



Lisa A. Hall Johnson
Administrative Judge

DISTRICT COURT OF MARYLAND
Fifth District

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November 12, 2020

On November 16, 2020 the Courts will enter Phase 3 as defined by the *Fifth Administrative Order Restricting Statewide Judiciary Operations Due to the COVID-19 Emergency* (the "Order").¹ This reduction in operations is required as a result of the rapid increase of COVID-19 infection rates in Maryland.

For the District Court in Prince George's County, this updated and revised Phase 3 will be implemented as described in this communication. Please review this communication carefully. As I have consistently stated, my highest concern is the health and safety of the Prince George's County District Court staff, our stakeholders, and the public that we serve. We will proceed cautiously, with every effort to ensure that there is access to justice in the safest way possible.

OVERVIEW OF THE RETURN TO PHASE 3

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 what we can safely process. For the District Court, the matters that are permitted in Phase 3 are not drastically different than the matters that were scheduled for Phase 5. One major difference is that in Phase 3, the District Court is not permitted to hear failure to pay rent matters. There are a few dockets that will be continued, but many dockets will proceed as scheduled.

Dockets that have been scheduled to be remote, will remain scheduled as remote dockets. For all other dockets we must observe social distancing, and this significantly impacts the volume of cases that we can handle each day. These dockets were already very limited in volume, with staggered start times. Our approach to Phase 4 and Phase 5 was slow and cautious because the COVID statistics in Prince George's County remained consistently higher than other jurisdictions in Maryland. As a result, we can easily pivot to this revised Phase 3.

¹ All Maryland Judiciary COVID-19 Orders can be found at <https://www.mdcourts.gov/coronavirusorders>.



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. Appointments are preferred, but are not necessary if the counter is not crowded or at capacity. Emergency motions and/or "next day" motions should be filed at the counter.

For your convenience, I have attached an updated District 5 specific one-page summary of this revised Phase 3. 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.

REMOTE HEARINGS

In this return to Phase 3, the Prince George's County District Court will continue to conduct remote hearings as frequently as is possible and appropriate. We are currently hearing preliminary hearings, bail reviews, Adult Drug Court, Mental Health Court, hearings on interim to temporary orders, some large claims matters, some traffic matters, shielding dockets, and matters where parties timely request a remote hearing via Zoom for Government. We will continue to hear these matters remotely in this return to Phase 3. Additional matters can be heard remotely if requested by a timely filed motion, or if there is a COVID-19 positive diagnosis or exposure directly impacting counsel, a party, or a witness.

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. Video or audio recording of remote proceedings by any party other than the Court is strictly prohibited. The Judiciary policy dictates that "failure to comply with this admonishment may result in the imposition of sanctions or a finding of contempt, or criminal charges. An individual who willfully violates this Rule may be found in contempt of court and sanctioned in accordance with the Rules in Title 16, Chapter 200."

In addition, the appropriate formality and decorum applies to the remote hearings. Please instruct your clients and witnesses accordingly, and please instruct them to be on camera and in appropriate attire. Many of you have been consistently following these procedures. Your efforts and flexibility are appreciated. For your reference, the Judiciary's Guidelines for Remote Hearings document is available on the Judiciary website at <https://mdcourts.gov/virtualcourtrooms>.

PHASE 5 IMPLEMENTATION PLAN

- I. Criminal Cases, Prioritizing Trials for Incarcerated Individuals, Other Criminal Cases Alleging Violent Acts, and Alcohol-Related Motor Vehicle Matters
 - A. If a defendant is in jail 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. We will continue to work with the jail and the Office of the Sheriff regarding the safety protocols for transport.
 - D. The vast majority of these cases have not resulted in trials. As a result, the Clerk's Office will monitor these dockets and assign criminal motions, warrant recall dockets, expungements, or other dockets to better utilize this docket space.
 - E. Notice for specific trials will be provided. November and December dockets have almost entirely already been set, and notice has already been issued.
 - F. These matters are set as staggered dockets with a limited number of cases per interval to permit social distancing.
 - G. Criminal citations and marijuana citations will be continued.

