

COMMONWEALTH OF KENTUCKY
JEFFERSON DISTRICT COURT

AMENDED GENERAL ORDER TO ESTABLISH LOCAL RULES AND PROTOCOL FOR
REOPENING JEFFERSON DISTRICT COURT, EFFECTIVE JANUARY 1, 2021

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Pursuant to the 2020-71 and 2020-72 Administrative Orders of the Supreme Court of Kentucky, the 30th Judicial District adopts the following amended rules for all court proceedings in Jefferson District Courts beginning January 1, 2021 and continuing until further order.

PROTOCOL PREAMBLE

The policy going forward for the Jefferson District Court to conduct all criminal and civil cases pursuant to Supreme Court Order 2020-71 shall be as follows:

In **criminal cases**, all attorneys, defendants, parties and witnesses **shall appear remotely**, either by telephone or through video Zoom or Teams services. The Court shall conduct all matters remotely unless it falls within one of the limited categories specified under Supreme Court Order 2020-71, Section B.2.

In **civil cases**, the Court **shall conduct all matters remotely**, either by telephone or through video Zoom or Teams services, pursuant to Supreme Court Order 2020-71.

In order to maintain the files and the record, the preference is for the Judge to hear all proceedings from the Courtroom. The only parties permitted inside the Courtroom are the Judge, the bench clerk, the recommender and the Sheriff. If a Judge is working remotely, internal procedures will be developed to address the case files.

CRIMINAL CASES

A. IN-CUSTODY ARRAIGNMENT

The In-Custody Arraignment docket will be held in Courtroom 202, every Monday – Saturday beginning at 9:00 a.m. Any party wishing to appear shall appear remotely by using the log in information provided at www.JeffersonDistrictCourt.com. Zoom is not used in this Courtroom, the platform used is Teams. Pretrial Services shall appear in the remote proceeding and shall provide to the Court the Pretrial Services report before the start of the docket.

When the Defendant is released, the case shall be passed to 301, 302 or 303 based on the following alphabetic breakdown:

A-H: 301

I-Q: 302

R-Z: 303

B. POST-ARRAIGNMENT IN-CUSTODY CASES

All post-arraignment in-custody cases (in jail or on HIP) will be held in Courtrooms 203 and 204, Monday – Friday beginning at 9:00 a.m.

- Requests to add a case to this docket must be emailed to both District Court Case Managers NicolePeters@kycourts.net and StephenYoung@kycourts.net by 4:00 pm the day before. No requests will be processed after 4:00 pm.
- **Re-docket slips will only be accepted if emailed to the Case Managers.** They will not be accepted through the Clerk's Office or by the Court.

All parties shall appear for Court remotely. Zoom or Teams information can be found at www.JeffersonDistrictCourt.com.

C. OUT OF CUSTODY ARRAIGNMENT DOCKET

An out-of-custody arraignment docket will be conducted Monday through Friday at 1:00 p.m. in Courtroom 203 or 204. No less than ten defendants and no more than twenty defendants, shall be scheduled per hour, per Courtroom. Upon release, Zoom or Teams information shall be provided by Pretrial Services and is available at www.JeffersonDistrictCourt.com. All parties shall appear remotely.

The 2:00 p.m. hour of this docket on Tuesdays and Thursdays is reserved for matters requiring immediate attention or entering pre-negotiated plea agreement. No less than ten defendants and no more than twenty defendants, shall be scheduled per hour, per Courtroom. In order to request placement of a case on this docket, the attorney must **email** both District Court Case Managers NicolePeters@kycourts.net and StephenYoung@kycourts.net, 24 hours in advance of the requested Court date. The email shall state the case number, defendant's name, and basis for request. (For example, a case is resolved and ready to enter a plea). If approved, the Case Managers will email the requesting party an available date and time to notice their motion as well as the applicable remote court information. All parties shall appear remotely.

On Monday, Wednesday and Friday, the 2:00 p.m. hour will be evaluated for additional out of custody cases, with an emphasis on traffic cases.

D. POST-ARRAIGNMENT OUT-OF-CUSTODY CASES

Effective January 1, 2021, out-of-custody criminal cases will be assigned to Courtrooms 301, 302, and 303 based on the following alphabetic breakdown:

A-H: 301

I-Q: 302

R-Z: 303

The Office of the Circuit Court Clerk will schedule no more than twenty defendants, per hour, from 10:00- 11:00, 11:00 – 12:00, 1:00-2:00, and 2:00 – 3:00. The 9:00 – 10:00 hour shall be reserved for all citations.

All paperwork will be orally consented to by the defendant and the clerk will affix the Judge's electronic signature to all smart forms. Paperwork will be provided to the defendants and attorneys by the Office of the Circuit Court Clerk. All parties shall appear remotely.

Court notices will be sent to all defendants giving them their court date and time and the required Zoom or Teams information¹. Zoom or Teams information will also be available at www.JeffersonDistrictCourt.com. All parties shall appear remotely.

