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DISTRICT COURT OF MARYLAND
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August 21, 2020

On August 31, 2020 the Courts will enter Phase 4 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").¹ This journey through the COVID-19 pandemic, the necessary closures, and the gradual return to Court operations has been challenging for all of us. While there have been mounting delays and frustrations, I am encouraged by the resilience of our justice partners, the bar, the bench, the commissioners, the clerks, the administrative assistants, and our bailiffs.

ACKNOWLEDGING THE DISTRICT COURT TEAM

The Prince George's County District Court team has worked tirelessly during this pandemic while managing reduced staffing, fears of COVID, constant uncertainty, and conflicting or shifting expectations. The District Court team did this work while many others were safe at home. The District Court team did this work, despite our own fears, to ensure access to justice. The District Court team did this work before masks were issued, before PPE was readily available, before plexiglass was installed, before screening questions were developed and before social distancing guidelines were implemented. The Commissioner's Office has been on the front lines, accepting filings and conducting initial appearances even with those who have tested positive or were otherwise exposed. Their service to this community is nothing short of exceptional. The Clerk's Office has worked behind the scenes to process the most essential matters involving incarcerated individuals and those seeking protection from domestic violence, and increasingly accepting other matters with reduced staff due to social distancing. The bailiffs have been here every day, ensuring the safety of the staff and assisting in any way they can. The District Court Judges have likewise been working under extremely difficult conditions, conducting remote hearings, ruling on motions and reviewing filings, developing

¹ The Order also states at paragraph (b) that "it may become necessary to retreat from a later to an earlier phase, or to adjust the phase in one or more specific jurisdictions within the State, with any required changes in phases to be announced as soon as feasible."



protocols and implementation plans, and navigating presiding over matters in a pandemic. None of this has been easy for anyone.

While Court employees are not always applauded for their essential work, I want to publicly acknowledge them. I likewise acknowledge our justice partners that have been working hard from our initial closure in March to ensure that the wheels of justice continued to turn. This was done even when our instincts urged us to be safe at home with our families like so many others. This pandemic has impacted Prince George's County more significantly than our neighbors and we have faced that challenge. These sacrifices, and the prevalence of COVID in our community, have informed my implementation plan for the Phases outlined in the Order.

COVID UPDATE

Prince George's County leads the state with COVID positive cases. As of August 18th, over 25,000 of the 101, 235 COVID positive in Maryland are here in Prince George's County. We have a positivity rate that is consistently between 5% and 6%, which is higher than the State positivity rate of 3.21%. As a result, I remain concerned about the spread of COVID in our community. Others remain concerned as well. I consistently respond to inquiries from our justice partners regarding the requirements set forth in the Order and how these requirements impact our community. Each Phase requires that I expand the types of matters that we handle. As a result, there are more people in the courthouses and more potential exposure to us all.

Likewise, there is a concern that continued reduced operations limits access to justice for litigants and has a profound negative impact on members of our bar who rely on court operations to sustain their practice. Thus, I have tried to balance these competing concerns by implementing operating procedures that comply with guidance from the Health Department. The result is smaller dockets, staggered dockets, remote hearings when possible, and processing delays.

I have explored whether remote hearings would address the concerns that I have raised for every case type. I have instituted remote hearings for some matters, and we continue to explore this option for others. However, while remote hearings may minimize the risk to the bar and litigants, they require increased technical support and involve logistical challenges that must be overcome. District 5 is not an MDEC jurisdiction and we do not have an internal case management system with electronic files. Thus, all of the paperwork must be manually processed.

PHASE 4 OVERVIEW

In considering all of this, it is not prudent for District 5 to move at the same pace as jurisdictions with a fraction of our COVID positive cases and a smaller volume of filings. I have shared these concerns with Judiciary leadership. As a result, Phase 4 in District 5 will include the following: Phase 3 matters, with the addition of failure to pay rent, all criminal matters, large civil claims, and limited small civil claims dockets. Also, during Phase 4, the Clerk's Office will review

logistics for safely setting parking, red light, speed camera, school bus, toll/MTA, other civil citations for dockets to be heard after October 5th.

