

Application for Leave to Appeal Circuit Court Appeal Procedure

The procedure for appeals to Circuit Court is governed by MCR 7.100, *et seq.* 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. A copy of the application must be filed with the court you are appealing from and served on the Appellee. MCR 7.105(B)(6). Generally, the application must be filed within 21 days after entry of the judgment or order appealed from, except when another time is prescribed by statute. MCR 7.105(A).
2. At the time of filing the application for leave to appeal in the Circuit Court, Appellant must also have filed:
 - a. A signed application for leave to appeal, which includes the statements required by MCR 7.105(B)(1).
 - b. A copy of the judgment, order, or decision appealed. MCR 7.105(B)(2).
 - c. A copy of the register of actions, in any. MCR 7.105(B)(3).
 - d. Unless waived by stipulation of the parties or trial court order, a copy of certain transcripts as provided by MCR 7.105(B)(5).
 - e. Proof that a copy of the application was served on all other parties and that a notice of the filing of the application was filed with the district court. MCR 7.105(B)(6).
 - f. Payment of the Circuit Court appeal fee, unless Appellant is indigent. MCR 7.105(B)(7).
3. Within 21 days of service of the application, any party in the case may file a signed answer that conforms with MCR 7.212(D), along with proof that a copy was served on all parties. MCR 7.105(C).
4. There is no oral argument unless directed by the Circuit Court. MCR 7.105(D)(1).
5. The Circuit Court must decide the application within 35 days of the filing date, absent good cause. MCR 7.105(D)(2). If a decision is required on an application in fewer than 35 days, Appellant must file a motion for immediate consideration concisely stating why an immediate decision is required. MCR 7.105(E).
6. The Circuit Court may grant or deny leave to appeal or grant other relief, and must promptly serve a copy of its order on the parties and district court. MCR 7.105(D)(3). Unless otherwise ordered, an appeal is limited to the issues raised in the application. MCR 7.105(D)(5).
7. If leave to appeal is granted, MCR 7.104 governs further proceedings, except that:
 - a. The filing of a claim of appeal is not required. MCR 7.105(D)(4)(a).
 - b. Appellant must perform the acts required by MCR 7.104(D) and (E) within 7 days after entry of the order granting leave to appeal. MCR 7.105(D)(4)(b).
 - c. Appellee may file a claim of cross appeal within 14 days after service of the order granting leave to appeal. MCR 7.105(D)(4)(c).
 - c. Further steps in the appeal are governed by the same rules as appeals as of right.

Please see the Michigan Court Rules for further information