

St. Louis County Circuit Court  
Town Hall Meeting Presentations  
May 13-15, 2020

**Missouri Supreme Court Order**  
**Issued May 4, 2020 by Chief Justice George W. Draper, III**

- The courts of Missouri must stay open, but court activities are limited under the “operational directives” (a phased-in approach to reopening).
- Courts are ordered to use all available technologies to limit the number of in-person hearings.
- Courts are ordered to conduct hearings remotely whenever possible.
- Local court rules that would impede the use of such technology are suspended.
- Courts must adopt measures that permit access to courts for *pro se* persons and/or those who lack access to the internet.
- The court must develop policies that are accessible by telephone, e-mail and regular mail, to the extent possible.
- Courts must post notices requiring social distancing, state the occupancy rates of the building, and protect the health and safety of its employees while providing court access as possible.
- Presiding judges must use a phased approach to reopen their individual circuits.
  - Any move from one “operating phase” to another must be based on public health criteria and must have policies to protect all people involved in judicial proceedings.
- Operating Phase Zero:
  - Every circuit in the state is currently in this phase at this time. No in-person proceedings (except for certain essential proceedings that were originally allowed by the Supreme Court in March, 2020).
- Operating Phase One:

- Begin the most “critical” in-person proceedings
- Restrict jury trials to most critical.
- Operating Phase Two:
  - Increased in-person proceedings to “urgent” and “pressing” matters.
- Operating Phase Three:
  - Resume in-person proceedings, consistent with social distancing and public health data.

**21<sup>st</sup> Circuit Administrative Order 30**  
**Issued May 8, 2020 by Presiding Judge Michael D. Burton**

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- All courts are required to follow the Supreme Court’s “operational directives” and provide phased-in access.
- The Court continues to encourage parties to conduct proceedings remotely.
- The Adult Abuse Office remains open; victims are encouraged to file on-line petitions for orders of protection.
- Impaneling jurors are suspended until further order of the court.
- Jury trials will not begin until the court enters “Phase Two.” Even then, only “urgent” matters will be heard.
- As the Supreme Court’s directives indicate, no in-person municipal court proceedings until “Phase Three” and written approval. Remote hearings are encouraged to occur at this time.
- All courts must engage in “safe practices” recommended by both the U.S. Centers for Disease Control and Prevention and the St. Louis County Department of Public Health.

- **No one may enter the courthouse without a mask. If a person does not have a mask, the Court will provide one, contingent upon its current supply. Individuals are encouraged to bring their own masks.**

### **St. Louis County Executive Orders**

- St. Louis County Executive Sam Page entered Executive Order 15 on March 21, 2020.
- The County Executive has placed restrictions on activities to prevent the spread of the coronavirus (“Stay at Home” orders).
- Public health officials recommend that those measures remain and be extended.
- “The Director of Public Health shall... continue to impose those restrictions until she deems that such restrictions are no longer necessary to protect public health and safety.”
- “The Director of Public Health may promulgate such mandatory or advisory rules, orders, policies and guidance as is necessary and appropriate to implement this Executive Order...”
- The County’s “Stay at Home” order was extended indefinitely on April 17, 2020.
- Many St. Louis County businesses were allowed to reopen May 18 with restrictions on occupancy. Businesses, personal services and religious institutions that are in buildings of less than 10,000 square feet are limited to 25% occupancy. Buildings of 10,000 feet or more are limited to 10% occupancy.

