

Dear Colleagues:

As most of you are aware the Kentucky Supreme Court has lifted most of the restrictions put in place to address the COVID-19 pandemic. It has also rescinded prior administrative orders which required me to implement local procedures regarding COVID-19. Judge Williams and I have entered an order ending the COVID protocols that were implemented last year. Of course, any Supreme Court Orders which remain in effect will continue to be enforced.

Use of Remote Proceedings: The Supreme Court's requirement that we use Zoom and video conferencing for court appearances has consumed an inordinate amount of time and effort for my small staff and is not feasible to continue as normal court operations resume. Therefore, as to Circuit Court only [or for both courts], this is to notify you that the last regular use of Zoom or other video technology for court appearances in Logan and Todd Counties (attorneys, parties, and witnesses) will be on June 2, 2021 (the Todd County Rule Day). Going forward from that date, all appearances will be conducted "in person" or just as we did prior to the pandemic, except as specifically authorized by the court.

Remote Court appearances will only be conducted in extraordinary circumstances and with the approval of the judge by court order prior to the hearing. "Extraordinary circumstances" do not include mere physical distance from the courthouse, inconvenience of travel, nor does it include the existence of scheduling conflicts with other courts. It is meant for truly extraordinary circumstances such as hospitalized witnesses where a continuance is not appropriate or where travel would impose a undue physical harm to the participant. We may also have remote appearances by prisoners in out of county facilities where transport is not permitted or feasible. If you believe that circumstances justify a remote court appearance, you should file a motion stating the facts justifying a remote court appearance and attach supporting documentation at least 10 days prior to the hearing. It is my understanding that Judge Williams will take a similar approach.

To accommodate DOC's policy, we will resume bringing inmates from the jail after June 10, but will continue handling jail cases only, remotely until that date.

Circuit Court Rule Days: Currently the Rule Day for Todd County is the first, third, and fifth Wednesday of each month with Drug Court Staffing at 8:30 a.m., Drug Court at 9:00 a.m., Civil at 10:00 a.m. and Criminal at 1:30 a.m. Logan County's Civil Rule Day is on the Second and Fourth Wednesday of each month with Drug Court Staffing at 8:30 a.m., Drug Court at 9:00 a.m., Civil at 10:00 a.m. and time for special set civil hearings beginning at 1:30 p.m. Logan County's Criminal Rule Day will be Thursday's at 8:30 (except show causes will be held on the first Thursday of the month at 8:00 a.m.).

One of the benefits of ending remote proceedings is that you will no longer be required to schedule cases on Civil or Criminal Rule Days with the judge's office. In anticipation of a local rules revision as indicated below, I am continuing to examine the time allocated between Todd and Logan Counties as well as between civil and criminal

hearing days. For the next few months, in order to keep it from being too crowded in the courtrooms on criminal rule days we will have 8:30, 10:00, and 1:30 dockets. While I intend to be flexible in this regard, we are contemplating scheduling arraignments, final sentencings and pretrial conferences on the morning dockets and revocation hearings and pleas in the afternoon.

Because of the number of backlogged jury trials involving serious and difficult cases, we have canceled certain Rule Days in order to catch up on jury trials. Attached to this letter is a list of Rule Days which have been canceled to accommodate jury trials. DO NOT schedule any hearings on these dates without calling the judge's office and obtaining approval. Any hearings scheduled on these days will not be heard if the jury trial goes forward.

Purses and Bags: We are also relaxing the rules pertaining to purses and bags with Courthouse Security. I have indicated that ordinary purses are permitted inside the facility. Because neither courthouse has an x-ray machine backpacks or bags with multiple pockets which are not feasible to be searched for weapons may be turned away in the discretion of the bailiffs. Attorneys will continue to be permitted to bring bags/purses/briefcases in the courthouse.

Local Rules Revision: I also wanted to let you know that I am in the process of a local rules revision. If you have any suggestions as to modifications or changes to the local rules and procedures, please let me know. Once a draft of these is ready for comment I will send these out to the bar for comment.

Scheduling, Court Hearings, and Continuances: As I indicated above, we have a significant backlog of jury trials and this has severely limited the amount of time I have available to hear non-jury matters. With that in mind I am asking that attorneys make every effort to notify us early if your case settles so that hearing time may be offered to or used by other litigants. Requests to continue hearings for because of convenience made within a few days of a scheduled hearing will not be well received by the court. For example, if you choose to set a hearing on a Friday afternoon, it is not appropriate to request continuance less than two weeks before the hearing so that someone can start a weekend holiday early. This results in a lost opportunity for other litigants to get their cases heard and will still require another date to hear the case that was continued. In that regard, please be considerate of the court and other litigants. Also, if you continue a specially set non-jury hearing for any reason, it may be weeks or months before a suitable time is available.

Thank you for your help and I look forward to the resumption of "normal" court operations.

Sincerely,

Joe W. Hendricks, Jr.
Circuit Judge

The following Logan and Todd Circuit Civil and Criminal Rule Days have been canceled due to the scheduled jury trials.

Logan Circuit Court

Logan Civil Rule Days That Are Canceled

June 9, 2021
June 23, 2021
July 28, 2021
August 11, 2021
September 8, 2021
September 22, 2021
October 13, 2021
November 10, 2021
November 24, 2021
December 8, 2021
December 22, 2021

Logan Criminal Rule Days That Are Canceled

June 10, 2021
June 17, 2021
July 22, 2021
July 29, 2021
August 19, 2021
August 26, 2021
September 2, 2021
September 23, 2021
September 30, 2021
October 7, 2021
October 14, 2021
October 21, 2021
November 11, 2021
November 25, 2021
December 23, 2021
December 30, 2021

Todd Circuit Court

Todd Civil & Criminal Rule Days That Are Canceled

June 16, 2021
June 30, 2021
July 7, 2021
July 21, 2021
September 1, 2021
October 6, 2021
December 29, 2021