



MICHIGAN SUPREME COURT

BRIDGET M. McCORMACK
CHIEF JUSTICE

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

MEMORANDUM

Date: April 7, 2020

To: All Chief Judges, Court Administrators, and Probate Registers
cc: Regional Administrators

From: Chief Justice Bridget M. McCormack

Regarding: Expanding Remote Proceedings

Since this crisis began, Michigan judges and court staff have consistently stepped up to meet the challenge of providing essential functions, safeguarding rights, and protecting public health. Now, as the state of emergency continues for longer than we had hoped, we must take steps to implement new ways of doing business so that our courts can remain accessible to the public.

To this end, with launch of the [Virtual Court Resource Center](#), the State Court Administrative Office has provided the judiciary with technical assistance to allow for increased use of technology in support of remote hearings. In particular, the webinars at this site have already been viewed by more than 1,000 judges and administrators.

To assist in the effort to expand remote hearings, SCAO is also making available a limited number of additional ZOOM licenses for Magistrates and Hearing Officers whose names were provided to the regional offices last week.

Today, the Court took another step forward with [Administrative Order 2020-6](#), expanding the authority of judicial officers to conduct proceedings remotely. AO 2020-6 allows for such proceedings as long as they are consistent with a party's Constitutional rights and meet standards set by the State Court Administrative Office. The AO includes a provision allowing for judges to participate from a location other than their courtroom as long as the court's chief judge approves.

Also today, SCAO updated the [Michigan Trial Court Standards for Courtroom Technology](#) and released [Standards, Guidelines, and Best Practices for Virtual Courtrooms](#). This detailed new document establishes the standards to implement AO 2020-6 and is designed to help courts manage remote proceedings, including:

- Allowing for confidential communication between a party and their lawyer;
- Providing access to the public during the proceeding or immediately after via a video recording, unless the proceeding is closed or limited by court rule or statute; and,

- Recording of the proceeding must be sufficient to produce a verbatim written transcript.

These resources also provide help to courts in preventing participation or disruption by nonlitigants, providing notice to the public of which hearings are being held virtually, and troubleshooting potential technical problems. The manual was informed by the hard work of the [Virtual Courtroom Task Force](#), which included 25 judges, court administrators, court clerks, and county officials. Chaired by Macomb County Circuit Judge Kathryn Viviano, the group solicited ideas from courts statewide and collected more than 100 submissions. My colleagues and I are so grateful to the Task Force for their dedicated work under a very tight time frame.

Finally, SCAO also released “[Courts and COVID-19 – Building Capacity](#)” – a step-by-step checklist to help courts build capacity for an eventual return to full operations. The list includes information to consider when establishing plans for the future, while maintaining essential functions and expanding use of remote proceedings.

Please, visit our [COVID-19 webpage](#) for more information and additional resources.