COMMONWEALTH OF KENTUCKY
53RD JUDICIAL CIRCUIT
ANDERSON SHELBY AND SPENCER COUNTIES

TEMPORARY COVID-19 LOCAL RULES PURSUANT TO KENTUCKY SUPREME COURT ORDERS 2020-39 AND 2020-40

Due to the unprecedented COVID-19 pandemic and consistent with the Kentucky Supreme Court Orders 2020-39 and 2020-40, the Circuit Court hereby sets forth rules specific to its jurisdiction including all cases and proceedings before this Court. All references to "videoconferences" are understood to be via Skype unless you are notified otherwise.

1. Grand Jury

The Grand Jury proceedings will be conducted by videoconference. The Commonwealth Attorney will be the host for the videoconference. The foreperson of the Grand Jury will appear at the office of the Commonwealth Attorney and shall preside over the proceedings. The other eleven (11) members shall participate in the videoconference remotely. The Commonwealth shall present evidence and witnesses may appear on the videoconference by being present at the Commonwealth Attorney's Office or joining the call. At the conclusion of the presentation of evidence, the Commonwealth Attorney and witnesses shall leave the call or the room where the videoconference is being held leaving the Grand Jurors to deliberate, with consideration for social distancing. All recorders being used on the videoconference shall be turned off while the Grand Jury is deliberating. After deliberation is concluded, the foreperson shall notify the Commonwealth Attorney that they are ready for the next case to be presented and the same procedure described above shall apply.

The Court will take the report of the Grand Jury by videoconference by joining the call upon notification from the Commonwealth Attorney. All returned indictments and no true bills shall be filed within twenty-four (24) hours by the Commonwealth Attorney in the Clerk's Office.

2. Criminal Dockets

SHELBY COUNTY

Criminal dockets are to be held in Shelby County by videoconference on every Monday beginning at 9:00 a.m. and shall be scheduled by the Court by email invitation to the interested parties and shall be scheduled in one hour increments beginning June 8, 2020. Priority shall be given to those in-custody defendants. The Court will then set those cases that were previously scheduled on dockets that were cancelled due to the shutdown by email invitation to the interested parties.

ANDERSON COUNTY

Criminal dockets are to be held in Anderson County by videoconference on every Tuesday beginning at 9:00 a.m. and shall be scheduled by the Court by email invitation to the interested parties and shall be scheduled in one hour increments beginning June 9, 2020. Priority shall be given to those in-custody defendants. The Court will then set those cases that were previously scheduled on dockets that were cancelled due to the shutdown by email invitation to the interested parties.

SPENCER COUNTY

Criminal dockets are to be held in Spencer County by videoconference on every Wednesday beginning at 9:00 a.m. and shall be scheduled by the Court by email invitation to the interested parties and shall be scheduled in one hour increments beginning June 10, 2020. Priority shall be given to those in-custody

defendants. The Court will then set those cases that were previously scheduled on dockets that were cancelled due to the shutdown by email invitation to the interested parties.

VIDEOCONFERENCE PROCEDURES:

A. It shall be the responsibility of the attorney(s) in each case to forward the Email invitation they receive from the Court to their clients in order for all parties to be present at the designated call time. The invitations contain a PIN number and telephone number that can be used for those persons that do not have internet access and they will be able to participate by audio only. Those with internet access will simply click on the link to the meeting to join by video. You do not have to have a license to participate in the videoconference.

B. If a party receives an invitation for a particular docket and the case has not been conferenced with the Commonwealth Attorney or if the case is not ready for resolution, the parties shall file a docket pass order by reply email and the Court will reschedule that case for a later date.

C. Any email invitation sent by the Court for appearance by videoconference shall be considered a Court Order that requires the attendance of a party and/or his or her counsel and shall have the same effect as if requiring attendance in person. Failure to appear remotely as ordered by the Court may be grounds for sanctions.

D. Attorneys should continue to prepare and litigate cases during the effective dates of this Order, including negotiating possible resolutions, providing discovery, filing any necessary motions, and conducting investigations, to minimize delay in bringing cases to resolution.

E. If the parties reach a resolution in any criminal matter, all necessary paperwork shall be filed with the Clerk's Office and the Court will schedule a videoconference as soon as the next docket is available.

