

# Reopening Courts Checklist for Criminal Cases

May 12, 2020

## **Docket lists**

Provide the court/judges with lists of assigned cases on their dockets by case type and incarcerated or released pretrial, regardless of whether they were filed before or during the pandemic:

- Older than a time standard for potential delay (e.g. nine months for felonies)
- Less than nine months old

## **Status conferences**

Set up status conferences for all cases filed before or during the pandemic. Conduct status conferences by video.

- Provide checklists of case progress to the attorneys that they must submit seven days in advance of the status conference. See attached samples.
- Conduct status conferences prior to the opening of the courthouse to trials or on continuous dockets prior to trials on trial days;
- At the status conference, conduct a bail review on the court's motion for incarcerated defendants; and
- After the first status conference, admonish attorneys to not expect continuous status conferences every two to four weeks.

## **Scheduling orders**

Provide at the status conference, or soon thereafter, written, standardized scheduling orders for all cases (see attached samples) in four categories. Substantially reduce the number of calendar events on cases, using the scheduling orders to ensure timely compliance:

- a) Older than nine months, with incarcerated defendants – fast track dockets to reach a plea agreement or go to trial;
- b) Older than nine months with released defendants;
- c) Less than nine months old, with incarcerated defendants; and
- d) Less than nine months old, with released defendants.

## **Calendars**

Organize calendars to ensure that attention to pending cases does not create undue delay on newly filed cases. Do not revert back to calendars that were used prior to the pandemic.

Techniques include the following:

- Require attorney/litigant evidence exchange and plea negotiation with deadlines outside the courtroom;
- Conduct all hearings except evidentiary (e.g. preliminary hearings) and trials by video to reduce time commitments and conflicts by attorneys; and
- Plan to have defendants attend hearings by video whenever possible, encouraging defendants to attend by video from their attorney's office or a location provided by the court (e.g. conference room).