

COMMONWEALTH OF KENTUCKY
38TH JUDICIAL CIRCUIT COURT
DIVISION 1

GENERAL ORDER - 2020- _____

The 38th Judicial Circuit Court, Division 1, in accordance with Kentucky Supreme Court Administrative Orders 2020-39 and 2020-40 which require all proceedings, both civil and criminal, be conducted remotely unless the Court determines that an in-person hearing is required, and being otherwise sufficiently advised.

IT IS ORDERED that all proceedings shall be held remotely, either telephonically or by utilizing video technology, unless otherwise ordered by this Court. Accordingly,

1. To schedule an in-person hearing, counsel or unrepresented parties must file a written motion stating the reason an in-person hearing is needed, including the anticipated length of the hearing. The motion may be heard on a regular motion day, or counsel or unrepresented parties may contact the Judge's office by e-mail at Circuit38th@kycourts.net or call 270-298-7250 to schedule a remote video/audio hearing on the motion at a specific date and time;
2. If the Court determines that an in-person hearing is necessary, the hearing will be scheduled on a specific date and time;
3. Hearings requiring in-person attendance will be scheduled at a date and time to limit contact with other individuals in the courthouse;

4. At least 48 hours prior to the hearing, each party must submit a list of proposed attendees. The list must state the necessity of any person requesting to attend who is not an attorney, a party, or a witness. Only such persons deemed necessary by the Court will be allowed to attend in-person. Notwithstanding the need for in-person attendance, in no event shall attendance exceed 33% of the Courtroom's occupant capacity;
5. Individuals who fall into a high-risk category as defined by the CDC shall not attend court hearings in person but will be allowed to participate in the hearing remotely;
6. Persons who are ill, exhibiting symptoms consistent with the COVID-19 virus or are known to have been infected with the virus within the past 14 days and possibly contagious are prohibited from entering the court building;
7. All persons attending a hearing before this Court must maintain appropriate social distancing and wear facial covering at all times;
8. Persons attending a court hearing in person shall not enter the courthouse more than 10 minutes prior to the scheduled hearing time and shall maintain a 6 ft. separation from all persons upon entering, remaining and leaving the building;
9. Each person attending a court hearing shall follow and abide by all signage directing the manner of ingress to and egress from the courthouse;
10. This order shall remain in effect until further notice.

SO ORDERED AND ADJUDGED this 27th day of May, 2020.

Timothy R. Coleman
TIMOTHY R. COLEMAN, JUDGE
38TH JUDICIAL CIRCUIT

COMMONWEALTH OF KENTUCKY
38TH JUDICIAL CIRCUIT COURT
DIVISION 1

GENERAL ORDER 2020- _____

The 38th Judicial Circuit Court, Division 1, pursuant to Kentucky Supreme Court Administrative Orders 2020-39 and 2020-40 which require all proceedings, both civil and criminal, to be conducted remotely by the use of telephonic and video technology unless the Court determines that an in-person hearing is required, and being otherwise sufficiently advised.

IT IS ORDERED that the 38th Judicial Circuit Motion Days are scheduled as follows:

1. Ohio Circuit Court – the First and Third Tuesdays of each month;
2. Butler Circuit Court – the Second Tuesday of each month;
3. Edmonson Circuit Court – the Third Monday of each month;
4. Hancock Circuit Court – the Fourth Tuesday of each month.

IT IS FURTHER ORDERED that on these regularly scheduled Motion Days, the Court will hear cases and motions of a short duration, (i.e. scheduling, signing of orders, etc.) **telephonically** at the following number -- - 270-262-9100--- as follows:

1. The CIVIL DOCKET shall be called at 9:00 a.m.;
2. The SPECIAL JUDGE CRIMINAL DOCKET shall be called at 9:30 a.m.;

3. The CRIMINAL DOCKET shall be called at 10:00 a.m.;
4. During the above described docket calls, the Courtroom will be closed and participation will be by telephone only. All attorneys, parties and interested persons should call the above-referenced number – 270-262-9100—five (5) minutes prior to the scheduled docket time.
5. The following matters
 - a. Hearings anticipated to take longer than 5 minutes;
 - b. Hearings requiring in-person attendance of counsel, parties or witnesses;
 - c. Motions for dismissal, summary judgment or other civil matters requiring extensive arguments;
 - d. Sentencings, motions for revocation, motions for suppression or other criminal matters requiring extensive arguments; and
 - e. Any proceedings requiring separate hearings as determined by the Court;

shall be scheduled at a different date and/or time. Counsel and/or parties requesting separate hearings are encouraged to contact the Court by email at Circuit38th@kycourts.net or by calling 270-298-7250 for scheduling purposes. In-person attendance requests must be filed in writing and will be granted only if deemed necessary.