F. If an in-person proceeding is necessary, all parties must comply with the requirements contained in the Court's Order entitled **IN RE: KENTUCKY COURT OF JUSTICE RESPONSE TO COVID-19 EMERGENCY – HEALTH AND SAFETY REQUIREMENTS FOR ENTRY INTO COURT FACILITIES IN THE 53RD JUDICIAL CIRCUIT** which is incorporated by reference as if fully set out herein, a copy which can be accessed on the KCOJ website at www.kycourts.net or by calling the Clerk's Office.

4. Criminal Hearings

Any requested hearings in a criminal case will be set at a special time by the court other than a regular motion hour docket in the interest of time.

The Court will conduct criminal hearings via Skype. In the event documents or photographs are expected to be introduced, each attorney shall pre-label each document or photograph starting with Commonwealth's/Defendant's Exhibit 1, 2, 3 and the like. Each party shall specifically label its exhibits of either Commonwealth or Defendant. These shall be prefiled with the Court and provided to other counsel (or pro se litigant)) at least 48 hours in advance of the hearing.

3. Civil Motion Hours

SHELBY COUNTY

Civil Motion Hours are to be held in Shelby County by videoconference on every Thursday beginning at 9:00 a.m. and shall be scheduled by the Court by email invitation to the interested parties and shall be scheduled in 15 minute increments beginning June 11, 2020. Priority shall be given to those cases that were previously scheduled on dockets that were cancelled due to the shutdown by

email invitation to the interested parties. Any motions that were previously not scheduled on a docket that was cancelled due to the shutdown will be set by the Court by email invitation at a date to be determined after the backlog is addressed.

All motions that were previously not scheduled on a docket that has been postponed due to the shutdown shall file a Motion to Schedule a Virtual Hearing (a copy of which is attached hereto as **Appendix A** and incorporated by reference) All motions and pleadings filed from the effective date of this Order must now contain the email address of the Attorneys and this includes any pro se litigants.

ANDERSON COUNTY

Civil Motion Hours are to be held in Anderson County by videoconference on every Tuesday beginning at 1:30 p.m. and shall be scheduled by the Court by email invitation to the interested parties and shall be scheduled in 15 minute increments beginning June 9, 2020. Priority shall be given to those cases that were previously scheduled on dockets that were cancelled due to the shutdown by email invitation to the interested parties. Any motions that were previously not scheduled on a docket that was cancelled due to the shutdown will be set by the Court by email invitation at a date to be determined after the backlog is addressed.

All motions that were previously not scheduled on a docket that has been postponed due to the shutdown shall file a Motion to Schedule a Virtual Hearing (a copy of which is attached hereto as **Appendix A** and incorporated by reference) All motions and pleadings filed from the effective date of this Order must now contain the email address of the Attorneys and this includes any pro se litigants.

SPENCER COUNTY

Civil Motion Hours are to be held in Anderson County by videoconference on every Wednesday beginning at 1:30 p.m. and shall be scheduled by the Court by email invitation to the interested parties and shall be scheduled in 15 minute increments beginning June 10, 2020. Priority shall be given to those cases that were previously scheduled on dockets that were cancelled due to the shutdown

by email invitation to the interested parties. Any motions that were previously not scheduled on a docket that was cancelled due to the shutdown will be set by the Court by email invitation at a date to be determined after the backlog is addressed.

All motions that were previously not scheduled on a docket that has been postponed due to the shutdown shall file a Motion to Schedule a Virtual Hearing (a copy of which is attached hereto as **Appendix A** and incorporated by reference) All motions and pleadings filed from the effective date of this Order must now contain the email address of the Attorneys and this includes any pro se litigants.

VIDEOCONFERENCE PROCEDURES:

A. It shall be the responsibility of the attorney(s) in each case to forward the Email invitation they receive from the Court to their clients in order for all parties to be present at the designated call time if you desire that your clients participate in the videoconference. The invitations contain a PIN number and telephone number that can be used for those persons that do not have internet access and they will be able to participate by audio only. Those with internet access will simply click on the link to the meeting to join by video. You do not have to have a license to participate in the videoconference.

B. If a party receives an invitation for a particular docket and the time is inconvenient, the parties have reached a resolution, or the parties do not need the assistance of the Court at that time, the parties shall notify the Court by reply email and the Court will either reschedule that case for a later date or fill that slot with another case.

