



Criminal District Court

PARISH OF ORLEANS
OFFICE OF THE
JUDICIAL ADMINISTRATOR

ROBERT J. KAZIK
JUDICIAL ADMINISTRATOR

SHANNON C. SIMS
DEPUTY JUDICIAL ADMINISTRATOR

2700 TULANE AVENUE, SUITE 200
NEW ORLEANS, LA 70119
TEL: (504) 658-9100
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March 13, 2020

Honorable Bernette J. Johnson
Chief Justice
Louisiana Supreme Court
400 Royal Street
New Orleans LA 70130

RE: COVID-19

Dear Chief Justice Johnson:

The Orleans Parish Criminal District Court En Banc issues the following statement:

Pursuant to the attached Louisiana State Governor John Bel Edwards' Executive Department Proclamation Number 25 JBE 2020 Public Health Emergency – COVID-19, the City of New Orleans Mayor LaToya Cantrell's Mayoral Proclamation of a State of Emergency Due to COVID-19 and the Louisiana Supreme Court Chief Justice Bernette J. Johnson's letter dated March 12, 2020 to all Chief Judges:

1. Jurors who are serving in the month of March 2020 have been dismissed;
2. Sections of Court will schedule dockets to reduce the number of people in a space at a time; and
3. To the extent possible, the Court will utilize audio and/or video conferencing for certain court proceedings.

The Court will continue its efforts to protect the public's safety in an effort to prevent the spread of COVID-19. Please continue to check the Court's website for further updates.

With best regards,


Robin D. Pittman
Deputy Chief Judge

Attachments

cc: Honorable Judges Criminal District Court
Magistrate Commissioners
Commissioner Teneshia Stevens, City of New Orleans
Honorable Arthur Morrell, Clerk of Court
Derwyn Bunton, Orleans Parish Public Defenders Office
Honorable Marlin Gusman, Sheriff
Honorable Leon Cannizzaro
Robert Kazik, Judicial Administrator

State of Louisiana

EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 25 JBE 2020

PUBLIC HEALTH EMERGENCY - COVID-19

- WHEREAS,** the Louisiana Health Emergency Powers Act, La. R.S. 29:760, et seq., confers upon the Governor of the State of Louisiana emergency powers to deal with public health emergencies, including an occurrence or imminent threat of an illness or health condition that is believed to be caused by the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin, in order to ensure that preparations of this state will be adequate to deal with such emergencies or disasters and to preserve the health and lives of the people of the State of Louisiana;
- WHEREAS,** when the Governor after consultation with the public health authority determines that a public health emergency has occurred, or the threat thereof is imminent, La. R.S. 29:766(A) empowers him to declare a state of emergency by executive order or proclamation;
- WHEREAS,** the U.S. Centers for Disease Control and Prevention ("CDC") is responding to an outbreak of respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in many other countries, including in the United States. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19");
- WHEREAS,** according to the CDC's website, person-to-person spread has been subsequently reported in countries outside China, including in the United States. Some international destinations now have apparent community spread with the virus that causes COVID-19, as do some parts of the United States. Community spread means some people have been infected and it is not known how or where they became exposed;
- WHEREAS,** on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a "public health emergency of international concern" (PHEIC). On January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to COVID-19;
- WHEREAS,** a World Health Organization statement released March 7, 2020 stated that the global number of confirmed cases of COVID-19 has surpassed 100,000;
- WHEREAS,** as of March 11, 2020, the CDC's website reports that 38 states, including the District of Columbia, have reported cases of COVID-19 to CDC, for a total of 938 confirmed cases, and that states have reported 29 deaths resulting from COVID-19;

- WHEREAS,** on March, 11, 2020, the World Health Organization designated the COVID-19 outbreak as a worldwide pandemic;
- WHEREAS,** on March, 9, 2020, a Louisiana resident, pursuant to CDC protocol, was tested for COVID-19, with the test being presumptively positive;
- WHEREAS,** in the last two days, several more Louisiana residents have tested presumptively positive for COVID-19;
- WHEREAS,** the State of Louisiana has reason to believe that COVID-19 may be spread amongst the population by various means of exposure, therefore posing a high probability of widespread exposure and a significant risk of substantial future harm to a large number of Louisiana citizens;
- WHEREAS,** the Governor of the State of Louisiana has consulted with the public health authority regarding COVID-19;
- WHEREAS,** the Governor, after such consultation, finds that a threat of a public health emergency is imminent;
- WHEREAS,** a declaration of public health emergency is necessary to allow state agencies to thoroughly prepare for any eventuality related to public health needs and deploy additional resources to assist local authorities, if necessary; and
- WHEREAS,** the Secretary of the Department of Health and the State Health Officer have requested that a public health emergency be declared.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

