

**GROSSE POINTE PARK MUNICIPAL COURT**  
15115 E. JEFFERSON  
GROSSE POINTE PARK, MICHIGAN 48230

Carl F. Jarboe  
Municipal Judge

Criminal (313) 822-4323  
Civil (313) 822-3535  
Traffic (313) 822-4323  
Probation (313) 822-4479  
Fax (313) 822-0016

Establish Parameters for Conducting  
In-Person Jury Proceedings during the Covid-19 Pandemic

Administrative Order 2021 – 03  
Rescinds 2020-05

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order No. 2020-19, effective June 26, 2020. The purpose of this order is to establish parameters for conducting in-person jury proceedings during a pandemic.

The court shall:

- Work in ongoing consultation with the local public health department to determine whether conducting each jury proceeding will create an excessive public health risk, by assessing the following metrics:
  - The 7-day average of daily percent positive test results for the county must be 10 percent or less AND the 7-day average of number of cases per day, per million people in the county, must be 70 or less. (If a county has a daily 7-day average of fewer than 20 cases, the criteria of 70 cases per million or less may not apply, depending on county population.)
  - OR
  - In addition, the court's decision about whether to proceed with a jury trial must consider the following:
    - The percentage of cases in the county that are associated with localized outbreaks, such as nursing homes;
    - The number of deaths among county residents;
    - The proportion of emergency department visits for coronavirus-like symptoms for the Michigan Economic Recovery Council region;
    - The COVID hospitalization rates for the Michigan Economic Recovery Council region; and,
    - Whether there have been known COVID-19 cases associated within the court facility during the past 14 days, and if the building has evidence of ongoing transmission.
- A jury trial may not commence if a determination is made that such a trial would create an excessive public health risk. Excessive risk is risk of disease transmission that cannot

be reasonably mitigated through implementation of the safety precautions provided here or otherwise recommended by the local public health department.

- Maximize the use of remote participation as much as possible for all other court proceedings within the courthouse on the days of jury proceedings.
- On days when jury proceedings are being conducted, to the extent possible, collect the names and contact information of anyone coming into the building. Assure the individual that the collected information will only be used for contact tracing, if necessary.
- Adhere to the following checklist regarding risk mitigation measures.

### **Section 1. Stakeholders**

The court shall consult with all of the following stakeholders for planning and preparation prior to commencing each scheduled trial:

- Health Department
- Attorneys
- Sheriff or Court Security
- Facilities Maintenance
- Information Services and Technology
- County Clerk
- Courtroom Staff
- Other: (e.g. city/county offices that would be impacted by jury traffic)

### **Section 2. Physical Location**

The court has reviewed and determined the following physical specifications for on-site or off-site locations.

- For all jury trial activities, including selection, trial, and deliberations, the court requires six-foot social distancing and face coverings consistent with the Return to Full Capacity Guidance.
- Security needs have been met.
- If an off-site location is used, the court will post notice of the off-site location for the public but will not need to complete a separate LAO for places of holding court.
- The trial will be recorded according to SCAO standards.
- The court will adhere to ADA compliance.
- The layout of the room allows for: jurors to see witnesses; jurors to hear the proceedings; parties/attorneys to interact easily with jurors; and the judge to see all participants.

### **Section 3. Summoning Jurors**

- Panel selection will remain consistent with MCR 2.511.
- Communication addressing safety concerns, selection, and trial location will be provided to all prospective jurors.
- Courts will consider and grant any requests for excusals or deferrals because a juror or person residing with them may be considered high-risk for COVID-19.

### **Section 4. Jury Selection**

- Jurors will be screened for COVID-19 symptoms in accordance with the protocols established in the court's return to full capacity phased plan. A juror that cannot pass the screening will not be allowed to enter the facility.

- Any jury selection held at the courthouse will be done in a room that can accommodate the number of potential jurors summoned for jury duty, either in bulk or by staggered reporting, with proper social distancing.
- Any jury selection held remotely via Zoom will be consented to by all the parties if required.<sup>1</sup> Additionally, all parties and potential jurors must be provided instructions for how to access the remote jury selection.

**Section 5. Jury Trial**

The court has determined processes for the following trial aspects:

- The process for side bars with attorneys will be: See attached jury plan
- The process for handling exhibits, including sharing with the jury, will be: See attached jury plan
- The process for hearing motions outside the presence of the jurors will be: See attached jury plan
- The process for addressing a seated juror who does not pass the health screening or who becomes ill during the proceedings will be: See attached jury plan
- The process for juror breaks and refreshments will be: See attached jury plan

**Section 6. Jury Deliberations**

- Jury deliberations will be held in a private space at the courthouse large enough to accommodate physical distancing.

**Section 7. Public Access**

- If the location cannot accommodate public viewing, public access will be provided by other means as authorized by SCAO. Note: Please review MCR 8.115 and Administrative Order 1989-1 regarding livestreaming of jurors or the jury selection process.
- Keep a record of all jury proceedings held that includes case number and date of jury proceeding, to submit to SCAO as requested.

Date: \_\_\_\_\_

4/23/2021

\_\_\_\_\_  
Chief Municipal Judge

C. J. Law P33059

<sup>1</sup> See Remote Jury Trial Discussion Guide for considerations.

