

COMMONWEALTH OF KENTUCKY
JEFFERSON DISTRICT COURT

GENERAL ORDER TO ESTABLISH LOCAL RULES AND PROTOCOL FOR
REOPENING JEFFERSON DISTRICT COURT, EFFECTIVE JUNE 15, 2020

*** **

Pursuant to the 2020-39 Administrative Order of the Supreme Court of Kentucky, the 30th Judicial District adopts the following rules for all court proceedings in Jefferson District Courts beginning June 15, 2020, and continuing until further order.

PROTOCOL PREAMBLE

The policy going forward for the Jefferson District Court to conduct all criminal and civil cases pursuant to Supreme Court Order 2020-39 shall be as follows:

In **criminal cases**, it is the preference of the Court and it is strongly encouraged that all attorneys and defendants appear remotely, either by telephone or through video Zoom services. If an attorney or defendant is unable to appear remotely, then in-person attendance shall be in accordance with the procedures set forth below.

In **civil cases**, the Court shall conduct all matters remotely, either by telephone or through video Zoom services, unless a Judge determines in his or her discretion that a matter requires in-person attendance.

CRIMINAL CASES

IN-CUSTODY ARRAIGNMENT

The In-Custody Arraignment docket will be held in Courtroom 202, every Monday – Saturday beginning at 9:00 a.m.

Telephonic Appearance

If an attorney is appearing by phone for the **In-Custody Arraignment docket**, the attorneys shall **call or text** a pretrial services supervisor **no later than 8:00 a.m. on the morning of the arraignment docket** with all of the following information: the defendant’s name, and a telephone number that the attorney may be reached during court.

- Prior to 9:00 p.m. the night before court, **call or text** either:
 - Pretrial Services Supervisors: **Lauren Polston** or **Grace Kara**

- After 9:00 p.m., **call or text:**
 - Pretrial Services Supervisor **Sydney Galusha**

Pretrial services will write the attorney's telephone number on the front of the pretrial report. The judge will initiate the telephone call to the attorney of record during the arraignment docket. **Pass dates for defendants released from custody shall be at least 14 days from the date of release.**

POST-ARRAIGNMENT IN-CUSTODY CASES

All post-arraignment in-custody cases (in jail or on HIP) will be held in Courtrooms 203 and 204, Monday – Friday from 9:00 a.m. to Noon.

- Requests to add a case to this docket must be emailed to both District Court Case Managers NicolePeters@kycourts.net and StephenYoung@kycourts.net by 4:00 pm. No requests will be processed after 4:00 pm.
- **Re-docket slips will not be accepted.**

Telephonic appearance

If an attorney is appearing by telephone, the attorney shall send an email no later than 4:00 p.m. the day before the scheduled court date to **both** District Court Case Managers, NicolePeters@kycourts.net and StephenYoung@kycourts.net, and provide the case number, defendant's name and a telephone number that the attorney may be reached. It will be the responsibility of the attorney to coordinate the defendant's remote appearance if the client is on HIP. Each morning, the case manager will send the list of those attorneys appearing telephonically to the county attorney and the presiding Judge. The Judge will initiate the telephone call to the attorney of record.

OUT-OF-CUSTODY CASES

Effective June 15th, in compliance with the Supreme Court of Kentucky's Administrative Order 2020-39, a **phased expansion** of court proceedings will occur. Priority will be given to hearing felony cases where the 20-day date has not been waived, domestic violence cases, DUIs, and a limited number of theft cases. Those cases will be placed on the docket by the court, to the extent possible, in chronological order.

Out-of-custody criminal cases will be heard in Courtroom 104, Monday – Friday beginning at 9:00 a.m. To help ensure the health and safety of those in the Hall of Justice, for those cases which the court determines in-person appearance is required, no more than twelve defendants per hour will be scheduled¹. Courtroom 103 will serve as the staging area for defendants waiting to appear before the judge. All defendants will be required to sit on an X in Courtroom 103.

¹ Twelve cases will be scheduled in one-hour increments beginning at 9:00 a.m. No cases will be scheduled from Noon to 1:00 p.m. to accommodate a lunch break for the Clerk's office.

When a case is ready to be heard, either the defense attorney or prosecutor will place the case file into the designated location.

