

LOCAL RULE  
18<sup>TH</sup> JUDICIAL DISTRICT  
DISTRICT COURT  
LOCAL SPECIAL ORDER

Pursuant to Order # 2020-39 of the Supreme Court of Kentucky, the 18<sup>th</sup> Judicial District will renew the hearing of Civil and Criminal cases during the month of June and thereafter unless otherwise ordered, with the following restrictions.

1) Except as provided in paragraph 2, Civil and Criminal matters shall be conducted REMOTELY BY TELEPHONE AND VIDEO TECHNOLOGY.

a) The Circuit Clerks shall notify represented and unrepresented parties of new morning court dates beginning on or after August 1, 2020 on regular docket days, at which time the party is ORDERED, per paragraph 2 of the Supreme Court Order 2020-39, to appear for in-person appearance. The attached Order shall be accompanied by the Clerk's notice.

For this time period, court sessions will begin at 8:30 a.m. in Harrison, Pendleton and Robertson Counties and at 10:30 a.m. in Nicholas County. In anticipation of the need to maintain social distancing in the future, cases shall be scheduled at the rate of approximately 20 cases per 60-minute increments. The Clerks may calculate the time to assign cases (i.e., numerically or alphabetically in their discretion).

b) Probate and Civil matters after August 1, 2020, shall be noticed for 8:30 a.m. in Harrison, Pendleton and Robertson Counties and 10:30 for Nicholas County, on regular motion dockets.

c) The established practice for persons incarcerated shall continue with Zoom Conferencing as follows: Harrison County – Mondays at 2:00 p.m.; Pendleton County – Tuesdays at 10:00 a.m.; Nicholas County – Wednesdays at 10:30 a.m.; and Robertson County –

Wednesdays at 9:00 a.m. As previously ordered, the Court will continue at these times during June to hear civil/probate matters in which Legal Notice is waived or is not required.

Attorneys wishing to enter appearances on Zoom conference shall provide a request to Tracie Barnes at [traciebarnes@kycourts.net](mailto:traciebarnes@kycourts.net) for inclusion in the same.

2) In person Court Appearance:

An attorney, or party, requesting an in-person appearance prior to the new, rescheduled date as set out above, may do so by direct request to the District Court CERTIFYING specific reasons that an appearance by “Zoom” Video or telephonic means is not practical, that no reasonable alternative to in-person appearance is practical, and that the danger of exposure of the individual, and those Court personnel with whom she/he would come into contact with, is outweighed by the necessity of the appearance. The Court will rule on these CERTIFICATIONS on an ad hoc basis, and where appropriate, schedule court dates.

3) Afternoon pretrial conferences and evidentiary hearings shall continue as set during June by Zoom conferences in Harrison County at 1:00 p.m.

4) Criminal proceedings, including in-custody arraignments and preliminary hearings, pretrial conferences and evidentiary hearings in Pendleton, Nicholas and Robertson Counties shall continue during June on their regular times: Pendleton – Tuesdays at 10:00 a.m., Nicholas – Wednesdays at 10:30 a.m. and Robertson – Wednesdays at 9:00 a.m.


5) Juvenile matters for Harrison (4<sup>th</sup> Thursdays) and Pendleton County (2<sup>nd</sup> Thursdays) will continue on video-conferencing. Nicholas and Robertson County Juvenile matters shall be scheduled by the Court as needed.

6) All parties are encouraged to remain in contact with their retained or appointed attorneys so that necessary pre-trial steps may be taken, as the formal re-opening of the courthouse's approaches.

7) Persons admitted to the Justice Center and Courthouses shall adhere to all provisions of Supreme Court Kentucky 2020-39, as though set forth at length, including but not limited to: Paragraph 1, 4, 8, 10, 11, and 14 and all persons entering the Justice Center shall maintain proper masking and social distancing.

8) All detention facilities, with respect to bond paperwork, county attorneys and law enforcement officers issuing citations or affirming criminal complaints, shall provide in said documents the full name, address, phone number and email address of the Defendants.

Given under my hand this the 27 day of May, 2020.

  
\_\_\_\_\_  
Charles W. Kuster, Jr., Judge  
18<sup>th</sup> Judicial District

ORDER


Pursuant to Kentucky Supreme Court Orders 2020-39 and 2020-40 directing the resumption of civil and criminal proceedings under certain protective conditions you are hereby directed as follows:

1) Your case is reset for the date and time set on the Clerk's notice for in-person appearance. If you wish to proceed more quickly, you may provide the Court, through the circuit clerk's office, information of your name and email address. A video "Zoom" conference will be then set and you will be invited at a specific time and date.

2) If you are unable to attend your court appearance by any of the above methods, YOU ARE ORDERED to complete the Certification (Below) Requesting in Person Court Appearance. The completed form must then be returned to the Harrison County Circuit Court Clerk's Office by personal delivery to the Justice Center drop box or by mail, delivered and received no less than 3 days prior to your court appearance. You will then be notified of further action concerning your court appearance.

3) Failure to comply with this Order by appearance, by video conference or telephonic conference or In Person Request Certification may be treated as Contempt of Court and would most probably result in the assessment of additional costs against you related to securing your court appearance.

4) Persons admitted to the Justice Center shall comply with posted provisions of this Court and of the Kentucky Supreme Court, 2020-039, as though set forth at length herein, including but limited to Paragraphs 1, 4, 8, 10, 11, and 14, to include the use of a mask and maintenance of social distancing.

  
\_\_\_\_\_  
Charles W. Kuster, Jr. Judge  
18<sup>th</sup> Judicial District

CERTIFICATION REQUESTING IN PERSON APPEARANCE

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Case #: \_\_\_\_\_

This is to certify that I am unable to attend Court by Zoom Video Conference or telephone conference as Ordered by the Court for the following reasons:

1) appearance by Zoom Conference or telephone conference is not reasonably practical for the following reasons:

\_\_\_\_\_ ( ) initial

2) There is no reasonable alternative to in-person appearance in this case. ( ) initial

3) The danger to myself and Court Staff of exposure to Covid-19 is SIGNIFICANTLY out weighed by the need to appear in person. ( ) initial

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\*PLEASE BE SURE TO COMPLETE THE FORM AND INITIAL/SIGN WHERE INDICATED AND RETURN TO CIRCUIT CLERK THREE (3) DAYS PRIOR TO YOUR COURT APPEARANCE\*