- II. Preliminary Hearings
 - A. Preliminary hearing dockets will continue to move forward with an emphasis on remote hearings.
 1. Counsel should coordinate Zoom participation with their clients and witnesses.
 2. The in-person dockets that were previously scheduled will be held remotely or continued. Any parties that appear in person will be given Zoom log-in information and asked to join via Zoom from another location.
 3. Fugitives and Motions to Re-Review Bail will continue to be remote.
 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 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.

- III. Minor Traffic Matters
 - A. Minor traffic matters scheduled as remote dockets will proceed remotely. Parties will be notified. All other minor traffic matters will be postponed.
 - B. Counsel should coordinate Zoom access with their clients and witnesses.

- C. Toll violations, parking violations, red light violations, school bus violations, speed camera violations, etc. will be postponed.

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 no later than 10:00 the morning of the hearing.

V. Violations of Probation

- A. We will continue to hold violations of probation dockets as scheduled.
- B. These dockets are staggered with limited cases being set at each interim.
- C. 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.
- D. We will pay particular attention to any defendant who is incarcerated and ensure that those matters proceed.
- E. Motions on domestic violence, peace order, and extreme risk protective order matters will continue to be held on these dockets as scheduled.

VI. Civil Matters

A. Large Claims

- 1. Remote dockets will proceed as remote dockets.
- 2. Other dockets will proceed as scheduled, but we will conduct remote hearings on these matters upon request.
- 3. Please avoid untimely requests for remote hearings, unless there is a COVID-19 positive diagnosis or exposure that requires a last-minute request.

B. Small Claims

- 1. These dockets have already been scheduled as extremely limited in volume, in-person, staggered dockets.
- 2. The Court will conduct hearings on these matters remotely upon timely request.
- 3. The Court will continue to explore a remote option for these matters.

C. HY5 Dockets

- 1. We are currently contacting stakeholders and justice partners regarding whether this docket will proceed as scheduled.
- 2. If there are changes, we will communicate any changes to those involved.

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. 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 per case with only essential attachments.
- B. All other hearings will be in-person hearings. These in-person hearings are set on limited, staggered dockets. However, remote hearings are permitted and will be scheduled upon request.

VIII. Landlord and Tenant

- A. All failure to pay rent matters will be continued.
- B. Emergency motions on failure to pay rent matters will be considered and scheduled as appropriate.
- C. Rent escrow, tenant holding over, breach of lease, wrongful detainer matters will proceed as scheduled. These dockets can be remote or in person.
- D. Warrants of restitution will be processed by the Clerk's Office.

IX. 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.

X. Other Dockets

- A. Dockets involving criminal motions, bench warrant recalls, expungements, and motions to shield will proceed as scheduled, remotely where possible.
- B. Municipal infractions will be postponed.
- C. Tax and housing dockets will proceed, remotely where possible.
- D. All in-person dockets are being scheduled as extremely limited, in-person, staggered dockets.
- E. The Court will conduct remote hearings on matters upon timely request.

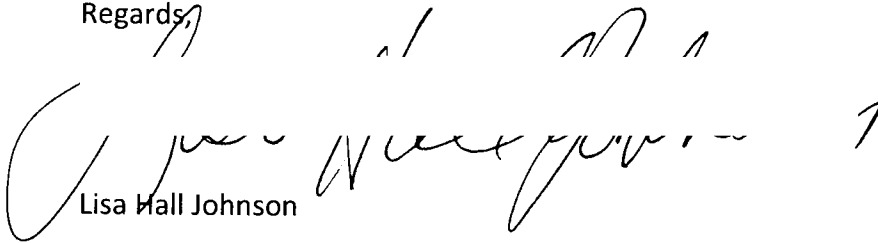
CONCLUSION

COVID-19 has presented unique and lasting challenges. Many of us have lost someone we love to COVID, or have been impacted by COVID personally and professionally. None of this has been easy. The progression of COVID in our community is frightening. I have personally considered how to balance this concern and how to safely proceed to resolve matters and ensure access to justice to all litigants. As a result, and with the support of the entire District

Court team, we have progressed through the Phases with extreme caution. We continue to navigate this pandemic with the support of our staff and justice partners. Admittedly, we are moving at a slow pace. This slow pace is necessary given the circumstances.