- **At no time will anyone be allowed within 10 feet of the clerks or the judge.**

When the defendant's case is ready to be heard, the defendant will exit Courtroom 103 and enter Courtroom 104, pursuant to instructions from the Sheriff. If the defendant is represented by counsel, the defendant and the attorney shall exercise social distancing at all times to include but not limited to, conferencing their case, entering and exiting courtrooms, entering and exiting the Hall of Justice.

All paperwork will be orally consented to by the defendant and the clerk will affix the judge's electronic signature to all smart forms. If the defendant has paperwork to take, he/she will be instructed where to wait and pick up their paperwork.

At the conclusion of the case, the defendant and his or her attorney will exit out of the 7th street side of the Hall of Justice.

- At all times, with the assistance of the Sheriff's Department, social distancing and facial covering requirements must be followed. Any individual that refuses to follow social distance and/or facial covering requirements shall be escorted out of the Hall of Justice.
- All defendants will be required to confirm their contact information during their appearance before the judge.

The hour beginning at 3:00 p.m. will be reserved for those defendants not waiving the 20-day rule out of arraignment court.

Court notices will be sent to all defendants giving them their court date and time. All defendants will be required to enter the 6th street side of the Hall of Justice. The clerk's office will print the court notices for that day and give them to the Sheriff that morning. The Sheriff will pull the individual's court notice and put the time of admission on the notice when the defendant appears for entry into the building. If a defendant is turned away/denied entrance, the deputy will confirm contact information with the defendant, including address and telephone number, which will be recorded on the form. The Sheriff will radio the Courtroom Sheriff to advise the defendant was turned away. The court notices will be sent every hour to the courtroom to be collected by the judge and filed for future use.

The court notice sent to the defendant will contain the following email address JeffCoCourtroom104@kycourts.net. The court notice will instruct the defendant that if they are appearing remotely, they must send an email to the aforementioned address with the following information: the defendant's name, case number, email address, telephone number, as well as the date and time of their next court date, by 4:00 pm two days before their court date.

A Zoom license will be assigned to each Out-of-Custody Criminal Courtroom, and the Zoom Personal Meeting ID will be posted on www.JeffersonDistrictCourt.com. If an attorney is appearing via Zoom, they must join the virtual waiting room at the scheduled time and the Judge will allow them into the Zoom meeting when the case is ready to be called. If an attorney would like for their client to also appear via Zoom, they must provide the client with the Zoom Personal Meeting ID.

The Court will open more courtrooms and hear cases expeditiously, as long as court participants follow these rules and all social distancing and face covering requirements. Please check www.JeffersonDistrictCourt.com for further information.

ARREST WARRANTS

Arrest warrants will only be heard in Courtroom 104, Monday – Friday between 9 a.m. and 10 a.m. To place an arrest warrant on the docket, email both District Court Case Managers, NicolePeters@kycourts.net and StephenYoung@kycourts.net no later than 4:00 p.m. the day before the scheduled court date. Each morning, the case manager will send the list of those attorneys appearing telephonically to the county attorney and the presiding judge. The judge will initiate the telephone call to the attorney of record.

PRO SE RE-DOCKET REQUEST

- 1. Pro Se Defendants:** Pro se defendants will be directed to a drop box located in the front of the Hall of Justice to fill out a re-docket request. The defendant will be required to provide:
 - their contact information including name, address, phone, email;
 - date of birth;
 - last four of their social security number; and
 - basis for re-docket request.

- a. Requests Other than to Set Aside Bench Warrant:** A court notice providing the next court date and time will be mailed to the pro se defendant.

- b. Requests to Set Aside Bench Warrant:** Requests will be sent to the County Attorney for review before being docketed.
 - If the County Attorney agrees to set aside the bench warrant, the defendant will receive a court notice for a future court date and that their bench warrant has been set aside.
 - If the County Attorney objects to the re-docket request to set aside the bench warrant, the Court will decide whether to leave the bench warrant outstanding or send a court notice for the defendant to appear regarding the outstanding warrant.

- 2. Attorney's Requesting to Set Aside a Bench Warrant and/or Other Re-Docket Reason:**
All requests to set aside a bench warrant or re-docket a case that does not fit into one of the categories set out below filed by an attorney will follow the Prompt Attention protocol which is attached. This docket is conducted remotely.