C. Any email invitation sent by the Court for appearance by videoconference shall be considered a Court Order requires the attendance of counsel and/or a shall have the same effect as if requiring attendance in person. Failure to appear remotely as ordered by the Court may be grounds for sanctions.

D. Attorneys should continue to prepare and litigate cases during the effective dates of this Order, including negotiating possible resolutions, providing discovery, filing any necessary motions, and conducting investigations, to minimize delay in bringing cases to resolution.

E. If the parties reach a resolution in any civil matter, all necessary paperwork shall be filed with the Clerk's Office and the Court will sign the appropriate Orders without the necessity of a videoconference.

F. If an in-person proceeding is necessary, all parties must comply with the requirements contained in the Court's Order entitled **IN RE: KENTUCKY COURT OF JUSTICE RESPONSE TO COVID-19 EMERGENCY – HEALTH AND SAFETY REQUIREMENTS FOR ENTRY INTO COURT FACILITIES IN THE 53RD JUDICIAL CIRCUIT** which is incorporated by reference as if fully set out herein, a copy which can be accessed on the KCOJ website at www.kycourts.net or by calling the Clerk's Office.

4. Civil Hearings

The Court will conduct civil hearings via Skype, including oral argument as well as evidentiary hearings. In the event documents or photographs are expected to be introduced, each attorney shall pre-label each document or photograph starting with Plaintiffs Exhibit 1, 2, 3 and the like. Each party shall specifically label its exhibits of either Plaintiff or Defendant. These shall be prefiled with the Court and provided to other counsel (or pro se litigant)) at least 48 hours in advance of the hearing.

5. Trials

All trials previously scheduled and were cancelled due to the shutdown are postponed and the scheduling of any new trials is hereby suspended until after

August 1, 2020 and further Orders of the Kentucky Supreme Court have been received.

Order of trials shall be determined on a case by case basis. The Court must give priority to criminal trials in which a Defendant has asked for a speedy trial or criminal trial in which a Defendant has been in custody for some period of time.

6. Drug Court

The Court will continue to hold Drug Court by videoconference and in the event an exception is made, that is Drug Court participants are requested to appear in person, the Court will ensure that all are notified.

7. Petit Jury and Grand Jury

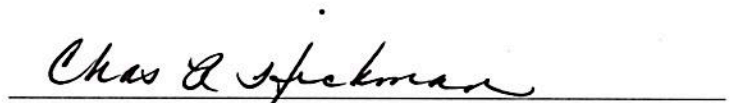
The Court hereby extends its current Petit Jury pool until January 1, 2021. The Court will extend its current grand juries in in the 53rd Circuit for a total of 20 appearances.

8. Digital Recordings of Proceedings

The Court plans to record all videoconferences either using the JAVS system in the courtroom or on the Court's computer utilizing the Skype recording feature. The digital file from the Skype program will be transferred to disc for the Clerk's records as soon as practicable after the Court's motion hours and hearings are concluded. Access to any virtual proceeding shall be provided to the public at no charge by making a request to the Circuit Clerk's Office. Anyone making an unauthorized recording of any virtual proceeding may be subject to contempt proceedings.

This Order shall be effective June 1, 2020, and remain in effect until further Order of this Court.

Entered this 29th day of May, 2020.



CHARLES R. HICKMAN, CHIEF CIRCUIT JUDGE
ANDERSON, SHELBY AND SPENCER CIRCUIT COURTS

APPENDIX A

COMMONWEALTH OF KENTUCKY
_____ CIRCUIT COURT
CASE NO. _____

_____ **PLAINTIFF**

VS.

_____ **DEFENDANT**

MOTION TO SCHEDULE VIRTUAL HEARING

***** ***** ***** *****

The undersigned hereby requests that this matter be placed on the Court's first available Virtual Motion Docket. The participants in this call are as follows:

1. Name of Counsel/Movant: _____

   Email Address: _____

   Telephone Number: _____

   Mailing Address: _____

   _____

   ADDITIONAL PARTIPANTS TO THIS CALL:

2. Name of Counsel/Participant: _____

Email Address: _____

Telephone Number: _____

Mailing Address: _____

_____

3. Name of Counsel/Participant: _____

Email Address: _____

Telephone Number: _____

Mailing Address: _____

_____

4. Name of Counsel/Participant: _____

Email Address: _____

Telephone Number: _____

Mailing Address: _____

_____

Any additional participants are attached hereto.

