

# CLIENT ALERT

## COVID and the Courts: State Court Edition

Mar.30.2020

Last week, we discussed COVID-related developments in the [federal courts of appeals](#) and [federal district courts](#), noting the wide variety of measures that those courts have taken to adjust their operations in light of the COVID-19 pandemic. The state courts have taken a similarly wide range of measures to address this crisis, drastically altering many of their operations. State courts have been even more varied in their approach than the federal courts, with different levels of courts within the same state taking different (and sometimes potentially conflicting) actions. For example, the California Supreme Court and six appellate divisions have automatically extended all deadlines set forth in the California Rules of Court by 30 days—but those extensions have different effective dates and will expire on different days in mid- to late April. Moreover, those blanket extensions do not appear to cover filing deadlines for notices of appeal or designations of the record in the superior court. To complicate matters further, some of the California courts do not allow e-filing, suggesting that filings may still need to be submitted at the court house drop box—despite the fact that many courts are ostensibly closed to the public.

Typical state court procedure modifications include closing courthouses, continuing trials and other deadlines, suspending rules requiring paper filings, and expanded videoconference use. The list below identifies some of the key actions taken by each state court system as of March 26, 2020; the list is not exhaustive and the state of play is frequently changing. Clients with active matters before a state court should check the court’s website for current closures and procedures, call the clerk’s office, or reach out to one of the attorneys listed below.

State	Actions Taken to Address COVID
<b>Alabama</b>	The Alabama Supreme Court issued an order suspending all in-person court proceedings in all state and local courts through April 16, 2020. The Order excludes some criminal matters, certain matters related to child protection and protection of elderly or vulnerable persons, emergency mental health orders, proceedings directly related to the COVID-19 emergency, and certain other proceedings. The Order extended any deadlines set to expire between March 16 and April 16 to April 20, 2020.
<b>Alaska</b>	The Alaska Supreme Court has suspended all trial court proceedings and civil marriage ceremonies through May 1, 2020. All civil and criminal proceedings are similarly to take place via telephone or videoconference.
<b>Arizona</b>	The Arizona Supreme Court suspended indefinitely all in-person court proceedings.
<b>Arkansas</b>	The Arkansas Supreme Court suspended all in-person court proceedings through April 17, 2020.

<b>California</b>	<p>The California Supreme Court suspended all jury trials through May 22, 2020. All in-person oral argument has also been suspended, although counsel may appear via videoconference or telephone. The California Supreme Court and appellate divisions have extended all local rule-based deadlines by 30 days, but these extensions expire on different days in April (unless extended).</p>
<b>Colorado</b>	<p>The Colorado Supreme Court suspended all jury trials through May 15, 2020, with the exception of cases with imminent speedy trial deadlines.</p>
<b>Connecticut</b>	<p>The state Judicial Branch curtailed operations such that one courthouse will remain open in each of the state’s 13 judicial districts to handle priority business, including in-custody criminal arraignments, domestic violence matters, and protective orders. The state Appellate Court and Supreme Court remain open. All jury trials are suspended until further notice.</p>
<b>Delaware</b>	<p>All Delaware court facilities are closed to the public until April 15, 2020. Emergency and essential matters may be heard in person or remotely through video or teleconferencing. Each court is providing a drop box or mailing address for attorneys and the public to file paper documents if necessary. Non-emergency and non-telephonic matters are to proceed at the discretion of each of the state courts. Any deadlines set to expire between March 23, 2020 and April 15, 2020 are extended through April 21, 2020, as are statutes of limitations and statutes of repose set to expire during those dates.</p>
<b>District of Columbia</b>	<p>The District of Columbia Court of Appeals has cancelled oral arguments through May 31, 2020 and closed the courthouse to the public. All filing deadlines are suspended/tolled/extended until May 31, 2020. Any emergency filings may be submitted via email.</p>
<b>Florida</b>	<p>The Florida Supreme Court suspended all in-person legal proceedings through April 17, 2020.</p>
<b>Georgia</b>	<p>The Georgia Supreme Court suspended all filing deadlines through April 13, 2020 and is not requiring attorneys to file for extensions. Statutes of limitations and other deadlines are similarly tolled. All March arguments are cancelled and the court encourages all proceedings to be held electronically. Several local court systems—including those in Cobb, DeKalb, Fulton, and Gwinnett counties—have paused trials and other proceedings.</p>
<b>Hawaii</b>	<p>The Hawaii Supreme Court closed courthouses to the public, pushed most traffic, criminal, and civil cases until after April 30, 2020, and issued an order limiting in-person court proceedings through April 30, 2020 with the exception of emergency and time-</p>

