

CIRCUIT COURT PHASE ANNOUNCEMENT – 06/04/21

As directed by the Missouri Supreme Court on May 4, 2020 (and ultimately modified on July 24, 2020 and March 26, 2021), judicial circuits cannot rush to “open their doors” during this pandemic. They must do so gradually. The Court developed five phases (Zero through Four) to allow for this process. (The Supreme Court added a fifth phase, Phase Four, on March 26, 2021.) In determining whether changing phases is appropriate, the Supreme Court provided specific “Gateway Criteria” to consider.

On May 28, 2021, the Missouri Supreme Court announced that, effective June 15, 2021, “circuit courts – including all associate, family, juvenile, treatment, municipal, and probate divisions – are no longer required to conduct court proceedings and courthouse activities pursuant to the previously prescribed operational phases.”

The Court further indicated that “presiding judges shall continue to: (1) monitor local health conditions; (2) consult with local health officials or departments regarding what, if any, precautionary measures are necessary in the community in which the courthouse or court facility is located; and (3) monitor the Centers for Disease Control and Prevention (CDC) COVID-19 guidelines and implement any new or amended guidelines as necessary to ensure the safety of those appearing or working in court facilities.”

The Court’s May 28, 2021 order also stated that “[b]ased on local health conditions and the recommended CDC guidelines, chief and presiding judges may exercise their discretion in determining whether precautionary measures should be utilized to ensure the health and safety of those in the courtroom or court facility.”

The Court recognized that, in many instances, in-person proceedings may still not be warranted: “When possible, judges should consider continuing to allow vulnerable litigants, witnesses, victims, attorneys, and participants to appear or participate remotely or continue or postpone their required presence at the court facility. Courts and judges continue to be encouraged, when appropriate, to utilize all available technologies – including teleconferencing and video conferencing.”

The 21st Circuit is currently in Phase Two, as it has been since March 26, 2021.

(Continued)

Factors (“Gateway criteria”) that this Circuit has considered this week include the following:

1. Courthouse Staff:

There has been no reported COVID-19 in the courthouse for 37 days. No employees are in quarantine.

All employees who had been working remotely returned to work fulltime in the building on June 1, 2021.

To improve access to justice during the pandemic, secure computer stations (“E-Court”) have been available on the street level of the St. Louis County Courthouse and the St. Ann satellite court at The Crossings at Northwest in St. Ann. The E-Court allows members of the public to participate in live court proceedings, including criminal preliminary hearings, small claims, landlord-tenant and order of protection dockets. Court staff members are available to assist litigants in connecting to their hearings before the judges.

2. DJS Jail Residents and Staff:

There are currently no reported cases of COVID-19 in the jail among residents and staff.

The Court has engaged in regular communication with prosecuting attorneys, defense attorneys and public health experts to develop and maintain a detailed plan to address the resumption of jury trials in Phase Two. (Please refer to Administrative Orders No. 20-54 and No. 21-7.) Jury trials for criminal cases involving designated defendants who are incarcerated at the DJS Jail and elsewhere resumed seamlessly on April 12, 2021. Trials have been carried out under heightened public health and safety conditions, as recommended by the CDC and the County Department of Public Health, in tandem with consultation with a local epidemiologist.

The Department of Public Health has had concerns of exposure to DJS residents, primarily due to both the potential for “likely transmission” in the Jail and the presence of cases reported in the community at large. Of special concern to the Department of Public Health was the risk of bringing inmates -- who are currently housed in the Missouri Department of Corrections -- to the Jail to address pending criminal matters here.

During April and May, this circuit has writ in numerous inmates from the MDC who have filed speedy trial motions (to address their felony charges pending in this circuit), pursuant to Sect. 217.460 of the Revised Statutes of Missouri. Due to a coordinated effort of the circuit court bench, all of these defendants' motions have been addressed – either by trial, plea, dismissal or waiver. Accordingly, this court is no longer bringing in large groups of defendants from the MDC.

3. Detention Center Residents and Staff:

No new residents or staff members have been reported to have tested positive for the coronavirus since early February.

