

MEMORANDUM

TO: Members of the Bar in the 19th Judicial District (MCBA and RCBA)
FROM: Ross H. Hicks, Circuit Court Judge *RHH*
RE: Circuit Court Part 1 (Judge Hicks) Procedures through January 31, 2021
DATE: September 11, 2020

Calendars

Attached hereto you will find copies of the calendar for Part 1 of the Circuit Court (Judge Hicks) through January 31, 2021. After January 2021 calendars will be released on a monthly basis so that you will always have 3 to 4 months of the Part 1 calendar for your planning and scheduling purposes. When it is determined that we can resume our pre-Covid-19 docketing practices, we will resume issuing the calendars 6 to 8 months in advance.

Jury Trials

You will note that I have removed a number of jury trial dates from the calendar and made those dates available for non-jury matters. The only jury trials remaining are trials in which the parties agreed to 6 person juries. The January 2021 calendar does contain jury dates but in all likelihood those dates will be converted to non-jury matters. We will not resume 12 person jury trials in Part 1 until the requirements for social distancing are relaxed or eliminated altogether. That likely means until such time as a vaccine(s) is widely available and in use. We will continue to review that situation on a monthly basis and changes in the calendar will be made as needed.

Current COVID-19 Procedures to Continue

We will continue to follow the current procedures for setting and hearing cases that were set forth in my Memorandums of July 6 and July 31, 2020. All Memos regarding Part 1's Covid-19 requirements and procedures are located on the Montgomery County website under Circuit Court Clerk News.

All Matters will be heard initially on pleadings only

To summarize, you begin the process of setting a Motion, bench trial or final hearing by filing a Motion with the Clerk of Court and setting the matter on a calendar available date at least 10 days further out. On that date, all matters will be heard on the pleadings only. If you believe there is need for a hearing, you should so indicate in the caption of your Motion (see example below). This request should be placed directly under the docket number.

Docket # 2020-CV-0000

(Movant requests ___ in-person hearing or ___ electronic hearing in this matter)

PLEASE DO NOT USE THE HEARING REQUEST FORM USED IN PARTS III AND V (Judges Crozier and Olita).

If you are satisfied to have your Motion determined on the pleadings only, you do not need to make that request as ALL matters will first be reviewed on the pleadings before any hearings are set. If a Respondent wishes to request a hearing, that should be indicated under the docket number in the Response. Remember that if the Motion is opposed, a written response is required and must be made 3 days in advance of the date set for hearing. On that date, the Court will review all matters on the pleadings and you will be sent a Hearing Result Form. If the Court determines that a hearing either by Zoom or in-person is necessary, you will be advised and must then

contact my assistant, Lisa Davis (ladavis@mcgtn.net) who will then work with you to schedule the appropriate hearing. While she will attempt to schedule the hearing at a date and time convenient for all the parties, it is imperative that when she offers you available dates, you respond promptly. It is also important that you advise her immediately if any matter previously set is to be continued or has been settled.

The Court will continue to determine the vast number of matters on the pleadings only and will Zoom for most matters that the Court determines require a hearing. Only in rare circumstances will an in-person hearing be held. Even in those cases, you are encouraged to work with opposing counsel toward presenting testimony by electronic means especially when long distance travel for a litigant or witness would be necessary or when a litigant or witness is at enhanced risk for Covid-19.

Notice of Hearings

We are also experiencing some problem with respect to the requirement for Covid-19 Notices. Please review the Memos of July 6 and July 31, 2020 for those specific requirements. Attached to the July 31st Memo is the required Covid-19 language which, among other things gives the opposing party Notice that your Motions or matters will be heard first on a pleadings only basis. Motions which fail to contain that Notice will not be considered and you will be required to reset the matter after appropriate Notice has been given.

Ex Parte Temporary Restraining Order Requirements

If you are seeking an Ex Parte Temporary Restraining Order, the proposed Order must contain both a notice of hearing (I will insert the date and time of hearing) **AND** the Covid-19 Notice.

When Proposed Findings of Fact/Conclusions of Law Required

When the Court schedules a Zoom or in-person hearing in complex matters or matters in which there are particular due process concerns, the Court will require submission of proposed findings of fact and conclusions of law prior to the hearing. Those will be limited to 15 pages and must be filed with the Court at least 2 days prior to the scheduled hearing. These will be required in all cases involving termination of parental rights, custody of children (with particular emphasis on best interest factors), alimony issues, GTLA, worker's comp, contract and tort bench trials and other contested cases as determined by the Court.

Please contact my office if you have questions. It is my hope that this will offer some clarity to you with regard to how we will proceed for the remainder of the year and that it will not be necessary for me to revisit these procedures until early next year. Thank you for your cooperation.

October 2020

JUDGE ROSS H. HICKS - DIVISION 1

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November 2020

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January 2021

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