



Supreme Court of Arkansas

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Re: District Courts - Preparations for Returning to In-Person Proceedings

District Judges:

As you are aware, the Supreme Court created a task force to develop guidelines and recommendations that may be implemented as courts begin to transition to in-person proceedings once again. As a former district judge, I understand the unique challenges district courts face and want to assure you that district judges are represented on the task force and are actively engaged in the discussion. The district judges serving on the task force include:

<u>Judge</u>	<u>Type of District Court</u>	<u>Jurisdictional Area</u>
Judge Bruce Anderson	State District Judge	28 th District Bradley County and Drew County
Judge Chuck Baker	State District Judge	5 th District Crawford County
Judge Andy Gill	Local District Judge	Perry County
Judge Mark Leverett	Local District Judge	31 st District Pulaski County
Judge Danny Thrailkill	Local District Judge	Polk County

To protect the health of all who enter the courts, the Arkansas Department of Health recommends a two-pronged approach:

1. Screen to identify symptomatic individuals and those who have been exposed to others with Covid-19.
2. Protect against exposure from those who are asymptomatic.

The task force discussed how to implement the recommendations of the Arkansas Department of Health during its first meeting and this discussion is on-going. Although an outline of guidelines and recommendations was distributed, this was not a mandate from the Supreme Court. The initial outline was intended to be a resource for judges as you have conversations with court personnel

and local officials. The task force recognizes the diverse nature of district courts and that implementation of the recommendations may vary from court to court.

Attached is a set of guidelines for reopening courtrooms and also the procedure prepared by Judge Mark Leverett to be used in his court. These are recommendations and are not mandates. As additional information and resources become available, they will be provided to you.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Dan Kemp", written in a cursive style.

John Dan Kemp

Encl.

PHASE 1
RE-OPENING PLAN

STANDARD BUILDING ENTRY GUIDELINES FOR ALL COURTHOUSES

- Temperature screening at each entry.
- Maintain social distancing upon entry.
- Require visitors to answer the same types of questions presently utilized by medical facilities upon entry.

For example:

1. Have you run a temperature of over 99.6 degrees in the last 14 days?
2. Do you have a cough/shortness of breath?
3. Have you had pneumonia/flu recently?
4. Have you traveled out of the country in the last 14 days to a level 2 or 3 country as determined by the CDC?

A list of countries can be found at www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html.

5. Have you traveled to a high-risk state in the last 14 days?

High-risk states currently include Tennessee (INCLUDING MEMPHIS), Washington, California, Colorado, Texas, Louisiana, Illinois, Georgia, Florida, Michigan, Pennsylvania, New York, New Jersey, Connecticut, or Massachusetts.

6. Have you had contact with a confirmed or suspected Covid-19 patient within the last 14 days?

- Visitors advised in advance to wear masks.

Have masks available to provide for those who don't have a mask.

- Hand sanitizer readily available.
- Custodial staff continue at least twice daily sanitization efforts.

PHASE 1
RE-OPENING PLAN

GENERAL COURT PROCEDURES FOR ALL DISTRICT COURTS

- Consider a staggering of court appearances either as timed hearings when appropriate or on large criminal days divide the group reporting times alphabetically. For example, if the defendant's last name begins with A-L, reporting time is at 9 a.m. and if the last name begins with M-Z, the reporting time is at 1 p.m.
- Keep court events at the smallest number possible, with a goal not to exceed ten individuals and later to fifty individuals when expanded by the Department of Health.
- Notices to be posted requiring recommended social distancing, wearing of masks, and good hygiene to be maintained.
- Courts to identify and publish free wi-fi areas for use of parties and witnesses when needed.
- All in-person hearings would be limited to the current ten-person maximum and to the fifty-person maximum in phase 2 of the Department of Health recommendations.

Considerations in Resuming Court Operations

A Pandemic Resource from NCSC

May 1, 2020 | Version #1



1. **Judge and Court Staff Health – how the courts will ensure judges and court staff do not enter the courthouse if they are sick or show signs or symptoms of being sick and will limit judges and court staff from exposure to the degree possible.**

Courts should take precautions to ensure judges and courts staff do not enter the courthouse when there is a likelihood that they may have COVID-19, and courts should take reasonable steps to protect judges and court staff from contracting COVID-19. Courts should consider encourage teleworking for judges and court staff whenever possible and feasible.

2. **Scheduling – how the courts will coordinate scheduling to reduce occupancy in the courthouse to the lowest degree possible.**

In-person proceedings must be scheduled to reduce the number of people entering or congregating in the courthouse at any one period of time. Judges in counties and cities with multiple judges in a courthouse must coordinate scheduling of any in-person proceedings to reduce the number of people in the courthouse at one time.

