

Name: Judge Tyler Thompson

Date: 06/27/2025

ADM File Number: 2019-40

Comment:

I oppose the provision of the proposal that appears to limit the judicial officer's ability to appear from a location other than the courtroom. I serve 2 counties. If this rule were construed to mean that I could only hold Mecosta County matters while physically present at the courthouse in Mecosta County, it would very much negatively impact the citizens in Mecosta County who might appreciate / need my ability to hold Mecosta hearings while on the bench in Osceola County (and vice versa). In an effort to better serve the public, reduce docket congestion, and handle emergency or time-sensitive hearings, I do on occasion schedule a hearing or two while physically-present in the other county.

Most of the parties and attorneys who appear in court choose to participate remotely, and a vast majority of the time, my court recorder is the only other person in the courtroom with me. For a vast majority of what I do, my appearance from a place other than my physical courtroom DOES NOT IMPACT my ability to preside over a hearing. The courtroom is open to the public, and my recorder is there, in person – even if I am away.

I am not advocating against the proposal out of a desire to sit at home and hold court. I simply do, on occasion, have situations where time is of the essence, and I do not have colleagues available to cover my hearing. I might be on vacation and need to hold an NA or DL pickup hearing / prelim. I could have a mental health hearing that needs to be held, or have an emergency guardianship so that life-sustaining care can be provided. In other cases, it might be necessary to hold a hearing to grant a DD guardian the ability to issue a DNR so that their beloved sister does not have to endure needless, painful, life-sustaining treatments. As a judge in a small jurisdiction, I do not always have the luxury of having available colleagues to assist with these matters at moment's notice. I do not have the budget (and it not good stewardship of taxpayers' money) to keep a visiting judge on call in the courthouse to handle the occasional emergency hearing when I am on vacation, a conference, or ill. As a judge, I strive to make sure that hearings are held in a reasonable time. As a probate and family judge, in certain emergencies, reasonableness means that I make every effort to hold a hearing within 24 hours or less.

When I am a visiting judge, there is no point in traveling 120 miles roundtrip to hold a pretrial conference or summary motion when everyone else is appearing remotely. I am much more available to say, "yes" when asked to cover a conflict when I do not need to take what ends up being ½ of a day (driving, etc.) to cover a 15 minute hearing.

I realize that there are certain types of hearings (as already outlined in the court rules) where it is not appropriate to have virtual proceedings. Virtual proceedings are great in certain situations, and awful in others. I presume that no judge would propose that they could remotely preside over a jury trial, but that most judges would find a routine uncontested status conference or emergency hearing to be acceptable. With advancements in technology, my in person presence is less and less necessary. My comments are not meant to reflect a desire to be away from the courtroom or a desire to sit in my gymwear with a robe while at home. I am not sure that our current system is yet ready for full time remote judges, and do not propose that such a change is a good thing. I simply write to suggest that giving / keeping judicial flexibility in remote appearance is a good thing for Michigan litigants and citizens.