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ST. JOSEPH COUNTY PROBATE COURT

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ST. JOSEPH COUNTY COURTS RETURN TO PHASE 4 GUIDELINES

For Immediate Release

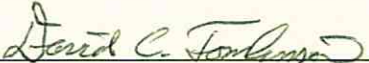
1. The St. Joseph County Courts Building remains open to the public.
2. Per direction from the Michigan Supreme Court and the State Court Administrative Office effective June 21, 2021, the St. Joseph County Courts, along with all other Courts in the state of Michigan, moved to Phase 4 of the Michigan Supreme Court's Plan to Return Operations to Full Capacity ([see Memo moving all Michigan Courts to Phase 4 dated June 21, 2021](#)).
3. Proceedings in the St. Joseph County Courts will be scheduled using a hybrid model and will be at the discretion of the Assigned Judge, however they will continue to be conducted virtually via Zoom to the maximum extent possible, consistent with Administrative Order No. 2020-6 (extended by AO No. 2020-12) to provide timely case administration in a safe manner.
4. In-person court proceedings, including in-person jury trials, shall be allowed at the discretion of the presiding Judge subject to the requirements set forth herein and specifically in paragraphs 7-9 below.
5. Persons entering the Law & Courts Building shall no longer be subject to COVID screening.
6. The wearing of masks shall no longer be required for fully vaccinated individuals, per CDC Guidelines, in the Courts Building except as indicated in paragraph 7-9 below.

7. Masks shall be worn in the Courtrooms by all persons during all in-person Court proceedings and jury trials, including during voir dire, except as specifically directed otherwise by the presiding Judge who shall have discretion to make decisions and give directives about the wearing of masks and matters related to COVID balancing applicable considerations including public safety, fairness, and due process of law as well as considering special factors which may be present for cases involving persons who are at an increased risk of severe illness from COVID-19.¹
8. Masks shall be worn in the area where jury deliberations occur unless jurors are able to social distance by at least 6 feet or more.
9. Any person, including employees or the public, desiring to wear a mask, in any area of the Law & Courts Building, shall be allowed to do so.
10. With regard to Court proceedings being held virtually, via Zoom:
 - Each Judge will have sole discretion, with guidance from Chief Judge Tomlinson as to whether the matter is via Zoom or in person.
 - Anyone with a scheduled hearing or pending court matter should follow the instructions on the notice they receive. All notices will specify if the proceeding is remote or in person. Any questions please contact the office directly.
 - Jury Summons - Please follow the instruction on the summons to appear in- person.
11. Objection to a Zoom hearing: If an attorney or party objects to a Court proceeding occurring via Zoom or wants to make a demand for an in-person Court proceeding or trial, a written objection/demand needs to be filed with the Clerk articulating the specific reasons why proceeding via Zoom is not appropriate after which the assigned Judge or Attorney Referee will make a decision as to whether or not the matter should proceed in person, subject to the approval of the Chief Judge.

¹ According to the CDC, individuals who are fully vaccinated are not considered to be at risk for severe illness from COVID-19. There is limited information regarding vaccine protection in people who are immunocompromised or suffer from immunocompromising conditions, and thus, these individuals may still be at high risk for severe illness from COVID-19 once vaccinated. Individuals who are not fully vaccinated and who are considered to be at high-risk for severe illness from COVID-19 include: older adults, individuals who are pregnant, and adults of any age with chronic lung diseases, dementia or other neurological conditions, diabetes (Type 1 and Type 2), and other conditions outlined by the CDC

12. Zoom hearing reminder: All parties and attorneys are reminded that Zoom hearings are still Court proceedings and require the same demeanor as in person Court hearings— Attorneys shall advise their clients prior to Zoom hearings of this information.
 - Parties and attorneys shall be on time.
 - Parties and attorneys shall be dressed appropriately.
 - Parties and attorneys shall be in an appropriate area (not in the restroom, etc.).
 - Parties and attorneys shall not engage in inappropriate activity (eating, etc.).
13. Persons requiring special accommodations in Court proceedings because of disabilities may contact the Court's ADA Coordinator.
14. Filings in all of the St. Joseph County Courts shall continue to be allowed via email in addition to filings in person and by mail.
15. The Chief Judge of the St. Joseph County Courts has full discretion to protect Court staff and Court users, consistent with local health guidance and MIOSHA guidelines such that the Chief Judge shall remain vigilant and adopt additional mitigation measures as necessary to keep members of the public, litigants and judiciary personnel safe.
16. Pursuant to MCR 8.110(C), members of the public or employees who are unable to adhere to mitigation procedures established by the St. Joseph County Courts may be asked to leave the Courts Building. Any member of the public who is asked to leave the Courts Building shall be offered an opportunity to conduct court business virtually, attend court proceedings virtually, file documents in an alternative manner, or confer with court administration to determine alternate arrangements for accessing the court.
17. Upon a local resurgence of COVID-19 cases, the St. Joseph County Courts may be required to implement additional COVID-19 mitigation measures.
18. Updates from the State Court Administrative Office and the Michigan Supreme Court can be found on their website at: <https://courts.michigan.gov/News-Events/covid19-resources/Pages/RTFC.aspx>

7-7-21
Date



David C. Tomlinson, Chief Judge