3. **Criteria for In-Person Hearings**

Courts should continue remote proceedings in all cases where it is possible and practicable. Courts should establish criteria that will provide clear guidance on when an in-person hearing will be held (if a remote proceeding is not possible or impracticable).

4. **Vulnerable Populations – how the courts will work with vulnerable individuals and those who live with or are caregivers for vulnerable individuals and provide accommodations to reduce the appearance of those individuals at the courthouse.**

Vulnerable individuals are those over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems that are compromised, such as by chemotherapy for cancer or other conditions requiring such therapy.

5. Social Distancing – how the courts will ensure that adequate social distancing of at least 6 feet will be maintained for all individuals in a courthouse.

Courts should consider how to ensure distancing in public common areas, galleries of courtrooms, wells of the courtroom, hallways, elevators, restrooms, or other locations where the public might gather. Special attention should be given to scheduling in buildings with multiple courtrooms, as common areas such as halls and elevators may become crowded in such a way that it is impossible to maintain appropriate social distancing.

6. Hygiene – how the courts will ensure that individuals in the courthouse will have access to supplies to maintain high levels of hygiene

Courts should consider having hand sanitizer dispensers available at various locations around the courthouse, including at the entry and exits from the building and courtrooms. Courts should ensure that tissues are available for public use in courtrooms and other public areas. Courts should post readily visible signage reminding individuals of best hygiene protocols.

7. Screening – how the courts will ensure temperature screening of all individuals entering the courthouse or courtroom areas

Individuals feeling feverish or with measured temperatures equal to or greater than 100°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 must not be permitted entry. Special attention should be given to how inmates from jail facilities who may be transported to a courtroom will be screened, including consideration of a lower threshold temperature of 99.6°F as an indicator of symptoms. Screeners should be provided appropriate face protection and gloves.

8. Face coverings – how the courts will ensure face coverings over the nose and mouth are worn

Cloth face coverings, at a minimum, are highly recommended for individuals while in the courthouse. Courts should consider requiring face coverings, and should consider providing face coverings for those seeking entrance to a court facility. Should an individual be in the courthouse for lengthy periods of time, surgical face masks should be considered.

9. Cleaning – how the courts will ensure frequent and appropriate cleaning of surfaces in and around courtrooms and common areas

Sanitizing should be routinely and more regularly performed, including when a transition of participants occurs within a courtroom (i.e. between hearings).

COVID-19 Court Procedure
LR District Court, 3rd Division

General protocol:

1. Two (2) court bailiffs wearing appropriate PPE (personal protective equipment) and/or a qualified healthcare provider will meet all defendants and/or defendant representatives outside the court building. All defendants or defendant representatives will have their body temperature recorded by a qualified healthcare provider prior to check in with the Bailiffs and subsequent entering the court building. Defendants who present with temperature of 99.6 or higher will not be allowed in the courtroom and will be given a new date to appear.
2. No more than ten (10) defendants or their representatives will be allowed in the courtroom at any time. After the first ten (10) defendants are checked in as present all others will be asked to wait in their cars and will be contacted by phone when it is their time to enter the court building for the security check.
3. Only the named defendant or one (1) representative of the named defendant will be allowed before the Judge.
4. In the event of a juvenile curfew charge, the named defendant and one parent/guardian will be allowed before the Judge. Siblings will not be admitted to the courtroom.
5. All defendants or defendant representatives will be seated a minimum of six (6) feet apart while in the courtroom.
6. All 3rd Division Court personnel will wear appropriate PPE (personal protective equipment) while in the courtroom. Defendants and their representatives are encouraged to do the same.
7. The city attorney, if present in the courtroom, will be seated at their table alone. Any defense lawyer will be seated at a separate table, more than six feet from the city attorney, alone. A representative from the codes staff will be on the front row and a representative from animal services will be seated on that same row, six feet from the codes representative.
8. Any paperwork that is passed from a defendant to the court or court staff, will be handled by staff with gloves on.

Reports/hearings/first appearances:

Court staff will, prior to the plea or report date, send written notice by mail and also call the defendant who is scheduled for a report or plea. The defendant will be given call in information to participate in their particular court case by phone or video through the WebEx system. The city attorney will be present for any and all hearings, pleas or reports. All actions take place on the record and are documented on the court's physical docket. The defendant may also appear in person, subject to the restrictions set out above.

In the event the defendant is set for a report, having been given a prior notice to appear and fails to appear in person for the status report, the court, on its own motion, will reset the report date and send notice by mail and call to explain the virtual reporting system prior to the next court date.

Trials/contempt proceedings:

Unless agreed upon by all parties, trials will be conducted subject to the protocol set out above or reset until such time that the protocol can be satisfied.