

Supreme Court of Kentucky

ORDER

IN RE: APPROVAL OF TEMPORARY LOCAL PROTOCOL FOR JEFFERSON DISTRICT COURT

The Chief Judge of the Jefferson District Court has requested review and approval of a temporary local protocol relating to the reopening of the Jefferson District Court during the COVID pandemic. Because of ongoing staffing issues among court offices and justice partners, and in a continued effort to protect the health and safety of court employees, elected officials and the public, the Jefferson District Court has engaged in a deliberate and measured reopening process that utilizes a mixture of remote, in-person, and hybrid proceedings.

The ongoing nature of the COVID-19 pandemic has created a need for flexibility within our court system, particularly in the Commonwealth's most populous county. This includes the need to implement temporary local protocols that deviate from existing local rules and the process for adopting new local rules under Supreme Court Rule (SCR) 1.040(3)(a).

Accordingly, the Chief Justice hereby grants a limited exception to SCR 1.040(3)(a) for the purpose of approving temporary local protocols for the operation of the Jefferson District Court during the COVID-19 pandemic. Any temporary local protocol entered under this exception must be approved by a majority of the Jefferson District Court judges, submitted to the Chief Justice for approval prior to becoming effective, and made available to the public and the bar upon entry.

The Chief Justice further orders that the *Amended Order to Establish Temporary Protocol for Reopening Jefferson District Court During the COVID Pandemic*, which was signed and entered by Chief District Judge Annette Karem on December 15, 2021, is hereby approved.

Entered this 15th day of December 2021.


CHIEF JUSTICE

COMMONWEALTH OF KENTUCKY
JEFFERSON DISTRICT COURT

AMENDED GENERAL ORDER TO ESTABLISH TEMPORARY PROTOCOL FOR
REOPENING JEFFERSON DISTRICT COURT DURING THE COVID PANDEMIC
EFFECTIVE DECEMBER 15, 2021

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Subject to the approval of the Chief Justice of the Supreme Court, the 30th Judicial District adopts the following temporary rules for all court proceedings in Jefferson District Courts beginning December 15, 2021, 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 the most recent Administrative Orders of the Supreme Court of Kentucky shall be as follows:

In criminal cases,

- Initial appearances **in traffic cases, with the exception of DUI cases**, will be heard in hybrid manner, allowing the defendant to appear in person or remotely, through Zoom. The judge will instruct the defendant regarding their appearance for all subsequent court dates. Check JeffersonDistrictCourt.com for any changes due to Covid concerns.
- For **misdemeanor, felony and dui cases**, all appearances shall be in person unless otherwise instructed by the judge or otherwise allowed due to Covid concerns. Check JeffersonDistrictCourt.com for instructions for specific courtrooms.
- Per Chief Circuit Judge Bisig's Order Regarding Post-covid Protocols, entered May 21, 2021, beginning July 1, 2021, all district courts resumed hearing in-custody criminal matters in-person in the courtrooms with the exception of District Court in-custody arraignment which will be heard remotely via Zoom.
- Criminal cases shall not be continued more than two times following arraignment for pre-trial conferencing. The third continuance shall be for the purpose of trial unless, with good cause shown and in the discretion of the judge, an exception is allowed for additional pre-trial dates.

In civil cases, the court will continue to operate in a hybrid manner, as decided by the judge in that court. Remote appearances, when allowed, will be through Zoom services.

In all civil and criminal dockets, combining of dockets will be limited to times when judges are in trial, on vacation, are ill or for other health related purpose or have an emergency (with the exception of courthouse wide structuring for educational colleges, holidays and Derby).

CRIMINAL CASES

A. IN-CUSTODY ARRAIGNMENT

The In-Custody Arraignment docket will be held in Courtroom 204, every Monday – Saturday beginning at 9:00 a.m. Any party wishing to appear shall appear remotely by using the log in information provided at www.JeffersonDistrictCourt.com. The platform used is Zoom. Pretrial Services shall appear in the remote proceeding and shall provide to the Court the Pretrial Services report before the start of the docket. Attorneys may appear in person or remotely. Any other interested party may appear remotely through Zoom.

Effective January, 3, 2022, the responsibility for judicial coverage for Arraignment Court is as follows:

Monday & Tuesday – Chief District Court Judge

Wednesday & Thursday – Civil Judges

Friday – Criminal Judges

B. GENERAL CRIMINAL DOCKETS

Misdemeanor/Felony cases will be heard at 9am in 301, 302, 303, 304 and 203.

Arraignment for defendants released from custody prior to in-custody arraignment, non-support cases, bad check and ecology cases, restitution review, heroin rocket docket review and traffic cases will be heard at 1pm in 101, 102, 103, 104 and 202.

Courtroom 202 will be added January 3, 2022, to the four courtrooms currently hearing criminal cases at 1pm. Traffic case files will be available at 9am for conferencing but will appear on the 1pm docket and will not be called until court opens in 101, 102, 103, 104 and 202 at 1pm.

