

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 (5)(B) In courts not of record, the presiding judge shall as soon as possible inform the
47 court executive, the Justice Court Administrator, the Court Communications
48 Director, the Court Security Director, the law enforcement agency whose
49 jurisdiction covers the affected courthouse, and the other building occupants of
50 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.