



Michigan Supreme Court

State Court Administrative Office
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Thomas P. Boyd
State Court Administrator

MEMORANDUM

DATE: July 20, 2020

TO: All Judges
cc Court Administrators

FROM: Thomas P. Boyd

RE: Virtual Jury Trials

To protect public health and comply with guidance regarding social distancing, the Michigan Supreme Court delayed all jury trials until June 22, 2020, pursuant to [Administrative Order \(AO\) 2020-10](#). Jury trials are the bedrock of our justice system, expressly provided for in the Constitution and in the Sixth and Seventh Amendments. A pandemic doesn't alter those rights; in fact, the crisis makes those rights and the role of a jury in our democracy all the more important.

Therefore, during the delay, the Michigan Supreme Court authorized piloting remote (videoconference) jury trials, as opposed to jury trials requiring the parties, witnesses, and jurors to come to the courthouse. A pilot workgroup was formed of more than 75 judges, court administrators, attorneys and court staff, with the goal of testing and evaluating innovative jury procedures that allow for appropriate social distancing while also protecting the parties' Constitutional and statutory rights. As a part of the pilot, the workgroup conducted a completely remote mock jury trial in three phases. On May 13, 2020, the mock jury selection/voir dire was held with more than 35 volunteer jurors appearing remotely. After 14 jurors were seated on the case, the mock jury trial was held remotely on May 22, 2020, and the remote jury deliberations were completed on June 2, 2020.

On June 26, 2020, [Administrative Order \(AO\) 2020-19](#) was issued, which allows courts that have progressed to Phase 3 under the [Return to Full Capacity](#) guidance document under [Administrative Order No. 2020-14](#) to begin holding jury trials using the [Remote Jury Trial Standards](#) developed by the workgroup and approved by the State Court

July 20, 2020

Page Two

Administrative Office. To further assist courts, the workgroup also developed a [Remote Jury Trial Juror Checklist](#), a [Remote Jury Trial Discussion Guide](#), and [Social Distancing Recommendations for Jury Trials](#). Courts that have progressed to Phase 2 under AO 2020-14 may begin holding jury trials after receiving permission by the State Court Administrative Office.

These documents offer suggestions for each court to consider in how to hold a jury trial during the course of the pandemic, recognizing that each court will have different abilities, facilities, and localized considerations. There is no one-size fits all approach, and not all of the suggestions will be necessary, practical, or feasible in all courts. At their core, these documents offer guidance to help individual courts consider the multitude of issues that will impact reconvening jury trials in Michigan trial courts.

The results of this pilot will serve as a guide for courts about what practices ensure that the parties can present their case effectively and what practices ensure that jurors can participate fully. Thank you to all who contributed to the development of these materials.