



DISTRICT COURT JUDGES OFFICE  
JUDICIAL DISTRICT 29B  
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## **DISTRICT COURT UTILIZATION PLAN BEGINNING SEPTEMBER 2020 FOR DISTRICT 29B – ADMINISTRATIVE ORDER**

**EFFECTIVE SEPTEMBER 1, 2020**

### Criminal

Henderson County may have 9 am calendar limited to **twenty-five** defendants and a 2 pm calendar may be created also limited to **twenty-five** defendants. No case may be “carried over” from the morning to the afternoon calendar unless doing so will not violate the twenty-five defendant limit. Matters on the first appearance calendar shall not be considered part of the criminal calendar for purposes of the twenty-five defendant limit. The District Attorney will determine what cases should be calendared within the above parameters. The District Attorney shall notify the Clerk of what cases should be calendared at least fourteen days prior to the scheduled court date. The Clerk shall send notices to each defendant and the defendants attorney at least ten days prior to the scheduled hearing (it is not necessary that the defendant and attorney receive the notice ten days prior to the hearing only that Clerk send the notice)

Transylvania will have criminal court on as per the quarterly schedule and will continue to do the matters that have been heard since our slowdown and may also have criminal calendars limited to a **twenty-five** defendant morning calendar and a **twenty-five** defendant afternoon calendar. Calendars may include the same matters as listed above for Henderson and shall have the same limitations/requirements as listed above.

Polk will have criminal court on as per the quarterly schedule and will continue to do the matters that have been heard since our slowdown and may also have criminal calendars limited to a **twenty-five** defendant morning calendar and a **twenty-five** defendant afternoon calendar. Calendars may include the same matters as listed above for Henderson and shall have the same limitations/requirements as listed above.

### Pro se Traffic Administrative

Henderson County will resume *pro se* Traffic Administrative on Wednesday afternoons beginning September 1, 2020. Dockets shall be limited to **twenty-five** Defendants/Respondents per calendar. Calendars may be created for 2:00 pm, 2:45 pm, 3:30 pm and 4:15 pm. No case may be carried over to a calendar later in the day unless doing so will not violate the numbers limitations. Cases which have attorneys retained by waiver and authorization shall not count for purposes of the number limitation. The Clerk, in consultation with the District Attorney, will create calendars and send Notices with older cases taking priority. The Clerk is **not** required to notice in cases that have already been continued to some later date due to Covid. For example, if Mack’s old case has already been administratively continued to December due to Covid, then the Clerk is not required to notice Mack back to Court prior to the December court date just because the case is older than some other case.

Polk and Transylvania Counties will have *pro se* traffic administrative dates as designated on the quarterly calendar beginning October 1, 2020. Calendars will be limited to **twenty-five** Defendants/Respondents per calendar. Calendars may be created for 9:00 am, 10:00 am, 11:00 am, 12:00 pm, 2:00 pm, 3:00 pm and 4:00 pm. The same calendaring rules that apply to Henderson above also apply to Polk and Transylvania.

### Civil

Civil court will be held in each County per the quarterly schedule. DSS calendars will be limited to ten cases on a morning docket and ten cases on an afternoon docket. DSS attorneys will determine what should be calendared. DSS attorneys shall notify the Clerk of the cases to be calendared at least fourteen days prior to the schedule court date.

Juvenile calendars shall be limited to eight juveniles per calendar. Delinquent Juvenile dates may have four separate calendars with calendars scheduled 9:00 am, 11:00 am, 2:00 pm and 3:30 pm. The District Attorney will coordinate with Juvenile Services to determine which cases are calendared and the Clerk shall be notified of the cases to be calendared at least fourteen days prior to the Court date. No undisciplined cases will be heard.

Custody cases may be calendared by Notice of Hearing. Calendars shall be limited to **eight** cases on a morning calendar and **eight** cases on an afternoon docket. The Clerk will calendar custody cases in the order the Clerk receives Notices of Hearing. Once the **eight** case limit is met the remaining cases will be calendared (in order received) on subsequent calendars. Non-emergency custody matters shall not be calendared for ACH days unless scheduled by the presiding Judge.

Child Support and CVD Courts will continue to be limited to **fifteen** cases per calendar and will continue to be permitted to have 9:00 am, 11:00 am, 2:00 pm and 3:30 pm calendars for each Court date.

### Small Claims

Numbers restrictions remain in place for Small Claims but restrictions are amended so that each Small Claims calendar may have **eight** cases on each calendar. Each Small Claims date may have up to four calendars (9:00 am, 11:00 am, 2:00 pm and 3:30 pm).

### Misc.

I anticipate that the above rules will remain in place for the rest of 2020. Covid may, of course, require that these rules be altered before January 2021.

As has always been permitted, each individual Judge has authority to decide what, if any, remote testimony/appearance she/he will permit in her/his Court.

Thank you in advance for your efforts and cooperation.

August 4, 2020



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Mack Brittain  
Chief District Court Judge