

Appeals as of Right 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. As Appellant you must file the following, within the time for taking the appeal, in the court you are appealing from:
 - a. A copy of the claim of appeal, which includes the judgment or order appealed from. MCR 7.104(E)(1).
 - b. Any fee required by law. MCR 7.104(E)(2).
 - c. Any bond required by law as a condition for taking the appeal. MCR 7.104(E)(3).
 - d. The certificate of the court reporter/recorder or a statement that the transcript has been ordered and payment for it made or secured, unless there is nothing to be transcribed. MCR 7.104(E)(5).
 - e. Pay taxable costs of the prevailing party together with \$25 appeal fee to the district court. MCL 600.6536.

2. At the time of filing the claim of appeal in the Circuit Court, Appellant must also have filed:
 - a. A copy of the judgment, order, or decision appealed. MCR 7.104(D)(1).
 - b. A copy of the certificate of the court reporter/recorder or a statement that the transcript has been ordered pursuant to MCR 7.109(B)(3)(a), or a statement that there is nothing to be transcribed. MCR 7.104(D)(2).
 - c. If Appellant has filed a bond, a true copy of the bond. MCR 7.104(D)(4).
 - d. Proof that money, property, or documents have been delivered or deposited as required by law. MCR 7.104(D)(5).
 - e. A copy of the register of actions, if any. MCR 7.104(D)(6).
 - f. Proof that the appeal fee has been paid. MCR 7.104(D)(7).
 - g. Anything else required by law. MCR 7.104(D)(8).
 - h. Proof that a copy of the claim of appeal and other required documents were served on all parties, the district court, and any other person entitled to notice of the appeal. MCR 7.104(D)(9).

3. Within 14 days after being served the claim of appeal, Appellee must file an appearance in the Circuit Court identifying the individual appellate attorneys. Appellee who does not file an appearance is not entitled to notice of further proceedings. MCR 7.104(F).

4. Within 7 days after a transcript is ordered, the court reporter/recorder must provide a certificate that the transcript has been ordered and payment made or secured, and that it will be filed as soon as possible or has already been filed. MCR 7.109(B)(3)(a).

5. The court reporter/recorder must file the transcript within 28 days after it is ordered for an appeal from the dismissal or reduction of a felony charge following a preliminary examination; and in all other cases, the court reporter/recorder must file the transcript within 56 days after it is ordered. MCR 7.109(B)(3)(b)(i). Immediately after the transcript is filed the court reporter/recorder must notify the Circuit Court and all parties that the transcript has been filed and must file in the Circuit Court an affidavit of mailing of notice to the parties. MCR

7.109(B)(3)(e).

6. Within 14 days after the transcript has been filed, Appellant must serve a copy of the entire record on appeal, including transcripts and exhibits in his or her possession, on each Appellee. Proof that the record was served must be promptly filed with the district court and Circuit Court. MCR 7.109(F).
7. Within 14 days after the transcript has been filed or a certified copy of the record has been requested, the district court must send the record to the Circuit Court. MCR 7.109(G)(1). The Circuit Court must immediately send written notice to the parties when the record is filed. MCR 7.109(G)(3).
8. 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).
9. 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).
10. 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.