

**IN THE COURT OF COMMON PLEAS FOR THE STATE OF  
DELAWARE**

**STANDING ORDER CONCERNING  
COVID-19 PRECAUTIONARY MEASURES**

This 12<sup>th</sup> day of March 2020, it appears to the Court of Common Pleas for the State of Delaware that:

WHEREAS, the Centers for Disease Control and Prevention has determined that a novel coronavirus (“COVID-19”) presents a serious public health threat;

WHEREAS, the President of the United States has issued Proclamations prohibiting travel to the United States by foreign nationals who recently visited areas acutely impacted by COVID-19; the Department of State has issued Level 3 and Level 4 Travel Advisories for certain affected countries; and domestic and foreign health authorities have issued guidance to citizens within their respective jurisdictions, both recommending and mandating precautionary measures to defend against the spread of COVID-19;

WHEREAS the Delaware Department of Health and Social Services, Division of Public Health, has issued an advisement that individuals should follow the Center for Disease Control’s recommendation to avoid crowds as much as possible;

WHEREAS, the Supreme Court of Delaware has issued a statement advising that members of the public who are experiencing symptoms such as cough, fever or other respiratory problems should stay home and, if they have a court date scheduled, that they should notify the appropriate parties;

WHEREAS, the Court of Common Pleas regularly conducts judicial proceedings involving the attendance of a significant number of individuals, making social distancing impractical;

WHEREAS, in the interest of protecting litigants, practitioners, witnesses, jurors, court staff, and the public, the Court of Common Pleas will implement certain precautionary measures;

NOW, THEREFORE, IT IS ORDERED that the following precautionary measures will remain in place until further order of the Court of Common Pleas:

## **I. Criminal Proceedings**

1. All criminal proceedings scheduled for an in-Court appearance from March 16, 2020, through May 1, 2020, shall be rescheduled for a date not earlier than June 1, 2020, with the following exceptions:

(a) All proceedings, other than jury trials, involving individuals in custody for the scheduled proceedings, and emergency reviews of bail shall proceed as scheduled. Individuals in custody for jury trials shall be afforded a hearing to review bail, waive jury trial, or enter a plea agreement. The Court shall conduct such proceedings telephonically or by video conference where practicable and efficient;

(b) Preliminary hearings for detained individuals shall proceed by video, or other means where video is not available;

(c) Treatment Court proceedings shall be scheduled at the discretion of the Judge, where the treatment need is determined as clinically necessary;

(d) Scheduled mediations will proceed telephonically or by video conference if practicable;

(e) Case-by-case exceptions may be ordered for non-jury matters at the discretion of the Court after consultation with counsel.

2. The Court will continue to issue rulings on criminal motions that can be resolved without oral argument.

## **II. Civil Proceedings**

1. The Court will conduct conferences, hearings, and mediations telephonically or by video when it believes it would be practicable and efficient to do so and will promptly consider any request by the parties to change a hearing from being held in-person to a telephonic or video hearing.

2. With respect to trials and hearings for which it is not practicable to handle the matter telephonically or by video, the following procedures shall be followed:

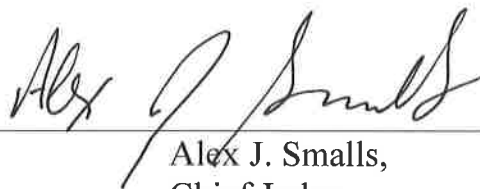
(a) Any attorney or party appearing *pro se* in a case shall promptly provide written notice to the other counsel and/or *pro se* party appearing in

such case, if such attorney or party reasonably believes that a scheduled trial or in-person hearing may require or cause the presence of an individual who (i) are or may be infected with COVID-19 or (ii) has been in contact within the past fourteen (14 days) with an individual who may be infected by COVID-19.

(b) If notice is given pursuant to subsection (a), the parties shall promptly confer regarding the appropriate means to conduct the trial or in-person hearing that is the subject of the notice. In doing so, the parties shall consider, among other things, (i) whether video conferencing would be appropriate and effective; (ii) whether an alternative attorney, party representative, witness, or source of proof is available without conflicting with subsection (a); and (iii) whether a delay in such trial or in-person hearing would be appropriate, and if so, what is the least amount of delay necessary.

(c) Within three (3) days of any notice given pursuant to subsection (a), and as soon as practicable before any trial or in-person hearing that is the subject of such notice, the parties shall file a joint letter or joint motion that (i) identifies the concern that was the subject of the notice; (ii) explains the steps the parties have agreed upon and implemented to alleviate such concern; (iii) sets forth any relief requested from the Court to address such concern; and (iv) sets forth any disagreements among the parties, including alternative proposals not mutually agreed upon.

3. The presiding judicial officer in a case shall be responsible for overseeing the implementation of these procedures.

A handwritten signature in cursive script, appearing to read "Alex J. Smalls", is written over a horizontal line.

Alex J. Smalls,  
Chief Judge