THE SUPREME COURT OF MONTANA

MIKE McGRATH
CHIEF JUSTICE

JUSTICE BUILDING
215 NORTH SANDERS
PO BOX 203001
HELENA, MONTANA 59620-3001
TELEPHONE (406) 444-5490
FAX (406) 444-3274

MONTANA SUPREME COURT

FOR IMMEDIATE RELEASE

Date: March 17, 2020

To: Montana District Court Judges and Clerks
Montana Water Court
Montana Courts of Limited Jurisdiction Judges

FROM: Mike McGrath
Chief Justice

As with all facets of society, we are being forced to adjust based on information we receive daily. While we must maintain our core constitutional services, we are obligated to care for the health and safety of our employees and the public we serve.

Locally, you know your community and have broad discretion to do what is best for your area. In addition to the measures we recommended last week, and the COVID-19 leave procedures for state employees identified on Monday, we are recommending the following based on the new CDC recommendations.

1. Civil jury matters should be reset by the court. Again, this may change but we recommend resetting all cases set through April 30 at a minimum.
2. Prosecutors and defense counsel should be instructed to quickly review each pending criminal jury matter and decide whether it needs to go forward. Parties should be encouraged to find solutions that allow the courts to delay trials.

3. We are strongly suggesting, given the potential danger of congregate care, you work with local authorities to evaluate every pre-trial defendant in detention under you order. This same evaluation should be applied to youth in detention.
4. Judges should attempt, to the degree possible, to conduct all necessary matters by video or teleconference. Again, you must use your local discretion to do what is right for your area.
5. If you must seat a jury, the pool should be called in waves of no more than 10 people and with six feet between each person. (Of course, you will have to have people waiting in groups less than 10). Again, this underscores the need to reduce juries.
6. Priority must be given to necessary work in criminal matters, requests for orders of protection, and child abuse and neglect proceedings.
7. In addition to the above, courts of limited jurisdiction should take appropriate steps to minimize in-person contacts, which are often greater in these courts. This may include delaying all civil matters, delaying time payments from defendants, and encouraging the use of on-line resources for payments.
8. To the degree you can allow employees to work remotely, do so. As you have seen from the OCA, we have very limited ability to create full desktop environments to allow staff to work from home so be creative in your area.
9. Drug courts should suspend in-court and group meetings, in addition to the guidance offered yesterday to drug court judges. Staff can make contacts remotely.
10. Stay in contact with your local disaster planning staff.

We will continue to evaluate this situation as it is changing quickly and will be in touch with updates. Please stay safe and look after each other.