For a defendant who is appearing in Courtrooms 301, 302 or 303, the pro se Defendant or Attorney must first attempt to contact the County Attorney's office prior to joining the Zoom or Teams meeting. The County Attorney shall provide the preferred contact information prior to January 1, 2021.

After attempting to contact the County Attorney's Office prior to Court, all parties must join the virtual waiting room and the Judge will admit the parties at their scheduled time. All parties should change their name to their legal name.

E. ARREST WARRANTS

Arrest warrants will only be heard in Courtroom 203, Monday – Friday between 9 a.m. and 10 a.m. To request an arrest warrant be addressed by the Court, email both District Court Case Managers, NicolePeters@kycourts.net and StephenYoung@kycourts.net, 24-hours in advance of the requested court date. Each morning, the Case Manager will send the list of those individuals to the County Attorney, the presiding Judge and the Sheriff's deputies.

If an agreement has been reached with the County Attorney to convert the arrest warrant to a criminal summons, **the defendant or counsel must appear in person** to accept service.

If no agreement has been reached with the County Attorney's office, **the defendant must appear in person** in the designated Courtroom at the designated time.

¹ Procedures for Docket Creation are outlined below in section I.

All Zoom or Teams information can be found at www.JeffersonDistrictCourt.com.

F. PRO SE RE-DOCKET REQUEST

1. **Pro Se Defendants:** Pro se defendants will be directed to a drop box located in the front of the Hall of Justice to fill out a re-docket request. The defendant will be required to provide:
 - their contact information including name, address, phone, email;
 - date of birth;
 - last four of their social security number; and
 - basis for re-docket request.
- a. **Requests Other than to Set Aside Bench Warrant:** A court notice providing the next court date, time and pertinent Zoom or Teams information, will be mailed to the pro se defendant.
- b. **Requests to Set Aside Bench Warrant:** Requests will be sent to the County Attorney for review before being docketed.
 - If the County Attorney agrees to set aside the bench warrant, the defendant will receive a court notice for a future court date and that their bench warrant has been set aside.
 - If the County Attorney objects to the re-docket request to set aside the bench warrant, the Court will decide whether to leave the bench warrant outstanding or send a court notice for the defendant to appear regarding the outstanding warrant.
2. **Attorney's Requesting to Set Aside a Bench Warrant and/or Other Re-Docket Reason:** All requests to set aside a bench warrant or re-docket a case must be emailed to the Case Managers, nicolepeters@kycourts.net and stephenyoung@kycourts.net.

G. SHOW CAUSE

Show cause dates will be scheduled in accordance with the current Supreme Court order.

H. CONTINUANCES AND TRIAL DOCKET

No Judge should continue a case more than two times, unless good cause is shown. The case will then be set for either a jury trial or a bench trial.

1. **Jury Trials:** Pursuant to Supreme Court Order 2020-72, jury trials shall be postponed until after February 1, 2020. When jury trials begin, all will be heard in Courtroom 102 or 103, beginning at 1:00 p.m., Monday through Thursday. All social distancing protocols and compliance with Kentucky Supreme Court Administrative Order 2020-72 will be enforced by the Judge at all times throughout the trial. The Judge shall promptly notify the Jury Pool Administrator of any matter that requires a jury trial.

2. Bench Trials: All bench trials shall be remote and will use the Courtroom 102 or Courtroom 103 Zoom or Teams information, which can be found at www.JeffersonDistrictCourt.com.

The case managers will set the trial dockets. All Judges shall be prepared to set cases for and proceed to trial.

CIVIL CASES

A. EVICTIONS

Eviction cases shall occur remotely in Courtroom 308, unless the Court determines that in-person attendance is necessary. All Eviction dockets will be set by the Office of the Circuit Court Clerk Monday through Thursday at 9:00 a.m. and 10:00 a.m., with a cap of 30 cases per hour. Cases passed for rental assistance review shall be passed to 11:00 a.m. The Jefferson County Sheriff's Office will post the Eviction Court Zoom or Teams information with the Eviction Notice.

Any matter requiring a hearing will be passed one week to 1:00 p.m. using the same Zoom or Teams information. Any evidence shall be sent to JeffCoEviictionsContact@kycourts.net at least **three days** in advance of the hearing.

All eviction court proceedings shall occur in compliance with Kentucky Supreme Court Administrative Order 2020-64.

Remote court information can be found at www.JeffersonDistrictCourt.com.

B. SMALL CLAIMS

Small claims shall occur remotely in Courtroom 307, unless the Court determines that in-person attendance is necessary. The moving party must schedule their hearing through the Office of the Circuit Court Clerk and obtain a hearing date. Hearings are scheduled Monday through Thursday, starting at 1:00 p.m.

Once a date and time is obtained, the moving party must send notice to the other parties by sending the Defendant's Notice of Virtual Hearing, found at www.JeffersonDistrictCourt.com. Failure to provide the Defendant's Notice of Virtual Hearing and copies of evidence at least **five days prior to trial** will result in the case being dismissed with prejudice. Any evidence not provided will not be allowed at trial. All evidence must be sent to JeffCoCivilContact@kycourts.net and must include both parties' names and the case number.

