

STATE OF MICHIGAN

HON. STEPHEN P. CARRAS
CHIEF JUDGE

HON. DORENE ALLEN
PROBATE/FAMILY JUDGE

HON. MICHAEL J. BEALE
CIRCUIT JUDGE

HON. MICHAEL CARPENTER
DISTRICT JUDGE



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Via Email: scba@saginawcounty.com

Dear Ms. Kelly Scorsone, Saginaw County Bar Association,

Please forward to the members of the Saginaw County Bar Association.

We have been conducting court proceedings by Zoom consistent with the directive of the Michigan Supreme Court (MSC) due to the coronavirus pandemic. The MSC has issued Administrative Order No. (AO) 2020-14 authorizing the State Court Administrative Office (SCAO) to make guidelines for return to full capacity. However, return to full capacity does not eliminate conducting court proceedings remotely, such as by Zoom. The SCAO guidelines indicate conducting virtual proceedings should be a continued fixture in court planning. The MSC also directed courts to expand the use of remote proceedings as much as possible to reduce backlog and dispose of new cases efficiently and safely. AO 2020-19. Accordingly, remote proceedings are here to stay for the foreseeable future.

Having hearings and trials by Zoom was uncharted territory for many of us and leads to a consideration of how to conduct such court proceedings in comparison to in person proceedings. An air of informality comes from having people participate in court proceedings from remote locations such as their house, car or office. We are concerned the informality can reduce the importance and solemnity of the matters addressed by the courts and thereby diminishes respect for the judiciary and its dispensing of justice.

One concern is the decorum associated with remote proceedings. Proper attire and locations for participants in Zoom court proceeding needs to be addressed. Judges are granted the authority to require lawyers, personnel and litigants to be properly attired for court. Code of Judicial Conduct Canon 3, A(2). We do not see a distinction for persons appearing for a court proceeding remotely by Zoom from those conducted in person in a courtroom. Proper attire should be worn by all those participating in the court proceeding as a sign of respect for the court and to the importance of what is being addressed. Attorneys should be dressed the same for either in person or remote proceedings, and should inform their clients and witnesses of the requirement as well.

Additionally, participants in a remote proceeding must follow certain guidelines to help create the proper environment for adjudicating the case. First, have a quiet, private area with proper lighting/background for any video connection. Second, all devices used for the connection should be charged and/or have a charger available if necessary. Third, there should be no distractions or other matters attended to during the court proceeding, such as checking emails, phone messages, internet access etc. In fact, all other devices should be turned off, or muted at a minimum. Fourth, there should be nobody else present with the participant except clients with counsel. Do not interact with family or friends. Absolutely no pets or animals to be present which could cause a distraction.

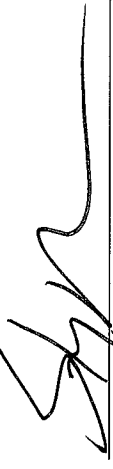
We thank you for your attention to this guidance on decorum and etiquette for conducting remote proceedings in the Midland County Trial Courts. This process will become more established as time passes and we may have other issues to address.



Hon. Michael J. Beale
Circuit Court Judge



Hon. Dorene S. Allen
Probate & Juvenile Court Judge



Hon Stephen P. Carras
Chief Judge



Hon. Michael D. Carpenter
District Court Judge