the parties by mail. If oral arguments are not requested, the file will be submitted to the judge to whom the appeal is assigned for decision.

Please see the Michigan Court Rules for further information.