

Certain criminal proceedings added to the list of non-essential and non-critical proceedings

Chief Judge Michael T. McHugh has signed a new directive amending the memorandum dated March 27, 2020. This new memo adds two categories of criminal proceedings that may be conducted remotely using communication equipment (no live participation) as long as the presiding judge finds it can be done without violating due process. No approval from the Chief Judge is necessary.

The hearings are:

- 1) Non-evidentiary hearings or VOP status hearings in criminal cases where the defendant's presence has been waived AND all counsel of record have agreed that the hearing shall be placed on the judicial docket.
- 2) In-custody plea hearings in criminal cases where the defendant is to appear remotely AND a negotiated plea agreement has been made regardless of whether it may result in a release from custody.

As stated in the previous memo, all civil and family non-evidentiary hearings shall be held remotely unless the Administrative Judge of the division or county finds that a remote hearing is impossible or would violate due process. Also, civil and family evidentiary hearings may be held remotely.

Court proceedings that are considered essential and critical allow for in-person appearances as long as all available methods of "social distancing" are taken, with only attorneys, parties, necessary witnesses, and the media allowed in the courtroom. Everyone present will be required to abide by "social distancing." Alternatively, necessary persons may choose to appear remotely using communication equipment, if remote appearance can be done effectively. The hearings that are considered essential and critical are outlined in the latest memorandum (Memo 6 – Courts Remain Open with Limitations AMENDED).

Attorneys, parties and witnesses with upcoming trials or hearings are advised to contact the appropriate judicial office with any questions.

Employees of the Twentieth Judicial Circuit Administrative Office of the Courts will continue to report for their assigned work duties, unless they were approved for telecommuting / alternate work schedule, or deemed at a higher risk for severe illness.

Although the courthouses remain open, please do not visit any of our courthouses unless you are there for official court business.

This directive along with Administrative Order 2.39 remain in effect until further notice.

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