4. St. Louis County:

The number of new COVID-19 cases in St. Louis County is down significantly from several months ago. On Friday June 4, St. Louis County reported a seven-day rolling average of 50 (confirmed and probable) COVID-19 cases per day.¹ A week earlier (on May 28), the seven-day average was 49 cases per day. Two weeks prior (on May 21), the average was 65 cases per day. [On April 1, the average was 143. The average number of new cases per day has decreased significantly from its peak of 728 *confirmed* cases on November 12.] (*Source: showmestrong.mo.gov, June 4, 2021*).

Deaths from COVID-19 in St. Louis County have also declined dramatically. On June 1, the County reported 1 death due to confirmed COVID-19 over the prior seven days. On May 25, the seven-day moving average number of deaths per day was 0.² Two weeks earlier (on May 18), the seven-day average was 1.

¹ In May 2021, Missouri's COVID-19 dashboard was moved to the Missouri Department of Health of Senior Services' website at health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/. However, the dashboard can also still be accessed by going to showmestrong.mo.gov.

Missouri's COVID-19 dashboard reports confirmed and probable cases separately. For this report, they have been combined. A *confirmed* case means a positive PCR test. A *probable* case means a positive antigen test. Experts consider the PCR test the "gold standard" for detecting the virus. It detects the genetic material of the virus within a few days of infection, even in individuals who have no symptoms. Results come back in two or three days. Antigen tests, also known as rapid tests, detect protein fragments specific to the coronavirus. Turnaround time for results is only 15 minutes. A positive antigen test is considered highly accurate, especially for those experiencing symptoms, but negative test results are less reliable. Both PCR and antigen tests are conducted by nasal swab. If a person tests positive using both a PCR test and an antigen test, they are counted only once—the PCR test is counted as a confirmed case. Antigen testing started growing in usage in November of last year. Currently, more than 30% of all tests are antigen tests. The most recently reported COVID-19 case numbers are delayed 3 days to ensure accuracy. (*Sources: showmestrong.mo.gov, March 18, 2021; St. Louis Post-Dispatch, February 10, 2021*).

² These numbers only include those individuals with confirmed COVID-19 by a positive PCR test and who were determined to be a COVID-19 death. As of Wednesday, May 26, no COVID-19 deaths have been reported in St. Louis County since May 16. However, deaths are often reported with a significant delay. Consequently, it is helpful to review these numbers over the past few weeks or months to understand the trends. (*Source: showmestrong.mo.gov, May 20, 2021*).

The seven-day average is down from highs of approximately 13 deaths per day in early December. Since the start of the pandemic, 2,249 St. Louis County residents have died due to coronavirus. (Sources: *showmestrong.mo.gov*; *stlcorona.com*, June 4, 2021).

On Friday, June 4, St. Louis County's seven-day average rate of positive tests was 2.9%, down from 3.7% the previous week.³ This positivity rate is calculated using the Centers for Disease Control and Prevention's (CDC) method.⁴ (Source: *showmestrong.mo.gov*, June 4, 2021).

As of Friday, June 4, more than 457,210 St. Louis County residents – i.e., 46% of the County's population — have received at least one dose of the COVID-19 vaccine. 36.4% are now fully vaccinated. (Source: *showmestrong.mo.gov*, June 4, 2021).

According to an analysis by the *New York Times*, the seven-day average number of new COVID-19 cases in St. Louis County has fallen to 39 new confirmed and probable cases per day—a 49% decrease from the average two weeks ago.⁵ The County remains in the category of “High Risk” for unvaccinated people.⁶ (Source: *nytimes.com*, June 4, 2021).

³ The World Health Organization has advised state and local governments that before reopening, the rate of positivity in testing should remain at 5% or lower for at least 14 days. (Source: *Johns Hopkins University of Medicine Coronavirus Resource Center*, *coronavirus.jhu.edu*, August 31, 2020).

⁴ Under the CDC method, the total number of positive PCR tests is divided by the total number of PCR tests. This methodology does not “de-duplicate”, meaning it is not adjusted for instances where the same individual has been tested multiples times in the same week.

