



Michigan Supreme Court

State Court Administrative Office
Michigan Hall of Justice
P.O. Box 30048
Lansing, Michigan 48909
517-373-0128

Thomas P. Boyd
State Court Administrator

MEMORANDUM

DATE: April 23, 2020

TO: All Judges
Court Administrators
Probate Registers
County Clerks

FROM: Tom Boyd, State Court Administrator

RE: Administrative Order No. 2020-10, Delay of Jury Trials

The Michigan Supreme Court issued Administrative Order (AO) No. 2020-10 (attached) on April 23, 2020, ordering trial courts to suspend all jury trials for 60 days until June 22, 2020, or as otherwise provided by local order, whichever date is later. The delay of jury trials is necessary because the state of emergency and related social distancing make it impossible to conduct trials using traditional methods. Despite this reality, the number one question the State Court Administrative Office (SCAO) has received over the past 72 hours is “when will jury trials resume?” We need to find an answer to that question.

AO No. 2020-10 also authorized SCAO to pilot remote jury trials to explore ways in which the need for social distancing can be reconciled with the need to preserve the Constitutional and statutory rights of defendants, victims, and the public. To our knowledge, no judge in the country has ever presided over a remote jury trial, and these pilots will help us define what “remote jury trial” means in practice.¹

The first phase of the pilot project will involve a mock trial to develop recommended practices related to remote jury trial components such as voir dire, exhibits, witnesses, and deliberations. In the second phase, SCAO will partner with trial courts to conduct remote jury trials and then share the resulting recommendations with courts statewide.

¹ As of April 17, 2020, the National Center for State Court’s (NCSC) Center for Jury Studies had not learned of any jurisdiction conducting remote jury trials. *Jur-E Bulletin* from the NCSC’s Center for Jury Studies, April 17, 2020.

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Chief judges are encouraged to share AO No. 2020-10 with your jury board. Each chief judge is authorized to direct the time and manner of jury summons by the jury board. MCL 600.1300 *et seq.* Please let your jury board know that jury trials have been suspended so jurors will not receive any summons during this time.

If you have questions or are interested in participating in phase two of the remote jury trial pilot, please contact Kevin McKay at courtservices@courts.mi.gov or 517-373-7913.

Attachment

Order

Michigan Supreme Court
Lansing, Michigan

April 23, 2020

Bridget M. McCormack,
Chief Justice

ADM File No. 2020-08

David F. Viviano,
Chief Justice Pro Tem

Administrative Order No. 2020-10

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

Delay of Jury Trials

On order of the Court, pursuant to 1963 Const, Art VI, §4, which provides for the Supreme Court's general superintending control over all state courts, all jury trials are delayed for a period of 60 days from the date of this administrative order (until June 22, 2020), or as otherwise provided for by local order, whichever date is later.

Further, the State Court Administrative Office is authorized to initiate pilot projects regarding practices related to how to conduct remote jury trials. The pilot courts will test and evaluate innovative jury procedures to allow for appropriate social distancing while also protecting the parties' Constitutional and statutory rights. After the pilot projects are complete, the State Court Administrative Office shall provide recommendations to assist all courts in providing jury trials that promote public health and safety as well as protect people's rights.

This order shall remain in effect through June 22, 2020, or until further order of the Court.



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 23, 2020

Clerk