Order

Michigan Supreme Court
Lansing, Michigan

May 6, 2020

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

ADM File No. 2020-08

Administrative Order No. 2020-14

Continued Status Quo
Court Operations and
Phased Return to
Full Court Operations

The Michigan Supreme Court has made clear that during the health crisis relating to the coronavirus pandemic, courts must continue to conduct essential functions, and are expected to use their best efforts to provide timely justice in all other matters. To achieve this goal, the Court has authorized judicial officers to conduct proceedings remotely to the greatest extent possible, and several administrative orders have been adopted to help courts and litigants navigate more efficiently and effectively.

Keeping the public and court staff safe and reducing the risk of spreading the virus will remain a critical focus of our efforts. However, nearly two months after the first case of coronavirus was identified in Michigan, we don't know how long this effort will last. Moreover, the spread of the virus presents challenges that are different in each community as case counts rise in some areas and fall in others.

There is some consensus—nationally and locally—about the best way to approach returning to more normal work practices in a way that ensures access to necessary services while also protecting against the risk of further infection. This approach involves meeting various benchmarks based on local public health data as public facilities gradually phase in operations. Courts should consider expanding in person operations with diligent regard for health and safety practices as determined in consultation with local health officials and considering the capacity of the community's health system, and as approved by SCAO.

Therefore, on order of the Court, pursuant to 1963 Const, Art VI, Sec. 4, which provides for the Supreme Court's general superintending control over all state courts, courts must adhere to the phased return to operations as determined by policy guidelines established by the State Court Administrative Office. Such policies will include but may not be limited to:

- Continued use and expansion of remote hearings as practicable and increase of the court's capacity to conduct business online, including increased remote work by employees.
- Continued limited access to courtrooms and other spaces to no more than 10 persons, including staff.
- Imposition of social distancing practices of at least 6 feet for both employees and visitors.
- Limited in-person court activity to essential functions that cannot be conducted remotely.
- In accordance with CDC guidelines,
    - Adoption of policies that ensure appropriate cleaning and sanitation.
    - Adoption of policies that appropriately protect vulnerable individuals.
    - Adoption of policies to safely screen employees and the public for potential cases of illness.
- Courts must maintain their current level of operations until SCAO approves a court's plan to expand in-court proceedings. Courts in each circuit may work together to submit to SCAO at each gating level a single plan wherever possible consistent with the SCAO guidelines for returning to full capacity. Conditions may also require a court to move to a previous access level, depending on local conditions.

These conditions remain in effect 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.

May 6, 2020

Clerk