

Michigan

[2007 Report](#) by Rick Goheen, University of Toledo LaValley Law Library; 2009-10 Update by Jane Edwards, Michigan State University College of Law, and Ruth S. Stevens, Grand Valley State University

<p>OFFICIAL STATUS</p> <p>✓</p> <p>No change since the 2007 report</p>	<p>AUTHENTICATION</p> <p>X</p> <p>No change since the 2007 report</p>
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Michigan statutes recognize the web version of its Administrative Code as the *official* version, although this is not clearly stated on the website. No other online resource investigated here is *official*. Michigan is taking steps to address the currency and accuracy of its online laws. The online Michigan Compiled Laws is generated from a current, almost real-time version of the statutory code. Michigan Supreme Court and Court of Appeals opinions on the Web are updated once the final text of the opinion is received from the official publisher of the print version.

Michigan is not addressing the authentication of online legal resources.
It does not appear the state is addressing technology issues involved in authenticating resources on the Web.

Has the state eliminated the print publication of any of these titles in favor of online only since the 2007 report? The state is no longer publishing the print version of the Administrative Code for public distribution.

Has the state enacted legislation guaranteeing the public's permanent access to state online government information since the 2007 report? No legislation guaranteeing permanent public access has been adopted.

Have courts in your state adopted a medium neutral citation system since the 2007 report? The state has not adopted a medium neutral citation system and therefore citations in court documents must refer to the official print versions of the statutes and court opinions.

Have there been any other significant changes to the 2007 state summary? Minor changes are described in the text below.

In Michigan, as in other states there is no coordinated effort between government agencies to address the issues of *official* status and *authentication* of online laws. As a result, an assessment of its progress in these areas must be made separately for each branch of government. While there are some similarities in the approaches taken by each branch, there are also significant differences.

Administrative Regulations: The *Michigan Administrative Code* is the only online source of Michigan law that has been expressly declared to be *official* by statute, MCL 24.259. The state is no longer publishing the print version of the Administrative Code for public distribution. The online version of the *Michigan Administrative Code* has an unusual URL, and it would help if this could be shortened or streamlined for better public access. The *official* online repository includes the current version of the Code and annual supplements reflecting revisions to the code back to 1998, but it does not include an archive of the prior versions of the Administrative Code.

Session Laws & Michigan Compiled Laws: The Michigan Legislature website provides online access to current versions of the *Public Acts* (session laws) and the *Michigan Compiled Laws* (statutory code); however these versions of the acts and compiled laws are not considered *official*. The website makes this very clear by including a disclaimer that states: “The information obtained from this site is not intended to replace official versions....and is subject to revision. The Legislature presents this information, without warranties, express or implied, regarding the accuracy of the information, timeliness, or completeness.” Additionally, the Michigan Legislative Council, one of the organizations responsible for maintaining the website, has indicated that the online version is intended to be an aid to the public and does not replace the *official* print versions.

While the online versions may not be considered *official*, efforts are being made to ensure the integrity and accessibility of the materials posted on the website. The website includes the *Public Acts* for the years 1997-2009 in both HTML and PDF formats. Additionally, the session laws are notably up-to-date, with new laws being posted to the website within a day or two of enactment. The session laws are searchable using a keyword search and are browsable by year.

The *Michigan Compiled Laws* are also published in HTML and PDF formats and according to the Michigan Legislative Council, “special safeguards are in place to protect the integrity” of the online version. Like the session laws the *Michigan Compiled Laws* are updated frequently. Each PDF page includes a footer with a date stamp, a copyright notice, and the statement “Michigan Compiled Laws Complete Through PA [number] of [year]. On May 15, 2009, the PDF date stamp read “Rendered Thursday, April 23, 2009” and indicated that the text was complete through Public Act 20 of 2009. The HTML version also includes a time stamp, which appears to be given in real time (*i.e.*, the instant

the page is requested). The compiled laws are searchable by keyword and by section number. There is no browsing function until one reaches the chapter level.

Court Opinions: The state’s Supreme Court and Court of Appeals opinions are available from a single unified website. The print version of the opinions is the only version of the opinions that is designated *official* by statute, although effort has been made to ensure that the content of the online opinions matches the *official* print version. Opinions are posted to the web shortly after their release, but, after editorial corrections and additions to an opinion are made by the court and the publisher of the print *official* reports, the online version is corrected to match the text of the *official* version. An “open book” icon is then placed next to the opinion.

The court website refers to the opinions with an “open book” icon as “[o]fficial opinions . . . uploaded to this website”, but this does not, however, give the online opinions *official* status as that term is defined in this survey. Even after the final revision process is complete, online versions of the opinions remain in the same 8.5” x 11” PDF format in which they were originally released by the court. They are not re-posted with a new PDF image of the print *official* publication. Significantly, they do not have all of the features of the *official* print reports. The *official* citation is missing and the syllabus and headnotes that are part of the *official* opinions are not included in the online versions. The Michigan Uniform System of Citation, which governs opinions written by the Michigan courts, requires citation to the *official* print reports and does not provide for citing the “official” online versions of opinions. Because of the differences in content and the explicit citation requirements giving preference for the print reports, the posting of the online versions of the opinions can only be seen as an attempt to broaden access to the text of opinions, not the creation of a second *official* source for opinions.

Online versions of published opinions prior to 2001 are made freely available on a separate website hosted by Thomson West, the publisher of Michigan’s print *official* reports, *Michigan Reports* and *Michigan Appeals Reports*. Although the Thomson West external site for accessing published opinions prior to 2001 is titled *Michigan Official Historical Reports* and can be linked to directly from the Michigan Court’s website, the format of the cases there does not match the format of cases published in the *official* print reports. The online “*Michigan Official Historical Reports*” has the text of opinions, but it does not have the syllabi and headnotes included in the text of the *official* print opinions (*Official* print versions of Michigan cases have their own, unique syllabi and headnotes that differ from those published in West’s Regional Reporters). Ideally, a disclaimer explaining this omission should be added to the site and the word “official” should be dropped from the title to avoid confusion.

As noted in the 2007 survey, Michigan has made progress in ensuring that current and accurate versions of its laws are available online. There have been no significant changes since then. With the exception of the *Michigan Administrative Code*, Michigan has not directly addressed the issue of creating *official* online versions of its laws by statute and the Administrative Code remains the only primary resource that is published exclusively

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in an electronic format. The online versions of Michigan's statutes and court opinions still fall into a grey area. More needs to be done before these versions can be considered *official*.