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*Administrative Judge*

**DISTRICT COURT OF MARYLAND**  
Fifth District

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On October 5, 2020 the Courts will enter Phase 5 as defined by the *Amended Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency* (the "Order"). For the District Court in Prince George's County, Phase 5 will look much like Phase 4, with additional matters. In conjunction with the bar, we are hosting our **Annual District Court Symposium on October 7<sup>th</sup> at 2:00 on Zoom. There will be no afternoon dockets in the District Court on October 7<sup>th</sup> to make it convenient for members of the bar and stakeholders to attend. You can register through the Prince George's County Bar Association.** We will discuss Phase 5 and beyond, and we look forward to further engaging with you. I am also providing information on Phase 5 to you in this communication.

**REMOTE HEARINGS**

During Phase 5, the Prince George's County District Court will continue to conduct remote hearings where appropriate. Pursuant to the Judiciary's Guidelines for Remote Hearings, court observers, advocates and others who are only observing should participate via audio conference only and should not be provided with the video conference information. The video conference option is only for counsel, litigants, and witnesses.

While most members of the bar have transitioned to remote hearings seamlessly, it is necessary for me to provide some guidance regarding remote hearings. Although we will conduct matters via Zoom, appropriate courtroom decorum should be followed at all times. Keep in mind the video/camera captures non-verbal communication as well, and broadcasts (and arguably magnifies) this communication to all who are watching. These proceedings are being recorded, and it is disruptive to the proceedings if people are not muted when they are not required to speak. Please mute when you are not speaking on the record. Further, it remains incredibly important to the integrity of the record that only one person speaks at once, and that no one speaks when the Judge is speaking. Anyone participating via the video conference option should be dressed appropriately for Court if the camera is activated. While



we understand that litigants may not always have access to appropriate attire, they should be instructed that they should be fully clothed. Undershirts or sheer clothing are not appropriate. Please be aware of your surroundings and what, or who, is in view of your camera. Please do not participate on a remote hearing while you are driving. Other information, including the Judiciary's Guidelines for Remote Hearings document, is available on the Judiciary website at <https://mdcourts.gov/virtualcourtrooms>.

### **PHASE 5 OVERVIEW**

Pursuant to the Order, the District Court becomes "fully operational" in Phase 5. For the Prince George's County District Court this will be implemented to include as many remote dockets as possible, and in-person dockets that are limited in volume and staggered. Our goals remain to operate as safely as possible in this public health emergency, to limit the number of people in the courthouse and in the courtrooms, and to process as much as we can safely process.

Due to the COVID-19 pandemic we must observe social distancing and this significantly impacts the volume of cases that we can handle each day. Specifically, the Court must limit the employees in the Clerk's Office at one time to ensure social distancing. As a result, it may take at least 5 days (or more) for a filing to be docketed, sent to chambers to be ruled on, returned to the Clerk's Office, and then to have the ruling docketed.

The District Court will continue to communicate with parties and stakeholders by issuing summonses, by contacting parties directly in select matters, and by updating the virtual docket on [www.mdcourts.gov](http://www.mdcourts.gov).

The District Court Clerk's Office will continue to accept filings at the counter and via the District Court drop boxes. Anyone seeking to conduct business with the Clerk's Office at the counters can call in advance to make an appointment. However, appointments are not necessary if the counter is not crowded or at capacity. Any emergency motions and/or "next day" motions should be filed at the counter. Questions regarding the status of a filing should also be asked at the counter. Also, you can contact the Clerk's Office at 301-298-4000 for Upper Marlboro, or 301-298-4200 for Hyattsville.

For your convenience, I have attached the following:

- A matrix listing which courtrooms are scheduled to be open in October 2020, the Judge *tentatively* assigned, and the type of matter scheduled in that courtroom<sup>1</sup>;
- A quick-reference general bulletin which outlines the Phases; and
- An updated District 5 specific one-page summary of Phase 5.

