

ADB E-filing Procedures
August 23, 2022¹

- I. Definitions
 - A. “Electronic filing” or “e-filing” means the completed electronic transmission of documents or information to the Board in accordance with these guidelines.
 - B. “Electronic service” or “e-service” means the electronic transmission of documents or information to a party, a party’s attorney, or a party’s representative in accordance with these guidelines.
- II. Scope; E-filing and E-service Independent and Voluntary.
 - A. E-filing is not mandatory. Paper copies of pleadings or papers (documents) may be delivered to the Board by traditional means provided in the Michigan Court Rules. A party may e-file documents with the Board and its panels in accordance with these guidelines.
 - B. E-service is not mandatory. Some or all of the parties may agree to serve documents electronically among themselves in a particular pending disciplinary matter by filing a stipulation. The stipulation must be filed with the Board prior to electronically serving documents. Some or all of the parties may agree to e-mail service of documents upon them by the Board by filing a case specific agreement, or a blanket agreement encompassing all current and future cases the party is involved in with the Board.
- III. E-filing Submission, Acceptance and Time of Service with the Board; Signature.
 - A. Parties who elect to e-file may electronically submit electronic documents pursuant to these guidelines and the Board's technical requirements provided they are otherwise in compliance with the Michigan Court Rules. The Board may reject documents that do not comply with the Michigan Court Rules, these procedures, or its technical requirements.
 - B. E-filings shall be treated as if they were hand-delivered to the board for all purposes.
 - C. E-filings shall become part of the official record.

¹ Amendments in the August 23, 2022 version of the ADB’s E-filing Procedures change the maximum allowable size of attachments to e-mails sent to clerk@adbmich.org and provide further direction on the preparation of documents for filing, including a required index of attachments.

- D. Filing of documents under these procedures may be accomplished by e-mail.
- E. Electronic filings received by 11:59 p.m. on a business day will be docketed for that business day. Electronic filings received between 12:00 a.m. and 11:59 p.m. on a Saturday, Sunday, or court holiday will be docketed for the next business day. See MCR 1.108; MCR 8.110(D)(2).
- F. An e-filing served under these procedures shall be deemed to have been signed by the Board, attorney, party or declarant in the following circumstances:
 - 1. Signatures submitted electronically shall either be a scanned image of the original signature or use the following form: /s/ Jane L. Doe, unless it is required to be sworn or notarized.
 - 2. When a document requires a signature under penalty of perjury, a scanned image of the original shall be submitted and the original must be maintained by the filing attorney or party and made available upon the request of the Board, the signatory or opposing party.
 - 3. When a document requires a signature before a notary public, a scanned image of the original shall be submitted and the original must be maintained by the filing attorney or party and made available upon the request of the Board, the signatory or opposing party.

IV. Service and Filing of Pleadings, Documents, and Motions.

- A. Parties who elect to e-file and agree to e-service shall provide the Board with one e-mail address that will be used throughout the proceeding; all e-service and e-filing shall originate from and be sent to this e-mail address. Parties may designate additional persons with independent e-mail addresses as authorized to send and receive documents to the Board.
- B. All documents may be delivered to other parties and the Board via e-mail, unless otherwise agreed by all parties.
- C. The subject matter line for the transmittal of document served by e-mail shall state, "Service of e-filing in case [insert case name and number]."
- D. A party may only e-file documents for one case in each e-mail transaction.
- E. Filing of documents with the Board, its hearing panels, and its masters shall be accomplished by addressing the e-mail to: clerk@adbmich.org. E-filed pleadings and other documents shall be submitted via e-mail to clerk@adbmich.org only (carbon

copying opposing counsel is allowed). The ADB staff will forward the documents to the Board or panel members, or master, as appropriate. Parties (or their counsel) should NOT e-mail pleadings or other documents to the Board's members, panel members, master in the matter, or Case Manager unless otherwise directed by Board staff, or in emergency situations.

