



THE NATIONAL JUDICIAL COLLEGE

A Judge's Role in a Pandemic A Webcast for Judges

Thursday, March 19, 2020

9:00 am in Hawai'i / 12:00 pm Pacific / 1:00 pm Mountain / 1:00 pm Central / 3:00 pm Eastern

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Hon. Charles LaVerdiere

Chief Judge, Maine District Court (Ret.)

Chief Judge Charles C. LaVerdiere is currently retired from Maine District Courts. Judge LaVerdiere earned a BA from the University of Maine in 1974, an MPA from the University of Maine in 1976, and a J.D. from the University of Maine School of Law in 1983. Judge LaVerdiere practiced law in Maine for 20 years, and served on the Board of Directors of many local and State civic and charitable organizations. He served 3 terms in the Maine House of Representatives and was House Chair of the Judiciary Committee. In 2003, he was appointed as a Maine District Court Judge. In 2007, he was appointed as Deputy Chief Judge of the Maine District Court, and in 2010 was appointed as Chief Judge of the Maine District Court. Judge LaVerdiere joined The National Judicial College faculty in 2020.

Kimberly Papillon, Esq.

Kimberly Papillon is a nationally recognized expert on the subject of decision-making in law, education, business and medicine. She has delivered over 400 lectures nationally and internationally on the implications of neuroscience, psychology and implicit association in the analysis of decision-making. She has lectured to medical students and medical school faculty, as well as physicians nationwide and in Australia on the neuroscience of decision-making in differential diagnosis and treatment. She has lectured to corporations including to Google, Netflix, Walmart, Clorox and Kaiser Hospitals nationwide, and provided a TedTalk. She has provided presentations to the judges of the High Court of New Zealand, the Supreme Court of Victoria, Australia, the Caribbean Association of Judicial Officers, the U.S. National Council of Chief Judges of the State Courts of Appeal, the United States Courts for the Ninth Circuit and the Tenth Circuit, and numerous other federal courts. She has delivered lectures to the United States Securities and Exchange Commission (SEC), the Centers for Disease Control and Prevention (CDC), the United States Department of Justice, the United States Department of Education, and to judges in over 20 states including New York, Utah, California, Texas, Idaho, Illinois, Louisiana, Arkansas, Massachusetts, Indiana, Tennessee, Nebraska, Arizona, and Alaska. Kimberly has a BA degree from U.C. Berkeley and a JD degree from Columbia University School of Law. She joined The National Judicial College faculty in 2005.

Webcast Description and Learning Objectives

COVID-19 has underscored how utterly unprepared the U.S. is for managing a pandemic. The National Judicial College wants to help restore confidence in our public institutions by providing a 75-minute webcast on the judge's role in managing a pandemic. Many judges suffer from the belief that a pandemic is not their problem. Rather, it's the problem of the state's supreme court, court administration, or some other entity. This webcast will emphasize that all judicial branch employees, including judges, have a role to play, whether it's ruling correctly on cases involving public health emergencies, communicating with court staff and the public, taking a leadership role in preparing for an effective response by their courts, and ensuring continuity of court operations.

After participating in this webcast, judges will be able to:

1. Define their role in responding to COVID-19 and other epidemics or pandemics;
2. Summarize how they can respond intelligently to an outbreak;
3. Manage cases that may result from COVID-19
4. Locate resources for ensuring they are responding in an appropriate way.

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A Judge's Role in a Pandemic

With support from



Charles LaVerdiere

Chief Judge, Maine District Court (Ret.)



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What you will learn today ...

1. Define your role in responding to COVID-19 and other epidemics or pandemics
2. Summarize how you can respond intelligently to COVID-19 or other outbreak
3. Manage cases that may result from COVID-19

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Pandemics Are Not New!

- Middle Ages: Black Plague
- World population was approximately 450 million
- 75 million died
- 1/2 of the population of Europe

3



4

Pandemics Are Not New!

- 1918: Spanish Flu
- U.S., Europe, and Asia
- 75 million died in 9 months

5



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Pandemics Are Not New!

- Ebola: 2013-2014
- West Africa
- 28,000 cases
- 11,300 deaths

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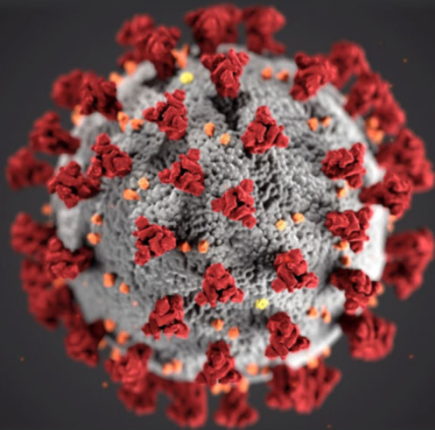
8

Pandemics Are Not New!