	sensitive matters.
<b>Idaho</b>	The Idaho Supreme Court suspended civil trials indefinitely and suspended criminal trials through April 30, 2020. All in-person court appearances are excused except for emergency matters.
<b>Illinois</b>	The Illinois Supreme Court and Illinois Appellate courts extended filing deadlines. The circuit courts have implemented a variety of orders regarding procedures for COVID-19.
<b>Indiana</b>	The Indiana Supreme Court tolled all laws, rules, and procedures setting time limits for appellate filings through April 6, 2020 and suspended the requirement regarding filing by personal delivery to the Clerk. The Court also tolled provisions governing speedy trials and appellate matters.
<b>Iowa</b>	The Iowa Supreme Court continued criminal trials through April 20, 2020 and civil trials through May 4, 2020. The Court also tolled statute of limitations by 48 days and cancelled all arguments in March and April.
<b>Kansas</b>	The Kansas Supreme Court directed all district and appellate courts to cease all but emergency operations until further notice.
<b>Kentucky</b>	The Kentucky Supreme Court cancelled all in-person court appearances for civil and criminal dockets, with limited exceptions for certain emergency and time-sensitive matters. All civil trials, hearings, and motions are postponed and will be rescheduled and reasonable attempts will be made to reschedule all criminal trials with considerations for a defendant's speedy trial rights. Courtroom attendance is limited to attorneys, parties, and necessary witnesses.
<b>Louisiana</b>	All jury trials are suspended in Louisiana. Almost all hearings are postponed. Courts must take immediate access to limit access to courtrooms and other spaces. All essential court functions will be conducted with the use of video and telephone conferencing whenever possible.
<b>Maine</b>	The Maine Supreme Court suspended certain unexpired deadlines, suspended all jury trials through May 1, 2020, and will not be scheduling proceedings or hearing the following types of cases, among others: landlord tenant, small claims, medical malpractice, family matters, adoptions, juvenile matters, criminal matters, civil jury trials, all other nonjury civil matters, all actions to recover personal property, and grand jury proceedings.

<b>Maryland</b>	All courts in the Maryland judiciary are restricted to emergency operations. The Order from the Court of Appeals (Maryland’s highest court) also specifies certain matters the courts will continue to hear, either in person or remotely.
<b>Massachusetts</b>	Massachusetts courts are operating on an emergency-only basis. Courts are closed to the public except for emergency matters, and wherever possible these emergency matters are to be conducted remotely. All April appellate arguments are also cancelled and cases are to be submitted on the briefs.
<b>Michigan</b>	The Michigan Supreme Court extended deadlines for the commencement of actions, ordered courts to limit access to courtrooms and other spaces to no more than 10 persons, and empowered trial courts to take reasonable measures to avoid exposing participants in court proceedings to the virus.
<b>Minnesota</b>	The Minnesota Supreme Court restricted in-person access to state courthouses, encouraged virtual remote proceedings, and temporarily suspended paper filing requirements. All proceedings in the district courts, except for certain specified matters, will be held via videoconferencing.
<b>Mississippi</b>	The Mississippi Supreme Court expanded the use of technology in court proceedings, but is allowing certain in-person court proceedings to continue, including those related to certain constitutional rights, emergency child custody orders, and mental health orders,
<b>Missouri</b>	The Supreme Court of Missouri suspended, with certain exceptions, all in-person court proceedings through April 17, 2020.
<b>Montana</b>	The Montana Supreme Court granted local courts broad discretion to take appropriate action, but recommended continuing jury trials through April 30, 2020 at a minimum.
<b>Nebraska</b>	While the Supreme Court has not ordered court closures, various judicial districts have.
<b>Nevada</b>	The Nevada Supreme Court and Court of Appeals postponed all oral arguments until further notice.
<b>New Hampshire</b>	All in-person court proceedings are suspended except in certain limited situations. All civil and criminal jury trials are also postponed.
<b>New Jersey</b>	The New Jersey Supreme Court issued an order prohibiting in-person superior court proceedings except in extremely limited scenarios. Other matters, such as case management conferences and hearings, are to be conducted remotely. The Supreme

