

The Circuit Court has approximately 1,495 rolls of microfilm containing copies of old court files. We propose that \$243,125 in ARPA funds be expended to convert this microfilm to digital files. This would serve many purposes.

During COVID, we realized how critical access to these records are. We spent innumerable hours researching microfilm files for the public, which they would have done themselves under normal circumstances. We average at least one person per day reviewing old microfilm in our lobby. It should be noted that although we received copy fees for the items we ultimately printed for the requestor, it would sometimes take 30-45 minutes to locate the document on microfilm for them, thus creating a net deficit.

When the lobby reopened to the public, issues were created by the lack of floor space. If we had a customer at each window, which is the normal case – and a person at the microfilm machine, all other members of the public had to wait in the hallway in order to observe the proper six foot distance. This created a host of issues for people on a schedule.

The requests to view microfilm has increased due to the public reaching retirement age and needing certified copies of their prior divorce judgments, as well as the need for certified copies of prior convictions for requests to set aside under the new “Clean Slate” legislation.

Finally, the microfilm machine was a magnet for children who are usually unattended in the lobby while their parents are busy talking to our staff or filling out forms. The children constantly touch it. During COVID, we were forced to stop what we were doing and wipe down the machine frequently to protect the public from infection.

The service contracts for the microfilm machines are covered by Central Services and I’m no longer privy to their annual cost. However, I do recall the last time we had to replace a bulb, the cost of that bulb was \$300 on Amazon. It was much more expensive through the supplier.

On April 1, 2022, a court rule came into effect that prohibits the Court from distributing any documents that contain a party’s personal identifying information, MCR 1.109(D)(9). Although it does carve out some exceptions, there remain many requirements the court is not exempted from. That information is contained in the microfilmed files. Most files containing protected identifying information are criminal and domestic. Criminal cases filed pre-2009 are all on microfilm. Domestic cases without children filed pre-2009 are on microfilm. Domestic cases with children filed pre-2001 are on microfilm. Additionally, there will be some civil cases that contain protected identifying information. Civil cases filed pre-2008 are on microfilm.

On April 11, 2023, the State’s new “clean slate” legislation takes effect, MCL 780.621d. This will cause many files to become non-public. The rolls of microfilm will then contain non-public files mixed in with public files. Some files will contain *within themselves* some charges that are public and some that are non-public. These will be especially tricky to navigate. The legislation will affect criminal cases filed in the last 100 years. Criminal cases filed pre-2009 are on microfilm.

A proposed amendment to Michigan Court Rule 8.119(I)(9) proposes: “The court must redact all information related to the set aside conviction or convictions before making the case record available to the public in any format.” Clearly, this would include microfilm.

When the public is in the lobby, viewing a public file on microfilm, they will have non-public information and personal identifying information available for their viewing throughout that entire roll of microfilm. The only means to prevent this is to print the entire file from microfilm, redact it, and then allow the public to view those redacted copies. They may opt to photograph those with their phone or not purchase copies. This would be a net loss and labor-intensive.

It is anticipated that when these files are converted to digital images, the files can be quickly loaded into the OnBase system. OnBase has a toggle function to assign a status of public or non-public. Any files that are public can be quickly reviewed and any personal identifying information can be redacted within the program itself.

It cannot be stressed enough that without this assistance, the Circuit Court Clerk's office will not be able to handle all of this additional work and it could easily result in the request for additional FTEs.