⁵ The case numbers reported by the *New York Times*, Missouri's dashboard at *showmestrong.mo.gov*, and St. Louis County's dashboard at *stlcorona.com* may be different. This can be attributed to differences in reporting methods. Missouri's dashboard at *showmestrong.mo.gov* reports probable and confirmed cases separately. In contrast, the case count reported by the *Times* and St. Louis County includes both confirmed and probable cases. There are also differences in the way that probable cases are reported. On Missouri's dashboard, a probable case refers to those individuals with a positive antigen test. On the St. Louis County dashboard and *Times* website, the definition of probable cases follows CDC guidelines and is broader. One of the major differences is that probable cases from those sources (St. Louis County and the *Times*) include not only individuals with positive antigen test results, but also those individuals who have COVID-19 symptoms and are known to have had close contact with a COVID-positive person in the 14 days prior to the onset of their symptoms, but have not had a confirmatory test. (Sources: *stlcorona.com*; *nytimes.com*; *stlcorona.com*; March 17, 2021).

⁶ St. Louis County is in the “High Risk” category for unvaccinated people because there was an average of 5 daily cases per 100,000 people reported in the past two weeks. A county is deemed to be “High Risk” for unvaccinated people if it reports 3 or more cases per 100,000 people over the past two weeks.

In an effort to stress the effectiveness of the vaccines, St. Louis County health officials released the latest number of “breakthrough cases” among County residents on Thursday. “Breakthrough cases” are COVID-19 infections among those who have already been fully vaccinated against the coronavirus. The County has documented 212 breakthrough cases out of 350,000 adults who are fully vaccinated—a rate of only about 0.06%. *(Source: St. Louis Post-Dispatch, June 3, 2021).*

“This is an incredibly small number,” said Dr. Faisal Khan, acting director of the St. Louis County Department of Public Health. “All of this serves to emphasize the excellent effectiveness of the COVID-19 vaccines, with much less than 1% fully vaccinated people becoming infected with the virus,” a health advisory from Dr. Kahn read. *(Source: St. Louis Post-Dispatch, June 3, 2021).*

Most breakthrough cases involved only minor symptoms. Of the 212 breakthrough cases, only 13 required hospitalization; one patient died. 17% of the residents with breakthrough cases had no symptoms and were only tested due to exposure. Over 33% of the cases were health care workers. *(Source: St. Louis Post-Dispatch, June 3, 2021).*

Genetic testing of some of the breakthrough cases in St. Louis County shows different variants are present in St. Louis, and that the vaccines offer protection against those variants. “Most are of the UK variant B1.1.7,” Kahn said. “This is the predominant variant strain in our region, representing 73% of circulating viruses in the most recent data.” *(Source: St. Louis Post-Dispatch, June 3, 2021).*

County health officials also stressed the need for individuals who have had COVID-19 in the past to still get vaccinated. “Vaccination will serve to prevent the vast majority of these infections, particularly in the vulnerable sections of our community,” Dr. Kahn said. “As we reach out to newly infected cases, we will also actively engage them in becoming vaccinated after they recover from their infection.” *(Source: St. Louis Post-Dispatch, June 3, 2021).*

5. St. Louis Region:

New hospital admissions due to COVID-19 in the St. Louis area have continued to decline. On Thursday, June 3, the St. Louis Metropolitan Pandemic Task Force⁷ reported 26 new COVID-19 patients were admitted to St. Louis area hospitals, making the seven-day daily average 21. The week before (on May 27), the seven-day average was 26. It was 22 the week before that (on May 20). *(Source: St. Louis Metropolitan Pandemic Task Force Facebook page, June 4, 2021).*

The number of COVID-positive patients hospitalized across St. Louis area hospitals has decreased substantially over the past month. On Thursday, June 3, the Task Force reported the seven-day average total number of COVID-positive patients per day in Task Force hospitals was 126. The Task Force reported 140 a week prior (on May 27), and 155 two weeks prior (on May 20). *(Source: St. Louis Metropolitan Pandemic Task Force Facebook page, June 4, 2021).*

As of June 1, St. Louis area hospitals were operating at approximately 78% staffed in-patient bed capacity and 83% staffed ICU bed capacity. *(Source: showmestrong.mo.gov, June 4, 2021).*