IN PERSON OUT-OF CUSTODY DOCKET

An in-person out-of-custody docket will be conducted twice a week in Courtroom 204, with any necessary staging to occur in Courtroom 203. This docket will begin at 1:00 p.m. on Tuesdays and Thursdays, in one-hour blocks. The docket will consist of cases requiring written motions with a notice to appear or plea agreements. In order to request placement of a case on this docket, the attorney must **email** both District Court Case Managers NicolePeters@kycourts.net and StephenYoung@kycourts.net, by 4:00 p.m. The email shall state the case number, defendant's name, and basis for request. (For example, a case is resolved and ready to enter a plea). If approved for an in-person proceeding, the Case Managers will email the requesting party an available date and time to notice their motion.

Show cause for payment of fines and costs will begin to be scheduled after November 1st.

CIVIL CASES

EVICCTIONS

Eviction cases shall occur remotely, unless the Court determines that in-person attendance is necessary. For cases where in person-attendance has been determined to be necessary, in the months of June and July, eviction cases will be staged, if necessary, in the jury pool assembly room located in the Judicial Center, Tuesday – Thursday, in one-hour blocks beginning at 9 a.m., with a minimum of 25 cases per hour. At this time, only nonresidential eviction cases or residential eviction cases filed for reasons other than non-payment of rent will placed on the docket.

Please monitor www.JeffersonDistrictCourt.com for further information on when residential non-payment of rent cases will be heard.

Cases will be grouped by landlord, in chronological order. Attorneys shall appear remotely. To facilitate their remote appearance, attorneys shall email, no earlier than 3 business days before the court date, JeffCoEvictionsContact@kycourts.net and provide an email address, telephone number, and case number(s). This same email address will be on the court notice sent to the tenant, to facilitate his or her remote appearance.

A Zoom license will be assigned to Eviction Court, and the Zoom Personal Meeting ID will be posted on www.JeffersonDistrictCourt.com. If an attorney is appearing via Zoom, he or she must join the virtual waiting room at the scheduled time and wait for the judge to admit them into the Zoom meeting when the case is ready to be heard. If an attorney would like his or her client to also appear via Zoom, they must provide the client the Zoom Personal Meeting ID and the client will be admitted to the Zoom meeting.

SMALL CLAIMS

Small claims cases will begin being scheduled no later than July 1st.

CIVIL MOTION HOUR

Civil motion hours will be conducted remotely pursuant to Kentucky Supreme Court Order 2020-39, unless the judge determines and provides notice that a matter will occur in person. Civil Motion Hour will be held on Fridays at 11:30 a.m. in Courtroom 307. Motions must be filed by noon on the proceeding Wednesday. If a movant is appearing remotely, that must be noted on the front of the motion capitalized in bold.

The movant must provide a notice of contact information, including the movant's email address and telephone number for remote appearances, and the email address and telephone number for the respondent, if known to the movant. Cases that have been continued will be rescheduled in chronological order. If a pending motion was cancelled from a previous motion hour due to the COVID-19 Emergency, please immediately file a notice of contact information for the pending motion.

MIW/GUARDIANSHIP

Mental Inquest Warrants and Guardianship cases will be heard remotely pursuant to Kentucky Supreme Court Order 2020-39, unless the Judge determines and provides notice that a hearing or matter will occur in person. If conducted in person, Courtrooms 310 and/or 309 will be used. The MIW/Emergent Docket will be heard on Tuesday and Thursday at 9 a.m. The Guardianship Trial Docket will be heard on Wednesday and Friday at 9 a.m. The judges will continue to review motions as they are received and will reinstate a set "Motion Hour" at a later date.

The traveling hospital docket is cancelled at this time. Evaluation will occur to determine if or when that docket will be reinstated.

JUVENILE COURT

Juvenile Court proceedings will be conducted remotely pursuant to Kentucky Supreme Court Order 2020-39, unless the judge determines and provides notice that a hearing or matter will occur in person. Court notices for the scheduled case shall include the Juvenile Division's Zoom Personal Meeting ID and instructions for accessing the virtual waiting room by internet or telephone. The docket will be held daily at 8:30 a.m. Monday – Friday.

A party may move the Court for an in-person hearing or trial. All such motions must be made at least ten (10) days prior to the scheduled hearing or trial date and emailed to both the presiding Judge and opposing counsel. If granted, the in-person proceeding will be held in Courtroom 306. Attorneys are encouraged to stipulate as to how various witnesses will appear.

If the case is heard in person, but a party or witness wishes to attend remotely, they may provide their contact information to the presiding judge. Alternatively, they may inform the court they will be waiting in the virtual waiting room.