Minor traffic dockets will be scheduled after October 5th in District 5. More information on minor traffic is forthcoming. While we will enter a modified Phase 4, delaying minor traffic slightly, we will consistently evaluate when to incorporate additional matters or add more cases to each docket. The District Court will continue to communicate with parties and stakeholders by issuing summonses, through communications with the bar, by contacting parties directly in select matters, and by updating the virtual docket on www.mdcourts.gov.

Anyone seeking to conduct business with the Clerk's Office can call in advance to make an appointment. However, appointments are not necessary if the counter is not crowded or at capacity. The District Court Clerk's Office will continue to accept filings at the counter and via the District Court drop boxes. The drop boxes are emptied multiple times during the day. The Court must limit the employees in the Clerk's Office at one time to ensure social distancing, therefore docketing and processing filings will be delayed. As a result, with reduced staff in the Clerk's Office, 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. I ask that you exercise patience and submit filings in advance. In addition, I request that you file any emergency motions and/or "next day" motions that need to be processed quickly at the counter. Please refrain from calling or emailing the Administrative Clerk, members of the bench, the Administrative Assistants, and/or the Clerk's Office supervisors directly simply to check the status of a filing. Questions regarding the status of a filing should also be asked at the counter, or by calling 301-298-4000 for Upper Marlboro or 301-298-4200 for Hyattsville. The clerks at the counter are available to assist with these inquiries.

For your convenience, I am providing additional details about how Phase 4 will be implemented in District 5. These details are in the outline below. I also have attached the following for your reference:

- A matrix listing which courtrooms are scheduled to be open, the Judge *tentatively* assigned, and the type of matter scheduled in that courtroom²;
- An updated quick-reference general bulletin which outlines the Phases as planned for District 5; and
- A District 5 specific one-page summary of Phase 4.

While actual notice from the Clerk's Office should serve as official notice that a matter has been scheduled, my hope is that these additional resources will provide guidance that is useful to you. Please note that as the Court proceeds through Phase 4 things may change, matters may be continued, indicted, or otherwise 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

² This is subject to change.

matter that will be set in Phase 4 can be communicated at this time. However, I request that you exercise patience as the Court navigates these unprecedented times during this pandemic.

PHASE 4 IMPLEMENTATION PLAN

- I. Trials for Incarcerated Defendants
 - A. I have allotted more docket space than what was available in Phase 3 for these matters.
 - B. A matter will not be continued *simply* because a defendant has been released, particularly if the Clerk's Office is unable to schedule another matter in that courtroom. Counsel should file a motion and articulate good cause for the continuance request.
 - C. Due to concerns and constraints regarding transport, the Court has continued to limit these cases.
 - D. The attached matrix lists general courtroom assignments.
 - E. Notice for specific cases will be provided.

- II. Other Criminal Cases Alleging Violent Acts
 - A. These matters are set on staggered dockets with a limited number of cases per interval to ensure social distancing.
 - B. The attached matrix lists general courtroom assignments.
 - C. Notice for specific cases will be provided.

- III. All Criminal Matters
 - A. Drug dockets and general criminal dockets are set as staggered dockets with a limited number of cases per interval to permit social distancing.
 - B. The attached matrix lists general courtroom assignments.
 - C. Notice for specific cases will be provided.

- IV. Alcohol-Related Motor Vehicle Matters
 - A. These matters are set on staggered dockets with a limited number of cases per interval to permit social distancing.
 - B. These dockets may include other jailable traffic matters.
 - C. For Phase 4, the Court is increasing the volume of cases set on each staggered docket. Based on a review of Phase 3 results, we can absorb some additional cases and still ensure social distancing.
 - D. The attached matrix lists general courtroom assignments.
 - E. Notice for specific cases will be provided.

- V. Preliminary Hearings
 - A. Preliminary Hearing dockets will continue to be set as they have been in Phase 3 with some additional changes described herein.

