



MICHIGAN SUPREME COURT

BRIDGET M. McCORMACK
CHIEF JUSTICE

MICHIGAN HALL OF JUSTICE
925 WEST OTTAWA STREET
LANSING, MICHIGAN 48915

December 8, 2020

Dr. Joneigh S. Khaldun
Chief Medical Executive and
Chief Deputy Director
Department of Health and Human Services
517-284-4730
KhaldunJ@michigan.gov

Dear Dr. Khaldun,

I am very proud of how Michigan's judiciary has responded to the pandemic and maintained access to justice. And now, as COVID-19 vaccines are becoming available, at-risk court staff must be included in plans to distribute and administer those vaccines. In fact, the United States Department of Homeland Security has identified "workers supporting the operations of the judicial system, including judges, lawyers, and others providing legal assistance" as essential critical infrastructure workers.¹

The judicial branch of government has worked very hard to protect both the public and court staff while maintaining services that are critical to our democracy and our rights. To this end, the Michigan Supreme Court has issued a broad range of administrative orders and the State Court Administrative Office (SCAO) has provided extensive guidance to judges and court staff, including requirements to limit gatherings, wear masks, and maintain social distancing.

To be clear, courts have been directed to conduct proceedings remotely as much as possible; however, much essential business (as detailed in [Administrative Order No. 2020-2](#)) still requires in-person work, especially as court clerks interact with law enforcement personnel. While the level of risk may not be the same as first responders, clerks and other court staff play an essential role in maintaining access to justice and have been required to work in courthouses statewide since the beginning of the pandemic.

With more than three million cases processed each year, courthouses are among the busiest public facilities in the state. Most people entering courthouses do not have the option of not showing up in court; they are mandated to be there to handle essential court business. As a result, there is a high probability for interaction between court employees and unvaccinated individuals in courthouse facilities.

¹ See "[Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response, Version 4.0](#)" (August 18, 2020).

Dr. Joneigh S. Khaldun

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Page Two

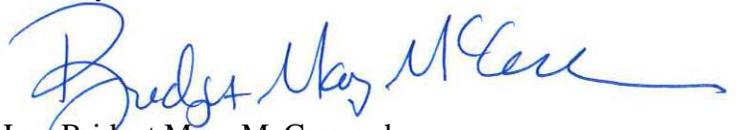
The risk of COVID-19 transmission will only grow, since thousands of court cases have been postponed, creating a growing backlog. Constitutional rights and statutory requirements for conducting court proceedings force many courts to conduct those proceedings in person. For example, in the coming months, district courts will face a deluge of cases as the CDC moratorium on evictions expires. Likewise, circuit courts are confronting growing backlogs of felony cases where defendants have exercised their right to a jury trial.

The recent Centers for Disease Control [Phased Allocation of COVID-19 Vaccines](#) presentation details that the first phase (1a) of vaccine administration will be to health care personnel and residents of long-term care facilities. This recommendation was endorsed earlier this week by the [Advisory Committee on Immunization Practices](#). The CDC presentation notes that the next phase (1b) would focus on broad categories of “essential workers,” ranging from police officers to teachers to workers in the food and agriculture industries.

I understand that the definition of “essential workers” in Michigan’s draft [COVID-19 Vaccination Plan](#), is now being developed in detail. The judiciary must have a role in identifying court staff who should be included in this category because vaccinating essential court personnel will keep our court system running, safeguard rights, and slow the spread of the virus.

I have asked Judge Milt Mack, State Court Administrator Emeritus, to follow-up with your office to facilitate communications and coordination on this vitally important topic. Judge Mack can be contacted at mackm@courts.mi.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bridget Mary McCormack".

Hon. Bridget Mary McCormack
Chief Justice

cc: Governor Gretchen Whitmer

Ms. Linda Vail, MPA
Ingham County Health Department