



Michigan Supreme Court

State Court Administrative Office
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Thomas P. Boyd
State Court Administrator

MEMORANDUM

DATE: March 26, 2020

TO: Circuit, District, and Probate Judges
cc: Court Administrators
Probate Registers

FROM: Thomas P. Boyd

RE: AO 2020-2

If someone had told me that my first four days at SCAO would involve a pandemic, a state of emergency, and a shelter in place order, I would have started sooner! Thank you for the compassionate and dedicated steps you have taken to guide your courts through this unprecedentedly turbulent time. Your efforts have been tremendous and are greatly appreciated.

We have had questions about what work must be done, can be done, and should be done. AO 2020-2 instructs courts to limit court activity to only essential functions but also to conduct other court matters remotely using videoconference technology or other remote participation tools or adjourn those matters until after April 3, 2020. This language is in each part of the order relating to each court: For circuit at B3, for family court at C7, for district civil at B and district traffic at C, and probate at I. AO 2020-2 does not say courts must refrain from doing anything but essential functions. It simply says if you can do it remotely, do so; if not, adjourn.

There are many matters that can be handled remotely (without face to face contact). This includes most matters that do not require a hearing and many that do. We are working to continue to provide training and examples from your colleagues on remote practice. With nearly 400 participants, the March 20 webinar on utilizing ZOOM was the most well-attended MJI webinar ever and another webinar has been scheduled for Friday, March 27. In addition, the Court is convening a virtual courtroom task force to identify and promote best practices.

To the extent that court staff are needed to assist the court in conducting essential functions as defined by AO 2020-2, please consider whether they are exempt under Governor Whitmer's

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Executive stay at home order (EO 2020-21). I recommend reviewing §6(a), (b), (c) and (d) as well as §7(a)(4).

Courts have and will continue to respond to this administrative order as local conditions allow, depending on their ability to conduct nonessential functions remotely, and, in many cases, the physical limitations of the courthouse or imposed by funding units. Chief judges must determine how many court staff can safely come to work. This decision should be respectful of AO 2020-2's mandate to limit access to courtrooms and other spaces to no more than 10 persons, including staff, and to practice social distancing. Respecting these limits, it is the chief judge's responsibility to determine the parameters for staffing. This will be a very real limit in some courthouses. Again, AO 2020-2 states that you should do what you can remotely and adjourn those matters that you cannot. Unavailability of staffing due to constraints caused by Executive Order 2020-21 may mean you cannot do something remotely even though the judge and technology are otherwise in place.

Please continue to do your best to balance these many complicated factors while complying with AO 2020-2's instruction to limit court activity to only essential functions but also to conduct other court matters remotely using videoconference technology or other remote participation tools or adjourn those matters. You will be receiving additional communication from your regional administrators with additional considerations for specific case types.

Thank you.