

STATE OF MICHIGAN



NINTH JUDICIAL CIRCUIT COURT

In response to the Michigan Supreme Court Administrative Order No. 2020-6, the Ninth Circuit Court of Kalamazoo will provide access to public hearings that are held during the Court's closure due to the COVID-19 pandemic. The MSC's Order as well as an Administrative Directive from the Chief Judge of the Circuit/Probate Court are below.

The contents of this video may be the official record of a proceeding of the State of Michigan's Ninth Judicial Circuit. Unauthorized duplication, distribution, or alteration of said content is strictly prohibited.

To access the Circuit Court's public hearings, please visit

Court A – Judge Giguere C. Giguere, Jr.

<https://www.youtube.com/channel/UCESBaYAx6KOYwSiQDz3bliQ>

Court B – Judge Paul J. Bridenstine

https://www.youtube.com/channel/UCY2c1rNpkouhvcOOBv_55FA

Court C – Judge Pamela L. Lightvoet

<https://www.youtube.com/channel/UCtMTw1rFclnM6xNP5Ygidlw>

Court I – Judge Alexander C. Lipsey

<https://www.youtube.com/channel/UCOxqQ5eAjL6L6aeTcebLnGg>

Court F – Judge Stephen D. Gorsalitz

https://www.youtube.com/channel/UCmYF_eOX5U5olc_IHJHkbhA

Court G – Judge Julie K. Phillips

<https://www.youtube.com/channel/UCzaaFctyoRcHBcTMeDedUNQ>

Court H – Judge G. Scott Pierangeli

<https://www.youtube.com/channel/UCIWUp3ZxnrsrNVSHFhAHOgA>

Hearing Room 1 – Referee Robin King

<https://www.youtube.com/channel/UCvt7dymGutMXN1iIE63s92Q>

Hearing Room 2 – Referee Dori Leo

<https://www.youtube.com/channel/UCMbdjIUsVhIT5aX7ZTK6zw>

Hearing Room 3 – Referee Kate Procnier

https://www.youtube.com/channel/UC34JtmNJ5EkvNF_t2PLN7w/

Hearing Room 4 – Referee Denise Noble

<https://www.youtube.com/channel/UC32CkOFx3VYesalfclL8QmQ/>

Hearing Room 5 – Referee Paul Yancho

<https://www.youtube.com/channel/UCMtBtceuZQ3qdIkAETBF5Yg/>

Hearing Room 6 – Referee Steve Burnham

<https://www.youtube.com/channel/UCYqZdiWIEETI78zj08r61KA/>

Order

**Michigan Supreme Court
Lansing, Michigan**

April 7, 2020

Bridget M. McCormack,
Chief Justice

ADM File No. 2020-08

David F. Viviano,
Chief Justice Pro Tem

Administrative Order No. 2020-6

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

Order Expanding Authority for
Judicial Officers to Conduct
Proceedings Remotely

In response to the extraordinary and unprecedented events surrounding the COVID-19 pandemic in Michigan, the Court has adopted a number of administrative orders authorizing courts to implement emergency measures to mitigate the transmission of the virus and provide the greatest protection possible to those who work and have business in our courts. During the past few weeks, Michigan's judges, court administrators, court staff, court clerks, attorneys, law enforcement officers, probation staff and many others who support our courts have continued to serve the public with courage and conviction and have shown they are up to the challenge of both limiting foot traffic in our courts while creatively adopting new business methods and implementing new technologies to conduct the court's business and ensure that our courts remain accessible to the public to the greatest extent possible during this crisis.

Although our highest priority during this crisis is for courts to continue to be vigilant and protect against further spread of the coronavirus, we must also continue to ensure that our courts operate as efficiently and effectively as possible under the circumstances, continue to ensure timely hearing and disposition of essential matters, and make our best efforts to provide timely justice in all other matters. The purpose of the order is to empower our courts and judges to meet this challenge by allowing them to use innovative ways to conduct court business remotely, including best practices as identified by the State Court Administrative Office.

On order of the Court, pursuant to 1963 Const, Art VI, Sec 4, which provides for the Supreme Court's general superintending control over all state courts, the Court authorizes judicial officers to conduct proceedings remotely (whether physically present in the courtroom or elsewhere) using two-way interactive videoconferencing technology or other remote participation tools under the following conditions:

- any such procedures must be consistent with a party's Constitutional rights;
- the procedure must enable confidential communication between a party and the party's counsel;

- access to the proceeding must be provided to the public either during the proceeding or immediately after via access to a video recording of the proceeding, unless the proceeding is closed or access would otherwise be limited by statute or rule;
- the procedure must enable the person conducting or administering the procedure to create a recording sufficient to enable a transcript to be produced subsequent to the activity.

