



Michigan Supreme Court

State Court Administrative Office
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Thomas P. Boyd
State Court Administrator

MEMORANDUM

DATE: June 21, 2021

TO: All Judges

CC: Court Administrators and Probate Registers

FROM: Thomas P. Boyd

SUBJECT: All Courts Advance to Phase 4

Over the past 15 months, courts across the state demonstrated agility and unwavering commitment to public service in navigating changes in court capacity in response to local public health conditions. Your creativity and common sense made Michigan a national model and helped our branch of government truly work as One Court of Justice. By developing Return to Full Capacity (RTFC) plans, in consultation with local public health officials, the judiciary succeeded in our critical mission of ensuring continued access to, and operation of, the courts across the state while keeping litigants, the public, court staff, and justice system employees safe. Thanks to your hard work, we are well-positioned to take the next step – [advancing to Phase 4](#).

Together, the sharp decline of COVID-19 cases and hospitalizations, increased availability of vaccines, and recent recommendations from the Centers for Disease Control for fully vaccinated individuals, mean that all Michigan courts can safely expand operations and tailor mitigation measures to local conditions. Pursuant to Administrative Order No. 2020-14, all Michigan courts will advance to Phase 4 of the RTFC beginning today, June 21, 2021. Chief judges have discretion to determine the pace of reopening consistent with local conditions. This will enable all courts to expand capacity, focus on conducting jury trials, and address backlogs. In Phase 4, the following requirements apply to all courts:

- Chief judges have full discretion to protect court staff and court users, consistent with local public health guidance and MIOSHA guidelines.
- Proceedings will be conducted virtually to the maximum extent possible, consistent with Administrative Order No. 2020-6 (extended by Administrative Order No. 2020-12).
- In-person court proceedings, including jury proceedings, will be permitted, consistent with local public health guidance and MIOSHA guidelines pertaining to social distancing, capacity

limitations, mask requirements for court participants, etc. Courts may implement jury practices as provided in [LAO 51](#).

- The public may be required to wear masks pursuant to local public health guidance and MIOSHA guidelines.
- Judges retain the discretion to require individuals in the courtroom to use masks generally or in specific cases, particularly cases involving persons who are at an increased risk of severe illness from COVID-19.
- Any person desiring to wear a mask shall be allowed to do so.
- Upon a local resurgence of COVID-19 cases in a local jurisdiction, the court may be required to implement additional COVID-19 mitigation measures provided for in RTFC Phases 1-3.

Despite an improved public health picture statewide, COVID-19 is still considered an epidemic in Michigan and chief judges must be prepared to adjust local policies and COVID-19 mitigation measures, in consultation with local public health officials, as local conditions fluctuate.

What's the main lesson we have learned over the past 15 months? When we work together as One Court of Justice, Michigan's judiciary is a powerful force for positive change. In battling a pandemic, we made progress toward being more accessible, inclusive, equitable, and efficient. Just imagine what we will accomplish as we continue to build on what we've achieved. Thank you for your partnership, and I look forward to what we will accomplish collaboratively going forward.