

Memo

To: All concerned parties

From: Judge Annie O’Connell, Jefferson County Circuit Court, Division Two (2)

Date: April 15, 2020

Re: Jefferson County Circuit Court Division Two (2) – court procedures during COVID-19 pandemic

This Court recognizes that due to this unusual public health crisis, swift and frequent changes in “normal” court operations may cause confusion. Therefore, in compliance with recent Orders from the Supreme Court of Kentucky, the following is an effort to clearly communicate this Court’s operations and procedures while the COVID-19 pandemic continues to affect our work. This memorandum is intended to apply *only* to procedures in Jefferson Circuit Court Division Two (2) and should not be construed as applying to any other court in Jefferson County or the Commonwealth.

Filing: Motions and Pleadings

Because deadlines and manner of notice can become legal issues, attorneys are responsible for filing motions and pleadings themselves and should NOT rely on the judge’s staff to do so. While the COVID-19 pandemic has required new flexibility in the way Kentucky courts operate, lawyers are reminded that Kentucky Civil Rule 5 regarding filing still applies. “The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with [her], in which event [she] shall note thereon the filing date and forthwith transmit them to the office of the clerk.” Ky. R. Civ. P. 5.05

While in the courtroom or in chambers, this Court occasionally accepts pleadings directly from lawyers to be filed, which it immediately turns over to the clerk to be stamped and entered. However, this Court will NOT accept motions or other pleadings via email, either directly or through its support staff. There is simply too much room for error or confusion.

There are two ways attorneys can accomplish filing: 1) e-filing, by following the Supreme Court rules and procedures, outlined here:

<https://www.kybar.org/page/CourtNeteFiling> ; or, 2) through the traditional “clock and drop” filing method with a clerk. The COVID-19 pandemic does NOT change these requirements, though the procedure for in-person filing at the clerk’s office may be slightly different.

E-filing is Judge O’Connell’s preferred method, simply because it is faster. However, so long as the rules of procedure are followed, both are acceptable. The reality of the current situation is that, due to reduced staffing and the remote work methods encouraged by the Supreme Court of Kentucky, motions and orders filed through the traditional method may take slightly longer to process than attorneys in Jefferson County are accustomed to.

For those who are new to e-filing, the Kentucky Bar Association provides step-by-step assistance to register for an account and file pleadings. It is accessible online and free. Again, see <https://www.kybar.org/page/CourtNeteFiling> and <https://ehelp.kycourts.net/filing-basics/>

Hearings

Due to the limited availability of resources, and in compliance with the Orders of the Kentucky Supreme Court, this Court will conduct hearings remotely (by video or telephonically) on “emergency and time-sensitive” matters.

To schedule a hearing, the party making a motion or requesting a hearing must NOTICE the motion to all parties for the next available motion hour (e.g., the following Monday at 9:00 (criminal) and 9:15 (civil) and, in the notice, request a remote hearing. Court staff will then contact all parties to schedule a remote hearing, provided such hearing is available, logistically possible, and required or appropriate.

NOTE: If a matter is already scheduled for a hearing before May 31, 2020, the parties do not need to request a new hearing. Court staff will contact the parties to reschedule and, if appropriate, coordinate a remote hearing.

Ruling on Matters Not Requiring Hearing

If a hearing is not required or requested, the respondent(s) will have ten (10) days to respond to a motion in writing, unless additional time for response is prescribed by rule or statute. The Court will then take the matter under submission for ruling.

Urgent Matters

If a matter is truly urgent and needs the Court’s prompt attention, it is appropriate to notify the judge or the judge’s staff that a motion or pleading (such as an agreed order) has been filed and to make a request for the judge to review it “off docket,” so-to-speak.

Additionally, lawyers are reminded that ANY attempt to discuss a matter with the Court for any purpose other than scheduling (or other matters excepted by rule or statute, i.e. Chapter 31 requests for funding) without the knowledge and consent of other parties (by phone, email, in person, *or through the judge's staff*) is impermissible *ex parte* contact.

Further Information

Stay informed about court operations throughout the Commonwealth at:
<https://kycourts.gov/pages/Coronavirus.aspx>

Further questions regarding scheduling and general court administration in Jefferson County Circuit Court Division Two (2) can be directed to Erin Klein, Administrative Assistant, at (502) 595-4062 or erinklein@kycourts.net.

Judge Annie O'Connell
Jefferson County Circuit Court
Division Two (2)