

Civil Forum Notes - 4.17.2020

Judge Vano:

Our goal is to keep the courthouse open and the business moving even if our doors are closed. We've been working tirelessly to have everyone working remotely. It's taking a bit of time to get familiar with those processes. We thank everyone for their patience. We've done a few hearings and divorces. We're proceeding as usual, except for jury trials.

Judge Gurney:

Some of use had to learn this change quickly, just as the Bar is being required to do. Contact AAs to get your case moving. Attorneys are advised to get conversant with BlueJeans.

Judge Hauber:

Judge Vano has been a leader on this and I poo poo'd this. I was forced into this and it's not as difficult as I thought. Our AAs are available even though they're working from home. The court does not have to be the walls. The new courthouse will have the built-in technology that we don't currently have. This is breaking us of the habit of requiring in-person hearings.

1. Will the limited actions dockets be able to resume as scheduled? My case was reset to May 12, is that a realistic date given the new stay at home orders?
2. How are Limited Actions dockets going to be handled? For instance, when they will resume and the role of telephonic or video conference participation in the disposition of those dockets.

Texas has announced to be the first state to announce pandemic related easing. For us, the health officials are the ones that will tell us how to proceed. A lot of the Chapter 61 docket requires large numbers of people in close quarters. Those trials could be scheduled separately, but whatever we see from health officials, we'll see a phased introduction of people back into the courthouse.

Chief Judge Ryan has shown great leadership as we sift out the ideas on the pandemic response team to figure this out.

First, records and pro se filings are reasonable.

Second, dockets will have to be phased—n

Third, jury trials will probably be last.

Civil Forum Notes - 4.17.2020

3. Can the judges talk a little about handling exhibits, using cloud-based options such as Dropbox?

BlueJeans is the videoconferencing mechanism for the Court. Get comfortable with that process and be prepared to use the platform. The Court will issue guidelines on BlueJeans within a couple days.

The Court is moving to Office365, OneDrive may be available. It depends on the comfort level of the individual judges. The issue will be addressed in the pre-trial conference. Parties will be responsible for the safekeeping of documents.

Judge Hauber will defer to attorneys to what they want to use.

For hearings, the AA or judge will need to be able to access the exhibits—or have them submitted in advance—for use in the hearing. The judge and AA will control what exhibits will be allowed to be displayed on screen during the hearing.

4. How are the different divisions handling *ex parte* hearings or motions? How should lawyers needing an *ex parte* hearing go about finding the judge or an available judge? Is there still at least one judge “on duty” for such hearings?

Nothing has changed, except you cannot walk into chambers. For all existing cases, judges and AAs are working, you can reach out to individual division to arrange for a video conference. The court still has a duty judge that is available.

Anyone seeking a PFA/PFS can have the forms sent via e-mail. The court has protection paperwork available from the Sheriff at the East entrance to the courthouse on Cherry Street.

5. During video hearing or telephone hearing, is a record always being made? Does a record/stenographer have to be arranged in advance? Who lines that up/how requested?

The Court maintains the official record and is able to record both telephone and videoconferences for all hearings. The judge begins the recording in BlueJeans and a notice goes to all participants when the recording begins. Our court reporters are able to join live through BlueJeans and make their steno. Counsel are not responsible for ensuring the court creates a record of any hearing.

6. In general, how are judges spending their time during the days, without as many hearings going on? Or are the number of hearings remaining constant and just being handled via video/phone?

Civil Forum Notes - 4.17.2020

Initially, the Court continued hearings as we immediately reacted to COVID-19. Within days of that initial action, the CDC issued the eight week recommendation to limit groups, through May 10th. We took broader steps to continue hearings that require groups—including all docket calls.

All court departments are working. All judges and AAs are working from home and are available. Hearings that are less complicated have been routinely heard through telephone and videoconference.

Why would anyone want to all be in the courtroom together now? Common sense has to prevail and counsel should work it out before coming to the judge.

7. How is the JoCo Court's clerks office being staffed during the shutdown? What if we need help filing something or have a question for the clerk's office during the shutdown? Still phone it in, or via email? How/how often are those checked and being answered?

The clerks office is fully operational via phone and electronic communication. E-filing has remained constant throughout the last four weeks. There has not been any interruption in the services offered by the clerk. The only change is that the in-person service counter is closed.

8. The shutdown is having an impact on the ability to schedule and then actually take depositions, both of witnesses, parties, and experts. How is each judge planning to handle questions about schedule changes/extensions as a result of the shutdown? If counsel agree on a schedule extension, do you each anticipate granting it? Similarly, what about trial extensions – will cases continued due to the virus shutdown receive priority when rescheduling, and will that impact other cases already set for those times?

Most everything that we do can be done by remote videoconferencing. Lawyers will have to convince the court of a reason that you have to be in the courtroom.

9. Once the courthouse is fully reopened, will any of the civil judges have to be called to hear backed up criminal cases?

This is under consideration by the Court. We have speedy trial issues that must be addressed. The Court will keep the Bar apprised as we move forward with jury trial considerations.

Civil Forum Notes - 4.17.2020

10. How has the shutdown impacted the new courthouse, both as to the construction schedule and as to the planned move in date?

We have been informed that the new courthouse is still on target to open on January 4, 2021. The project is considered essential. The county reported that they have been some materials delays, but believe those hiccups can be overcome.

The new courthouse will have videoconferencing capabilities in all courtrooms, chambers, meeting rooms. What we're doing now will be standard in the new courthouse.

The JoCo Bar offices were having videoconferencing installed as the stay home order was put in place. We will have all the videoconferencing equipment that attorneys will need.

11. Has the shutdown caused any divisions to slow down the initial scheduling conference/getting a scheduling order in place, for newly filed cases?

We are all getting used to operating remotely, which is a slight slowdown. However, we're adjusting and looking to keep our cases moving. Case filings have not slowed down just because we are at home.

AAs are able to get all your information input into the case management system and uploaded to the judge's queue. Rather than the judge filling out the case management order and bench note, the attorneys could get this done and present it to the Court.

Most of what we are doing is in a similar fashion. We're getting together to homogenize our processes as much as we can. Watch your listserv, there will be videoconferencing materials coming out today.

12. Is the Court concerned that when civil trial start back up, jurors' need to go to work will much more strongly outweigh their ability/desire to sit on a jury panel?

13. Will Chapter 60 cases in the fall be kept as scheduled. If so, how do you see jury selection for 30-50 potential jurors?

We don't know yet simply because civil judges may have to assist in criminal cases. The same backlog that's occurred in criminal cases.

Civil Forum Notes - 4.17.2020

14. Are deadlines in previously filed case management and scheduling orders still in place or should we contact the court for new dates?

Counsel are encouraged to contact the AA with concerns about deadlines. Most of us are very liberal about allowing continuances or having modified CMOS entered. We're losing our research attorneys with county budget cuts. So we have extra work to do as judges.

If more time is required, counsel need to work together to come to an agreement and then come to the Court. We've had these requests already come in and we'll let counsel have additional time. None of us anticipated this problem when we issued scheduling orders. We still want attorneys to keep your cases moving. Sit down together and take advantage of this opportunity to get your cases resolved. Your clients would appreciate that.

15. Are the judges and AAs inundated with issues right now? I've been waiting to call, but don't want to add to confusion.

Please reach out to the divisions. What's the likelihood that jurors want to come into the courthouse? You can probably assume that jury trials will be postponed this summer. There could be something that allays fears, but that's unknown.

We encourage emails to get hold of divisions.