Chief Judge Barbera's 4th Administrative Order defines the scope and breadth of all court operations through June 5, 2020. Further administrative orders are expected in the near future. These orders and guidelines will provide direction for the gradual reopening of the court system.

Court Building Access & Use

In conjunction with both the Judiciary and the Montgomery County government, the buildings and procedures in District Six have been reviewed for safety and sanitation protocols. Entry will continue to be through each building's single, monitored entrance. ***Anyone*** (litigants, employees, building tenants, others) seeking entry will be required to comply with COVID health screening procedures. This will include screening questions, non-touch temperature measurement. This applies to those with a State or Judiciary ID, those with a Bar ID card or other official identification.

The standard magnetometer scanning protocols that preexisted the COVID-19 pandemic will continue to apply. Anyone seeking entry must be masked with cloth face covering that covers nose and mouth completely.

Persons who choose not to comply will not be admitted. This is without exception. Naturally, admission will take longer. However, the staggered, periodic dockets will somewhat limit the number of people needing entry at a given time. This should provide some relief from that pre-COVID 8am entry crowd.

Elevator use will be limited to 2 persons per ride. Floors will have markings, plastic shields and sheeting will separate people in both the public and work areas of the courthouses. Courtrooms will be wiped down after each session. Conference rooms are too small to provide a 6' radius of distance. Therefore, these rooms will be secured and not available for use.

We encourage parties to bring their own pens. We will clean pens used by individuals in a courtroom or at a clerk's counter. Parties are encouraged to have multiple copies of exhibits to avoid the communal touching necessitated by a single document.

Draft Schedule

This update and the draft schedule of courtroom operations are premised on the anticipated reopening date of June 8. Should reopening be at a later date, the draft will largely be the same.

Once the clerk's office is open to the public, various statutory and rules deadlines are triggered. The scope of being "open to the public" will activate legal requirements that will drive the case types that are scheduled.

In anticipation of this process, the draft schedule reflects most courtrooms being dedicated to civil protective orders during "week one." We will also continue to conduct the competency docket, mental health court, the Friday nolle and PH dockets, and daily bond reviews. Based on pending cases, we project that it ***may*** be possible to address the unheard interim and temporary orders during the first week of reopening.

If our projection becomes a workable reality, we should be able to reduce the number of dedicated civil protective order courtrooms. This should allow us to expand operations in “week two” to include certain types of criminal cases. In the second week of reopening, we will add criminal dockets on both court locations. Additionally, Rockville only, there will be dedicated preliminary hearing dockets and dedicated criminal DV dockets.

Note that preliminary hearings are scheduled in 2 courtrooms in Rockville. This is due to the volume of pending preliminary hearings and the inability of the grand jury to meet for consideration of indictments. Please also take note that ALL cases with incarcerated persons and ALL criminal DV dockets will be conducted in the Rockville courthouse ONLY. This will facilitate safer and more manageable transportation of inmates. Criminal dockets in Silver Spring will be comprised of non-DV criminal matters for people not in custody.

Please note that criminal cases in 413 may include pre-agreed plea/disposition/diversion matters. This docket was discussed at the last bench-bar meeting and the State’s Attorney’s office is developing parameters for the docket. Details of this option will be provided within the next couple of days.

All of the courtrooms will be scheduled with periodic dockets (hourly or every 90 minutes). There are 3-4 cases per scheduled docket. This is our best estimate as to the number of cases that may be manageable from a volume, space, and sanitation standpoint. As I have mentioned before, our largest courtroom will be limited to 22 people in the gallery. Most can accommodate 15-16 people.

Given the space limitations, admission to courtrooms will be limited. Primary admission will be to lawyers, parties, and necessary witnesses for each specific session. Others may not be permitted into the courtroom. This is all dependent upon availability of a marked seat.

Cases will be scheduled by the clerk’s office and notice will be provided just as soon as we have an order from the Court of Appeals – and as soon as our system’s changes are operational. Prompt arrival, and full preparation will be necessary since there is a finite window of time for each docket. The largest docket in any courtroom will be 24 cases per day. There is no way around that. We will be operating at 25-30% of our past capacity – ongoing.

All parties should succinctly define issues, motions, argument, and – if appropriate, allocution. Judges may abbreviate proceedings and direct parties to issues in real controversy. These strategies, procedures, and adjustments will be the only feasible way to complete dockets for the foreseeable future. It will not be possible to “pass” cases as there are hourly dockets. It will not be possible for the court’s Spanish language interpreters to provide services outside of the many courtrooms dockets running hourly.

There remain many questions and issues to which we are still devising responses. Should a case be continued, judges will not have the freedom to reset them in the courtroom. Continued cases will have to be fit into a future docket session with space remaining.

A large civil protective order docket with mandatory temporary or final hearing dates may necessitate opening additional courtrooms to the detriment of other case types. Distance limitations will limit the number of people who may be in a courtroom – thus we can no longer ‘automatically’ set all of such cases in the dedicated DV courtroom.

Gradually we will be able to incorporate traffic and the many civil case types heard in the District Court. This is a plan in progress and a draft at that. Landlord-tenant, VOPs, civil large and small claims, civil motions, municipal infractions, camera-issued citations are not forgotten.

We are hopeful that District Court will retain the ability to conduct certain proceedings remotely. This may allow us to expand some operations without needing physical courtroom space. We are also hopeful that continued use of the Language Line as a supplement to our on-site Spanish interpreters will allow us to meet the needs of those requiring communication assistance in an efficient way.

Parties with civil cases should know that the District Court's ADR services remain available and can be provided remotely. We strongly support the use of ADR, pre-trial conferences, and other non-trial options that can serve the interests of litigants.

This will surely be a new (or old-fashioned) way of practicing law and administering a court system. The continued input, cooperation, support, and understanding from BAMC members is most helpful as the plans evolve. While this may not be "the" final schedule, I want everyone to have some idea of the limitations within which we must now plan. When it changes (as I suspect it will), I will provide you with further updates.

Sincerely,
Patricia Mitchell, Administrative Judge, District Court