_____
Name:
Email Address:
Telephone Number:
Mailing Address:

Certificate of Service

I hereby certify that a true copy of the foregoing Motion was mailed this _____ day of _____, 202__, to the following:

_____
Attorney

COMMONWEALTH OF KENTUCKY
53rd JUDICIAL CIRCUIT
ANDERSON, SHELBY AND SPENCER COUNTIES

ORDER

IN RE: KENTUCKY COURT OF JUSTICE RESPONSE TO COVID-19 EMERGENCY – HEALTH AND SAFETY REQUIREMENTS FOR ENTRY INTO COURT FACILITIES IN THE 53RD JUDICIAL CIRCUIT

By Order 2020-39 of the Supreme Court of Kentucky effective June 1, 2020, the health and safety of court personnel, employees and the general public is a top priority. In order to gain access to any court facility in Anderson, Shelby or Spencer Counties, it is hereby **ORDERED** as follows:

1. All individuals seeking access to any court facility in the 53rd Judicial Circuit shall complete the Health Questionnaire (a copy of which is attached hereto and incorporated by reference) and submit it to a Court Security Officer for review prior to entry into any of the court facility in the 53rd Judicial Circuit. The information being collected in the Health Questionnaire is necessary to assist the Court in assessing your ability to safely enter the Courthouse for a required in-person hearing. Your information shall not be sold, distributed, or shared with any other entity and the questionnaire shall be destroyed after review by the Court Security Officer.

2. Those individuals that have experienced any symptoms of COVID-19, including cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell shall not be permitted to enter any court facility in the 53rd Judicial Circuit.

3. Those individuals that have been asked to self-quarantine by any doctor, hospital, or health agency shall not be permitted to enter any court facility in the 53rd Judicial Circuit.

4. Those individuals that have been diagnosed with COVID-19 within 14 days from the date of entry sought or had contact with anyone who has been diagnosed with COVID-19 within 14 days from the date of entry sought shall not be permitted to enter any court facility in the 53rd Judicial Circuit.

5. Those individuals that are considered high-risk according to the Center for Disease Control shall not be permitted to enter any court facility in the 53rd Judicial Circuit. Those high-risk individuals include:

- People 65 years of age or older
- People who reside in a nursing home or long-term care facility
- People of all ages with underlying medical conditions, particularly if not well controlled, including people with Chronic Lung Disease, Moderate to Severe Asthma, Serious Heart Conditions, people who are Immunocompromised, people with Severe Obesity, people with Diabetes, people with Chronic Kidney Disease Undergoing Dialysis and people with Liver Disease.

6. Individuals that answer yes to any of the questions contained in the Health Questionnaire will not be to enter a court facility in the 53rd Judicial Circuit and shall complete the Contact Information Sheet for High-Risk Category (a copy of which is attached hereto and incorporated by reference).

7. A member of the public who is not granted access to a court facility, courtroom or court office in the 53rd Judicial Circuit is not relieved of his or her obligaton to make payment or report to or appear before the court. He or she will be provided a phone number or email address and must make arrangements to reschedule, appear remotely, or otherwise complete his or her business to avoid possible adverse action being taken by the court.

8. In order to gain entry into a court facility, all Kentucky Court of Justice officials and employees, as well as members of the public, will be required to wear a protective facial covering such as a mask, scarf, bandana, or other cloth, which covers their nose and mouth. If a member of the public seeks entry but does not have an appropriate facial covering and their business cannot be accomplished remotely, then a facial covering will be provided.

9. Members of the public are prohibited from bringing in purses or other similarly enclosed bags into court facilities, unless items in the bag are medically necessary. Any items necessary for the individual's business before the court should be carried by hand or brought in an open container capable of visual inspection.

10. When in a court facility in the 53rd Judicial Circuit, all members of the public shall maintain 6 feet of physical distance from others and follow all directions of the Court Security Officers.

11. All judges conducting any matter(s) that require in-person attendance, shall follow all health and safety precautions as follows:

    A. Courtroom attendance for the matter(s) being heard must be limited to attorneys, parties, witnesses, and other necessary persons as determined by the judge but in no event can attendance exceed 33% of the courtroom's occupancy capacity.