### **Courthouse Safety Precautions to Protect the Public from the Spread of COVID-19**

- **It will be safe to visit the courthouse when we have permission to open.**
- Our precautionary measures include:

- ✓ Requiring all employees, judicial officers and visitors to fill out health questionnaires on a daily basis
- ✓ Following protocols recommended by the St. Louis County Department of Public Health and the CDC
- ✓ Taking the temperature of everyone who enters the courthouse on a daily basis
- ✓ Hospital grade cleaning of the building
- ✓ Hand sanitizer available in all offices, hallways
- ✓ Masks are REQUIRED to enter the building, and will be provided for those who do not have them, contingent upon current supply
- ✓ Limiting number of people in building, hallways, courtrooms, elevators, restrooms, Jury Assembly Room
- ✓ Social distancing
- ✓ A/B employee work schedules
- ✓ Staggered dockets
- ✓ Remote options for appearing in court (WebEx/Zoom/Phone)

### **Special Considerations Regarding Juries**

#### **When might jury trials start and in which trials will be given priority?**

It is too soon to know for certain when civil jury trials will resume. However, **Civil trials are not likely to resume before September 1, at the earliest.**

- Operational “Phase Three” (as described in Supreme Court’s May 4, 2020 Order) is required for all jury trials, except for certain criminal matters.
- Possible prioritized classifications of trials, with case age and length considered:

- Confined criminal speedy trials (required by statute)
- Confined criminal trials (especially those set in March and thereafter)
- Special victim criminal cases
- Civil cases with litigants experiencing significant health challenges
- Large, complex civil cases scheduled in advance
- Any other circumstances particular to a case which the attorneys bring to our attention

**How can we preserve courts that are open to the public and the media without observers physically in the courtroom?**

The public and the media can observe court proceedings now by WebEx/Zoom; Court Operating Rule 16, which strictly prohibits audio and video recording without the advance, explicit permission of the judge and the parties, still applies.

**How do we summon jurors and conduct voir dire while observing appropriate social distancing?**

We estimate that we can allow 54 prospective jurors at one time in our Jury Assembly room, and 12 prospective jurors at a time in one courtroom. We will be conducting voir dire with small venire panels and on more days of the week. At the outset, we will be trying fewer cases in any given week, to limit the number of people in the building at any given time. It may be possible to conduct voir dire for civil trials via Zoom, WebEx...

**Special Considerations Regarding Probate Matters**

- Please check the Probate Court website: <http://www.wp.stlcountycourts.com>
- Important updates will be sent via e-mail blast; sign up for our listserv via the website.
- If you have a question call 314-615-2629.
- You may email the judicial officers, but please copy all counsel and any *pro se* parties.
- All conferences, motions, simple hearings, and TROs are currently being handled via telephone or video conference and will be for the foreseeable future.
- Bench trials for the immediate future may move forward with the consent of all counsel to be held via video conferencing. Please check with parties and witnesses regarding availability when setting.

- Once jury trials resume, priority will be given to certain criminal matters and Sexually Violent Predator cases.
- We have cleared the issue backlog.
- Most estates are being reviewed in a few days of acceptance.
- We will be resuming most hearings including guardianships, petitions to require administration, petitions for lost wills, and petitions for heirship. These hearings will be conducted via video and phone. All notices must include video and phone information.
- If your matter cannot be heard via phone or video, it will be postponed. If there is an emergency situation related to the postponement, please file an appropriate motion for our review.
- If you currently have a contested matter scheduled, you will be hearing from the court shortly to determine if it can proceed via video.
- We will not be meeting with people in chambers at this time; please do not come to the back area.
- We will be rescheduling the June Probate town hall July or early August. Make sure you are signed up for our list-serve to get these important updates.
- We are continuing our work with the city probate court on joint policies and forms when possible. We are currently working on joint bonding requirements and will be moving next to identical petitions for decedent estates.
- The majority of the delays for processing estates have to do with not filing bonds. Bonds are required for all Petitions for Letters of Administration. Even with the consent of all parties, we will not waive bonds for intestate estates where the decedent died less than a year ago. The bond amount for independent estates should be the total value of the personal and real property. The bond amount for supervised estates should be the total value of the personal property. We no longer require you to file the original bonds with the court, but they should be signed, notarized, and electronically filed with the power of attorney page. When we have to issue a checklist for the bond it increases the time to respond. We encourage you to use the checklists on the website to make sure you have everything you need when filing, such as the death certificate, a signed Petition, etc.

