

June 5, 2020

Justices, Judges and Circuit Court Clerks:

Addressing bumps in the road as we plan for Reopening Week 2

Yesterday I had the opportunity to update the legislature on the extensive measures we've taken during the pandemic to continue court operations while making the health and safety of court personnel and the public a top priority.

As I said to the members of the Interim Joint Committee on Judiciary, while we've done some things exceptionally well the last three months, it's impossible to completely shift the course of a vessel as large as the Kentucky Court of Justice without hitting some bumps along the way.

We began our gradual reopening on Monday and I know this has been a hectic, stressful week as we adjust to another new normal. We've heard from many of you about how it's going and today is a good time to step back and regroup on some of the bumps we've run into as we expand our services.

One of the main issues I'm hearing about is how to handle the huge backlog of cases that accumulated during April and May. I understand the pressure judges are under to catch up, but we have to keep in mind the system's capacity to process the extra work. We must pace ourselves because addressing the backlog is a marathon and not a sprint. It goes without saying that courts are operating more smoothly in the jurisdictions where judges and circuit clerks are communicating well and working closely to handle caseloads and enforce the health and safety requirements.

I appreciate your letting us know of your concerns and I hope you will benefit from this update and possible solutions:

COVID-19 remains a real danger. We discussed the possibility of resuming a full staffing schedule in the Offices of Circuit Court Clerk with Dr. Steven Stack, who heads the Kentucky Department of Public Health, and he advised against it. Dr. Stack said that 50% staffing is still the public-health standard and there are no exceptions allowed for this Healthy at Work requirement for businesses and Executive Branch offices. He emphasized that the use of 50% staffing is critical in interior spaces, which pose the greatest risk because the COVID-19 virus lives longer in closed areas and it would be disadvantageous to the people in that environment to relax this requirement.

50% staffing helps ensure we can continue to serve the public. Without 50% staffing in the Offices of Circuit Court Clerk, we run the risk of an employee contracting COVID-19 and bringing it into the workplace. If that happened, we would likely need to quarantine all staff in that office for a 14-day period, which would shut down the courts in that county, create a

greater backlog of cases and leave us unable to fulfill our constitutionally required obligations.

Limit in-court time to follow health and safety requirements. Judges should be mindful of normal operating hours to ensure deputy clerks do not exceed 7.5 working hours per day. To give the Office of Circuit Court Clerk time to prepare for court and process court proceedings with fewer employees, judges should also consider limiting in-person hearings to four days a week.

Reduce in-court time for bench clerks. Unless needed in the courtroom for other reasons, the bench clerk should be permitted to start the recording and then return to the circuit court clerk's office to continue working there. The bench clerk can return to court to stop and process the recording once proceedings are complete.

Use voicemail messages to provide instructions to the public. Offices of Circuit Court Clerk should consider changing their voicemail messages to explain that high call volumes are leading to delays so that the public will know what to expect.

Assign work-from-home projects to deputy clerks who are being paid to stay home. Deputy clerks can provide much-needed assistance during the weeks they rotate out of the office. Consider forwarding phones to these deputies for scheduled periods so that they can help answer calls, schedule driver's license appointments and handle driver's license questions. They might also be able to sort older files and prepare shipments for accessioning.

Prepare and submit orders electronically. All Circuit, Family and District Court judges and staff now have access to online tools that let them prepare and submit orders electronically, which is critical to remote operations. Online training is available [here](#). If you prefer to schedule a training session with one of the AOC support staff, contact ecourtsupport@kycourts.net or 502-573-2350, x50109.

I want to reiterate my closing remarks from yesterday's testimony: I am immensely proud of how quickly our elected officials and employees have adapted to a completely new way of doing business and how willingly they learned and adopted new technologies. Your service to the commonwealth is always admirable, but it has been especially commendable throughout this challenging and evolving situation.

If you have concerns about applying or implementing the [KCOJ COVID-19 Health and Safety Requirements](#), please email COVIDcourtconcerns@kycourts.net. Thank you.



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