



Michigan Supreme Court

State Court Administrative Office
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Thomas P. Boyd
State Court Administrator

MEMORANDUM

DATE: July 17, 2020

TO: Judges
cc: Court Administrators and Probate Registers

FROM: Tom Boyd, State Court Administrator

SUBJECT: Face Coverings

Michigan's judiciary has responded to the pandemic with passionate dedication to keep our justice system running and with a remarkable willingness to innovate and to adapt to quickly changing conditions. I know that the Court and SCAO are very proud that Michigan is a national leader and our response model is being copied by courts nationwide.

One condition that has changed is expert guidance regarding the wearing of face coverings in public spaces. In addition, we have been receiving feedback that not wearing face coverings is having a worrisome impact on the public's view of our courts.

For example, a recent [survey](#) by the National Center for State Courts found that at least 70 percent of respondents said they would be more comfortable in a courthouse if courts enforced social distancing, checked temperatures at the door, and required court employees and visitors to wear masks.

I have also reached out to the judicial associations, court administrative organizations, and the State Bar of Michigan to gather their feedback. While there were a wide variety of views, I heard consistently that the public and court staff are conflicted when seeing some personnel and visitors in courthouses who do wear face coverings and some who do not. This is of special concern to attorneys who are required to appear at a court proceeding and are alarmed by this inconsistency.

To respond to these concerns, judges and court staff must set an example by wearing face coverings in public spaces at all times when social distancing is not guaranteed. To reinforce guidance already provided and to provide further clarification, the [Return to Full Capacity Guide](#) (RTFC) has been updated.

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In addition to supplementing provisions regarding face coverings, we have added an appendix to the RTFC, providing further guidance regarding the “reverse gating criteria” in cases where local public health conditions are deteriorating. The update identifies conditions that require a return to the court’s previous phase and conditions that merely trigger a duty to review and implement additional safety measures in the court’s current phase. This approach continues the strategy of each court making decisions that are informed by local public health data, with public health and safety as the number one priority.

Your feedback on these issues is always welcome, and I look forward to hearing from you (and actually seeing you in person soon).