B. Individuals who fall into a high-risk category as defined above must be allowed to participate remotely.
C. The judge must take steps to ensure appropriate social distancing by those in attendance.
D. Access to view any courtroom proceeding that is not otherwise confidential must be provided to members of the public and media. Access may be provided by live audio or video or by digital recording.
E. The proceeding(s) must be scheduled so that it reduces the number of individuals entering, exiting, or gathering at a certain time; and
F. At the end of each proceeding(s) or after each use, the judge shall ensure the microphones, tables, and other exposed surfaces are thoroughly cleaned and disinfected as provided by the KCOJ COVID-19 Health and Safety Requirements. Court Security Officers, Bailiffs, Clerks, Deputy Clerks or other personnel shall not be ordered or required to clean the microphones, tables, and other exposed surfaces named above by any judge.

This Order shall be effective June 1, 2020, and until further Order of this Court or Order of the Supreme Court of Kentucky.

Entered this 27th day of May, 2020.

Chas R Hickman

CHARLES R. HICKMAN, CHIEF CIRCUIT JUDGE
ANDERSON, SHELBY AND SPENCER CIRCUIT COURTS

Health Questionnaire

Privacy Disclaimer: The following information is necessary to assist the Court in assessing your ability to safely enter the Courthouse for a required in-person hearing. Your information will not be sold, distributed, or shared with any other entity. This questionnaire will be destroyed after review by the Court Security Officer.

Today's Date: _____

Name: _____

Address: _____

_____

Email: _____

Telephone: _____

Case You Are Appearing for Today: _____

Are you a Party to this Matter? YES NO

Are you an Attorney in this Matter? YES NO

Courtroom You are Seeking Access To: District Family Circuit

1. High-risk individuals according to the Center for Disease Control:

- Are you 65 years of age or older? YES NO
- Do you reside in a nursing home or long-term care facility? YES NO
- Do you have any underlying medical conditions, particularly if not well controlled: (please check if applicable)

_____ Chronic Lung Disease

_____ Moderate to Severe Asthma

_____ Serious Heart Conditions

_____ Immunocompromised

_____ Severe Obesity

_____ Diabetes

_____ Chronic Kidney Disease Undergoing Dialysis

_____ Liver Disease

2. Are you currently exhibiting any of the following symptoms of COVID-19 as identified by the CDC:

_____ Cough

_____ Shortness of Breath or Difficulty in Breathing

_____ Fever

_____ Chills

_____ Muscle Pain

_____ Sore Throat

_____ New Loss of Smell or Taste

- Have you been asked to self-quarantine by any doctor, hospital or health agency? YES NO

- Have you been diagnosed with or had contact with anyone who has been diagnosed with COVID-19 within the past 14 days? YES NO

Please return this form to the Court Security Officer and await further instruction.

JIS Code: CIF

Commonwealth Of Kentucky Shelby Circuit Court	CONTACT INFORMATION ☐ FOR HIGH RISK CATEGORY	CASE NO.

This form is confidential and not to be served on other parties in this case. Any contact information below that has already been provided or is provided in the future in a public court filing will not be made confidential by this document.

Please provide the following contact information:

1. Your name: _____
First, middle, and last name

2. ☐ a. Telephone number where the court can contact me: _____
This telephone: ☐ can ☐ cannot receive text messages from the court.
☐ can ☐ cannot receive voice messages from the court.

☐ b. I do not have a telephone number where the court can contact me.

3. ☐ a. E-mail address where I can receive e-mails: _____

☐ b. I do not have an e-mail address where I can receive e-mails from the court.

PLEASE READ AND UNDERSTAND THE FOLLOWING:

By signing this form, I swear that I fall into a high risk category and am allowed to appear remotely.

According to the CDC, high-risk individuals include: people 65 years or older; people who live in a nursing home or long- term care facility; people of all ages with underlying medical conditions, particularly if not well controlled, including people with chronic lung disease or moderate to severe asthma; people who have serious heart conditions; people who are immunocompromised; people with severe obesity; people with diabetes; people with chronic kidney disease undergoing dialysis; and people with liver disease.

_____ Date

_____ Signature