

MEMORANDUM

3/12/2020

TO: All Muskegon County Court Staff & Judicial Staff

FROM: Muskegon County Judges & Court Administrators

RE: COURT RESPONSE TO COVID-19

As a result of the Governor declaring a State of Emergency in Michigan regarding COVID-19 outbreak, the Muskegon County Judges & Court Administrators implement the recommendations recently disseminated to trial courts from the Chief Judge of the Michigan Supreme Court, as follows:

1. Comply with advice from state and county health departments

The Chief Judges and Court Administrators will seek, disseminate as appropriate, and adhere to all guidance provided by state and local health departments.

2. Coordinate with funding unit on any potential disruption of business

- Develop internal and external communications plan
 - Internal communications on this topic will include all district court judges, all circuit & probate court judges, judicial staff, and all court staff. These communications will be primarily via e-mail, being sure to include judicial staff. Whenever necessary, Court Administration will meet directly with specific staff who may be most affected.
 - External communications regarding court responses, actions, and changes to standard operating procedures of the courts will be communicated via email to: County Administration, Prosecuting Attorney's Office, Public Defender's Office and the Muskegon County Bar Association.

3. Effectively communicate options for potential business interruption to court staff and to the public.

Should it be the case that normal business operations of the court are going to be impacted (i.e. Court Closure) the Chief Judges and Court Administrators will be responsible for coordinating communication to judges, court staff, county administration and the public.

4. Implement plan for remote hearings whenever possible

Judges have a remote option available via Zoom Meeting Rooms. If a party or witness is not able to appear for a hearing, a virtual meeting room can be set up via the poly com system. Up to 3 individuals at a time may participate in a hearing via their laptop or smart phone and have a record of the hearing and any testimony preserved through JAVS.

5. Adjourn hearings with vulnerable persons

Adjournments will be liberally granted if/when a “vulnerable” individual contacts the court and requests an adjournment due to concerns about attending court proceedings due to the COVID-19 virus/ current state of emergency. Individuals requesting adjournments must be specific about why they are requesting the adjournment and they must articulate that they are in the population of citizens considered to be ‘vulnerable.’ That population includes but is not necessarily limited to: anyone 60+ years of age, anyone with Type 1 or Type 2 diabetes, anyone with heart disease or any cardio/vascular disease or condition, anyone with chronic upper respiratory disease or infection.

6. Do not default or bench warrant individuals for failing to appear during period of emergency

- **CIVIL/DOMESTIC CASES:** During this period of declared emergency, if, prior to a hearing, a party contacts the court and expresses concern about attending an upcoming session of court (whether the individual is considered a vulnerable person or not) and subsequently fails to appear for a scheduled hearing, a default judgment will not enter. Instead a new hearing date will be scheduled. To avoid a default judgment for failure to appear, the party must have contacted the court and either requested an adjournment or indicated the reasons for their expected failure to appear.
- **CRIMINAL CASES:** During this period of emergency, any failures to appear in a criminal case (whether misdemeanor or felony) will be presented to the judge to review. A bench warrant will not ‘automatically’ be issued for a defendant’s failure to appear. Instead, the judge will review the case files to determine if bond will be continued and a new hearing date scheduled, if an order to show cause will be issued to determine if the defendant’s failure to appear should be excused due to the public health emergency, or if a bench warrant needs to be issued in order to ensure public safety.

7. Adjourn jury trials

- **CIVIL JURY TRIALS** should be adjourned. In an effort to limit the number of citizens being required to report to the courthouse, all civil trials will be adjourned if they are not resolved by the day prior to trial. This “policy” will not be issued

publically or to the bar association, and cases scheduled for jury trial will remain on the docket as such. Each judge will implement this policy if/when necessary

- **CRIMINAL JURY TRIALS** should be adjourned, unless defendant is in custody or there have been other long delays. Criminal jury trials will be adjourned if they are not resolved by the day prior to trial, unless the defendant remains in custody or if the case is older than 126 days. As is the case with civil jury trials, this “policy” will not be issued publically or to the bar association, and cases scheduled for jury trial will remain on the docket as such. Each judge will implement this policy if/when necessary and in the interest of justice specific to each case.