The court will begin hearing the petitions of non-detained juveniles beginning June 15, 2020. The court will review all open cases with the clerk's office and set the appropriate cases for hearings. Appropriate court notices will be sent to the parties.

If the parties have reached a resolution in the case, they may email the presiding judge for permission to be heard sooner than the next scheduled date.

PROBATE COURT

Probate cases will be heard remotely pursuant to Supreme Court Order 2020-39, unless the Judge determines and provides notice that a hearing or matter will occur in person. All in-person Probate hearings will be conducted in Courtroom 305. This docket shall begin the first week of June and will be held a minimum of 4 days a week by July 1.

Dockets:

11:00 a.m.: *Appointment Docket (Remote)*

Matters to be heard: Petitions to Probate a Will and appoint Executor*; Petitions for Appointment of Administrator (only if no notice required on Petition); Petitions for Appointment of Guardian (only if no notice required); and Petition to Appoint Trustee (only if no notice required)

* On a Petition to Probate Will, the original Will must be filed by either use of the drop box or by mailing and must be RECEIVED by the clerk's office no later than 24 hours before the scheduled hearing date. If the original Will is not in the file prior to the hearing, the case will be rescheduled. The court will examine the original document filed as the purported Will to determine its authenticity as an original Will.

1:00 p.m.: *Motion and Notice Docket (Remote, unless In-Person required)*

Matters to be heard: Any Motions, Petitions for Minor Name Changes, or any other matter which requires notice to be sent to a party or interested person, including Petitions for Appointment of Administrator or Guardian.

2:00 p.m.: *Public Administrator Docket (Wednesday – Chris Meinhart; Thursday – Scott Barton)*

The Rule docket will be postponed until further notice.

All contested probate hearings will be scheduled at a time designated by the Court.

Every effort should be made to schedule/reschedule hearings in chronological order. All cases cancelled due to the COVID-19 Emergency or which were scheduled to be heard in the near

future will be rescheduled by the Clerk's office. The Clerk's office assume parties and attorneys will appear remotely, unless the court has determined that in person appearance is required. The court will then send notices to the parties with instructions on how to participate in the hearing remotely.

INTERPERSONAL PROTECTIVE ORDER (IPO) COURT

IPO's will be conducted remotely pursuant to Kentucky Supreme Court Order 2020-39, unless the judge determines and provides notice that the hearing will occur in person. This docket will be conducted in Courtroom 202 at 1:00 p.m. on Wednesday and Thursday. The case manager will contact the parties and obtain contact information, and the parties will be contacted by the court at their designated time. If the court determines an in-person hearing is required, the court will set that hearing for a time and location outside the regularly schedule docket. If a temporary order is in place, that temporary order shall remain until the hearing is conducted.

MISCELLANEOUS

Jury trials: Jury trials in all divisions of the Jefferson District Court will not be scheduled until October 1, 2020, unless good cause is shown, but under no circumstance will a trial be held prior to August 1, 2020, pursuant to Supreme Court Order 2020-39.

Remote file management: For any dockets where the presiding judge will not be physically present in the courtroom, court file management will be governed by the District Civil Remote Protocol as set forth by the Office of Circuit Court Clerk.

Remote public access: A request for public access to a proceeding can be made by someone who is not permitted to attend the proceeding in person pursuant to Supreme Court Order 2020-39, by emailing JeffCoDistrictRemoteAccess@kycourts.net prior to the court proceeding.

Recording of all court proceedings: All court proceedings not being recorded on JAVS must be recorded on an KCOJ-issued laptop. The recording shall be transmitted to the Office of the Circuit Court Clerk in compliance with the District Civil Remote Protocol for preservation.

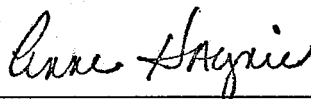
Updates to this protocol: Check www.JeffersonDistrictCourt.com for updates to this protocol.

Remote proceedings: In all remote proceedings where Zoom Pro is used, the court will make every effort not to make public any personal information such as personal telephone numbers of attorneys and witnesses, if the subject matter of the cases so warrant.

Courtroom locations: All Courtroom locations are subject to change. Signage will be posted if there are any changes.

Entry into the building and verification: Entry into the Hall of Justice, verification of an individual's contact information, and the procedure to follow if an individual is turned away will be conducted in the same manner as outlined in the criminal section for all cases.

SO ORDERED and ENTERED this 8th day of June, 2020.



ANNE HAYNIE
CHIEF JUDGE, JEFFERSON DISTRICT COURT