



Supreme Court of Florida

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MARSHAL

MEMORANDUM

TO: Chief Judges of the District Courts of Appeal
Chief Judges of the Trial Courts
Clerks and Marshals of the District Courts of Appeal
Trial Court Administrators

FROM: Chief Justice Charles T. Canady

DATE: June 8, 2020 *Char. T. Canady*

SUBJECT: Phase 2 – Resumption of In-Person Proceedings

The Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 proposed benchmarks to govern the transition from Phase 1 to Phase 2 by appellate and trial courts. I approved those benchmarks and included them in *In re: COVID-19 Public Health and Safety Precautions for Phase 2*, Fla. Admin. Order No. AOSC20-32 (May 21, 2020). Since then, based on further information from the Workgroup and evolving medical guidance, I have recognized that re-evaluation and clarification of some of those benchmarks may be warranted to assist courts in better ascertaining whether they may transition to Phase 2. For example, some judicial circuits represented by members of the Workgroup have raised questions about how to interpret the Phase 2 benchmark related to improving COVID-19 health conditions over a 14-day period. Further, the Workgroup is collaborating with trial court justice system partners to ensure that the current requirements and guidelines for operating in Phase 2 do not present unreasonable operational challenges.

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I recognize that some courts are in the process of determining whether, or have already determined that, the benchmarks for moving into Phase 2 are satisfied. I applaud the efforts to keep the work of courts moving consistent with public safety. However, I want to make you aware that this re-evaluation of certain benchmarks and the implementation of certain requirements and guidelines is underway and encourage you to proceed judiciously in moving into or operating under Phase 2, in the event refinements are made. I anticipate that the re-evaluation and any clarification will be resolved soon.

The court system is proactively moving toward the important milestone of resuming jury proceedings, with the benefit of the valuable insights from the Workgroup. However, it is important to ensure capacity exists for increasing or modifying operations and that all health and safety concerns are met before expanding in-person proceedings, including jury proceedings. To this end, I have suspended resumption of proceedings for the impaneled statewide grand jury through July 26, 2020, and for all other jury proceedings through July 17, 2020 (*In re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts*, Fla. Admin. Order No. AOSC20-23, Amendment 3 (June 8, 2020)).

COVID-19, and the transition to Phase 2, will be a central part of our discussion at the upcoming chief judge meeting on Thursday, June 11, 2020. I hope to discuss this matter further and address any concerns you may have at that meeting.

Thank you for your ongoing support as we address these uncertain times.

CTC:aqj

cc: Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19