

## Domestic Relations Division Information Impact of COVID-19

Good Afternoon:

As you I'm sure are aware, we are experiencing an unprecedented situation with the ongoing pandemic. It seems that just as fast as we have a plan, new information is released from other sources that creates a change. Unfortunately that has resulted in a delay in communications as we, like you, adjust to this fluid landscape.

As it stands today, the Courthouse is closed to the public with few exceptions. For the criminal cases there are issues of due process that are being addressed by the Chief Judge and the criminal divisions. As we are in a civil division, things are a bit different for us. Here is a run-down of where we stand... note that this may change as with each day there is new information which brings about new changes.

The Courthouse has been closed to the public with a few exceptions. They are laid out below.

1. **EMERGENCIES:** Self represented litigants and their counsel will still be permitted entry into the Courthouse to file emergency motions. Judges will be exercising their discretion in the granting of these motions and the scheduling of any in-person evidentiary hearings. Given the directives of the CDC that would mean that in order to set a hearing, the judge must find that *the issue is of such an essential nature that it warrants putting court staff and the general public's health at risk to hold the in-person hearing.*
2. **CONDUCTING HEARINGS OR TRIALS:** There will inevitably be requests for emergency hearings and evidentiary hearings. While technology is helpful when there are hearings with lawyers providing proffers, it is limited when it comes to the ability to admit evidence, hear from witnesses and conduct an evidentiary hearing or a trial. Some ideas that could be productive in moving certain hearings forward could include:
  - a. Waivers of hearings: Attorneys waive in writing the necessity of a hearing, provide us with all the materials they wish us to consider and a proposed order, and electronically transmit those materials for us for review and ruling.
  - b. Proffers: Attorneys waive in writing live testimony and simply proffer evidence and testimony. That way a video conference call can be held and the two attorneys can each present their arguments on behalf of their clients and the Court can rule without an in person hearing. Please know, it is our obligation in the interest of public safety not to create situations where witnesses, parties, and attorneys are in the same space together, such as the attorney's office, to participate in the telephone or videoconference. Please be mindful of this when requesting telephonic or videoconference hearings and ensure that you are not inadvertently creating an environment for possible contagion. We have a duty to keep each other safe.
  - c. Other considerations: We are evaluating other solutions to move cases forward depending on the time frame of our closures. It takes time to put procedures in place— please know that we are all here, and while we are not in the courtroom we are working behind the scenes to do what we can to create options and opportunities.

- d. It would appear that at this time, the ability to conduct trials with evidence and witnesses will be limited. If you are scheduled for a pre-trial in the coming weeks we will be in touch with you with options.
3. **WHAT TO DO:** If you have a non-evidentiary upcoming matter that you wish to have addressed telephonically or based on written submissions please file your motions. We will be happy to grant a telephonic, or even video conference hearing when possible and move forward with your case. If you have a case with a self represented party on the other side, please attempt to contact them and if you can include them in a telephonic or videoconference hearing we will do our best to hold the hearing remotely. Obviously if only one party is available we will have to continue the hearing.
4. **OUR COMMITMENT TO YOU:** Our Judicial Assistants are here to assist you and answer your questions. For some questions there may not be answers yet, but we are committed to sharing with you information as we receive it and are able to disseminate it. We want to be available to you and responsive to your needs, and will do our best to continue to update you as things inevitably change. Most importantly we are committed to your health and safety and the safety of our Courthouse community. We realize the incredible disruption that all of these changes mean, but please understand that this is the directive we have received to best in serve our community and court staff in this unprecedented moment.

We welcome your input, creativity, compassion, and assistance as we move forward as a legal community to serve families in crisis as best we can under these circumstances. We will get through this together. If you have any questions regarding these procedures you may contact me via email at [38orange@ninthcircuit.org](mailto:38orange@ninthcircuit.org)

Thank you,

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