

MONTGOMERY COUNTY DISTRICT COURT UPDATE FOR BAMC – May 22, 2020

Good evening to everyone. This evening Chief Judge Barbera issued several administrative orders describing the phased path to reopening the court system. The main order and the exhibit attached explain of the five phases and the services that should be available within that timeframe. All of the orders can be found on the Judiciary website: www.mdcourts.gov. I strongly recommend that you read each of the FOUR orders personally.

In an effort to provide everyone with some highlights, I offer the chart and summary comments below for the Court of Appeals *Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency*. Other orders address specifics of statutes of limitations, continued stay of residential evictions/ejections/foreclosures, and jury trials/grand juries.

We are presently in “Phase I.” Phase II beings (effectively) on June 8, 2020. This will be the beginning of reopening. Clerks will return to work and great efforts will be made to bring our offices current with pleadings, filings, scheduling, noticing and other administrative tasks. The clerk’s office will remain closed to the public and filing will continue to be accomplished by mail or drop box. We will endeavor to address any back up of peace orders and those domestic violence matters that have not been addressed during the emergency period.

Hearings can continue remotely. The order encourages use of remote options to minimize the number of people who are on-site. Courtroom space limitations will control the number of people admitted to the courthouse and the number of people permitted in a courtroom. All people seeking access to either courthouse building for any reason must be screened and have a mask or face covering.

Having received the order just a short time ago I cannot offer specifics as to how our Montgomery County proceedings will be scheduled. However please be prepared for periodic dockets through the day. This may be hourly or every 90 minutes - depending on case type. Please also be prepared for cases to be strictly time limited. Space/distance requirements require courts to be limited to roughly 25% capacity for on-site matters. In order to schedule hourly/periodic dockets we must carefully schedule matters for finite time periods.

Court staff will be available to answer phones are required by the order. They too must be safely separated. To achieve this our staffing models may have to change. We hope this will not impact the level of service provided. As I have emphasized to the court staff, safety is our priority. That will not be compromised in the courtroom or in the clerk’s office. Maintaining distance is a key to preventing potential exposure or contact. Consequently, things will move slower. I regret that this is necessary but do not apologize for the priority given to safety for all.

As we develop new docket structures that meet the phased reopening and comply with the distance/space requirements of public safety, additional information will be provided. As with all updates, I will provide them to you via the BAMC as soon as I am able to do so.

Thank you all for your assistance and collaboration through this process. We have already developed some beneficial processes in the form of the plea docket and also remote proceedings. We hope to capitalize on these new options and expand the flexibility of the court to accomplish greater changes that will be both safer and more convenient for those who have business in the District Court.

I hope you all enjoy a safe and relaxing weekend.
Sincerely, Patricia Mitchell, Administrative Judge

MINIMUM REQUIREMENTS FOR EACH PHASE OF REOPENING

*Courts may do **ANY** cases possible without hearing and **ANY ADDITIONAL** types of cases the individual court has the ability to hear – in person or remotely – so long as everyone gets notice*

Phase 1 3/17-6/5	Phase II 6/5-7/19	Phase III 7/20-8/30	Phase IV 8/31-10/4	Phase V 10/5 & future
Clerks' offices closed to public	Clerks' offices closed -limited exceptions	Clerks' offices OPEN to public	Clerks' offices OPEN to public	Clerks' offices OPEN to public
Bond reviews BW/Body att.	All of phase I - AND -	All of phases I & II – AND -	All of phases I, II, III – AND -	All of phases I, II, III, IV–AND-
EEP	Bail rev/recon/BWs etc.	Jail cases; crim w/violence; serious MV	All criminal matters	Full operations Incl. jury trials
Quarantine Isolation Viol.	L&T-emergency Breach of lease	Schedule minor traffic be start 8/31	Minor traffic docket	Instant jury trials
Body attachments	Emergency Wrongful detainers	Schedule civil trials to start 8/31	Set misc. MTA, parking etc. to start 10/5	
DV protective orders	Problem Solving Courts	Resume rent escrow (if inspections available) & THO	All civil matters	
Competency		Warrants of Restitution	FTPR cases	
DV/PO/ERPO motions			PSC fully operational	
DV/PO Contempt				
Local jail matters				

Certain specifics:

- Cases set for trial through July 17 with notices sent by clerk before 3.16.2020 are POSTPONED/SUSPENDED and will be reset via notice from court.
- Cases set for trial through July 17 with notices sent by the clerk on/after 3.16.2020 WILL PROCEED as already set absent notice otherwise from the court.
- May 4, 2020 order regarding tolling/suspension of statutes of limitation continues to control statutory and rules deadlines (jury trials are in another order)
 - Use of physical and/or virtual drop box will continue
 - Local health conditions may justify different pacing than above - ongoing
 - CDC guidelines for limited groups & mandatory distance - ongoing
 - Remote proceedings encouraged and permitted in all phases with approved platforms as in 6.18.18 order and 5.1.2020 order- ongoing
- Clerk's office remains closed to public with limited exceptions until **Phase III**
- ALL who seek entrance SHALL BE subject to screening questions, non-contact temperature checks (where available), REQUIRED to wear face mask/covering, REQUIRED to maintain social distancing
- Anyone denied entry as a result of screening will receive information about alternative means to address the purpose of their visit.
- Anyone denied entry as a result of refusal to comply with mask, distance requirements will be required to leave.
- Admin. Judges may limit number of people in courthouse and courtrooms
- Credentialed members of press admitted subject to seating capacity and compliance with other mask/distance requirements.
- Phones will be answered 8:30 am – 4:30 pm