

**United States District Court
Western District of Kentucky**



MEMORANDUM

TO: All Attorneys Practicing in the Western District of Kentucky

FROM: Greg N. Stivers, Chief Judge

DATE: June 12, 2020

SUBJECT: Courthouse and Courtroom Entry Requirements, Hearing Protocols, and General Health and Safety Measures

The following memorandum sets forth important information about entering the courthouses and participating in court proceedings in the Western District of Kentucky. Counsel shall carefully review this information prior to entering any Western District courthouses and shall ensure that each person accompanying them reviews the same.

These safeguards are intended to protect the health and safety of all persons involved in Court proceedings. Strict compliance is required, unless specifically excused by the presiding judge.

1. Courthouse Entrance Requirements

Effective June 15, 2020, all courthouses in the District will resume operation, subject to the following entry requirements:

- Hours of Entry. Courthouses shall be open to the public from 9:00 a.m. to 5:00 p.m. Only federal employees who present a Facility Access Card may enter a courthouse prior to 9:00 a.m.
- Screening Questions. All persons entering a courthouse will be screened by a Court Security Officer with standard COVID-19 questions and will be required to give their name and phone number or other contact information.
- Face Coverings. All persons over two (2) years of age must wear a mask or face covering to enter the courthouse and at all times while in public space within the courthouse, including courtrooms. Masks must completely conceal the wearer's nose and mouth. Masks will NOT be provided to the public.
- Hand Sanitizer. All building entrants shall be required to apply hand sanitizer immediately before entry from the provided sanitizing¹station.

2. Courtroom Entrance Requirements

The following requirements shall be strictly observed for entry into any courtroom:

- Face Coverings. All entrants must wear a mask or face covering to enter a courtroom. Counsel shall inform witnesses and parties of this requirement.
- Hand Sanitizer. In order to enter a courtroom, all persons shall be required to reapply hand sanitizer immediately before entry from the provided sanitizing station.

3. Court Proceedings and Etiquette

In an effort to ensure the safety of all those participating in or observing court hearings, the following measures shall be observed within the courtroom:

- Face Coverings. All persons present during court proceedings shall wear a face covering. The presiding judge shall have the discretion to make exceptions for criminal defendants, witnesses, and other individuals. When not testifying or addressing the Court, however, all such persons shall wear a face covering.
- Plexiglass Barriers. In accordance with the prevailing recommendations by the Center for Disease Control and local health agencies, the Court has installed plexiglass barriers throughout its courtrooms.
- Addressing the Court During Hearings. The circumstances of the hearing and individual courtroom configuration will determine whether counsel shall stand when addressing the Court. Counsel should expect direction on this procedure from the presiding judge at the start of the hearing.
- Cleaning Between Hearings. The Court has contracted for cleaning services to sanitize various “touch points” throughout the courtroom between each hearing.
- Signing and Use of Paper Documents. In order to limit the physical exchange of documents, any signature required on a paper or pleading will be made via a Court-supplied digital signature pad. **All parties are strongly encouraged to have any documents requiring signatures for submission to the Court executed prior to commencement of the proceeding.**
- Equipment Necessary to Participate in Bench Conferences. All “bench conferences” will be conducted by attorneys from their counsel tables utilizing headphones for communication with the Court. **Counsel are responsible for providing their own headphones- they will NOT be provided by the Court.**

Any headphone, including “earbud” style, is acceptable, as long as it has a standard 3.5mm headphone jack, sometimes referred to as a 1/8 inch or “mini jack.” See image below. iPhone headsets will work but only with a self-provided adapter (available at the Apple Store, Best Buy, Staples, Amazon, and many similar retailers) to convert it to the 3.5mm jack.



- Public Access and Seating. All in-person proceedings will be open to the public, however, the court security officers shall ensure that no more than 30% of each courtroom’s public seating is occupied during any proceeding. Towards that end, available seating in each courtroom’s gallery will be clearly marked with signage to enforce recommended social distancing practices. Only individuals sheltering together may sit together. All others must sit at least six feet apart.
- Court Scheduling and Criminal Defendant Contact. In an effort to limit cross-contamination among inmates, the Court will be scheduling in-court criminal proceedings based on the defendants’ location. The Bowling Green, Owensboro, and Paducah divisions will schedule proceedings involving defendants from a single facility per day. In Louisville, the Court will schedule proceedings involving defendants from a single facility in half-day blocks. As such, counsel for defendants in criminal matters taking place in Louisville are strongly encouraged to meet with their clients well in advance of their scheduled hearing so that proceedings may begin on time and do not continue over into the time period in which inmates from a different facility will be present.
- Duty to Medically Self-Assess and Report Illness. Counsel, and anyone accompanying them, are encouraged to perform their own medical self-assessment prior to travelling to the courthouse. Any matter involving an attorney or party who is ill or in a high-risk category should immediately be brought to the attention of the presiding judge.