- Bird Flu: affected millions
- Cholera: killed millions in multiple epidemics
- Asian Flu: 2 million died
- HIV/Aids: 30 million died
- Dengue Fever: Thousands affected
- Zika

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**Today we are dealing with
another Pandemic . . .**



COVID-19

Coronavirus Disease 2019

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Today we will deal with two types of problems that judges need to think about NOW

1. Process and procedural issues
2. Dealing with COVID-19 specific cases

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Process and Procedural Issues



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Your Role in Managing COVID-19

Please select the answer that best suits your viewpoint

- a) As an individual judge, it's not my responsibility to manage the courts. That's the court administrator's job.
- b) All judges have a responsibility to pitch in an emergency. This falls under "other duties as assigned."
- c) Other

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For those who might rely on the court administrator to manage the crisis, consider these questions

- Will you set bail in criminal cases the same way you did a month ago?
- Will all persons having business with the court during a particular session be brought into your courtroom at the same time?
- What will you do when attorneys or large numbers of people summonsed to court fail to appear?

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It's time to think outside the box!

thinking



15

**It's time to think outside the box
and outside your comfort zone!**



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Spend time **NOW** thinking about how you will continue to run your courtroom for the next several months.



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abc 3 NEWS

NEWS ▾ WEATHER ▾ TRAFFIC ▾ WATCH ▾ DIGITAL DESK ▾ COMMUNITY ▾ SPORTS ▾ EXPERTS ▾

● **LIVE NOW** / Daily Coronavirus Update: US cases surpass 4,000, several cities shut down to curb spread, vaccine trial under

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LOCAL NEWS

Court closings: List of Central Virginia court systems closed on Monday



by: Tyler Thrasher

Posted: Mar 15, 2020 / 10:43 PM EDT / Updated: Mar 16, 2020 / 05:49 AM EDT

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Your Current Situation

My court has shut down all “non-essential” legal matters for the time being.



= Yes



= No



= I don't know



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What are considered “essential” matters in your jurisdiction? (Check all that apply.)

- a) Orders of protection
- b) Eviction notices
- c) Pending criminal and civil cases
- d) New criminal and civil cases
- e) Arraignments
- f) Sentencing
- g) Child protection proceedings

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In those cases that are deemed “essential,” how will you deal with . . .

- Failures to appear?
- People unable to pay fines, court expenses, or costs of court?
- Prisoners seeking to be released or filing Writs of Habeas Corpus and wanting to appear before the court?
- Reduced staff becoming overwhelmed by unhappy litigants?

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Your Current Situation

In your chat tool, please indicate what the current situation is in your court system.

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Remote Technologies?

Does your court currently have access to remote technologies for hearing cases?



= Yes



= No



= I don't know

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Dealing with COVID-19 Specific Cases



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Logistics

- Courthouse and courtroom appropriate?
- Staff adequate to handle the matter?
- Pandemic/CDC/quarantine research done before proceeding starts?
- Media policy in place?

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Sovereign Citizen

In your chat tool, what do you do with a sovereign citizen or other person who refuses to quarantine after being ordered to do so?



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Media Presence & HIPAA

What do you do if the media wants to be present for a COVID-19 case?

- a) Let them all into the courtroom
- b) Exclude them all from the courtroom
- c) Allow some to attend and pool all reporting
- d) Check Federal and State restrictions regarding medical privacy and act accordingly

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Media Plan

Does your jurisdiction have a high profile media plan?