	Court also suspended or commuted county jail sentences for low risk inmates.
<b>New Mexico</b>	The New Mexico Supreme Court is requiring all judges to conduct civil and criminal proceedings remotely, except when an emergency requires an in-person appearance.
<b>New York</b>	<p>New York courts are only accepting filings relating to emergency matters, which the Administrative Order defines to include criminal matters; family court matters; certain Supreme Court matters including guardianship matters, emergency election law applications, and extreme risk protection orders; and civil housing matters, including landlord lockouts, serious code violations, serious repair orders, and applications for post-eviction relief.</p> <p>See Crowell &amp; Moring LLP’s blog <a href="#">Trade Secret Trends</a> for how the Order has impacted filings in New York state court for TROs and injunctive relief.</p>
<b>North Carolina</b>	The North Carolina Supreme Court has put a hold on new civil and criminal jury trials.
<b>North Dakota</b>	The North Dakota Supreme Court suspended jury trial proceedings and courthouses across the state are restricting public access.
<b>Ohio</b>	The Ohio Supreme Court has not ordered closures, but has recommended courts advance efforts to minimize physical appearances at court; certain localities may have court closures or restricted courthouse access.
<b>Oklahoma</b>	The Oklahoma Supreme Court announced that all district courts should cancel jury terms and release jurors from service and extended statutes of limitations for 30 days in civil cases.
<b>Oregon</b>	The Oregon Supreme Court has imposed significant restrictions on court trials, hearings, and operations, including postponing, with limited exceptions, jury trials and other trials and hearings scheduled to start between March 19 and March 27, 2020. The Oregon Court of Appeals has also cancelled oral arguments.
<b>Pennsylvania</b>	The Pennsylvania Supreme Court has generally closed all Pennsylvania courts to the public through April 3, 2020.
<b>Rhode Island</b>	The Rhode Island judiciary has cancelled court sessions, including all Supreme Court oral arguments, through April 17, 2020.
<b>South Carolina</b>	The South Carolina Supreme Court has suspended all jury trials, all roll calls, and all large

	gatherings. All oral arguments before South Carolina appellate courts are also cancelled.
<b>South Dakota</b>	South Dakota has declared a judicial state of emergency, but court closures and procedural modifications will vary by locality.
<b>Tennessee</b>	The Tennessee Supreme Court has suspended in-person court proceedings through April 30, 2020 and extended to May 6, 2020 deadlines in court rules, statutes, ordinances, administrative rules, or otherwise that are set to expire prior to May 5, 2020.
<b>Texas</b>	Texas courts must not conduct non-essential proceedings in person contrary to local, state, or national directives, whichever is most restrictive.
<b>Utah</b>	All Utah courthouses remain open and are continuing to accept filings. Absent exigent circumstances, however, all hearings will be conducted on the papers, or through remote transmission such as telephone or video conferencing. The Utah Supreme Court also ordered all lower courts to suspend all jury trials through June 1, 2020.
<b>Vermont</b>	The Vermont Supreme Court has suspended all non-emergency lower court hearings and allowed for remote participation in all hearings that are not suspended. The Court is also permitting email filings.
<b>Virginia</b>	The Virginia Supreme Court has suspended all deadlines and suspended all non-essential, non-emergency court proceedings through April 6, 2020.
<b>Washington</b>	The Washington Supreme Court has suspended all civil jury trials until after April 24, 2020. All non-emergency civil matters are also continued. All emergency matters, including civil protection and restraining order matters, that must be heard before April 24 will be heard by telephone, video, or other means that does not require in-person attendance.
<b>West Virginia</b>	The West Virginia Supreme Court declared a state of emergency and stayed all proceedings and court deadlines, except for certain emergency matters. Deadlines set forth in court rules, statutes, or the like that were otherwise set to expire prior to April 10, 2020 are extended through April 11, 2020.
<b>Wisconsin</b>	All trials set to begin prior to May 22, 2020 are now rescheduled until after that date. The Wisconsin Supreme Court also suspended all in-person proceedings before the appellate and circuit courts through April 30, 2020.
<b>Wyoming</b>	All district and circuit courts in Wyoming have suspended in-person court proceedings

	except in specified circumstances and all civil and criminal trials will be rescheduled.
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For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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