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<sup>1</sup> This is subject to change. This is also likely the last communication of this kind that will list every courtroom, case type, and the Judge tentatively assigned. The Court has created and distributed this matrix as a service to help ease the transition into the phased re-opening. Going forward, you should expect a summons to serve as notice.

While actual notice from the Clerk's Office should serve as official notice that a matter has been scheduled, my hope is that these resources will provide useful guidance as we transition into Phase 5. Please note that as the Court proceeds through Phase 5 things may change, matters may be continued, indicted, or resolved. When this happens, the Clerk's Office will try to schedule additional matters to fill the docket space. As a result, not every detail for every matter that will be set in Phase 5 can be communicated at this time.

### **PHASE 5 IMPLEMENTATION PLAN**

- I. Trials for Incarcerated Defendants
  - A. If a defendant is in jail on only District Court matters during this public health emergency, you can expect that we will set that matter for trial as quickly as possible.
  - B. Once scheduled, a matter will not be continued *simply* because a defendant has been released.
  - C. Due to constraints regarding transport, we are limited in how many of these cases we can set on any day.
  - D. In Phase 4, we noticed that most of these cases did not actually proceed to trial. This resulted in wasted judicial resources. As a result, in Phase 5 these dockets may have more than 1 trial involving an incarcerated defendant scheduled, or the Clerk's Office will assign criminal motions or warrant recalls to better utilize this docket space.
  - E. Notice for specific trials will be provided. Many of the trials for October have already been set, and notice has already been issued.
  
- II. All Other Criminal Matters, and Traffic Matters Where the Penalty Could Include Incarceration
  - A. These matters are set as staggered dockets with a limited number of cases per interval to permit social distancing.
  - B. Notice for specific cases will be provided. Many of these dockets for October have already been set, and notice has already been issued.
  
- III. Preliminary Hearings
  - A. Preliminary hearing dockets will continue to be set as they were in Phase 4 with some additional changes described herein.
    1. As many as 15 cases (and potentially more) can be set on the Monday, Wednesday, Thursday, and Friday remote dockets.
    2. In-person dockets will continue to be held on Tuesday of each week. The maximum number of cases set on Tuesday dockets is 8 (with potentially more), 2 of which can be jail cases.
    3. **Fugitives and Motions to Re-Review Bail will now be heard in the morning. These hearings will continue to be remote.**

4. Counsel should file a motion if their hearing is scheduled for a remote hearing, but they would prefer an in-person hearing.
5. While the Court continues to prioritize defendants who are incarcerated, we will also schedule preliminary hearings for those who have been released.
6. Preliminary hearings involving defendants will continue to be remote hearings, unless otherwise requested. The released defendant should participate via Zoom. Counsel should coordinate Zoom access with their client.
7. District 5 will continue to supplement notice for preliminary hearings with a daily email from the Clerk's Office to counsel who are entered by 10:00 am. This notice will include Zoom information. Counsel can still file their line for this docket by emailing [District5Hearings@mdcourts.gov](mailto:District5Hearings@mdcourts.gov) no later than 10:00 the morning of the hearing.

#### IV. Bail Review

- A. Bail review will continue to be conducted as a remote docket.
- B. District 5 will continue to circulate a daily email from the Clerk's Office to counsel who are entered by 10:00 am. This notice will include Zoom information. Counsel can still file their line for this docket by emailing [District5Hearings@mdcourts.gov](mailto:District5Hearings@mdcourts.gov) no later than 10:00 the morning of the hearing.

#### V. Protective Orders, Peace Orders, Petitions for Emergency Evaluation, and Extreme Risk Protective Orders

- A. All hearings involving an interim to a temporary order will continue to be held remotely on Zoom. The Clerk's Office will continue to accept evidence for remote protective order, peace order, and extreme risk protective order hearings by email at [District5DV@mdcourts.gov](mailto:District5DV@mdcourts.gov), or through the District Court drop box at the location where the remote hearing will occur by 7:00 am the day of the hearing. The subject line should include the date of the hearing, parties, and the case number. Please limit emails to one per case with only essential attachments.
- B. All other hearings will be in-person hearings. However, remote hearings are permitted and will be scheduled upon request.