### **Special Considerations Regarding Juvenile Matters**

**Juvenile Court has been conducting hearings by video conference since April 6, 2020.**

**Guardianships:** Once it has been determined that the guardianship is ready to proceed, a proposed date for the hearing will be provided.

**Adoptions:** Division 39 will hear adoptions when requested on a case by case basis. Division 3 has three adoption dockets: (1) Dismissals; (2) Settlement Conferences; and (3) Issuance of hearing dates.

**Motions:** Contact the division clerk for a date. File a Notice of Hearing with the date you were given by the clerk. Once you have filed, a WebEx/Zoom invitation will be sent to you. If you do not file a Notice of Hearing, no invitation will be sent.

**Getting exhibits into evidence at trial:** Upon consent of the parties, exhibits may be emailed to the Judge, who will not open the exhibits until the day of trial. Mail exhibits to the Judicial Officer in a sealed envelope; the Judicial Officer will open the envelope upon the exhibit being offered and admitted. Email exhibits to the Judicial Officer upon the exhibit being offered and admitted.

### **Special Considerations Regarding Family Court Matters**

The following matters are now being heard remotely:

- Settlement Conferences
- TROs
- PDL custody hearings
- Motions for contempt
- Default hearings

Order of Protection hearings are available remotely and in-person.

Petitions for orders of protection may be filed online via our webpage:

<http://www.wp.stlcountycourts.com/family-court/adult-abse-domestic-violence-court/domestic-violence-court-forms/>

In-person hearings and trials for urgent matters may resume in the future, depending on what phase the circuit is in (and in all likelihood, not until Phase Three).

Attendance at any in-person Family Court proceeding is limited to those whom the judge decides are “necessary,”

Social distancing will be enforced.

Domestic Relations Services, Exchange Center, Resource Center and Domestic Violence Victim Advocacy are all operating, with some restrictions.

### **Special Considerations for Municipal Divisions**

#### **Administrative Order 23**

Municipal Divisions must notify this court of the current method in which the municipal court is doing the following:

- Issuing and recalling warrants
- Setting and reducing bonds
- Receiving payments
- Providing information about court dates

#### **Administrative Order 24**

Municipal Divisions must provide this court with the following:

- Procedures for bond condition review for in-custody defendants
- Procedures for the recall of outstanding warrants and bond reviews
- Indication that this court has all updated contact information for the municipal judge and judicial administrator

#### **Administrative Order 30**

Municipal Divisions must provide this court with the following plans for:

- Social Distancing
  - How courtroom will be marked so people know where to stand/sit
  - How the courtroom’s population will be limited before and during court sessions
- Alternate Court Operations

- Remote hearings
- Staggered and additional dockets
- Coordinated waiting areas – parking lots, marked off sidewalk, etc.
- Compliance with CDC/DPH guidelines
  - Masks/gloves
  - Sanitizing/disinfecting the courtroom
  - Addressing employees/litigants exposed to the coronavirus or COVID-19.
- Public Notice of court operations/protocols that will instill confidence in coming to court

### **Special Considerations for Associate Circuit Criminal Matters**

Judge Mondonna Ghasedi Division 43 – [stlcountydiv43@gmail.com](mailto:stlcountydiv43@gmail.com)

Judge John Newsham Division 40 – [stlcountydiv40@gmail.com](mailto:stlcountydiv40@gmail.com)

Location: Third Floor, Department of Justice Service Center, 101 S. Central Avenue

Website will have continuance date information for every docket. Pleas by special setting by division are likely to be scheduled via Acuity.