The number of deaths recorded by the Task Force across the St. Louis area has greatly decreased over the past six months. On Thursday, June 3, the Task Force reported a seven-day moving average of 3 deaths per day in Task Force hospitals due to COVID-19. That is up from an average of 1 death per day that was reported a week prior (on May 27), but is the same as the 3 daily deaths reported two weeks earlier (on May 20). The average is down significantly from December, when it was more than 20. *(Source: St. Louis Metropolitan Task Force Facebook page, June 4, 2021).*

Dr. Alex Garza, the Task Force's leader, reminds us of the very simple way to prevent sickness: get the vaccine. "We really don't want to see any more people's lives upended by this entirely preventable disease," he said. "Nothing would really make us happier in the healthcare system than to have no one in our hospitals or ICUs with COVID." He added that the vaccine is "readily available across Missouri to anyone over the age of 12 through pharmacies, public health departments, mass vaccination events — which I know are ramping down — and other providers." *(Source: KSDK.com, May 26, 2021).*

⁷ The Task Force is a collaboration of local health systems and collects data from BJC HealthCare, Mercy, SSM Health and St. Luke's Hospital facilities in the region.

Data from the U.S. Department of Health and Senior Services is used to help track vaccine hesitancy by county. 34.3% of St. Louis County residents apparently have some degree of vaccine hesitancy. That is roughly in line with the rate of 34.7% vaccine hesitancy in St. Charles County and 41.2% in St. Louis City. (*Source: KSDK.com, May 26, 2021*).

According to Dr. Rachel Charney, a pediatric emergency medicine specialist with SSM Health and Task Force member, “[t]hose rates of hesitancy have actually dropped rather significantly [compare to] this time last year when we were doing similar surveys[.]” “So I think the more information people get,” she said, “the more comfortable they feel” about getting the vaccine. (*Source: KSDK.com, May 26, 2021*).

6. Missouri:

Missouri's seven-day moving average number of new COVID-19 cases has also decreased recently. On Friday, June 4, the state reported 604 new confirmed and probable cases, making the seven-day daily average 396.⁸ The seven-day average is down from 458 reported a week earlier (on May 28), and 421 reported two weeks prior (on May 21). Since the start of the pandemic, Missouri has reported 600,799 confirmed and probable cases. (*Source: St. Louis Post-Dispatch, June 4, 2021*).

Deaths in Missouri due to COVID-19 continue to trend downward.⁹ For the week starting May 23, the state reported only 3 deaths. For the week starting May 16, the state reported 16 deaths. For the week of May 9, the state reported 25 deaths. (For the week of May 2, Missouri reported 30 deaths, and for the week of April 24, the state reported 47 deaths). Missouri has recorded 9,122 deaths due to COVID-19 since the start of the pandemic. (*Source: St. Louis Post-Dispatch, June 4, 2021*).

The number of patients in Missouri hospitalized with COVID-19 has declined dramatically since the start of the year. As of June 1, Missouri had 664 patients hospitalized with confirmed or suspected COVID-19, making the seven-day moving average 658. A week earlier (on May 25), the seven-day average was 666.

⁸ This data lags 3 days to ensure accuracy. A positive PCR test is a confirmed case. A positive antigen test is a probable case.

⁹ The most recent weeks likely undercount the number of deaths because deaths are often reported in batches and with a delay. Therefore, the most recent numbers reported here are likely to increase over time.

A week before that (on May 18), the average was 764. [On March 1, the average was 1,102. On Jan 1, the average was 2,704.] (*Source: showmestrong.mo.gov, June 4, 2021*).

On Friday, June 4, Missouri reported a seven-day average positivity rate of 4.4%, up slightly from the rate of 4.1% reported for the previous week. These averages reflect the positivity rate for confirmed cases (PCR test results only) and are calculated using the CDC method.¹⁰ The positivity rate for antigen tests is 3.7%, up slightly from the rate of 3.3% the previous week. (*Source: showmestrong.mo.gov, June 4, 2021*).

As of May 26, the transmission rate for Missouri is 0.96.¹¹ That is about the same as the rate of 0.95 a week earlier (on May 19). (*Source: covidactnow.org, June 4, 2021*).