= Yes

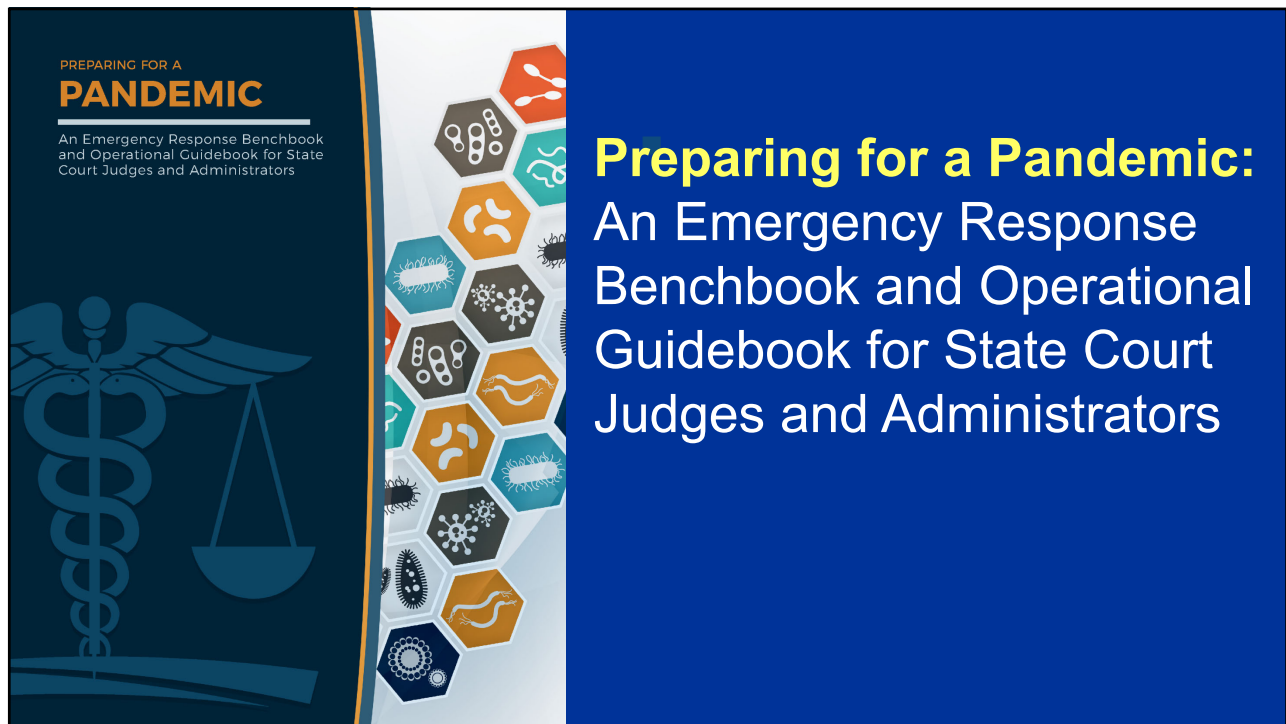


= No

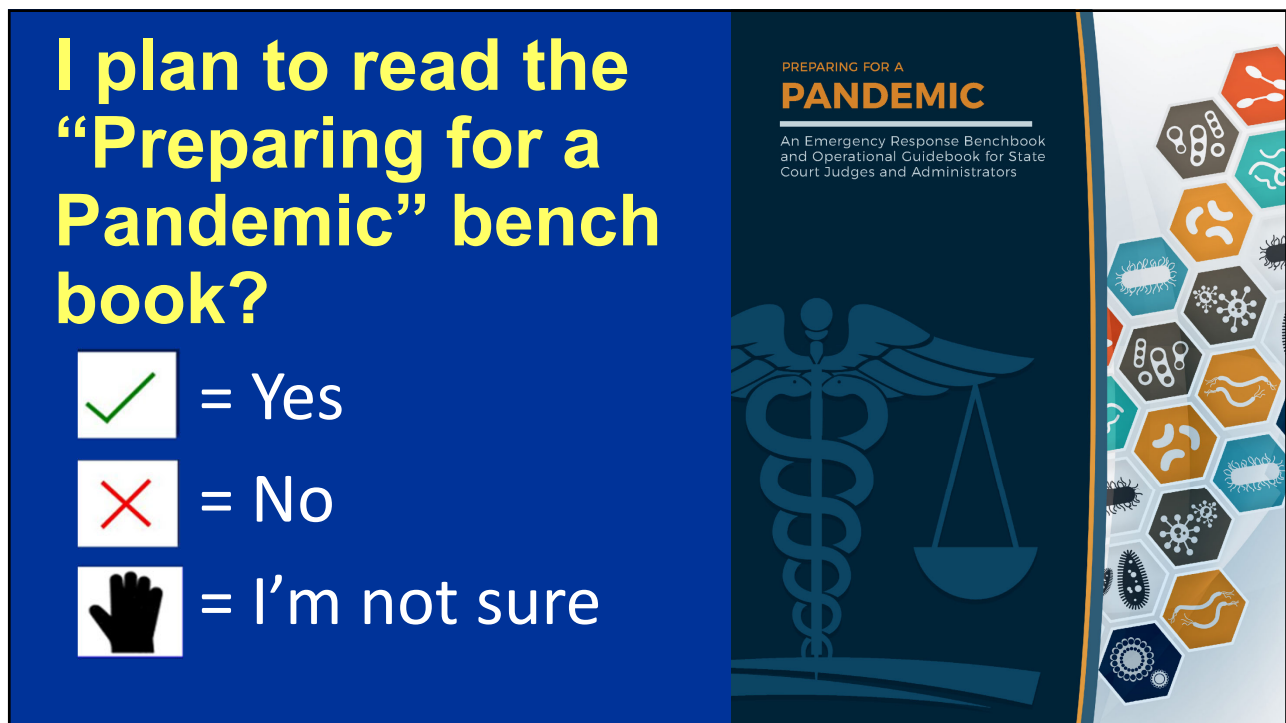


= I don't know

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A Checklist for Handling COVID-19 and Other Pandemics

- ❑ Review the Pandemic Benchbook
- ❑ Ensure your website has all necessary information for interacting with the court (e.g., public documents, schedules, and essential information for interacting with the court)
- ❑ Review your statutes regarding the law with regard to pandemics

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A Checklist for Handling COVID-19 and Other Pandemics (Cont.)

- ❑ Identify whether you have any supreme court rules, statutes, or other law regarding court appearances
- ❑ Locate any appellate cases regarding pandemics
- ❑ Be ready for adverse public reaction (e.g., protests, threats, political repercussions)

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Questions?

If you have a question, please share it in the chat tool.



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“There is no harm in hoping for the best as long as you’re prepared for the worst.”

~ Stephen King
a famous Mainer

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