Pods will be grouped as 101/301, 102/302, 103/303, 104/304 & 202/203

Alphabetic division of courtrooms for any case passed to January 1, 2022, or thereafter:

Traffic Courtrooms

101: A- Cro

102: Crp-Hic

103: Hid-Mik

104: Mil-Shd

202: She-Z

Misdemeanor/Felony Courtrooms

301: A-Cro

302: Crp-Hic

303: Hid-Mik

304: Mil-Shd

203: She-Z

301-304 and 203 – All misdemeanor and felony cases will be scheduled at 9 am or 10:30am; hearings and trials scheduled at 1pm; Cases will be available from the OCCC 4 days prior to the actual day of court for pre-conferencing.

101-104 and 202 – All traffic cases will be scheduled at 1pm; hearings and trials scheduled at 9am; Traffic cases will be available at 9am the day of court for pre-conferencing. Cases will not be called on the docket until 1pm.

Court times not designated above will be used for bench trials, jury trials, PC hearings, suppression hearings, competency hearings, discovery hearings, special court etc.

C. TRIAGE COURT

The conditions that existed at the time the District Court Term established triage court have self-remedied. Therefore, triage court is eliminated from the Protocol.

D. PRO SE RE-DOCKET REQUESTS

Pro Se defendants will be directed to the Case Managers to request a case be re-docketed between the hours of 9 a.m. – 3 p.m. Any Pro Se Defendant arriving after 3 p.m. may request a Re-Docket Form from the Clerk's Office to complete and drop off to be processed by the Case Managers the following day, or in the alternative, may email their request to JEFFCOcasemanagers@kycourts.net. A Court Notice will be sent to the Defendant at the address on file notifying the Defendant of the new Court date.

The defendant will be required to provide:

- contact information including name, address, phone, and email (if available);
- date of birth;
- last four digits of social security number; and
- basis for re-docket request.

1) Bench Warrants

Pro Se defendant re-dockets with an active Bench Warrant arriving during the specified re-docketing hours (9 a.m. – 3 p.m.) will be reviewed by the designated Jefferson County Attorney for the division in which the Defendant's last name falls alphabetically. Any Defendant arriving after 3 p.m. should email their request to JEFFCOcasemanagers@kycourts.net. However, any request processed after 3 p.m. will result only in the assignment of a new court date and the bench warrant will remain active. A Court Notice will be sent to the Defendant at the address on file notifying the Defendant of the new Court date.

A) Bench Warrant Set Aside: Agreement

Pro se defendants will be instructed to proceed to the appropriate court, notify the deputy of their presence and wait for the judge to call them to the podium for further instructions from the court. The Case Managers will assign the case a future date on the Court's docket. Should the Jefferson County Attorney agree to set aside the Bench Warrant the Re-docket Form will be electronically sent to the appropriate court by the case manager for the Judge's electronic signature.

B) Bench Warrant Set Aside: Objection

Pro se defendants will be instructed to proceed to the appropriate court, notify the deputy of their presence and wait for the judge to call them to the podium for further instructions from the court. The Case Managers will assign the case a future date on the Court's docket. Should the Jefferson County Attorney object to the bench warrant being set aside, they will note their objection on the form and proceed to court to make arguments regarding the set aside and for the Court to rule on the motion. The Re-docket Form will be completed electronically by the judge to complete the e-filing process.

2) FTA-DOT (Failure to Appear – Suspended License)

Pro Se re-dockets with a suspended license (an active DOT) may be made in person between 9 a.m. and 3 p.m. or via email to JEFFCOcasemanagers@kycourts.net. Emailed requests received by 3 p.m. Monday-Friday will be processed the same day. The suspension will be automatically recalled when the case is rescheduled by the case managers. For emailed requests, a Court Notice will be sent to the Defendant with the new date to the address on file in addition to a response email.

E. ATTORNEY RE-DOCKET REQUESTS

Attorneys arriving between the hours of 9 a.m. and 3 p.m. will be directed to the Case Managers to request a case be re-docketed. Attorneys arriving after 3 p.m. must email the Case Managers with their requests to JEFFCOcasemangers@kycourts.net and include the defendant's name and case number in the subject line.

1) Bench Warrants

Attorney re-dockets with an active Bench Warrant arriving during the hours of 9 a.m. – 3 p.m. will be given a date by the Case Managers. Attorneys will then need to have the Re-docket Form reviewed by the designated Jefferson County Attorney for the division in which the Defendant's last name falls alphabetically.

A) Bench Warrant Set Aside: Agreement

The Case Managers will assign the case a future date on the Court's docket. Should the Jefferson County Attorney agree to set aside the Bench Warrant, the attorney making the motion will take Re-docket Form to court for Judge's signature. Once signed by the Court, the Form shall be returned to the Case Manager to process.

B) Bench Warrant Set Aside: Objection

The Case Managers will assign the case a future date on the Court's docket. Should the Jefferson County Attorney object to the bench warrant being set aside, they will note their objection on the form and the attorney will bring the motion before the Court to argue the set aside and for the Court to rule. In the event the Court grants the Defendant's motion to set aside the warrant, the Form shall be returned to the Case Manager to process. In the alternative, and the Court denies the motion, the Form shall be returned to the Case Manager for processing.