As of June 1, Missouri hospitals are operating at 75% staffed in-patient bed capacity and 76% staffed ICU bed capacity. (*Source: showmestrong.mo.gov, June 4, 2021*).

As of Thursday, June 3rd, 2,581,629 people statewide—i.e., 42.1% of the population—were reported to have received at least one dose of the vaccine. 35.0% of the population is completely vaccinated. Among Missouri residents age 18 and older, 52.4% have had at least one dose of the vaccine, and 44.6% are completely vaccinated. (*Source: showmestrong.mo.gov, June 4, 2021*).

Missouri does not rank well compared to the other states in the U.S. when it comes to the number of cases per capita over the past week. Missouri is tied for the 6th highest number of cases per capita over the last seven days, with 7 cases per 100,000 people. However, Missouri is only slightly above the national average of 5. [Wyoming has the most with 12 cases per 100,000; Vermont has the lowest with 1.] (*Source: nytimes.com, June 4, 2021*).

¹⁰ See footnote 4.

¹¹ The transmission rate represents how fast COVID-19 is spreading in a given area. It measures the average number of people who become sick from an infectious person. A value of 1.00 means each case causes, on average, one new case. If the value is less than one, the spread of the disease is slowing. The higher the number, the worse the spread.

Missouri also does not rank well compared to the other states in administering the vaccination doses received from the federal government. Missouri is tied for 40th among the states, with 42% of the population having received at least one shot. [The national average is 51%; the state of Vermont ranks first, at a rate of 71%; Mississippi ranks last with 34%.] (*Source: nytimes.com, June 4, 2021*).

As the St. Louis area continues to experience a decline in COVID-19 cases and hospitalizations, other areas of the state are seeing upticks. According to CoxHealth CEO Steve Edwards, nearly 20% of patients tested at the health system's facilities across southwest Missouri are testing positive for COVID-19, up from 5% two weeks earlier. In Joplin, 39 patients were hospitalized on Wednesday — a number that has more than doubled since the beginning of May, when it was approximately 15. (*Source: St. Louis Post-Dispatch, June 4, 2021*).

Edwards attributed the rising numbers to a recent increase in large events, such as graduations, alongside other factors, like fewer people wearing masks and faster-spreading variants. “There are a lot of people that have chosen not to be vaccinated in our market, and they are that much more vulnerable,” Edwards said. (*Source: St. Louis Post-Dispatch, June 4, 2021*).

7. St. Louis County Executive Action:

On May 14, 2021, St. Louis County Executive Sam Page announced that, effective immediately, St. Louis County was rescinding its public health orders requiring face masks. Prior capacity and distancing restrictions applicable to businesses, which were set forth in the “Safer at Home” and “Reopen STL” orders, have been rescinded. (*Sources: stlcorona.com, June 4, 2021; St. Louis Post-Dispatch, May 14, 2021*).

As a result of these changes, masks are no longer required in most places in St. Louis County. Masks should still be worn in health care settings (hospitals, doctors' offices, long-term care facilities, etc.) and are still required on public transportation (airplanes, busses, trains, etc.). Businesses and workplaces may still require masks at their discretion. (*Sources: stlcorona.com, May 26, 2021; St. Louis Post-Dispatch, May 14, 2021*).

The St. Louis County Department of Public Health's co-director, Spring Schmidt, has indicated to this Court on May 26, 2021 that social distancing in the Courthouse is no longer necessary – as long as everyone in the building wears masks.

A Public Health Advisory from Dr. Faisal Khan, Acting Director of the County's Department of Public Health, issued on May 14, 2021, recommends that those who are unvaccinated continue to wear masks, practice social distancing and avoid large gatherings. (*Sources: stlcorona.com, June 4, 2021*).

8. Other considerations:

The number of new COVID-19 cases across the United States continues to markedly decline. On Wednesday, June 2, the seven-day moving average number of new cases in the U.S. was 14,349. A week before that (on May 26), the average was 22,138 new cases per day. Two weeks prior (on May 19), the average was 27,934 new cases per day. Since the start of the pandemic, the U.S. has recorded approximately 33.1 million cases. (*Source: CDC.gov, June 4, 2021*).