#### VI. Problem-Solving Courts

- A. The Mental Health Court will continue to conduct remote hearings.
- B. The Adult Drug Court will continue to conduct remote hearings.
- C. Case managers will continue to contact clients remotely to provide support.

#### VII. Landlord and Tenant

- A. These dockets are primarily conducted as in-person hearings. Remote hearings are authorized and will be conducted upon request.

- B. Chief Judge Morrissey has issued communications regarding the numerous state, federal, executive, and legislative branch orders that potentially impact the area of landlord tenant law. Please refer to those communications.
- C. Failure to Pay Rent
  - 1. Failure to pay rent dockets will be set as staggered dockets with limited cases per interval to allow for social distancing.
  - 2. Failure to pay rent dockets will be set on Monday, Tuesday, Thursday, and Friday at 8:45, 10:45, 1:15, and 3:15.
  - 3. When the Clerk's Office is able to set a Wednesday docket, it will consist of manual failure to pay rent cases at 8:45, 10:45, 1:15, 3:15.
  - 4. Failure to pay rent hearings will be in person, but the Court will accommodate remote hearings upon request.
  - 5. Notice for specific cases will be provided. Many of the dockets for October have already been set, and notice has already been sent.
- D. Warrants of restitution will continue to be processed, as appropriate.

#### VIII. Violations of Probation

- A. Violation of probation dockets will continue to be set as staggered dockets.
- B. The Court will review the criminal matters that have been set for a hearing to determine if the VOP should proceed as scheduled, or if the matter should be delayed.
- C. These dockets also include motions on domestic violence and peace order matters.
- D. Notice for specific cases will be provided. Many of the dockets for October have already been set, and notice has already been issued.

#### IX. Civil Matters

- A. Large Claims
  - 1. These dockets are being scheduled as in-person dockets, but we will conduct hearings on these matters remotely upon request.
  - 2. Notice for specific cases will be provided. Many of the dockets for October have already been set, and notice has already been issued.
- B. Small Claims
  - 1. These dockets are being scheduled as limited, in-person, staggered dockets.
  - 2. The Court will conduct hearings on these matters remotely upon request.
  - 3. The Court will continue to explore a default remote option for these matters.
  - 4. Notice for specific cases will be provided. Many of the dockets for October have already been set, and notice has already been issued.

X. Other Dockets

- A. The Clerk's Office has already started scheduling minor traffic, parking, red light, speed camera, school bus, toll/MTA, tax, expungement, shielding, municipal infractions, criminal motions, warrant recall dockets, and all other matters.
- B. These dockets are being scheduled as limited, in-person, staggered dockets.
- C. The Court will conduct hearings on these matters remotely upon request.
- D. Notice for specific cases will be provided. Many of the dockets for October have already been set, and notice has already been issued.

**CONCLUSION**

With the support of the bar and our justice partners, we continue to navigate this pandemic and ensure that those with matters before the Court can be heard. Admittedly, we are moving at a slow pace, and the challenges in implementing the phased reopening during this pandemic have been prevalent. However, we have made it this far with an immeasurable amount of very hard work and a large dose of patience. We must all continue to limit the spread of COVID-19 in our community as we do this work.

Upon entering the courthouses everyone is required to wear a mask, submit to a temperature check, and respond to screening questions. Contact the Court if you, or your client, is experiencing COVID symptoms or has had direct contact with someone who is COVID positive. The presiding Judge will determine whether a matter should be held remotely or continued.

I will continue to provide updates when there is new information to convey. Please continue to stay healthy. I hope to see you on Zoom on October 7<sup>th</sup> at the District Court Symposium.

Regards,

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Lisa Hall Johnson