**For details and updates check the website: [www.wp.stlcourtscourts.com](http://www.wp.stlcourtscourts.com)**

- All matters will be conducted by video:
  - 9:00 a.m. Confined Docket (rotating coverage)
  - 10:00 a.m. Bond Reviews Only (rotating coverage)
  - 2:00 p.m. Preliminary Hearings (schedule via Acuity)
- **Special Settings by Division**
  - Motions for Nonconfined Defendants  
Be mindful of local rules, notice requirements and post-corona procedures/protocols.
  - Pleas
- **Miscellaneous Dockets**

- Bond Forfeitures; Probation Revocation Dockets; Certified Municipal cases.
- Broadcast of dockets via the Web is under development.
- **Call Dockets**
  - Virtual Dockets for all cases with a defense attorney
  - Attorneys will need to file memos within 48 hours of docket settings or a warrant will be issued for Failure to Appear
  - **No in-person appearances for cases where an attorney has entered.**
  - Website will have continuance date information for every docket.
  - If case is getting too old the Judge will indicate on the memo if it needs to be set for preliminary hearing at the next setting. If it is not set for preliminary hearing, the Court will set it for you.
- **Pro Se Call Dockets**
  - Staggered dockets in the mornings.
  - Option for *pro se* defendants to attend call docket by video are in development
- **Preliminary Hearings**
  - Cases will be conducted by video unless ten (10) days prior to the setting a Motion is filed for an in-person hearing or to attend the video hearing in-person and approved by the judge presiding over the hearing.
  - Starting June 15, 2020 to July 17, 2020: 5 divisions; Hundreds of PH slots
  - July 2020: Assoc. Divs. only; 160 PH slots
  - August 2020: 128 PH slots
  - Sept-Dec 2020: 30-70 PH slots/month.
  - Schedule via Acuity.
  - A docket entry will be entered in your case notifying you that you will need to reschedule your PH. You will be given a deadline to reset your matter.
  - Contact the PA and coordinate a time.
  - If no response to a request from opposing party to set on a specific date/time, you may go ahead and set it.
  - If not reset within 48 hours of deadline, a warrant may issue for Failure to Appear.

- Cases will be HEARD WHEN SET.
- **Traffic Cases**
  - Due to the closure of the Fine Collection Center during the pandemic, more than 10,000 additional traffic cases were filed that must be initiated and noticed.
  - **Traffic settings will begin in September 2020. Traffic dockets and motions that are set before September will be continued.**
  - The Prosecuting Attorney will still be working diligently to dispose of matters and get recommendations to attorneys
  - *Pro se* cases will be set in the afternoons and staggered. Video appearance option will be available.
  - Virtual dockets for all cases with defense counsel; **no in-person appearances for cases where an attorney has entered**
  - Attorneys should file dispositions or memos within 48 hours of docket settings or a warrant will be issued for Failure to Appear

### **Special Considerations for Associate Civil Dockets**

- Beginning June 1 Associate Civil Divisions will conduct civil call dockets by Zoom. No in person court appearances will be held during June. Please see the Court's website for Zoom meeting invitations by division. Generally, litigants that appear by Zoom will be heard from 9-11 a.m. Litigants that do not have access to Zoom may call the division on the day of court and the Judge will return the call from 11 a.m. to noon. Continuances and default matters may be called after all parties have appeared by Zoom or phone. This will generally be done after all cases with pro se parties that have appeared by Zoom or phone have been finished for the day. Litigants are expected to exchange contact information and inform the court if a trial date is needed or a short continuance would be helpful. While continuances will be provided freely during the first few weeks, at some point cases will need to either be settled or set for trial.
- The court will attempt to stagger dockets to reduce the number of cases being heard per hour. This may result in call dockets lasting longer than

- usual. Bulk filers will need to stay on the zoom meeting until all of their cases have been resolved.
- All continuances, settlements and other paperwork will need to be efiled promptly after the conclusion of the docket.
  - Non-call docket matters, including motions, will be done by phone conference or Zoom. Please contact the individual division to schedule.
  - Bench trials can be scheduled by Zoom during the Judge's jury trial week. Due to shortfalls in available jurors and the pressing need to resume criminal trials, it is not expected that Associate Civil Divisions will be able to conduct civil jury trials this year.
  - Evictions may resume in phase II at the direction of the Presiding Judge.
  - Parties in landlord-tenant matters are advised to comply with the federal Cares Act. Please see Administrative Order 31.