



## Michigan Supreme Court

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## Memorandum

DATE: November 16, 2020

TO: Judges, Courts Administrators, and Probate Registers

FROM: Tom Boyd  
State Court Administrator

SUBJECT: Updated RTFC Guide - Trial Court Response to COVID-19 Surge

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Since the beginning of the pandemic, Michigan trial courts have responded with remarkable speed and dedication to protect public health while making sure our justice system continues to serve the public. Each step along the way, judges and court staff have been careful to follow the [Return to Full Capacity Guide](#) (RTFC) and to quickly implement protective measures that reflect local conditions and the advice of public health authorities.

At this time, because of deteriorating public health conditions, the RTFC has been revised. Courts must review their current operations and make adjustments as called for by their local health conditions and the following revisions.

1. **An additional metric has been added to the gating criteria to account for rapidly changing conditions.** To move from Phase 1 to Phase 2, a court must show a 14-day downward trajectory in cases or test positivity rate and a 7-day percent positivity rate of 15 percent or less. To move from Phase 2 to Phase 3, a court must show a 14-day downward trajectory in cases or test positivity rate and a 7-day percent positivity rate of 5 percent or less.
2. **Courts are required to notify the State Court Administrative Office and to review safety plans in the event of an outbreak within a court.** Courts must notify their Regional Administrator of an outbreak within the court – two or more confirmed positive COVID-19 cases. An outbreak also triggers review of safety plans to determine whether additional safeguards should be implemented.

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3. **Reverse gating criteria.** A court will move from Phase 3 to 2 when there has been a 14-day upward trajectory in both cases and test positivity rates. A court will move from Phase 2 to Phase 1 when there is an upward trajectory of cases or test positivity rate and a positivity rate of 15 percent or higher. Please see the Reverse Gating Criteria in [Appendix 4](#) of the RTFC.
4. **Return to prior phase.** Based on local conditions, the State Court Administrator may require any court to return to any phase at any time.

Please work with your Regional Administrator to review your current phase and submit a new [Phase 1](#) or [Phase 2](#) LAO as required. Thank you for being constantly vigilant, by adjusting and acting quickly.