6. Participation in the motion-day conference call or a hearing, remote or in-person, scheduled at a specific time and date, is required of all attorneys, criminal defendants and parties not represented by counsel whose cases are on the docket. The failure to participate in the conference call shall have the same effect as if the person had been required to be present in the courtroom. Failure to appear remotely or in-person as ordered may be grounds for sanctions.
7. All participants to the motion-day conference calls will be on the call simultaneously and the Court will call each case as docketed. The Court asks that all parties to the call mute their phones until

their case is called to eliminate unnecessary confusion. If background noise interferes with the call, the Court may mute or disconnect any offending connection.

8. This General Order shall be effective June 1, 2020 and remain in effect until further notice.

SO ORDERED AND ADJUDGED this 27th day of May, 2020.

Timothy R. Coleman

TIMOTHY R. COLEMAN, JUDGE
38TH JUDICIAL CIRCUIT

cc: Clerk to send copies to all attorneys, Commonwealth Attorney, Probation & Parole, and Court Officials

COMMONWEALTH OF KENTUCKY
38TH JUDICIAL CIRCUIT COURT
DIVISION 1

GENERAL ORDER 2020-_____

The 38th Judicial Circuit Court, Division 1, to resume Grand Jury proceedings in this Circuit in accordance with Kentucky Supreme Court Administrative Orders 2020-39 and 2020-40 and being otherwise sufficiently advised.

IT IS ORDERED that

1. Grand Jury proceedings may resume June 1, 2020;
2. The term of the presently constituted Grand Jury in each county of the 38th Judicial Circuit shall be extended until August 1, 2020 or as soon thereafter as a successor Grand Jury is selected and sworn;
3. Grand Jury proceedings may be conducted a) in-person in large well-ventilated yet secure areas, such as the courtroom, b) remotely via available telephonic or video technology, or c) by a combination of both in-person and remote participation; each being subject to the Rules of Criminal Procedure;
4. All persons participating remotely, which is encouraged, must nevertheless take all necessary steps to maintain the confidential nature of the Grand Jury proceedings, making sure that no other person overhears or views witness testimony, jury deliberations, or other proceedings, unless the other person is authorized to be present with the Grand Jury at that time pursuant to RCr 5.18;
5. To participate remotely, the juror must insure that their remote connection, whether by internet or telephone, is capable of uninterrupted service;

6. While participants are encouraged to attend remotely, if one or more jurors or witnesses attend Grand Jury proceedings in-person, each in-person attendee shall always maintain appropriate social distancing and wear facial covering;
7. Persons who should not attend grand jury in-person:
 - a. Those who are ill, or showing symptoms of the Covid-19 virus;
 - b. Those who have contracted the virus and have not been cleared by their physician to serve as a juror;
 - c. Those unable to wear facial covering for the duration of the proceedings;
 - d. Those who are considered high risk under the CDC guidelines;
 - e. Those who care for the day-to-day health needs of persons who are high risk.
8. If a grand juror is unable to participate for any reason, the juror may be either temporarily or permanently excused. A replacement grand juror shall be selected from the current jury panel in place of the one excused.
9. Persons who have suffered an economic loss because of the pandemic and who would suffer further economic loss as a result of jury service should notify the Circuit Clerk and request to be excused.
10. This Order shall remain in effect until further notice.

SO ORDERED AND ADJUDGED this 27th day of May, 2020.

Timothy R. Coleman
TIMOTHY R. COLEMAN, JUDGE
38TH JUDICIAL CIRCUIT

cc: Clerk to send copies to all attorneys, Commonwealth
Attorney, Probation & Parole, and Court Officials