I will continue to provide updates when there is new information to convey. Please continue to stay safe, cautious, and healthy.

Regards,



Lisa Hall Johnson

By Order of the Court of Appeals, the District Court Shall Resume an Updated Phase 3 of Court Operations¹

ANY PERSON who seeks entrance into a Courthouse shall be:

- (1) subject to COVID-19 screening questions;
- (2) subject to non-contact temperature checks;
- (3) REQUIRED to wear face masks or coverings;
- (4) REQUIRED to maintain social distancing.

To ensure the safety of all, please be advised that the Courthouses will be operating at a limited capacity.

- (1) You may be asked to wait outside;
- (2) Seating inside is limited;
- (3) Only those essential to the hearing should appear.

We must adhere to CDC guidelines and social distancing, and we reserve the right to clear the Clerk's Offices and hallways, and limit entry if we reach capacity. **Any person that fails to comply, has symptoms of COVID, or has had direct contact with someone who is COVID positive will be denied access.**

The District Court Clerk's Office will continue to accept and process ALL filings.

Those seeking to file a petition for a protective order, peace order, extreme risk protective order, or emergency evaluation may access the Courthouses and the Clerk's Office counters during business hours. Commissioner's will accept petitions for interim orders after hours and on the weekends. **All other Clerk's Office business will be conducted at the counters however, appointments are preferred** (but not required) to ensure safety and efficiency.

Filings will continue to be accepted at the locked boxes at the Commissioner's Entrance in Upper Marlboro, and at the main entrance in Hyattsville. The boxes are emptied regularly from 8:30 am – 4:30 pm. A time/date stamp is available. Payments for citations may be made online.

PHASE 3 MATTERS:

- Some temporary and **ALL FINAL** protective orders, peace orders, extreme risk protective orders, and emergency evaluations will be heard in person. Hearings on temporary orders where the interim was granted by a Commissioner will be heard remotely.
- Remote hearings for bail reviews, bail reconsiderations, **ALL** preliminary hearings, fugitive matters, quarantine and isolation violations, and body attachments.
- Criminal trials, violations of probation, emergency motions, and alcohol-related motor vehicle matters, as described in the Order.
- Mental Health Court and Adult Drug Court will continue to conduct remote hearings.
- **We encourage eWarrants for search warrants.**
- If a local inspection has been provided, rent escrow matters will be scheduled.
- Rent escrow, tenant holding over, breach of lease, wrongful detainer matters, and associated warrants of restitution will be scheduled.
- Failure to pay rent matters are not permitted in Phase3. Emergency motions will be handled individually.
- **ALL OTHER PROCEEDINGS ARE CONTINUED.**

The Commissioner's Office will not accept petitions for interim orders during the business day. Any person seeking a petition may file at the Clerk's Office during business hours. Commissioner's will accept petitions for interim orders after hours and on the weekends **ONLY**.

Please call the Clerk's Office in **Upper Marlboro at 301-298-4000** or in **Hyattsville at 301-298-4200** for additional information. You can also find information and forms at www.mdcourts.gov.

Lisa A. Hall Johnson, Administrative Judge, Fifth District Court of Maryland

¹ Phases are described in the Court of Appeals of Maryland Fifth *Administrative Order Restricting Statewide Judiciary Operations Due to the COVID-19 Emergency*, dated November 12, 2020. All orders are available at <https://mdcourts.gov/coronavirusorders>.