Daily deaths due to COVID-19 in the U.S. are also continuing their downward trajectory. On Wednesday, June 2, the seven-day moving average was 324 deaths per day. A week before that (on May 26), the average was 414 deaths per day. And two weeks prior (on May 19), the average was 498. The U.S. has recorded 592,776 deaths due to COVID-19 since the start of the pandemic. (*Source: CDC.gov, June 4, 2021*).

Approximately 51% of U.S. residents have received at least one dose of the vaccine; 41% have been fully vaccinated. (*Source: nytimes.com, June 4, 2021*). Nearly 300,000,000 vaccine doses have gone into American arms, out of the nearly 370,000,000 doses that have been delivered. (*Source: Reuters, June 4, 2021*).

The United States has committed to send 20,000,000 doses of Moderna, Pfizer and Johnson & Johnson vaccines to other countries by the end of this month. The president has also pledged to export 60,000,000 doses of the AstraZeneca vaccine (which the U.S. has not yet authorized for emergency use here) as soon as it becomes available. (*Source: Rollcall.com, May 17, 2021*).

For children, severe illness and hospitalization due to COVID-19 is rare. The chances of severe illness are thought to increase with age. The rate of hospitalization for children ages 12 to 17 was much lower than adults, but higher than the younger age group of 5 to 11. (*Source: nytimes.com, June 4, 2021*).

According to a study published by the CDC on Friday, the number of hospitalizations related to COVID-19 among adolescents in the U.S. was approximately three times higher than hospitalizations from the flu in recent seasons. “Much of this suffering can be prevented,” said C.D.C. director, Dr. Rochelle Walensky. “Vaccination is our way out of this pandemic.” (Source: *nytimes.com*, June 4, 2021).

This week, Dr. Anthony S. Fauci, President Biden’s chief medical adviser for the pandemic, said he is “cautiously optimistic” that children who are younger than 12 years old will be eligible for vaccinations by Thanksgiving. (Source: *nytimes.com*, June 4, 2021).

Similar to St. Louis County, the rate of breakthrough infections across the U.S. is extremely low. According to CDC data up to May 24, out of the more than 130 million people who have been fully vaccinated in the U.S., there have been only 2,454 recorded breakthrough infections resulting in hospitalization or death. (Source: *St. Louis Post-Dispatch*, June 3, 2021).

One worry that experts have relates to complacency. According to Dr. Fauci, the failure to get vaccinated could lead to “another surge – particularly with variants floating around – that could set us back to the time when we had to shut down things.” (Source: *CNN.com*, June 4, 2021).

Vaccination incentives are becoming popular. Offerings include doughnuts, lottery tickets and Girl Scout cookies. States are offering weekly drawings for college scholarships, NBA tickets and huge cash prizes. On a local front, Anheuser-Busch has teamed up with the White House in pledging a round of free beer to every American adult -- once 70% of American adults have received their vaccination shots. (Source: *CNN.com*, June 4, 2021).

Several CDC studies following groups of vaccinated individuals are currently under way to measure vaccine effectiveness and monitor whether booster shots are needed. (Source: *St. Louis Post-Dispatch*, June 3, 2021).

Some countries in the world are not faring as well as the United States – by a long shot. A second wave of COVID in India has been devastating, killing thousands of people per day and setting world records for daily infections. Medical facilities have started to run out of oxygen, ventilators and beds. (Source: *CNN.com*, June 4, 2021). Circumstances are almost as dire in Brazil, Argentina, Peru, Turkey and Vietnam. (Source: *CNN.com*, June 4, 2021).

IN CONCLUSION

The COVID numbers in this community are all heading in the right direction. Transmissions, deaths and hospitalizations are all declining. Moreover, more than 36% of the County's population has been fully vaccinated (and approximately 46% have received one dose).

The CDC brought great news several weeks ago: those who are fully vaccinated need not wear masks or keep socially distant. Unfortunately, the CDC has still provided no guidance yet as to how workplaces should best function with this new information.

The County Department of Public Health has indicated that the new CDC guidelines allow for the St. Louis County Courthouse and other court facilities to operate without the need to practice social distancing – as long as everyone wears face coverings.

