



Michigan Supreme Court

State Court Administrative Office
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Thomas P. Boyd
State Court Administrator

MEMORANDUM

DATE: August 11, 2022

TO: Judges
Court Administrators
Probate Registers

FROM: Thomas P. Boyd, State Court Administrator

SUBJECT: New Rules Regarding Remote Proceedings

Based on input from more than 2,000 stakeholders, the Michigan Supreme Court has adopted an [order](#) revising court rules implementing lessons learned during the pandemic regarding remote proceedings. The rules take effect in 30 days and are designed to balance the goals made clear in public comment: increasing access to justice through predictable use of videoconferencing technology and judicial discretion in setting and holding remote proceedings. The SCAO is updating current resources and developing new tools to assist the trial courts with successful implementation of the Court's order and will notify the trial courts as resources become available.

The starting point for these rule changes was the work of the Lessons Learned Committee and the recommendations of the Michigan District Judges Association. Most importantly, their work made clear the fact that these goals are not in conflict. In fact, predictable use of videoconferencing technology and judicial discretion are complimentary factors that together improve the administration of justice. That is why the key departures from their recommendations were adopted, to increase discretion and predictability.

I urge you to review the new rules carefully and note that in every instance where there is a presumption in favor of remote participation, there is an allowance for judicial discretion. After all, judges know their courts, communities, and cases best. At the same time, the new rules support both discretion and predictability by requiring the court to state its decision and reasoning, either in writing or on-the-record, when requiring in-person proceedings in each case where there is a presumption for the use of videoconferencing technology. This record allows for appellate review, which is vitally important to maintaining the rule of law.

In addition, the Court published for comment [proposed amendments](#) to MCR 4.201 in response to lessons learned during the pandemic, stakeholder feedback, public comment, and the success of Administrative Order No. 2020-17 procedures. You will also see an amendment to [Administrative Order No. 2020-17](#) that will take immediate effect as we move forward to a post-pandemic summary proceedings process.

Finally, it is important to be clear that the orders are not the end of a process but another step in our work together toward making Michigan's justice system a model for the nation. As we did during the pandemic, we will continue to learn by listening, by trying new ideas, by sharing our successes, and by being forward-thinking in serving the public.