

MONTANA SUPREME COURT

FOR IMMEDIATE RELEASE

Date: May 17, 2021

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

FROM: Mike McGrath
Chief Justice



RE: Updated Judicial Branch Covid-19 Protocols

Considering new guidance from public health authorities, the availability of effective vaccines, and pursuant to state and federal public health recommendations, and on behalf of the Supreme Court, I am updating and ordering the following minimum requirements:

1. Face masks or face covering are not required but can be ordered locally at the discretion of judges, when appropriate and necessary. Judges should consult with local public health officials and may want to consider mask requirements when large groups are gathered for such things as jury voir dire, drug court events, or large law and motion dockets. Face coverings are no longer required, unless required by the court locally, in Judicial Branch offices, hallways, and other spaces.
2. Courts can continue using remote-hearing or telephonic hearings for cases, which will allow a limit to the number of people in a courthouse and in a courtroom. Attorneys or litigants who are considered to be at high-risk if exposed to COVID-19 should be allowed to appear remotely if requesting to do so. The

Center for Disease Control's guidance should guide these decisions People Who Are at Higher Risk for Severe Illness | CDC

3. Physical distancing in courthouses, courtrooms, and offices should be maintained as appropriate for each local community. Courts are required to coordinate with local public authorities about any group size limitations.
4. Courts should continue working with local public health officials to determine how to screen individuals, if needed, when entering the courthouse. Signage should be posted requiring people who are ill to not enter the building and to adhere to all recommended hygiene practices recommended by the CDC. Screening may also include temperature checks if recommended by local public health officials.
5. For jury trials, at a minimum, courts must:
 - a. Manage voir dire through enhanced questionnaires to the degree possible;
 - b. Excuse jurors in advance who may be at high-risk or have other appropriate reason to not report (lack of childcare, caring for a high-risk person, etc.);
 - c. Work closely with local public health officials to manage the number of jurors called for voir dire; and,
 - d. Make hand sanitizer available to jurors and others in the courtroom.

I continue to strongly recommend local discussions include all courts and clerks located in shared buildings to provide consistency to litigants, attorneys, and others.

This directive shall remain in effect until further notice from the Supreme Court.

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Again, I cannot overstate how impressed I am by the work of each of you during this historic pandemic. The Judicial Branch continued to meet its constitutional and statutory obligations despite the most significant public health emergency in more than a hundred years. Individual judges, court staff, and our court partners are to be commended for their efforts.

Be well.