V. Preparing Document for E-Filing and E-Service.

- A. Documents e-filed in accordance with these procedures must be in PDF (Portable Document Format) and the text of the document must be electronically searchable through optical character recognition (OCR) or similar technology.
- B. When the filing party has control of the creation of a document, the document must be converted to PDF directly from the program used to create the document. A scanned image of a document is prohibited, except for documents the filing party did not create electronically or when a required signature on the document was signed by hand.
- C. Scanned documents must be a minimum of 300-400 dpi (dots per inch), black/white mode.
- D. Attachments must comply with the below standards:
 - 1. The last page of the lead document (filing) to which the attachments pertain must contain an index subtitled "Index to Attachments" and must list the title of each attachment and its associated file name(s).
 - 2. Each attachment must be identified as an attachment to the lead document, be numbered, and contain the title as follows: Attachment [# or letter] - [title of attachment, e.g. Lease] for [name of lead document, e.g. Complaint for Possession].

An example: Attachment A - Bank Records for Account Ending in 3421 from Jun 2022 to Aug 2022 for Respondent's Motion for Summary Disposition.

- E. When a filing includes a lead document and accompanying attachments, the Board encourages the filer to submit the entire filing as one PDF if the file size will not exceed 100 MB. Files larger than 100 MB may be filed electronically in separate 100 MB (or smaller) segments. The filer is responsible for dividing the file into appropriately-sized parts and labeling each segment (e.g. 1 of 3, 2 of 3, 3 of 3).

- F. To better aid the Board in verifying that all pages of a document that were meant to be filed are contained in the PDF, filing parties shall label their PDF with page numbers.
- G. All e-filings must otherwise comply with the Michigan Court Rules and the Board's technical requirements.

VI. Technical Malfunctions

- A. A party experiencing a technical malfunction shall use reasonable efforts to timely file or receive service by traditional methods and shall provide prompt notice to the Board and the other parties of any such malfunction.
- B. If a technical malfunction has prevented a party from timely filing, responding to, or otherwise receiving an e-filing, the party may petition the Board for relief. Such a petition shall include adequate proof of the technical malfunction and set forth good cause for failure to use non-electronic means to timely file or serve the document. The Board shall consider proof of the technical malfunction and exercise its discretion in determining whether relief is warranted.

VII. Retention of Hard Copies; Direction by Board to File Hard Copies

- A. Hard copies of all documents electronically filed or served shall be maintained by the party filing those documents and shall be made available, upon reasonable notice, for inspection or copying. Parties shall retain such copies until final disposition of the matter and the expiration of all appeal opportunities. At any time during the pendency of a matter, the Board may direct a party to provide one or more hard copies of all or part of a document for filing and distribution to members of the Board or the hearing panel.

VIII. Privacy Considerations

- A. With respect to all e-filings, the following requirements for personal information shall apply:
 - 1. Social Security Numbers. Pursuant to Administrative Order No. 2006-2, full social security numbers shall not be included in e-filings. If a social security number must be referenced in an e-filing, only the last four digits of that number may be used in the following format: XXX-XX-1234.
 - 2. Names of Minor Children. The identity of minor children shall not be included in e-filings. If a nonparty minor child must be mentioned, only the initials of that child's name may be used.

3. Dates of Birth. An individual's full birth date shall not be included in e-filings. If an individual's date of birth must be referenced in an e-filing, only the year may be used and the date specified in the following format: XX/XX/1991.
 4. Financial Account Numbers. Full financial account numbers shall not be included in e-filings unless required by statute, court rule, or other authority. If a financial account number must be referenced in an e-filing, only the last four digits of these numbers may be used and the number specified in the following format: XXXXX1234.
 5. Driver's License or State-Issued Identification cards. A person's full driver's license number or state-issued personal identification number shall not be included in e-filings. If an individual's driver's license number or state-issued personal identification card number must be referenced in an e-filing, only the last four digits of that number should be used and the number specified in the following way: X-XX-XXX-XX1-234.
 6. Home Addresses. With the exception of a self-represented party, full home addresses shall not be included in e-filings. If a home address must be referenced in an e-filing, only the city and state should be used.
- B. Parties should exercise caution when filing papers that contain private or confidential information, including, but not limited to:
1. Medical records, treatment and diagnosis;
 2. Employment history;
 3. Individual financial information;
 4. Insurance information;
 5. Proprietary or trade secret information;
 6. Information regarding an individual's cooperation with a governmental agency; and
 7. Personal information regarding the alleged victim of any criminal activity.