C. CIVIL MOTION HOUR

Civil Motion Hour shall occur remotely, unless the Court determines that in-person attendance is necessary. All cases will be held on Fridays at 11:30 a.m. in Courtroom 308.

Motions must be filed by noon on the proceeding Wednesday. The certificate of service on the motion must contain the court's call in number and code to be considered valid service. The Movant must also provide a notice of contact information, including the Movant's email address and telephone number for remote appearances, and the email address and telephone number for the Respondent, if known to the movant.

D. MIW/GUARDIANSHIP

Mental Inquest Warrants and Guardianship cases shall occur remotely unless the Judge determines and provides notice that a hearing or matter will occur in person. If conducted in person, Courtrooms 310 and/or 309 will be used. The MIW/Emergent Docket will be heard on Tuesday and Thursday at 9AM. in Courtroom 310. The Guardianship Trial Docket will be heard on Wednesday and Friday at 9AM in Courtroom 310. Zoom or Teams information will be sent by the Office of the Circuit Court Clerk to all necessary parties. Because MIW and Guardianship cases are closed proceedings, parties will remain in the waiting room until the Judge is ready for the case.

Motion hour shall occur on Mondays beginning at 9:00 AM.

The traveling hospital docket is cancelled at this time. Evaluation will occur to determine if or when that docket will be reinstated.

E. JUVENILE COURT

Juvenile Court proceedings will be conducted remotely, unless the judge determines and provides notice that a hearing or matter will occur in person. Court notices for the scheduled case shall include the Juvenile Division's Zoom Personal Meeting ID or Teams information and instructions for accessing the virtual waiting room by internet or telephone. The docket will be held daily at 8:30 a.m. Monday – Friday.

A party may move the Court for an in-person hearing or trial. All such motions must be made at least ten (10) days prior to the scheduled hearing or trial date and emailed to both the presiding Judge and opposing counsel. If granted, the in-person proceeding will be held in Courtroom 306. Attorneys are encouraged to stipulate as to how various witnesses will appear.

If the case is heard in person, but a party or witness wishes to attend remotely, they may provide their contact information to the presiding judge. Alternatively, they may inform the court they will be waiting in the virtual waiting room.

If the parties have reached a resolution in the case, they may email the presiding judge for permission to be heard sooner than the next scheduled date.

F. PROBATE COURT

Probate cases will be heard remotely, unless the Judge determines and provides notice that a hearing or matter will occur in person. All in-person Probate hearings will be conducted in Courtroom 305 on Monday through Thursday.

The Dockets shall follow the below schedule:

1:00 p.m.: Appointment and Motion Docket

On a Petition to Probate Will, the original Will must be filed by either use of the drop box or by mailing and must be RECEIVED by the clerk's office no later than 24 hours before the scheduled hearing date. If the original Will is not in the file prior to the hearing, the case will be rescheduled. The court will examine the original document filed as the purported Will to determine its authenticity as an original Will.

2:00 p.m.: Rule docket

All contested probate hearings will be scheduled at a time designated by the Court.

G. INTERPERSONAL PROTECTIVE ORDER (IPO) COURT

IPO's will be conducted remotely, unless the Judge determines and provides notice that the hearing will occur in person. This docket will be conducted in Courtroom 202 at 1:00 p.m. on Wednesday and Thursday.

The case manager assigned to that docket will contact the parties and obtain their contact information. The parties can join the proceeding over Zoom, Teams or any other remote information can be found at www.JeffersonDistrictCourt.com. If the court determines an in-person hearing is required, the court will set that hearing for a time and location outside the regularly schedule docket. If a temporary order is in place, that temporary order shall remain until the hearing is conducted.

MISCELLANEOUS

Remote Media Access: Media is welcome to join the Court proceedings through Zoom or Teams as an observer; however, if a Court proceeding via Zoom nears capacity, the Judge may determine to stream the proceeding to Youtube and all media must leave Zoom and view on Youtube.

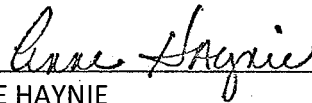
Recording of all court proceedings: All court proceedings shall be recorded on JAVS. However, if a Judge is subject to quarantine, or otherwise unable to be in a courtroom and must work from home, the proceeding will be automatically recorded through Zoom or Teams and stored on the Zoom or Teams cloud. The recording shall be transmitted to the Office of the Circuit Court Clerk via the District Court Administrator's Office, in a timely manner.

Remote proceedings: In all remote proceedings where Zoom or Teams is used, the court will make every effort not to make public any personal information such as personal telephone numbers of attorneys and witnesses, if the subject matter of the cases so warrant.

Courtroom locations: All Courtroom locations are subject to change. Signage will be posted if there are any changes.

Updates to this protocol: Check www.JeffersonDistrictCourt.com for updates to this protocol.

SO **ORDERED** and **ENTERED** this 10th day of December, 2020.



ANNE HAYNIE

CHIEF JUDGE, JEFFERSON DISTRICT COURT