THE SUPREME COURT OF MONTANA

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FOR IMMEDIATE RELEASE

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

FROM: Mike McGrath
Chief Justice

At a time like this, it is especially critical that we continue ahead with an organized society that is able to demonstrate that we can absorb this potential crisis and continue to function in an orderly manner. The Courts are an essential part of that organization. Without the courts properly functioning society can begin to drift into disorder and chaos.
It is for this reason that the Courts must remain open.

However, there are common sense procedures we can take to help flatten the curve of progress of Covid-19. On behalf of the Montana Supreme Court, I want to update you on our current plan regarding COVID-19. While Montana does not have any confirmed cases as of March 12th, the situation is changing rapidly, and public health experts expect the virus to reach Montana. We have had discussions with state public health officials about how to best manage the situation before us today. Courts are essential services and must remain open. The Supreme Court is requiring the following, effective March 16th:

1. Jurors who are defined by the Centers for Disease Control as at-risk if they contract the virus **must** be released from reporting for jury duty, if requested. The requests must be granted over the phone – these prospective jurors should not be required to report. The CDC defines at-risk people as anyone over age 60 or people with underlying chronic health conditions.
2. Jurors who are considered high or medium risk for exposure to the COVID-19 virus should be directed to not report. At this point, this is defined by the CDC as someone who has traveled to China, South Korea and most the European nations within the last 14 days or anyone with direct contact to a person diagnosed with the virus in the last 14 days. Again, these jurors should not be required to report and should be excused by phone. This can change and we will update you as information changes.
3. Attorneys or self-represented litigants scheduled for a jury trial through April 30th must be given the option – and should be encouraged - to request a continuance or a bench trial. Requests to continue criminal trials must include a waiver of speedy trial. Please notify your local parties scheduled for trial in the coming weeks of these options.
4. Judges calling large jury pools must locally find ways to provide extra space or have jurors report at different times in order to reduce large crowds. Again, this will have to be managed locally within your court.
5. It is crucial to have tissues, cleaning products and signs about handwashing in jury rooms and in other high-touch areas. Signage should be printed and posted throughout the courthouse and is available at: https://www.cdc.gov/coronavirus/2019-ncov/communication/factsheets.html
6. Litigants and attorneys who arrive at court and report they are feeling unwell must be asked to reschedule their appearance. Jurors who report they are feeling ill must be dismissed.
7. Courts of Limited Jurisdiction, in particular, should remind litigants of the availability of the on-line CitePay system to dispose of routine matters such as speeding tickets.

8. Courts are encouraged to use video-conferencing and telephonic conferencing as much as possible.
9. The state Judicial Branch will limit non-essential travel for all staff. This may result in cancellation of non-essential meetings. Each judge locally will need to make decisions about what is non-essential, but we strongly encourage the use of video or telephone when possible.
10. The Branch is working on contingency plans to allow some state Branch employees to work remotely should that become necessary.

Finally, it is imperative your court be involved and engaged with your local disaster and public health planning committee. This will be critically important moving forward. We will share this letter with our court system partners as well including the Office of Public Defender, the Department of Justice, the State Bar, and others. 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.