



STATE OF MICHIGAN
EATON COUNTY TRIAL COURTS

56th JUDICIAL CIRCUIT COURT
EATON COUNTY PROBATE COURT
56A DISTRICT COURT

1045 Independence Blvd.
Charlotte, MI 48813
517-543-7500
www.eatoncounty.org

Hon. Janice K Cunningham
Chief Judge, Circuit Court Judge

Hon. John D. Maurer
Circuit Court Judge

Hon. Thomas K. Byerley
Probate Court Judge

Hon. Julie A. O'Neill
District Court Judge

Hon. Kelly E. Morton
District Court Judge

Amy M. Etzel
Trial Court Administrator

Kathleen M. Brooks
Deputy Trial Court Administrator

**Establish Parameters for Conducting
In-Person Jury Proceedings during the Covid-19 Pandemic**

Administrative Order:

C56: 2021-02J

D56A: 2021-03J

P23: 2021-02J

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order No. 2020-19, effective June 26, 2020. The purpose of this order is to establish parameters for conducting in-person jury proceedings during a pandemic.

The court shall:

- Work in ongoing consultation with the local public health department to determine whether conducting each jury proceeding will create an excessive public health risk, by assessing the following metrics:
 - The 7-day average of daily percent positive test results for the county must be 10 percent or less AND the 7-day average of number of cases per day, per million people in the county, must be 70 or less. (If a county has a daily 7-day average of fewer than 20 cases, the criteria of 70 cases per million or less may not apply, depending on county population.)
- OR
- The court is in Phase 3 under the Return to Full Capacity Guide.
- In addition, the court's decision about whether to proceed with a jury trial must consider the following:
 - The percentage of cases in the county that are associated with localized outbreaks, such as nursing homes;
 - The number of deaths among county residents;
 - The proportion of emergency department visits for coronavirus-like symptoms for the Michigan Economic Recovery Council region;
 - The COVID hospitalization rates for the Michigan Economic Recovery Council region; and,
 - Whether there have been known COVID-19 cases associated within the court facility during the past 14 days, and if the building has evidence of ongoing transmission.

- A jury trial may not commence if a determination is made that such a trial would create an excessive public health risk. Excessive risk, is risk of disease transmission that cannot be reasonably mitigated through implementation of the safety precautions provided here or otherwise recommended by the local public health department.
- Maximize the use of remote participation as much as possible for all other court proceedings within the courthouse on the days of jury proceedings.
- On days when jury proceedings are being conducted, to the extent possible, collect the names and contact information of anyone coming into the building. Assure the individual that the collected information will only be used for contact tracing, if necessary.
- Adhere to the following checklist regarding risk mitigation measures.

Section 1. Stakeholders

The court shall consult with all of the following stakeholders for planning and preparation prior to commencing each scheduled trial:

- Health Department
- Attorneys
- Sheriff or Court Security
- Facilities Maintenance
- Information Services and Technology
- County Clerk
- Courtroom Staff
- Other: (e.g. city/county offices that would be impacted by jury traffic)

Section 2. Physical Location

The court has reviewed and determined the following physical specifications for on-site or off-site locations.

- For all jury trial activities, including selection, trial, and deliberations, the court requires six-foot social distancing and face coverings consistent with the Return to Full Capacity Guidance.
- Security needs have been met.
- If an off-site location is used, the court will post notice of the off-site location for the public, but will not need to complete a separate LAO for places of holding court.
- The trial will be recorded according to SCAO standards.
- The court will adhere to ADA compliance.
- The layout of the room allows for: jurors to see witnesses; jurors to hear the proceedings; parties/attorneys to interact easily with jurors; and the judge to see all participants.

Section 3. Summoning Jurors

- Panel selection will remain consistent with MCR 2.511.
- Communication addressing safety concerns, selection, and trial location will be provided to all prospective jurors.

- Courts will consider and grant any requests for excusals or deferrals because a juror or person residing with them may be considered high-risk for COVID-19.

