



# Michigan Justice for All Task Force

Issue 3, September 2020

"Looking to the future, we cannot retool old ways to get people back into courthouses where access to justice is an ongoing problem. Instead, we must focus resources on bringing justice to people where they live and work. We must rebuild what we do from the ground up and create a 21st century justice system that is accessible, effective, transparent, efficient, and fair. By embracing innovation, collaboration, agility and user-centric design, we will do just that."

- Chief Justice Bridget M. McCormack



Chief Justice Bridget McCormack testifying before the U.S. House Judiciary Subcommittee.



## Chief Justice Tells Congress of Michigan's Virtual Court Successes

Michigan Supreme Court Chief Justice Bridget M. McCormack testified before a congressional panel June 25 about changes to the state's justice system during the pandemic.

In her testimony before the U.S. House Judiciary Subcommittee on Courts, Intellectual Property and the Internet, Chief Justice McCormack said the COVID-19 pandemic has allowed for more change in three months than in the past three decades.

Following is Chief Justice McCormack's prepared testimony:

"Thank you for the invitation to testify and for the opportunity to talk about how Michigan's judiciary has responded to the COVID-19 crisis.

"Let me put our workload in context. Michigan has 242 trial courts that adjudicate almost three million cases each year. Our courthouses are high density places, and also, unlike restaurants and salons, they are not places people generally have a choice about whether to visit. We had to figure out how to maintain access to justice and also keep the public and our court employees safe.

"Public trust is the only currency courts have. The Rule of Law is, after all, just a set of ideas that are only as good as our collective faith in them. And with a great majority of litigants unrepresented, we work to build that trust in our courtrooms by what we do and how we do it.

"In three months, we have changed more than in the past three decades, and now that we know innovation is possible, we have a unique opportunity to create long-term and much-needed change for our justice system.

"Ultimately, this pandemic was not the disruption we wanted, but it might be the disruption we needed to transform our judiciary into a more accessible, more transparent, more efficient, more customer-friendly branch of government.

"I'll briefly describe what we have accomplished in Michigan. We had a bit of a head start: before the pandemic, our team had invested in outfitting every courtroom with a videoconferencing system and every judge with a Zoom license. In mid-March, on a dime, our team at the Michigan Supreme Court moved our entire workforce to remote work. From home offices, kitchen tables, and basement rec rooms, our management analysts and information technology teams have been working overtime to provide policy advice, practical guidelines, and technical support to transition to statewide virtual courtrooms.

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## Resources to Keep the Doors of Justice Open During the COVID-19 Pandemic

- [How to Register for MiFILE | Michigan Legal Help](#)
- [Michigan Legal Help's COVID-19 FAQ's](#)
- [COVID-19 Rent Assistance: Eviction Diversion Programs](#)
- [Michigan Supreme Court's Webpage for Self-Represented Litigants](#)
- [Guidance for Conducting Remote Hearings with Self-Represented Litigants](#)
- [MI-Resolve Online Dispute Resolution](#)
- [Virtual Courtroom Directory](#)

"And Michigan's court system is not like the federal judiciary- with one funding source and one case management system. Our non-unified system of 242 courts has 160 funding units, nearly two dozen case management systems, and some 560 elected judges.

"Despite this Byzantine system, since April 1, judges have held well over 50,000 Zoom meetings\* and are approaching 350,000 hours of online hearings\*. And to maintain public access, these hearings are livestreamed to YouTube. For easy public access, we built a [Virtual Courtroom Directory](#) which is a clickable map that allows people to watch any judge in the state. This directory has been used more than 25,000 times in the past month alone.

"We also pioneered an online dispute resolution platform that allows residents to resolve disputes with or without a mediator on a phone, tablet, or laptop instead of going to court. Our free [MI-Resolve](#) service will soon be available to every resident. We are also pilot testing text messages to notify the public of court events. Dentists do it, why not courts?

"Our online legal resource center, [Michigan Legal Help](#) is helping 10,000 visitors each day and in addition to their regular tool kits, they have more than 30 COVID-19 related resources with the most popular providing information regarding unemployment insurance.

Our Court has issued emergency administrative orders to remove barriers to remote proceedings and protect public health. We have unanimously approved 18 administrative orders, each of which has guided the courts of the state through this rapid transformation.

