MONTANA SUPREME COURT

FOR IMMEDIATE RELEASE

Date: May 22, 2020

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

FROM: Mike McGrath
Chief Justice

Again, thank you for your efforts during this extraordinary time. The Judicial Branch at all levels has responded with creativity and dedication.

The Governor has further modified his order moving the state to Phase Two effective June 1, 2020. The Governor's directive is attached. Many components of the extension to Phase Two do not change the directions provided on April 27, 2020. The order allows local public health officials to impose more stringent requirements requiring courts to stay in contact with local public health officials. I continue to strongly recommend your local discussions include all courts and clerks located in shared buildings so as to provide consistency to litigants, attorneys and others.

Judges presiding over landlord tenant cases should review the section of the executive's directive governing evictions as well as the additional attached information.

Pursuant to both state and federal public health recommendations, I am asking courts to continuing implementing the following practices, at a minimum, moving forward:

1. Continue using remote-hearing or telephonic hearings for cases, which will allow you to limit the number of people in a courthouse and in a courtroom. Attorneys or litigants who are considered to be at high-risk if exposed to COVID-19 should be allowed to appear remotely if requesting to do so. The Center for

Disease Control's guidance should guide these decisions People Who Are at Higher Risk for Severe Illness | CDC

2. Physical distancing in courthouses, courtrooms and offices must be maintained. A minimum of six feet between individuals must be maintained with no more than 50 people in group if physical distancing cannot be maintained. Again, this will present challenges to each court, which will have to be addressed locally.
3. Courts should continue working with local public health officials to determine how to screen individuals entering the courthouse. At a minimum, extensive signage should be posted requiring people who are ill to not enter the building and to adhere to all recommended hygiene practices recommended by the CDC. Screening may also include temperature checks if supported and recommended by local public health officials.
4. Hand sanitizer must be widely available in public spaces and in courtrooms and other locations throughout the buildings. Building maintenance must have a detailed plan for disinfecting and cleaning the building throughout the day.
5. Courts are strongly encouraged to require the use of face coverings or masks for people entering the courthouse. The CDC has indicated masks can assist in stopping the transmission of the illness by an asymptotic person and may be helpful in slowing the spread of COVID-19.
6. Judges must continue planning locally for returning to necessary jury trials. This planning should include consultation with the attorneys involved in the cases, local law enforcement, and local public health entities. Jury trials must be

conducted in such a manner as to maintain social distance and protect the health of jurors and others. At a minimum, courts must:

a. Manage voir dire through enhanced questionnaires to the degree possible;
b. Excuse jurors in advance who may be at high-risk or have other appropriate reason to not report (lack of childcare, caring for a high-risk person, etc.);
c. Work closely with local public health officials to manage the number of jurors called for voir dire;
d. Seat jurors in compliance with physical distancing during the trial and deliberations;
e. Limit any in-court spectators; and,
f. Make hand sanitizer and masks available to jurors and others in the courtroom.

7. Again, it is crucial you coordinate with local public health officials in the event local restrictions or recommendations are greater.
8. The state Judicial Branch will continue to 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.
9. Additional information will be sent to state Water Court and District Court judges about state employee management and teleworking.

This is, and will remain, a fluid situation and will require a great deal of flexibility moving

forward. I recommend you continue staying in touch with your peers in your courthouse and with each other to share ideas. I will monitor recommendation at the state-level and will provide direction as needed. Again, I remain impressed by the Judicial Branch's ability to adapt and to show leadership in this unprecedented situation. Be well.