Section 4. Jury Selection

- Jurors will be screened for COVID-19 symptoms in accordance with the protocols established in the court's return to full capacity phased plan. A juror that cannot pass the screening will not be allowed to enter the facility.
- Any jury selection held at the courthouse will be done in a room that can accommodate the number of potential jurors summoned for jury duty, either in bulk or by staggered reporting, with proper social distancing.
- Any jury selection held remotely via Zoom will be consented to by all the parties if required.¹ Additionally, all parties and potential jurors must be provided instructions for how to access the remote jury selection.

Section 5. Jury Trial

The court has determined processes for the following trial aspects:

- The process for side bars with attorneys will be that side bars will be held at the judge's bench with protective barriers in place and masks worn.
- The process for handling exhibits, including sharing with the jury, will be that exhibits will be displayed on monitors and copies of exhibits will be provided for jurors to examine upon request.
- The process for hearing motions outside the presence of the jurors will be that motions will be heard at the start of the trial day, before or after lunch breaks, or at the end of the day to minimize jurors from being moved in and out of the courtroom other than during scheduled breaks and lunch. Jurors will be removed from the courtroom to a safe location that can accommodate proper social distancing.
- The process for addressing a seated juror who does not pass the health screening or who becomes ill during the proceedings will be that the juror who does not pass the health screening will be excused and an alternate juror will be seated. Should a juror become ill during the proceedings, the court will seek guidance and consultation with the local health department on how to safely proceed.
- The process for juror breaks and refreshments will be that jurors will remain socially distanced during breaks and if snacks and refreshments are provided, they will be individually sealed. Jurors will be excused for lunch.

Section 6. Jury Deliberations

- Jury deliberations will be held in the courtroom instead of the jury room. Recording equipment in the courtroom will be turned off during deliberations.


¹ See [Remote Jury Trial Discussion Guide](#) for considerations.

- Jury deliberations will be held in a private space at the courthouse large enough to accommodate physical distancing.

Section 7. Public Access

- If the location cannot accommodate public viewing, public access will be provided by other means as authorized by SCAO. Note: Please review MCR 8.115 and Administrative Order 1989-1 regarding livestreaming of jurors or the jury selection process.
- Keep a record of all jury proceedings held that includes case number and date of jury proceeding, to submit to SCAO as requested.

3/1/2021
Date


Honorable Janice K. Cunningham, Chief Judge



Barry-Eaton District Health Department

Barry County: 330 W. Woodlawn Ave., Hastings MI 49058
Phone: 269-945-9516 Fax: 517-543-7737

Eaton County: 1033 Health Care Dr., Charlotte, MI 48813
Phone: 517-543-2430 Fax: 517-543-7737

March 3, 2021

To Whom It May Concern,

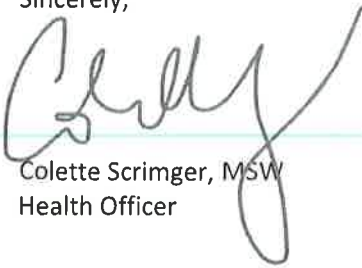
The Barry- Eaton District Health Department (BEDHD) recommends using the indicator of 20 cases per day to determine if it is safe for Eaton County to resume jury trials. Due to the population size of Eaton County BEDHD believes this is the better indicator to use.

The court must adhere to all State of Michigan Epidemic Orders and MIOSHA Emergency Rules. Additionally, it is required for the court to have mitigation strategies in place following the recommendations from the Centers for Disease Control. These strategies include, but are not limited to:

- Screening individuals upon entry for symptoms
- Requiring facemasks
- Enforcing social distancing
- Excluding employees from work when they are sick or exposed to someone with COVID-19.
- Establishing a routine cleaning and disinfection plan

For additional questions please contact Taylor Olsabeck, Tolsabeck@bedhd.org / 517-541-2600

Sincerely,



Colette Scrimger, MSW
Health Officer