

## **NEW CIRCUIT COURT POLICY REGARDING PRETRIALS IN TRACK 1, 2, AND 3 CRIMINAL CASES**

In a further effort to avoid crowded Thursday (8:30 a.m.) and Friday (9:30 a.m.) criminal pretrial dockets for Track 2 and 3 cases, a new policy will become effective on June 8, 2020. This policy will apply to all such cases, but not to Track 4 cases, which will remain the individual responsibility of the assigned trial judge. Track 2 and 3 pretrial dockets will resume on June 19, 2020.

The Assistant State's Attorney and defense counsel will appear by telephone on the scheduled date and time, which will be coordinated with the administrative judge's chambers no later than the previous day. It is defense counsel's responsibility to have his or her client also available by telephone at the same time, and the administrative judge's law clerk should be provided with the appropriate telephone numbers of all participants no later than the previous day. Assuming counsel and the defendant appear by telephone at the scheduled time, the trial date will be confirmed, or the court will be informed of an impending plea.

If the defendant cannot be reached so as to be telephonically present for the hearing, the court will inquire of defense counsel as to the reason for such unavailability and whether counsel has communicated with their client within the previous two weeks to confirm the client's awareness of future court dates. If the defense attorneys have done so, they can so notify the court and the future dates will be confirmed. If not, counsel may answer or not, at their discretion, and the court may then take any appropriate action, which could include removing court dates and/or issuing a bench warrant. There should be present in the courtroom at all times an Assistant State's Attorney and a Public Defender to deal with any unanticipated difficulties that may arise during the docket.

Track 1 pretrial cases are District Court appeals. Those dockets will resume on Friday, July 17, 2020 and will be heard telephonically where the defendant is represented by counsel. Counsel will be contacted at least one day in advance by the judge hearing the docket in order to arrange for telephonic participation. If you do not hear from the judge's staff, please contact the chambers of the assigned judge at least one day in advance of the hearing to obtain the required information concerning telephonic appearance. Where a defendant is not represented by counsel, a personal appearance of the defendant will be required at the pretrial.

Robert A. Greenberg, Administrative Judge