

THE SUPREME COURT OF MONTANA

MIKE McGRATH
CHIEF JUSTICE




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FOR IMMEDIATE RELEASE

Date: March 13, 2020

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

FROM: Mike McGrath 
Chief Justice

At a time like this, it is especially critical that we continue ahead with an organized society that is able to demonstrate that we can absorb this potential crisis and continue to function in an orderly manner. The Courts are an essential part of that organization. Without the courts properly functioning society can begin to drift into disorder and chaos. It is for this reason that the Courts must remain open.

However, there are common sense procedures we can take to help flatten the curve of progress of Covid-19. On behalf of the Montana Supreme Court, I want to update you on our current plan regarding COVID-19. While Montana does not have any confirmed cases as of March 12th, the situation is changing rapidly, and public health experts expect the virus to reach Montana. We have had discussions with state public health officials about how to best manage the situation before us today. Courts are essential services and must remain open. The Supreme Court is requiring the following, effective March 16th:

1. Jurors who are defined by the Centers for Disease Control as at-risk if they contract the virus **must** be released from reporting for jury duty, if requested. The requests must be granted over the phone – these prospective jurors should not be required to report. The CDC defines at-risk people as anyone over age 60 or people with underlying chronic health conditions.
2. Jurors who are considered high or medium risk for exposure to the COVID-19 virus should be directed to not report. At this point, this is defined by the CDC as someone who has traveled to China, South Korea and most the European nations within the last 14 days or anyone with direct contact to a person diagnosed with the virus in the last 14 days. Again, these jurors should not be required to report and should be excused by phone. This can change and we will update you as information changes.
3. Attorneys or self-represented litigants scheduled for a jury trial through April 30th must be given the option – and should be encouraged - to request a continuance or a bench trial. Requests to continue criminal trials must include a waiver of speedy trial. Please notify your local parties scheduled for trial in the coming weeks of these options.
4. Judges calling large jury pools must locally find ways to provide extra space or have jurors report at different times in order to reduce large crowds. Again, this will have to be managed locally within your court.
5. It is crucial to have tissues, cleaning products and signs about handwashing in jury rooms and in other high-touch areas. Signage should be printed and posted throughout the courthouse and is available at:
<https://www.cdc.gov/coronavirus/2019-ncov/communication/factsheets.html>
6. Litigants and attorneys who arrive at court and report they are feeling unwell must be asked to reschedule their appearance. Jurors who report they are feeling ill must be dismissed.
7. Courts of Limited Jurisdiction, in particular, should remind litigants of the availability of the on-line CitePay system to dispose of routine matters such as speeding tickets.

8. Courts are encouraged to use video-conferencing and telephonic conferencing as much as possible.
9. The state Judicial Branch will 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, but we strongly encourage the use of video or telephone when possible.
10. The Branch is working on contingency plans to allow some state Branch employees to work remotely should that become necessary.

Finally, it is imperative your court be involved and engaged with your local disaster and public health planning committee. This will be critically important moving forward. We will share this letter with our court system partners as well including the Office of Public Defender, the Department of Justice, the State Bar, and others. We will continue to evaluate this situation as it is changing quickly and will be in touch with updates. Please stay safe and look after each other.

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March 20, 2020

Montana Courts of Limited Jurisdiction Judges

Dear Judges:

On behalf of the Supreme Court, I want you to know we appreciate that you serve as the front line of the judicial system. And, of course, the decisions you make have a substantial impact on the jail population throughout our state.

Because of the high risk of transmittal of COVID-19, not only to prisoners within correctional facilities but staff and defense attorneys as well, we ask that you review your jail rosters and release, without bond, as many prisoners as you are able, especially those being held for non-violent offenses.

At this time, there does not appear to be an outbreak of COVID-19 in any of Montana's correctional facilities. However, it is only a matter of time. Due to the confines of these facilities, it will be virtually impossible to contain the spread of the virus.

We ask that you follow the provisions of the Memorandum sent out March 17. Conducting as many hearings as you can using video and other remote technology will curtail the risk of exposure and transmission of the virus.

Thank you again for your service to the State and your communities. This is a challenging time, and we are all having to make some difficult decisions to keep our communities healthy.

Good luck and take care of yourselves.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike McGrath", is written over a light blue horizontal line.

Mike McGrath
Chief Justice