Serial: 230963

IN THE SUPREME COURT OF MISSISSIPPI

No. 2020-AD-00001-SCT

IN RE: EMERGENCY ORDER RELATED TO CORONAVIRUS (COVID-19)

EMERGENCY ADMINISTRATIVE ORDER-5

Consistent with the Court's prior Emergency Administrative Orders entered in this matter, the Supreme Court and the Chief Justice, in his capacity as chief administrative officer of all courts in the state, reiterate that, pursuant to the Constitution of this State, all local and state courts – municipal, justice, county, chancery, circuit, and appellate courts – shall remain open to ensure the fulfillment of their constitutional and statutory duties. *See, e.g.*, Miss. Const. Art. 3, § 24 ("All courts shall be open . . . and justice shall be administered without sale, denial, or delay").

That said, in the prior Emergency Administrative Orders, the Court has recognized that the national and state emergencies created by Coronavirus (COVID-19) require appropriate measures to protect the health and safety of the citizens of this State. Those measures are constantly changing and the Court continues to modify its orders to hinder the spread of COVID-19. For instance, consistent with the Interim Guidance of the Center for Disease Control (CDC) dated March 15, 2020, Emergency Administrative Order-2 prohibited, *inter alia*, all courts in the state from "permit[ting] gatherings of more than 50 people beyond the persons involved in the day-to-day operations of the courts." The CDC has since recommended that gatherings be limited to no "more than 10 people for organizations that serve higher-risk populations."

Given the pandemic nature of this emergency, and to the end of ensuring constitutional rights are protected in a manner consistent with the general welfare and health of the

citizens of this State, the prior Emergency Administrative Orders in this matter are clarified and amended, as follows:

IT IS THEREFORE ORDERED:

1. All courts are urged to limit in-person, courthouse contact as much as possible by utilizing available technologies, including electronic filing, teleconferencing, and videoconferencing. *See, e.g.*, MRCrP 1.8(c) (outlining permissible proceedings for "[a]ppearance by interactive audiovisual equipment, including video conferencing").

2. Judges' offices or court clerks' offices shall remain accessible by telephone and email, to the extent possible, during regular business hours. If available, drop boxes should be used for conventionally-filed documents.

3. To the extent that the utilization of remote technologies are prohibited, unavailable, or otherwise infeasible, certain in-person proceedings shall continue to be conducted in all local and state courts including, but not limited to:

a. Jury trials currently in progress.

b. Department of Child Protection Services emergency matters related to child protection.

c. Proceedings directly related to:

(1) Protecting the constitutional rights of all persons;

(2) Habeas corpus;

(3) Emergency child-custody orders;

(4) Relief from abuse and orders of protection;

(5) Mandatory youth court detention hearings for youth held in custody;

(6) Emergency mental-health orders;

(7) Emergency protection of elderly or vulnerable persons;

(8) Petitions for temporary injunctive relief;

(9) Issues involving the COVID-19 public-health emergency;

(10) Obtaining arrest and search warrants, and other proceedings required by law enforcement;

(11) Ensuring the Mississippi Judiciary has met its constitutional requirements.

d. Any other emergency and time-sensitive matters, in the discretion of individual judges.

4. Each judge is authorized to determine the manner in which necessary in-person proceedings are to be conducted. Any such in-person proceedings shall be limited to attorneys, parties, witnesses, security officers, members of the press, and other necessary persons, as determined by the trial judge.

5. All other in-person proceedings beyond those mandated under Paragraph 3., in all local and state courts, are subject to the Court's prior Emergency Administrative Orders.

6. In the interest of preventing the transmission of COVID-19, personnel should be posted at all public entry points of all courts in the state, and individuals should be prohibited from entry if they have:

a. In the previous 14 days, visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC, or traveled on a cruise ship;

b. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;

c. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;

d. Been asked to self-quarantine by any doctor, hospital, or health agency;

e. Been diagnosed with or have had contact with anyone who has been

diagnosed with COVID-19; or

f. A fever, cough or shortness of breath. Individuals may also be screened for fever through use of a digital forehead and/or ear thermometer.

7. A case involving an attorney or party who is ill or in a high-risk category shall be rescheduled.

8. Individuals with legitimate court business who are ill, caring for someone who is ill or in a high-risk category are advised to stay home and request a continuance.

9. Jurors who are ill, caring for someone who is ill, or in a high-risk category shall have their jury service postponed to a later date.

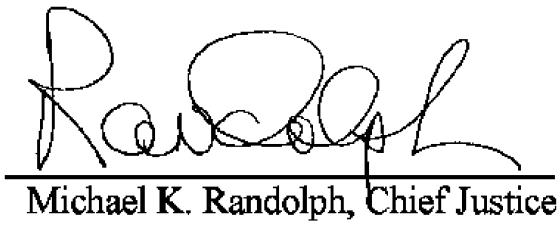
10. Bailiffs should discourage congregating outside courtroom doors and encourage social distancing inside the courtroom.

11. To comply with the CDC's latest guidance, within the discretion of the trial judge, gatherings may be limited to no more than 10 people.

12. This Order may be amended, extended, or otherwise modified, as circumstances may dictate.

SO ORDERED.

DIGITAL SIGNATURE
Order#: 230963
Sig Serial: 100001346
Org: SC
Date: 03/20/2020



Michael K. Randolph, Chief Justice