

REOPENING PLAN-PHASE II

(June 8, 2020 – July 17, 2020)

OVERVIEW:

- 2 courtrooms running all day, 5 days a week. Docket start time is 8:30 am, not 9 am.
- Primary focus is addressing the civil DV and PO cases
- Bail reviews will switch back to 1:30 docket with pleas, stets, NPs, PHs, etc.
- Judges and staff to remain on rotating teams
- **Clerk's office will remain closed to the public until July 20**

PLAN BY CASE TYPE:

DV/PO/ERPO/EEP

- All interim orders should continue to originate at the Commissioner's Office and be set in using existing protocols
 - Remote hearings for interims-temporaries are strongly encouraged
- Clerks will attempt to contact all petitioners and confirm case status, including:
 - Whether case is still going forward
 - If case is **not** going forward, advise petitioner to submit request for dismissal in writing
 - Need for interpreters
 - Number of witnesses
 - Estimated hearing times
 - VINE notification
 - Whether respondent is incarcerated
 - Circuit Court actions pending
- As much as possible, temporary hearings will be held in the morning, with final hearing hearings being scheduled at 1:30 pm

Criminal/Traffic

- Guilty pleas and preliminary hearings will be scheduled with bail reviews as docket space permits.
 - **Bail reviews /Fugitives** – heard daily
 - Should continue to be heard remotely
 - Agreed pleas should continue to be added to this docket
 - **IST** – scheduled when necessary
 - Will continue to be heard remotely, coordinate with MDH as necessary
 - **Preliminary Hearings** -
 - Prioritize incarcerated defendants
 - Set in preliminary hearings as necessary and **coordinate with circuit court on scheduling**. Care should be taken not to set a case for PH only to have it indicted, as this wastes valuable scheduled court time.

During **PHASE II** the clerk's office remains closed. Courthouse access will continue to be limited to those participating in the above case types. Remote hearings are **strongly** encouraged. All persons entering the District Court will be required to wear masks, answer COVID screening questions, and have his or her temperature taken (without contact) before entry will be permitted. Social distancing will be required in every workspace, including each courtroom. Dropbox will remain available for those not required to file through MDEC.

During this phase, clerk will begin scheduling cases for criminal dockets beginning **July 20**. Cases will be set using a staggered schedule, following all social distancing requirements and CDC and MDH guidance.

Beginning **no earlier than July 20**, the court will begin to hear criminal cases on a limited basis and will prioritize cases as follows:

- **TIER 1:** Trials for incarcerated defendants
 - (This subset of cases will depend on the jail's ability to transport defendants in small groups – considerations include (i) whether defendant will be required to quarantine after returning to the detention center; (ii) the number of prisoners that can be transferred at one time; and (iii) holding cell capacity)
- **TIER 2:** More serious criminal, with priority given to crimes that involve a victim and/or violence; serious traffic (DUI, flee and elude, hit and run)

Landlord Tenant

- Court will hear *emergency* breach of lease and wrongful detainer cases
- All other landlord tenant matters postponed until after **07/25/2020**

Civil

- **Actions by clerks:**
 - Contact pro se litigants for cases dating back to March 20 to see if case is still going forward, get time estimates, number of witnesses, etc.
 - This can happen on days where clerks are working remotely-clerical support will be provided
- **Actions by judges:**
 - Contact attorneys of represented litigants for cases dating back to March 20 to see if case is going forward, and whether settlement is possible (judge assignments TBD)
 - Conduct settlement conferences where appropriate
 - If settlement is *not* possible, refer to clerks to set in after **08/31/2020**
 - Offer remote hearings in appropriate case types to be set during Phase II, heard by judge not in courthouse with appropriate technical and clerical support.