"For one example, we dramatically transformed how courts will handle the more than 75,000 eviction proceedings we expect once moratoria end. Our order protects public health, rationalizes case processing, and connects litigants to the resources available to resolve these cases, including \$60 million from the CARES Act.

"I have no doubt that virtual courtrooms are making our judiciary more accessible to the public. Lawyers can appear in courts in faraway parts of the state all in the same morning. Litigants can appear in court while they are on break from their job, never missing a day of work. Individuals with disabilities don't have to travel.

"Transportation, parking, child care and job responsibilities are not barriers to remote proceeding participation. And Zoom is less intimidating for parties who appear without a lawyer and represent themselves. There is something equalizing about the screens in Zoom all being the same size.

"Looking to the future, we cannot retool old ways to get people back into courthouses where access to justice is an ongoing problem. Instead, we must focus resources on bringing justice to people where they live and work. We must rebuild what we do from the ground up and create a 21st century justice system that is accessible, effective, transparent, efficient, and fair. By embracing innovation, collaboration, agility and user-centric design, we will do just that."

*\*As of Sept. 3, 2020, courts have held nearly 100,000 Zoom meetings and more than 800,000 hours of online hearings.*

# Michigan Justice for All Task Force

"I think right now the Task Force is at a critical moment – the legal needs of low-income people are multiplying, and the need for civil legal aid in the aftermath of this pandemic is going to be greater than ever before."

-Justice Brian K. Zahra



Justice Zahra providing an update about JFA Task Force activities at a virtual ATJ Campaign Thank You event on Friday, August 7.

## JFA Task Force News

[Lawyers aim to pause eviction cases amid surprise CDC directive](#) - Detroit News (Sept. 2, 2020)

[Whitmer extends executive order on electronic notarizations](#) - Legal News (August 31, 2020)

[Detroit offering housing assistance as eviction efforts resume](#) - Detroit News (August 26, 2020)

[Michigan families vulnerable as economic safeguards expire](#) - Detroit Free Press (August 11, 2020)

[Cass County Friend of the Court: Tips for virtual referee hearings](#) - Leader Publications (August 5, 2020)

[State gives out \\$50 million in renter aid to local housing groups](#) - Detroit News (July 29, 2020)

[Free legal help for unemployed workers appealing claims](#) - FOX 17 Grand Rapids (July 29, 2020)

[Big change in Michigan courtrooms: Cellphones can no longer be banned](#) – The Herald Palladium (August 8, 2020)

## Justice Bridget M. McCormack Praises Eviction Diversion Plan

Michigan Supreme Court Chief Justice commented on Governor Whitmer signing a supplemental budget including \$60 million in funding for rental assistance and an eviction diversion program. Through [Administrative Order No. 2020-17](#), the Supreme Court set the stage for the initiative with specific direction to trial courts as they approach processing an estimated potential backlog of 75,000 eviction cases.

"While the pandemic was not the disruption we wanted, it may be the disruption we needed to transform the landlord/tenant docket into a resource that serves the community," said Chief Justice Bridget M. McCormack. "By funding a statewide eviction diversion program, we have the opportunity to build on the success of local court programs that have kept people in their homes and supported stronger neighborhoods. Judges across Michigan are ready to take advantage of this win-win plan that helps families to stop worrying about losing their housing and helps landlords get paid so they can stay in business."

The groundbreaking Supreme Court order requires courts to set a specific time for each hearing in order to safeguard public health, and each tenant is advised that legal aid and rental assistance dollars are available. As long as the tenant appears for that initial hearing, the case will be adjourned for a week to allow them to secure counsel and access assistance. The funding approved includes \$4 million for legal assistance. The Michigan State Bar Foundation is administering the grants to the legal aid programs.

The Eviction Diversion Program is designed to keep Michigan residents who fell behind on rent during COVID-19 in their homes. The program is a unique partnership between MSHDA, the court, legal aid programs and organizations providing case management and rental assistance dollars. The funding is administered by the Michigan State Housing Development Authority.

One of the nation's leading online legal resource programs, [Michigan Legal Help](#) provides extensive information and assistance to families at risk of eviction and connects tenants to resources in their local community.

