

1 **Rule 4-410. Courthouse closure.**

2 **Intent:**

3 To establish protocols surrounding the closure of a court's physical building in the event that  
4 extreme weather or other emergency situation prevents the safe arrival to, or the ability to safely  
5 conduct business in, the courthouse.

6 **Applicability:**

7 This rule applies to courts of record and not of record.

8 **Statement of the Rule:**

9 (1) Definitions.

10 (1)(A) In courts of record:

11 (1)(A)(i) "Presiding judge" refers to the judge who presides over the district or  
12 court level.

13 (1)(A)(ii) "Court executive" refers to the trial court executive in the district and  
14 juvenile courts and the Appellate Court Administrator in the appellate  
15 courts.

16 (1)(B) In courts not of record:

17 (1)(B)(i) "Presiding judge" refers to the local justice court presiding judge, not  
18 the district level presiding judge.

19 (1)(B)(ii) "Court executive" refers to the local justice court administrator.

20 (2) In the event the presiding judge determines that a courthouse is not safe or is not capable  
21 of supporting the core mission of the court due to extreme weather conditions or other  
22 emergency situation, the presiding judge has the discretion to determine, in consultation  
23 with the court executive, court security, and authority responsible for the building's  
24 operation and maintenance, how to continue supporting the core mission of the court.

25 (3) The presiding judge(s) may order:

26 (3)(A) the time-limited partial closure of the courthouse;

27 (3)(B) the time-limited complete closure of the courthouse; or

28 (3)(C) the indefinite complete closure of the courthouse.

29 (4) If the presiding judge orders a complete or partial building closure that in any way affects  
30 the public's ability to conduct court business in that location,

- 31 (4)(A) the presiding judge may order that operations resume in an alternate location;  
32 and
- 33 (4)(B) the presiding judge shall ensure that notice is posted in at least two conspicuous  
34 places informing the public of:
- 35 (4)(B)(i) the building's physical closure;  
36 (4)(B)(ii) the anticipated length of time the building will be closed; and  
37 (4)(B)(iii) the procedures for conducting court business, including where cases  
38 will be heard and how to file court documents.
- 39 (5) Communication of decision to close the courthouse.
- 40 (5)(A) In courts of record, the presiding judge shall as soon as possible inform the State  
41 Court Administrator, the Chief Justice, the Court Communications Director, the  
42 Court Security Director, the Court Facilities Director, the Sheriff whose  
43 jurisdiction covers the affected courthouse, and the other organizations or  
44 lessees occupying the building of the presiding judge's decision to close the  
45 courthouse.
- 46 ~~(1)(A)~~(5)(B) In courts not of record, the presiding judge shall as soon as possible  
47 inform the court executive, the Justice Court Administrator, the Court  
48 Communications Director, the Court Security Director, the law enforcement  
49 agency whose jurisdiction covers the affected courthouse, and the other building  
50 occupants of the presiding judge's decision to close the courthouse.
- 51 (6) The Court Communications Director shall immediately inform the media and public of the  
52 closure.
- 53 (7) If the presiding judge determines that there is a need to extend a court closure order, the  
54 presiding judge shall so order and the steps of paragraphs (1) through (4) shall repeat.
- 55 (8) For all courthouses that house more than one level of court, the presiding judges of each  
56 court level shall confer and come to a consensus decision regarding action pursuant to  
57 subsection (3) above.
- 58 (8)(A) In the event that a closure is ordered by consensus, the presiding judges of the  
59 closed courthouse shall all sign the closure order.
- 60 (8)(B) In the event there is not consensus among the presiding judges, the Chief  
61 Justice shall determine whether to issue and sign the closure order.
- 62 (9) Each presiding judge and the Administrative Office of the Courts shall retain a copy of the  
63 order.

Effective ~~May/November 1, 20~~—January 27, 2020