

COURTHOUSE AND COURTROOM RULES OF CONDUCT FOR IN-PERSON PROCEEDINGS

The following Rules of Conduct are in effect for the reopening of the Detroit, Flint, Ann Arbor, Bay City and Port Huron courthouses.

1. NOTIFICATION OF RULES AND CONDUCT

Attorneys are responsible for notifying all attendees of these policies and procedures.

2. ATTENDANCE AND ENTRY

- A. Defense counsel must notify the case manager of any of the defendant's family members who plan to attend a proceeding at least 7 days in advance of the proceeding to ensure that the courtroom can accommodate the number of people attending. The number of family members allowed in the courtroom will be restricted to the number of individuals who may be seated safely while observing proper social distancing and other protection requirements.
- B. At least 7 days in advance of a proceeding, government counsel must notify the case manager of any victims and/or witnesses who will be in attendance to ensure that the courtroom can accommodate the number of people attending.
- C. Defense attorneys may arrive at the courthouse 30 – 45 minutes before the proceeding start time to meet with a custodial client in the U.S. Marshal's Service interview room. Otherwise, attendees (e.g., attorneys, defendants, clients, victims, family members and witnesses) are not to arrive at the courthouse any earlier than ten (10) minutes before the proceeding start time. Proceedings will begin at the scheduled start time. There will not be an opportunity for defense counsel to meet with a client in the courtroom.
- D. Attendees may not enter the courtroom until asked by the case manager.
- E. All persons entering the courthouse will be required to answer health screening questions and have their temperatures checked.
- F. Any attendee who is traveling to the courthouse from out-of-state must follow the domestic travel guidelines recommended by the Centers for Disease Control and Prevention (CDC) currently in effect and adhered to by the Court. However, the Court may change its restrictions in response

to pandemic conditions.

- G. Out-of-state unvaccinated attendees must have a COVID-19 test completed no more than three (3) days before travel in accordance with CDC guidelines.
- H. Unvaccinated attendees, who are residents of the State of Michigan, but have traveled outside of the state within 10 days of the trial date, must follow the domestic travel guidelines from the CDC.
- I. In addition, unvaccinated attendees must have a rapid COVID-19 test completed the day before the scheduled trial date. The rapid test results must be produced for entry into any courthouse in the Eastern District of Michigan.
- J. In Detroit, attorneys must enter the courthouse using the doors on the appropriate side of the building as indicated in the notice to appear.
- K. Attorneys must inform all attendees of the proper entrance to enter the courthouse.
- L. All attendees entering the courthouse are to wear a surgical grade facial mask. Statement masks and masks with emblems are not permitted in the courthouse. Masks must be worn at all times.
- M. Attorneys who do not pass the health screening will be asked to leave the building and are to contact chambers immediately.
- N. Attendees who do not pass the health screening will be asked to leave the building and are to contact the appropriate attorney immediately.
- O. Attorneys must ensure that attendees have their cell phone number in case they do not pass the health screening to enter the building. It is counsel's responsibility to inform the court if this situation occurs.
- P. In the Detroit courthouse, only two individuals are allowed to occupy an elevator car and must observe social distancing while inside. Elevator occupancy may vary at other courthouses.

3. COURTROOM GUIDANCE

- A. Attorneys must inform all attendees of the courtroom number.
- B. Only the primary attorney representing a client may sit at counsel tables in the courtroom. If a second attorney or other office staff member is

needed to assist the primary attorney, the primary attorney must contact chambers to inquire whether the additional person can be accommodated at counsel table or elsewhere in the courtroom.

- C. Attorneys will be required to wear a surgical grade mask at all times when in the courthouse and the courtroom.
- D. Sidebar conferences will be discouraged, but if necessary, they may be conducted using headsets.
- E. Attorneys are responsible for ensuring that writs for custodial defendants and/or witnesses are issued and furnished to the U.S. Marshal's Service at least sixty days in advance of the trial date.
- F. Congregating in the hallways is not permitted. All attendees must leave the building immediately after trial has concluded for the day. Counsel is responsible for informing all attendees of these requirements.
- G. Attorneys and court staff must take all papers, exhibits, and belongings out of the courtroom each evening to ensure that all surfaces can be cleaned in the courtroom.
- H. All conference rooms must be emptied of witness belongings, or all items placed each evening in a location approved by the Court, so that GSA or the cleaning contractor is able to thoroughly clean the conference rooms.
- I. Hand sanitizer, disinfectant wipes, and facial tissue will be available in each courtroom.
- J. Decals will be placed on benches indicating where people may sit in the gallery.

4. WITNESS TESTIMONY AND EVIDENCE PRESENTATION

- A. In general, counsel should remain seated when addressing the court to ensure that counsel is close enough to the microphone to be heard. Counsel may not approach the lectern or a witness without permission from the Court.
- B. If possible, all documentary evidence will be provided electronically with no paper used in the courtroom.
- C. If it is necessary for a witness to review a paper document, the attorney should place any paper exhibits on the witness stand before the witness is called to testify.

- D. All physical evidence offered must be safely managed during the trial.
- E. Each party is responsible for packaging and removing all physical evidence at the end of each trial day.
- F. Any demonstrative exhibits must be displayed and shared electronically.
- G. All hearing participants must wear a surgical grade facial mask while in the courtroom (and everywhere else in the courthouse). A witness may remove a mask when testifying and replace it with a court-issued face shield for their face to be seen during his or her testimony.
- H. The Court will provide each witness the following in advance of his/her testimony:
 - 1) A clear plastic face shield
 - 2) Disinfecting wipes for the witness to use on the stand and on the microphone
 - 3) Hand sanitizer
- I. The Court will coordinate with counsel for witnesses to wait their turn to testify in the public hallways or in the attorney conference room. Witnesses must wear face masks at all times. Social distancing must be followed. The Court will provide disinfecting wipes in the attorney conference rooms.
- J. Witnesses are to refrain from walking in the hallways during any recess during a court proceeding.

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