

Release for LCBA:

NOTICE REGARDING COVID-RELATED PROCEDURES IN THE CRIMINAL DIVISION.

Please be advised that, pursuant to CDC Guidelines and the guidance provided by the Resuming Court Operations Task Force, the following procedures will be utilized at least thru the month of May. However, Jury trials will not resume until at least July 1.

The judges and court staff will continue to conduct hearings remotely, if possible. However, the Courts and Probation Department will continue to be accessible by phone during normal operating hours. We request that the Lake County Prosecutor's Office and Defense Counsel continue to use all good faith efforts to resolve matters such as terms of bail by agreement. However, all matters that either cannot be heard by video, or do not involve the necessity of the court resolving an issue, are to be continued by motion.

Pursuant to the Supreme Court's Order of May 13, 2020, we are now able to do most proceedings via video conference, including felony plea agreements and sentencings, with proper waivers. A Form Waiver will be made available shortly. Accordingly, we are expanding our court calls to include any and all plea agreements and sentencings, regardless of whether the defendant is incarcerated. Counsel should feel free to file a motion requesting a matter be calendared for entrance of a plea agreement or have a contested matter heard in court. In an effort to limit the exchange of written instruments in open court, all documents should be filed and scanned into Odyssey prior to the hearing.

The logistics of having a witness testify remotely can be a challenge. Some attorneys have chosen to have their clients or witnesses testify from their offices, by proffer or by submitting documents via Odyssey prior to the hearing. Regardless, we are open to other options to receive testimony remotely, provided we can clearly see and hear the witness.

The Court may, upon motion and for good cause shown, conduct an in-person hearing. This determination will be made on a case-by-case basis. For any in-person hearing, the following procedures shall apply:

- a. All persons entering the court room shall be required to wear a mask; same will be provided by the court, but employees may choose to provide their own.
- b. Hand sanitizer will be provided by the court to staff, lawyers and litigants.
- c. Each person entering the courtroom may have their temperature checked. A temperature in excess of 100.4 will result in exclusion.
- d. Any person displaying COVID-like symptoms, has been exposed to someone with COVID-like symptoms, or travelled outside of the state in the last 14 days should not attend court and will be excluded.
- e. Attorneys, court and jail staff and defendants shall maintain six feet social distancing at all points feasible; each court will mark their courtrooms appropriately in this regard.
- f. The remote-video schedule earlier adopted for individuals incarcerated shall stay in place, but may be subject to future change.

In an effort to effectuate adequate social distancing, the Criminal Court will limit the number of people coming into the courtroom. Whether in-person or via video, all proceedings will be live-streamed on YouTube until we return to our courtrooms. Counsel should keep this in mind when participating in any court proceeding. Links to each court's live stream will be soon be available under the Superior Court section of the Lake County Government website

We have been meeting with Prosecutor Bernard Carter and his Deputies, Chief Public Defender Marce Gonzales, LCBA President Matt Fech, LCBA Criminal Defense Section Chair Paul Stracci, the Sheriff's Department, and Doctors in the Health Department and the Jail to complete a plan for further reopening of the Criminal Division and the conduct of jury trials in a safe manner. We welcome your input as well. Contact your Bar Representative to convey your thoughts.

We want the Prosecutors and the Defense Bar to know we greatly appreciate all your hard work and cooperation over the last several weeks. We know how difficult these adjustments have been and how challenging the coming weeks and months may be. As long as we continue to work together, we'll get through this.