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## **Jury Trial Plan**

The following is a summary of the required checklist for Phase 3 jury trials as referenced in Administrative Order 2020-19.

### **Section 1. Stakeholders:**

An order will be submitted for each court case scheduled for a jury trial for approval. All courtroom staff, court security, facilities maintenance, and prosecuting attorneys have been consulted.

### **Section 2. Physical Location:**

The Grosse Pointe Park Municipal Court will hold jury selection, trials and deliberations in the courthouse which is ADA compliant. Jurors will be screened prior to entering the court. The 15 jurors will be directed to the court room after completing their individual screenings. The court room has fifteen chairs spaced six (6) feet apart from side to side and front to back.

Jury selection and the Jury Trial will be held in the Judge's court room. The selection and trial will be recorded according to SCAO standards.

The jurors will be seated in the court room to begin the selection process. The layout of the room allows for jurors to see witnesses, jurors to hear the proceedings, the parties/attorneys to interact easily with jurors, and the Judge to see all participants.

### **Section 3. Summoning Jurors:**

Exhibit No. 1 is a jury notice indicating the date, time and place for jurors to appear for jury selection.

Exhibit No. 2 is a letter to the jurors explaining the safety measures that will be followed to ensure that each participant in this jury trial feels safe to participate.

**Section 4. Jury Selection:**

All jurors will be screened for COVID-19 symptoms in accordance with the protocols established in the Court's return to full capacity phased plan. Upon arrival to the courthouse all juror candidates will receive a plastic shield/mask if they need one.

Jury selection will be held at the Grosse Pointe Park Municipal Court. Jurors will be seated in the court room for jury selection.

**Section 5. Jury Trial:**

An alternate juror will be seated in case a juror does becomes ill during the proceedings.

The jury deliberation room has been set up to accommodate seven jurors seated six feet from each other. An alternate juror will be seated in case a juror does becomes ill during the proceedings. Jurors will be taken to the deliberation room for all breaks, side bars with attorneys and any motions outside the presence of jurors. Latex gloves will be available for any participants handling Exhibits. Individual water bottles will be available for the jury panel. The jurors will be dismissed for a one-hour lunch break. Upon return to the courthouse they enter through the security entrance and will be rescreened for COVID-19 symptoms.

**Section 6. Jury Deliberations:**

Jury deliberations will be held in the jury deliberation room at the courthouse.

**Section 7. Public Access:**

The jury trial will be live streamed via You-Tube.

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**SUMMONS FOR JURY DUTY**

**TO:**

**Greetings:** You have been selected to sit as a Juror in the Grosse Pointe Park Municipal Court.

**INSTRUCTIONS**

**Register at the court office:** Grosse Pointe Park Municipal Court  
15115 East Jefferson, **4<sup>th</sup> Level**  
Grosse Pointe Park, MI 48230

**DATE:**

**TIME:**

If you have a change of address, name change or any questions regarding jury duty, please call the court office at 822-3535, Monday - Friday, 8:00 A.M. until 4:30 P.M.

- NO PAGERS OR CELL PHONES ARE ALLOWED IN THE COURT ROOM OR DELIBERATING.
- Meter parking in the municipal lot on the day of court will not be enforced.
- **Absolutely no weapons of any type are allowed in the court building.**
- **Please refer to the attached sheet for additional information.**

**Call 822-4327 after 5:00 P.M. on [Insert Date]**  
**for final juror instructions and/or possible cancellation of trial.**

Date

Jamie L. Ferszt  
Jury Supervisor

**Exhibit 1**

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Date

Dear Perspective Juror:

You have been selected as a possible juror for a jury trial to be held at the Grosse Pointe Park Municipal Court. Under the current pandemic circumstances, we are committed to keeping you and everyone involved in this jury selection/trial safe and healthy. We would like you to know the measures that the Grosse Pointe Park Municipal Court has taken to ensure that each participant in this jury trial feels safe to participate. We would like to highlight the important basics that you need to know when attending this trial and what you can do to keep yourself and others safe from COVID-19.

Prior to Jury Trial:

- Please notify the Grosse Pointe Park Municipal Court if you feel sick or have any symptoms relating to COVID-19, have been exposed to someone who has tested positive for the virus within the last 14 days, or have a fever over 100.4 degrees.

Day of Trial:

- You will be required to wear a face mask or face shield. The court will provide them if you do not have one.
- You will be screened upon entry along with your temperature taken.
- Each person will be six feet apart at all times to ensure proper social distancing.
- The court will be cleaned and sanitized at the end of the day.

Jurors will enter through the front main entrance and proceed to the 4<sup>th</sup> floor. Once you arrive to the 4<sup>th</sup> floor, you will then be screened for COVID-19 symptoms and will have to go through the metal detector. You will then check-in at the counter where you will be directed to the court room for jury selection. The court will break for lunch and you will be allowed to leave the building during that time. Please call the court at, 313-822-3535 if you have any special accommodations in relation to the COVID-19 pandemic.

Sincerely,

Jamie Ferszt  
Court Administrator