Last week, the Missouri Supreme Court indicated that it will no longer mandate courts to conduct proceedings and activities pursuant to its 2020 operational phasing guidelines – as of June 15, 2021. After having consulted with court and community leaders and the Department of Public Health, this court will issue an administrative order that addresses future court operations. Many more proceedings will be occurring in person. Nonetheless, as the Supreme Court has recommended, many court matters will remain virtual. Attorneys and judges have seen the many advantages to appearing via WebEx.

As the Supreme Court mandates, this court will continue to monitor local health conditions, consult with local health departments and adhere to the CDC's COVID-19 guidelines to ensure the health and safety of all those who enter the St. Louis County court facilities.

In the meantime, this circuit is ready to move to Phase Three next Friday (June 11, 2021). The St. Louis County Courthouse and other court facilities (including all municipal courts that have had their Continuity of Operations Plans approved) may resume certain in-person proceedings as soon as June 11.

Accordingly, after the aforementioned consultation and consideration, the 21st Judicial Circuit will remain in Operating Phase Two on June 4, 2021 (but not for much longer...). The Court's phase status will continue to be reviewed weekly on an ongoing basis.

Michael D. Burton, Presiding Judge of the 21st Circuit Court
St. Louis County, Missouri
June 4, 2021

SO ORDERED:


Judge Division 16
June 4, 2021

(Continued)

WHAT DOES PHASE TWO ALLOW BEYOND WHAT PHASE ONE ALLOWED?

According to the Missouri Supreme Court's May 4, 2020 Operational Directives (which were ultimately modified on July 24, 2020 and March 26, 2021), during Phase One, most in-person proceedings must be suspended, with very few designated exceptions. Only the "most critical in-person proceedings could occur." The Supreme Court ultimately made it clear to presiding judges that Phase One does not allow for any jury trial exceptions whatsoever.

The Court did not suspend court operations even during Phase Zero; it simply indicated that proceedings continue, but through video conferencing and other means. That is still the case for most proceedings during Phase Two.

Court operations during Phase Two do not significantly change from those permitted in Phase One. Increased in-person proceedings, including the "most extraordinary, pressing and urgent ... petit jury proceedings" can additionally be heard. Through its various administrative orders, including AO Nos. 20-54 and 21-7, certain criminal cases have been deemed to be "extraordinary, pressing and urgent" and ready for trial shortly after the Circuit enters into Phase Two. These all involve confined defendants, many of whom have filed motions for speedy trials.

According to the Operational Directives, these aforementioned prioritized criminal trials can only be heard during Phase Two "where they can safely be conducted in compliance with social distancing protocols and occupancy rate limitations applicable to the local community." Occupancy rates in courtrooms, jury assembly rooms, jury deliberation rooms, break rooms and other court areas must be 25 people or less, whenever possible.

The St. Louis County Courthouse is not closed to the public. People may enter the building to file pleadings, motions and responses. Petitioners may enter the building to file for *ex parte* (temporary) orders of protection, as the Adult Abuse Office remains open.

Due to the current pandemic, however, this court strongly encourages the public to visit the St. Louis County Circuit Court's website. The website provides means to participate in proceedings and avoid physically entering the building. For example, petitioners can obtain orders of protection through online filing.

To improve access to justice during the pandemic, secure computer stations ("E-Court") are now available on the street level of the St. Louis County Courthouse to allow members of the public to participate in live court proceedings, including criminal preliminary hearings, small claims, landlord-tenant and order of protection dockets. Court staff members are available to assist litigants in connecting to their hearings before the judges.

This Court has established another Access to Justice site in the County, outside of the Courthouse, in the St. Louis County Government Center at the Crossings in the old Northwest Plaza in St. Ann, MO. At that location, a similar "E-Court" set of secure computer stations are available for litigants, connecting them to the live proceedings in the Courthouse in Clayton. Court staff members are available to assist litigants in connecting to their hearings.

Victims of domestic violence can now seek temporary (*ex parte*) orders of protection at the Northwest Crossings location. Court staff members are now available to assist litigants in completing their petitions for orders of protection. Domestic violence victim advocates are available to assist with safety planning and providing resources.