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## Online Dispute Resolution Tool Now Live in All 83 Michigan Counties

The Michigan Supreme Court Office of Dispute Resolution announced the availability of its MI-Resolve online dispute resolution tool in all 83 Michigan counties (see map), making Michigan the first state to have an online dispute resolution system for every citizen in the state. MI-Resolve provides an efficient and accessible way of resolving disputes that are typically filed as small claims, general civil, or landlord-tenant cases in the district court.

"By expanding online dispute resolution access statewide, we have taken a huge step toward closing the justice gap. This kind of access—particularly during a time of crisis—sends a message that the virtual doors of justice are open to all Michigan residents," said Chief Justice Bridget M. McCormack.

The final counties to go live are:

# Michigan Justice for All Task Force

## MI-Resolve

Resolving Disputes Online

Sponsored by the Michigan Supreme Court's State Court Administrative Office

### Task Force Planning Team Members

**Justice Brian Zahra**, Michigan Supreme Court  
**Jennifer Bentley**, Michigan State Bar Foundation  
**Kevin Bowling**, Ottawa County Circuit Court Administrator  
**Lee Ann Gaspar**, State Court Administrative Office  
**Katie Hennessey**, State Bar of Michigan  
**Jessica Parks**, State Court Administrative Office  
**Angela Tripp**, Michigan Legal Help  
**Jennifer Warner**, State Court Administrative Office  
**Janet Welch**, State Bar of Michigan

### Additional Task Force Team Members

**Honorable Mabel J. Mayfield**, Berrien County Trial Courts  
**Honorable Matthew Stewart**, Shiawassee County Circuit Court  
**Honorable Raymond Voet**, Ionia County District Court  
**Martha Gonzalez-Cortez**, Kalamazoo Community Foundation  
**Nicole Huddleston**, Detroit Justice Center  
**Elly Jordan**, Michigan Coalition Against Domestic and Sexual Violence  
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### Contact Information

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#### Task Force Website:

[www.courts.mi.gov/jfa](http://www.courts.mi.gov/jfa)

- Genesee, Arenac, Bay, Clare, Gladwin, Midland, Ogemaw, Roscommon, Saginaw – Community Resolution Center
- Jackson, Calhoun, Hillsdale, Lenawee, Monroe - Southeastern Dispute Resolution Services
- Ingham, Clinton, Eaton, Gratiot, Isabella, Shiawassee - Resolution Services Center of Central Michigan

Through MI-Resolve, parties can go online to negotiate directly with the other party, or have a Community Dispute Resolution Center mediator help them resolve their dispute. If the dispute is resolved, the system produces the necessary court forms for filing in the individual courts. Also, the service is free, involving no cost to the parties or court. Watch the video, "How to Use MI-Resolve."

The service is a game-changer for people who are busy with work or children and can benefit from mediation without leaving home, particularly as the state continues to operate under a shelter-in-place order.

Types of cases that have been managed through MI-Resolve:

- Repayment of vehicle and personal loans;
- Non-delivery or quality of goods and services;
- Car accident (attempts to collect the deductible);
- Landlord/Tenant (return of security deposit and disputes over the amount of security deposit withheld, completion of repairs on rental homes);
- Return of private property between parties ending a domestic relationship;
- Completion of repairs or home improvements (contractor/home repairs); and,
- Neighbor use of property that doesn't belong to them; building fence on neighbor lot.

### What's next?

The JFA Task Force has completed a thorough assessment of the Michigan civil justice system through town hall meetings, public surveys, stakeholder surveys, and virtual focus groups with a broad range of stakeholders, including members of the public, court administrators, judges, legal aid organizations, community organizations, libraries, and domestic violence shelter advocates. The Task Force's five workgroups compiled the data collected and drafted an inventory report that will be used to develop a Strategic Action Plan to achieve 100% access to justice for all Michigan residents.

In early October 2020, there will be two Task Force/workgroup summits to develop strategic goals and begin to prioritize future work to increase access to justice in Michigan. Later that month there will be two stakeholder summits where a wide variety of participants in the civil justice system will consider the draft strategic plan and help prioritize implementation of initial projects. The strategic plan will be finalized shortly after these summits.