While this order is in effect, and consistent with its provisions, all judges in Michigan are required to make a good faith effort to conduct proceedings remotely whenever possible. Although adjournments are permitted when necessary, courts are directed to implement measures to ensure all matters may proceed as expeditiously as possible under the circumstances, given the particular public health conditions in each locality and the technology resources and staffing situations in place at each court.¹ The Michigan Judicial Institute will continue to provide instruction and other training materials on procedures to conduct remote hearings. Courts should also consult with their regional administrators in working toward this goal.

A judge who wishes to participate from a location other than the judge's courtroom shall do so only with the written permission of the court's chief judge (email is sufficient). The chief judge shall grant such permission whenever the circumstances warrant, unless the court does not have and is not able to obtain any equipment or licenses necessary for the court to operate remotely.

Judges who conduct remote proceedings must provide notice of the time and procedure for participating in the remote hearing, and verify that all participants are able to proceed in this manner. Judges who operate under this method must comply with any standards promulgated by the State Court Administrative Office for purposes of this order. Courts may only operate remotely as long as they can do so safely and consistent with the Governor's recent executive orders relating to the COVID-19 pandemic.

This order is effective during the period of the State of Emergency declared by Governor Whitmer under Executive Order 2020-33 or as further ordered by the Court.

¹ To the extent Administrative Order No. 2020-2 may be interpreted to require the adjournment of some matters, this order replaces that directive.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 7, 2020

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk

STATE OF MICHIGAN



NINTH JUDICIAL CIRCUIT COURT
ALEXANDER C. LIPSEY
Chief Circuit/Probate Court Judge

ADMINISTRATIVE DIRECTIVE
Regarding hearings in the 9th Circuit Court – Family Division

IT IS ORDERED:

PREVIOUSLY NOTICED HEARINGS (AS DESIGNATED BY THE COURT) SHALL BE HELD CONSISTENT WITH INITIAL NOTICE BUT WITH THE ADDITIONAL SUA SPONTE NOTICE PROVISION OF ELECTRONIC COMMUNICATION APPROVAL DURING COVID -19 COURT CLOSURE

Background:

Historically, closure of court operations due to emergencies has coincided with Kalamazoo County decisions regarding closure of other county offices (and county owned buildings). For many years, Circuit Court operations were confined to one courthouse, located at 227 West Michigan Avenue. With the creation of the Trial and Family Divisions of the Circuit Court and the court assumption of the operation of the County's Juvenile Home, court operations are now located in separate facilities throughout the community. Some of the facilities house court employees exclusively.

Due to the COVID-19 outbreak, deemed a pandemic by the World Health Organization, and preventative and protective measures being issued by the governor of Michigan, Governor Whitmer, the 9th Circuit Court, Family Division at 1536 Gull Road is closed until April 24, 2020 and/or further notice. The Kalamazoo County Circuit and Probate Courts are aware that the governor of Michigan has implemented Executive Order No. 2020-21 and has ordered non-essential businesses to close.

The Kalamazoo County Circuit and Probate Courts' operations are exempt from closure and travel restrictions. In an effort to protect the health and welfare of staff, hearing officials, parties, litigants, attorneys, participants, witnesses, etc., this Administrative Directive is necessary to continue with the Court's business of conducting essential hearings as deemed essential by the State Court Administrative Office, and/or hearings deemed necessary by the Kalamazoo County Circuit and Probate Courts.

An Administrative Directive is necessary to address the continuation of hearings already previously noticed, but with the additional provision of the use of communication equipment, without the necessity of filing requests or individual orders.

This Administrative Directive is consistent with the Supreme Court Administrative Office (SCAO) Administrative Order 2020-06 dated April 7, 2020. In addition as part of this order, provision is made for judges and referees to participate from locations other than their respective courtrooms and hearing rooms (as necessary) having been approved by the Chief Judge.

AUTHORITY

MCR 2.402 Use of Communication Equipment

MCR 2.119 Motion Practice

MCR 3.203 Service of Notice and Court Documents in Domestic Relations Cases

MCR 3.920 Service of Process, including all sub provisions, including but not limited to Notice of Hearing

MCR 3.921 Persons Entitled to Notice

PROVISIONS

Any previously noticed hearings deemed appropriate to continue as previously scheduled by the Court, shall be held at the SAME date and time as previously noticed, with the additional provision that presence of all of staff, hearing officials, parties, litigants, attorneys, participants, witnesses, etc. shall be permitted by electronic and/or communication equipment, including but not limited to telephonic and video or other electronic devices that permits all those appearing or participating to hear and speak to each other.

Participants' requirement to be present remains consistent with the expectation of the original notice.

Designated court staff shall prepare the notification letter and send to parties in advance of the scheduled hearing.

A verbatim record shall still be made.

This Administrative Directive obviates the necessity for any party to file form 9CC-1309 Request For Use of Communication Equipment for Court Proceeding during the period of court closure for COVID 19.

Judges and referees may participate from a location other than their respective courtrooms and hearing rooms with permission from the Chief Judge.

Dated: 4/7/2020


G. Scott Pierangeli, Presiding Judge of the Family Division

Dated: 4/7/2020


Alexander C. Lipsey, Chief Circuit/Probate Court Judge