

# Memo

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To: Members of the Bar and all concerned parties  
From: Judge Susan Schultz Gibson, Jefferson County Circuit Court, Division Twelve (12)  
Date: May 28, 2020  
Re: Court procedures due to COVID-19 pandemic

On May 15, 2020 the Kentucky Supreme Court, through Chief Justice Minton, issued an Order regarding the gradual reopening of courts, to begin June 1, 2020. The highlights are as follows:

- Courts may resume hearing all civil and criminal matters.
- All hearings should be conducted remotely, unless the judge determines that an in-person hearing is necessary.
- If a matter requires an in-person hearing, several safety precautions must be observed, including limiting courtroom capacity, social distancing, facial coverings and frequent disinfecting of public spaces.
- Entrance to court facilities is limited to individuals with a scheduled inperson hearing and those filing emergency protective orders, interpersonal protective orders and emergency custody orders.
- Members of the public are prohibited from bringing purses or similarly enclosed bags into court facilities, unless items in the bags are medically necessary.
- Staffing will be limited to 50%, unless an exception is granted by the Department of Human Resources.

In light of these provisions, Division 12 will be operating as follows until further notice:

**ALL MOTION HOURS WILL BE HANDLED TELEPHONICALLY**

**All motions noticed for a motion hour MUST contain the conference number and ID for the Division so that opposing counsel will know how and when to call in. The conference number is 917-900-1022. The conference ID number is 0090312#.**

## CRIMINAL ARRAIGNMENTS AND MOTIONS

Criminal motion hour will be handled remotely until further notice. Attorneys shall utilize the call-in conference line, 917-900-1022. When prompted, enter the conference ID #0090312, followed by #. You will be connected to the courtroom. Please mute your telephone microphone until your case is called. If the motion will result in obtaining a hearing date, defense counsel shall try to have their client available by telephone at the time the motion is called so that the information can be relayed contemporaneously.

## CIVIL MOTIONS

**If your motion will require a hearing date:** The parties, by conference call or email, may contact the Court's administrative assistant, Pamela Schmelz, between 9:00 a.m. and 2:30 p.m. on the day of the motion hour to obtain a date. Both parties must be on the line, or the calling party must be authorized by all other counsel to obtain a date. **502-595-3012**; [pamelaschmelz@kycourts.net](mailto:pamelaschmelz@kycourts.net)

**If you do not oppose a filed motion:** Please email the Court's assistant any time after receipt of the motion to advise that you do not oppose the motion and will not be responding at motion hour. Please notify opposing counsel so that they will not need to telephonically attend the motion hour.  
[pamelaschmelz@kycourts.net](mailto:pamelaschmelz@kycourts.net)

**If you wish to be heard at the Court's motion hour, the following procedure will be in effect:**

The Court will maintain an open telephone line to the Court which may be accessed as follows: Dial **917-900-1022**. When prompted, enter the conference ID # **0090312**, followed by #. You will be connected to the courtroom. If you can hear the proceedings, you are connected. Please mute your telephone microphone until your case is called.

Please confer with all counsel on the motion prior to the motion hour so all counsel may dial in. You may dial in any time after 3:00 p.m. but civil motions will not be called until 3:15 p.m. You may be required to wait until the end of the docket to be heard, in which case you will be asked to remain on the line.

## CRIMINAL HEARINGS

**In-Custody Hearings:** Cases currently on the docket for pleas, pre-trial conferences, bond hearings, revocation hearings and other hearings which are scheduled outside of the Court's allotted Thursday 1-3 p.m. time slot to access the jail will remain on the docket for a telephonic status conference with counsel. Prior to the scheduled hearing, the attorneys may contact the Court's assistant Pamela Schmelz at **502-595-3012** or [pamelaschmelz@kycourts.net](mailto:pamelaschmelz@kycourts.net) to obtain a new date to allow the Defendant to be present telephonically. If you do not contact the Court prior to the time of the hearing, the Court will expect you to utilize the following call-in procedure: Dial **917-900-1022**. When prompted, enter the conference ID # **0090312**, followed by #. Please be patient, as most courts will be overbooked due to the change in procedure.

### **Out of Custody Hearings:**

**Pleas and Sentencings:** Pleas shall be conducted telephonically or by Skype/Zoom. If by Skype/Zoom, it is Counsel's obligation to provide the Court with the Defendant's contact information **before** the scheduled hearing. If by telephone, it is Counsel's obligation to provide his/her client with the conference numbers, above. **IF THERE IS AN AGREEMENT THAT THE DEFENDANT WILL BE PROBATED**, the Court will conduct the sentencing remotely. If there is NOT an agreement for probation, the case will be passed for sentencing until later in the summer.

**Revocation Hearings:** If the Commonwealth is moving forward with revocation, the Defendant **shall** be present in Court. The Court finds that revocation proceedings fall under the category of necessary attendance. If the parties agree to a non-custodial sanction prior to the date of the hearing, the hearing shall be conducted remotely under the procedures outlined above.

**Other Out of Custody Hearings:** These hearings will be conducted telephonically. It is counsel's obligation to maintain contact with his/her client and have them available if the client has access to a telephone.

## **CIVIL HEARINGS**

All civil hearings will be conducted remotely, unless the parties file a written motion for an in-person hearing. Mere convenience of the parties or ease of presentation shall not be grounds for requesting an in-person hearing. The parties shall utilize the telephonic conference procedures outlined above in the motion hour section. The Court will conduct Skype or Zoom hearings at the request of counsel. If a Skype/Zoom hearing is requested, the following must occur:

1. The requesting party must obtain the contact information for all participants and provide that information to the Court's administrative assistant at **pamelaschmelz@kycourts.net** one full working day prior to the hearing; **OR**
2. The requesting party may set up/host the Skype/Zoom or other service meeting, but must grant the Court permission to record the hearing since the Court is not the host. The Court will make an audio record of the hearing, and if the Skype/Zoom recording is not able to be recorded by the Court the parties waive any objection to the audio recording being the sole record of the proceedings.

## **JURY TRIALS**

All jury trial dates scheduled before August 1, 2020, shall be automatically converted to telephonic pretrial conferences.