Order

Michigan Supreme Court
Lansing, Michigan

June 26, 2020

ADM File No. 2020-08

Administrative Order No. 2020-19

Continuing Order
Regarding Court Operations

Bridget M. McCormack,
Chief Justice

David F. Viviano,
Chief Justice Pro Tem

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

For the last several months, courts have been operating under special rules to ensure that essential functions continue while also limiting access to physical locations as a way to limit the spread of COVID-19 for both court staff and court visitors. As courts return to full capacity it is now appropriate to revisit those early orders.

In Administrative Order No. 2020-14, the Court made it clear that all courts must adopt a phased approach to a return to full capacity of operations. Courts have been submitting their required local administrative orders and are balancing protecting public health and increasing operations. The technological tools courts used to ensure access during the closure should be maintained and indeed used more frequently to rebuild capacity.

Therefore, on order of the Court:

1. Administrative Order No. 2020-2 is rescinded, with the expectation that courts shall continue to process those cases listed as essential functions in addition to other cases as courts return to full capacity under the terms of Administrative Order No. 2020-14. Courts that have progressed to Phase 3 under the Return to Full Capacity guidance document under Administrative Order No. 2020-14 shall begin holding jury trials using trial standards approved by the State Court Administrative Office. In addition, courts that are not yet at Phase 3 may proceed with jury trials upon approval from the State Court Administrative Office. Further, courts must continue to provide a method or methods for filers to submit pleadings other than by personal appearance at the court.

2. Courts shall continue to expand the use of remote participation technology (video or telephone) as much as possible to reduce any backlog and to dispose of new cases efficiently and safely. As articulated in Administrative Order No. 2020-1 and Administrative Order No. 2020-6, as courts expand their use of remote technology tools, courts must continue to verify that participants are able to proceed remotely, and should

permit some participants to appear remotely even if all participants are not able to participate electronically. To enable the greatest participation possible for judicial officers, Administrative Order No. 2012-7 (which limits the circumstances under which judges may preside over remote proceedings) is suspended until further order of the Court.

3. Administrative Order No. 2020-9 adopted temporary amendments that promoted the use of electronic means to access the courts and enabled parties to proceed with litigation, as well as extended some filing deadlines. The amendments of MCR 2.002, MCR 2.107(C), MCR 3.904, and the issuance of subpoenas under MCR 2.305, MCR 2.506, MCR 2.621(C), MCR 9.112(D), MCR 9.115(I)(1), and MCR 9.212 continue in effect until further order of the Court. The time deadlines in MCR 2.102(D), MCR 2.614, MCR 3.216(G)(3), and MCR 2.411(F)(4), are extended 80 days, reflecting the period between March 24, 2020 and June 12, 2020. The time deadlines in rules regarding postjudgment motions filed in the trial court (including motions for appointment of appellate counsel) as well as circuit court appeals and appeals of agency determinations are extended for 76 days, consistent with Administrative Order No. 2020-16.

4. Administrative Order No. 2020-13 allows courts to collect certain information, including mobile phone number(s) and email addresses, to facilitate scheduling of and participation in remote hearings. The order has generated some confusion about how to handle nonconfidential information. To clarify that the form for collecting information (but not the information itself if it is contained elsewhere in a public portion of the file) is nonpublic, the administrative order is amended as follows:

> ~~To protect privacy and address security concerns, t~~The ~~contact information~~ form used under this administrative order to collect the information shall be confidential.

This order is effective until further order of the Court.

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 26, 2020

Clerk