

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In re: MODIFICATION OF COURT OPERATIONS
IN RESPONSE TO COVID-19: THIRD ORDER

Administrative Order

No. 20-MS-037

The Court continues to monitor developments on the Covid-19 pandemic and to make operational adjustments that preserve continued access to the Court while simultaneously protecting the health of Court staff and the constituencies we serve. On March 23, 2020, this Court entered Administrative Order 20-MS-024 (First Order) modifying certain Court operations, including facility access, through the close of business on April 13, 2020. On April 10, 2020, the Court issued Administrative Order 20-MS-029 (Second Order) extending the terms of the First Order through the close of business on April 30, 2020. The Court intends to have the First and Second Orders expire by their terms, though some of the modified operations will continue under this Third Order.

The overall intention of this Third Administrative Order is to provide for a phased re-opening of Court facilities as an initial step toward return to normal operations. The Court intends to continue limited “appointment only access” at its Grand Rapids and Marquette facilities through May 15; to add the same limited “appointment only access” at its Kalamazoo facility, effective May 11; and to move all Court facilities in the District back to normal public access effective the opening of business, Monday, May 18, 2020.

This does not mean all Court operations will be back to normal on May 18. In particular, Administrative Order 20-MS-030 implementing Section 15000(b)(1) of the CARES Act will remain in effect. This will provide a continued option for videoconference hearings in certain

specified criminal proceedings, with the counseled consent of the defendant. In addition, the Court expects Judicial Officers may choose to continue offering audio and videoconferencing options in other appropriate proceedings. The Court also expects to continue use of teleworking for certain employees.

But in light of its ongoing review of all relevant information, including without limitation Governor Whitmer's Executive Order No. 2020-59; guidance and information from the Administrative Office of the United States Courts, the Center for Disease Control and local health officials; multiple sources of published information on Covid-19 case counts, morbidity, available health care resources and other risk-related factors within this District; and the overall docket demands of the District; the Court believes it is time to proceed with initial steps toward eventual return to normal operations, as provided in this Third Administrative Order.

Accordingly, the Court is entering this Third Administrative Order effective Friday, May 1, 2020:

1. Judicial Officers will schedule hearings to be conducted by audio or videoconference, or on an in-person basis, as the Judicial Officer believes is appropriate to the needs of the case with due regard for health and safety of all participants, providing in all cases for appropriate public access.
2. To the extent a Judicial Officer believes an in-person hearing is necessary and cannot be postponed or otherwise accommodated until the anticipated return to normal facility access beginning May 18, 2020, the following special limitations apply through Friday, May 15, 2020. The in-person hearing may occur in the Gerald R. Ford Federal Building in Grand Rapids, Michigan (if in the Southern Division); or in the Court's Marquette facility (if in the Northern Division). In addition, effective May 11, 2020, such a hearing may also take

place in the Court's Kalamazoo facility in the Southern Division. Any such hearing will be conducted in a courtroom that has full audio and video capability so members of the public can observe proceedings, if they wish, by contacting the Court to arrange the connection, and so that there is a permanent record of proceedings.

3. The Court and the relevant Facility Security Committees have determined that it is necessary and appropriate to limit public access to the Ford Building, the Kalamazoo facility and the Marquette facility for any in-person hearing that may be conducted in the facilities through May 15, 2020. Accordingly, the following access restrictions will apply during the term of this Administrative Order:

- a. The Ford Building, the Kalamazoo facility and the Marquette facility will be open on an appointment only basis during the periods provided in this Administrative Order. A notice or order entered by the Court for a hearing is an appointment for those persons required at the hearing.
- b. Any other appointment must be made and approved through the Designated Official for the relevant facility: namely, Clerk of Court, Tom Dorwin, for the Ford Building in Grand Rapids, or the Kalamazoo facility (616-456-2381); and Operations Supervisor, Nick Johnson, for the Marquette facility (906-226-2021). Appropriate reasons for an appointment include the need to file time critical papers that cannot be filed electronically.
- c. Appointments will be made only for times between 10:00 a.m. and 2:00 p.m.
- d. Interested members of the public who wish to observe a hearing will need to arrange with the Court for appropriate audio or video connection.

4. All Court facilities in the District other than the Ford Building, the Kalamazoo facility and the Marquette facility, will be closed to public access during the term of this Administrative Order. This includes the Court facilities in Lansing.
5. At this time, based on its consideration of all relevant factors, the Court anticipates returning all its facilities in the District to normal public access effective May 18, 2020. If the Court's assessment of relevant factors changes before that time, it will provide notice through further Administrative Orders. The Court anticipates using multiple mitigation of risk strategies, including social distancing and recommended use of appropriate face-coverings.
6. The Court considers all its personnel essential to meeting the core mission of the Judiciary. Much of their work has been appropriately performed without the need for physical presence in a Court facility, and that may continue for certain employees through the term of this Third Administrative Order and beyond. But to the extent employees do come and go from Court facilities for their work, they should be prepared to present a copy of this Administrative Order and their Federal Court ID to any police officer inquiring as to their business. The Court anticipates this will be sufficient to demonstrate they are operating consistent with the terms of any Governor's Executive Order, or other law limiting travel for non-essential matters.
7. The Court remains open and accessible to litigants, as usual, through the normal CM-ECF process.

Dated: April 29, 2020



ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE