

Licensing Appeals Under the Motor Vehicle Code Circuit Court Appeal Procedure

The procedure for appeals to Circuit Court of a licensing decision under the Motor Vehicle Code is governed by MCR 7.120. 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 7.120 provides otherwise, MCR 7.101 through MCR 7.115 apply. MCR 7.120(A).
2. Appellant must attach to the claim of appeal a copy of the Secretary of State determination and any supporting affidavits. MCR 7.120(B)(2)(d).
3. Appellant shall file with the claim of appeal a copy of a written request or order for a certified copy of the record to be sent to the Circuit Court. MCR 7.104(D)(3).
4. Appellant shall serve the claim of appeal on all parties. MCR 7.120(B)(2)(e).
5. Appellee shall file an appearance that complies with MCR 7.104(F) within 14 days after service of the claim of appeal. MCR 7.120(B)(3).
6. The Circuit Court must immediately send written notice to the parties when the record is filed. MCR 7.109(G)(3).
7. For proceedings under MCL 257.323(3):
 - a. The Circuit Court may require briefs and may enter an order setting a briefing schedule. MCR 7.120(F)(1).
 - b. The Circuit Court shall schedule a hearing under MCL 257.323(2), where the Court may take testimony and examine all the facts and circumstances relating to the denial, suspension, or restriction of the person's license under MCL 257.303(1)(d), MCL 257.320, MCL 257.904(10), MCL 257.904(11), MCL 257.310d, or for a first violation of MCL 257.625f.
8. For proceedings under MCL 257.323(4):
 - a. The parties must file briefs complying with MCR 7.111. MCR 7.120(G)(1). 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); MCR 7.120(G)(2). 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.