1. As many as 15 cases 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, 2 of which can be jail cases.
3. Counsel should file a motion if their preliminary hearing is scheduled for a remote hearing, but they would prefer an in-person hearing. The Clerk's Office will no longer make these changes as a result of an electronic mail or verbal request in Phase 4.
4. While the Court continues to prioritize defendants who are incarcerated, we will also schedule preliminary hearings for those who have been released.
5. The Court will not continue a matter *simply* because a defendant has been released, particularly if there is not enough time to schedule another matter. Counsel should file a motion and articulate good cause for the continuance request.
6. Preliminary Hearings on released defendants will continue to be remote hearings, unless otherwise requested. The released defendant should participate via Zoom. Counsel should coordinate access with their clients.
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 no later than 10:00 the morning of the hearing.

VI. Bail Reviews and Bail Reconsiderations

- A. Bond reviews will continue to be remote dockets.
- 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 no later than 10:00 the morning of the hearing.

VII. 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.
- B. 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, 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 email per case with only essential attachments.

- C. Hearings for temporary petitions that are filed at the Clerk's Office, and all final hearings, will be in person.
- D. District 5 will have one lead courtroom, one remote courtroom hearing interim to temporary orders, and one overflow courtroom in each location, when possible.

VIII. 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 make contact with clients remotely and provide support as necessary.

IX. Landlord and Tenant

- A. Rent Escrow matters, tenant holding over matters, breach of lease matters, and wrongful detainer matters will proceed as they have been in Phase 3.
- B. 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. The attached matrix lists general courtroom assignments.
 - 6. Notice for specific cases will be provided.
- C. Warrants of restitution will continue to be processed. The Court is aware of ongoing technical issues and we are working to resolve them.

X. Violations of Probation

- A. Violation of probation dockets will continue to be set.
- 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. The attached matrix lists general courtroom assignments.
- E. Notice for specific cases will be provided.

XI. Civil Matters

- A. Large Claims
 - 1. Additional docket space has been allotted for these matters,

2. These matters can be heard in person or remote, based on the preference of the parties.
 3. Status conferences will continue to be held remotely.
 4. Motions can be heard in person or remotely.
 5. Notice for specific cases will be provided.
- B. Small Claims
1. These matters will be set on limited, staggered dockets in Phase 4.
 2. These matters can be heard in person or remotely.
 3. Notice for specific cases will be provided.

XII. Phase 4 Matters that will be delayed

- A. District 5 will slightly deviate from the Phases as outlined in the Order and will begin to schedule minor motor vehicle matters for dates beyond October 5th.
- B. The Court will develop a scheduling protocol for minor motor vehicle matters that takes into consideration the needs of both the bar and the law enforcement community, and ensures both safety and efficiency.

XIII. Beginning in Phase 4, the Clerk's Office will begin to schedule parking, red light, speed camera, school bus, toll/MTA, and other civil matters for trial dates after October 5th.

CONCLUSION

Implementing this phased reopening is a huge undertaking. This is especially true in District 5 because District 5 is a non-MDEC jurisdiction with a high volume of cases where the occurrence of COVID is so prevalent. Safety must be the primary concern. As a result, the Court has taken measures to implement safety protocols. These protocols have been outlined in extensive detail in previous communications. Please note, however, that the Court continues to require everyone to wear a mask, submit to a temperature check and respond to screening questions upon entering the courthouses. If you, or your client, is experiencing symptoms or has had direct contact as (defined by the CDC) the Court will hold the hearing remotely or postpone the matter. Likewise, if someone fails the screening at the courthouse entrance, the presiding judge will determine whether the matter can be resolved remotely or postponed.

While you are in the courthouses, please engage in social distancing and exercise good hand hygiene. Remember the 3 "W's":

- Wear your mask;
- Wash your hands; and
- Watch your distance.

We must all take responsibility to limit the spread of COVID in our community while we endeavor to complete this very important work.

District 5 is slowly returning to normal operations, albeit at drastically reduced volumes. We would not be able to do this without the support and patience of the members of the bar and our justice stakeholders. I personally thank each of you for your support, suggestions, feedback, and criticisms. I have incorporated the information from these discussions as I develop, revise and improve our plan. I will continue to provide updates when there is new information to convey. Please continue to stay healthy.

Regards,



Lisa Hall Johnson