2) FTA-DOT (Failure to Appear-Suspended License)

Attorney re-dockets with for a case with a suspended license, an active DOT, may be made in person between 9 a.m. and 3 p.m. or via email to JEFFCOcasemangers@kycourts.net. Emailed requests received by 3 p.m. Monday-Friday will be processed the same day. The DOT will be automatically recalled when the case is rescheduled by the case managers and the attorney notified via response email.

F. ARREST WARRANTS (E-WARRANTS)

Arrest Warrants/E-Warrants must be addressed in the Courtroom in which the Defendant's last name falls alphabetically. To request an E-Warrant be addressed before the Court, contact the Case Managers via email (JEFFCOcasemangers@kycourts.net) 24 hours prior to the date in which you are requesting the matter to be heard and it will be scheduled with the Court Monday – Friday between 9 a.m. and 10 a.m.

G. MOTIONS

Any attorney wishing to advance a hearing date, must contact the Case Managers in person between 9 a.m. and 3 p.m. or via email from 8:30 a.m. to 3:00 p.m. Monday – Friday. Requests received by 3 p.m. will be processed the same day. All motions require 24 hours advance notice be given to opposing counsel. **It is encouraged that motions be filed electronically through the electronic filing system, but not required.**

H. AGREED ORDERS

Agreed Orders not requiring a future date may be taken directly before the Court.

Agreed Orders setting a matter for hearing must first be reviewed by the Case Managers and given a date. Attorneys may make their requests in person between 9 a.m. and 3 p.m. or via email from 8:30 a.m. to 3:00 p.m. Monday – Friday. Requests received by 3 p.m. will be processed the same day. Once the Case Manager has assigned a date, the proposed order may be presented before the Court or filed electronically through the electronic filing system. **It is encouraged that agreed orders be filed electronically, but not required.**

Agreed Orders signed in open Court shall be given to the Bench Clerk in Court to be stamped “ENTERED” and a copy provided to the attorney. The original signed order should not leave the Courtroom.

I. JUVENILE COURT

Juvenile Court proceedings will be conducted in-person unless specifically granted permission by the judge to appear remotely via Zoom.

CIVIL CASES

A. EVICTIONS; SMALL CLAIMS; CIVIL MOTION HOUR

All court appearances are held in a hybrid manner, either remotely or in-person. However, the parties for each case will appear in the same manner as ordered by the court.

B. MENTAL HEALTH DIVISION (MIW/GUARDIANSHIP)

The Mental Health dockets, consisting of dockets for both Mental Inquest Warrant and Guardianship courts, are held in courtrooms 309 and 310 with the following schedule:

Monday: 309 AM – Guardianship Motion Hour
 309 PM- Guardianship Trials
 310 AM – Hearings with Guardians for Failure to File Reports (NFF Docket)

Tuesday: 310 AM & PM– MIW docket and Hearings regarding Tim’s Law and Casey’s Law

Wednesday: 309 AM* & PM – Guardianship Trials and Emergency Hearings
(* Beginning January 3, 2022 Guardianship Trials will be held in the PM only)

Thursday: 309 PM – Guardianship Trials and Emergency Hearings
310 AM & PM – MIW docket and Hearings regarding Tim’s Law and Casey’s Law

Friday: 309 AM – Guardianship Trials and Emergency Hearings
310 AM & PM – Other Hearings

Mental Inquest Warrant and Guardianship cases shall occur remotely unless the Judge determines otherwise and provides notice that a hearing or matter will occur in person. Zoom or Teams information will be sent by the Office of the Circuit Court Clerk to all necessary parties. Because MIW and Guardianship cases are closed proceedings, parties will remain in the waiting room or outside the courtroom until the Judge is ready for the case.

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

C. PROBATE COURT

All matters, other than hearings, are heard in a hybrid manner allowing parties to appear either remotely or in person. All hearings are in person unless otherwise specifically scheduled as remote by the judge.

D. INTERPERSONAL PROTECTIVE ORDER (IPO) COURT

IPO hearings will be conducted in person unless specifically scheduled as remote by the judge unless otherwise indicated at www.JeffersonDistrictCourt.com due to Covid restrictions.

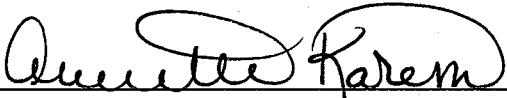
MISCELLANEOUS

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.

SO ORDERED and ENTERED, this 15th day of December, 2021.



ANNETTE KAREM
CHIEF JUDGE, JEFFERSON DISTRICT COURT

CC: Jefferson District Judges
David Nicholson, Circuit Court Clerk
Colonel John Aubrey, Jefferson County Sheriff
Major George Grissom, Jefferson County Sheriff
Tom Wine, Commonwealth Attorney
Mike O'Connell, County Attorney
Leo Smith, Public Defender's Office
Kelsey Doren, Chief Court Administrator
David Cutt, District Court Administrator
Angela Darcy – Pretrial Services
Director Dwayne Clark - LMDC

ENTERED IN COURT
DAVID L. NICHOLSON, CLERK
DEC 15 2021
BY 
DEPUTY CLERK