- SECTION 1:** Pursuant to the Louisiana Health Emergency Powers Act, La. R.S. 29:760, et seq., a statewide public health emergency is declared to exist in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by COVID-19, which has created emergency conditions that threaten the lives and health of the citizens of the State.
- SECTION 2:** The Governor's Office of Homeland Security and Emergency Preparedness and Secretary of the Department of Health are hereby expressly empowered to take any and all actions authorized under the Louisiana Health Emergency Powers Act, La. R.S. 29:760 et seq. in relation to this public health emergency.
- SECTION 3:** The Secretary of the Department of Health and/or the State Health Officer are hereby expressly empowered to take any and all actions authorized thereto under Titles 29 and 40 of the Louisiana Revised Statutes and under the State Sanitary Code (LAC Title 51) in relation to this public health emergency.
- SECTION 4:** Pursuant to La. R.S. 29:724(D)(1), the Louisiana Procurement Code (La. R.S. 39:1551, et seq.) and Louisiana Public Bid Law (La. R.S. 38:2211, et seq.) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency.
- SECTION 5:** Pursuant to La. R.S. 29:732(A), prices charged or value received for goods and services sold may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk

incurred in procuring or selling the goods or services during the state of emergency.

SECTION 6: In addition to any authority conferred generally herein or by law, the Governor's Office of Homeland Security and Emergency Preparedness, through consultation with the Secretary of the Department of Health, shall have the primary jurisdiction, responsibility and authority for:

1. Planning and executing public health emergency assessment, mitigation, preparedness response, and recovery for the state;
2. Coordinating public health emergency response between state and local authorities;
3. Collaborating with relevant federal government authorities, elected officials of other states, private organizations or companies;
4. Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies;
5. Organizing public information activities regarding public health emergency response operations; and
6. Taking any other measures deemed necessary and proper, as authorized by law.

SECTION 7: The following travel restrictions will apply to all state employees:

- A. All state employees intending to travel beyond the continental United States shall review the CDC's website at <http://wwwnc.cdc.gov/travel/notices> to determine if the country to be visited has been identified as posing a threat of contracting COVID-19;
- B. All state employees traveling on state business to areas designated as Warning Level 2 or Level 3 or above by the CDC are hereby directed to cancel or postpone these trips; all employees traveling internationally to other countries are hereby required to obtain specific authorization from the Commissioner of Administration;
- C. All state employees intending to travel internationally for non-official reasons are hereby directed to notify their supervisor and Human Resources Director of the travel as soon as possible, but in no event later than forty-eight (48) hours prior to travel, and immediately upon return to the United States;
- D. All state employees with household members who intend to travel or have traveled to areas designated as Warning Level 2 or Level 3 or above by the CDC are hereby directed to notify their supervisor and Human Resources Director of the travel as soon as possible, but in no event later than forty-eight (48) hours prior to the household member's departure, to state the household member's expected date of return, and to notify their supervisor and Human Resources Director immediately upon the household member's actual return to the United States; and
- E. All state employees shall notify their supervisor and Human Resources Director if the employee or a household member develops symptoms associated with COVID-19.

SECTION 8: The Civil Service Commission and the Division of Administration are hereby directed to develop a set of guidelines for state employees who are infected with COVID-19 or under quarantine for possible exposure to COVID-19. Such guidelines shall include direction for the management of sick leave by state

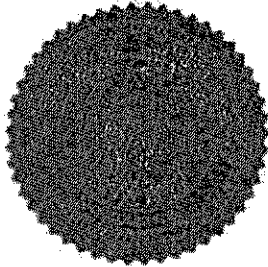
employees and provide for direction, if possible, for the employees to work remotely. The guidelines developed by the Civil Service Commission and the Division of Administration shall be put into effect by this order.

SECTION 9: All orders allowing for visitation by the parent of a foster child that resides in a home that is quarantined or isolated due to COVID-19 are hereby suspended. The Department of Child and Family Services is hereby ordered to make all reasonable efforts to allow for alternative visitation.

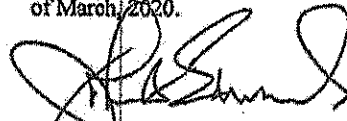
SECTION 10: This Proclamation shall be disseminated promptly by means reasonably calculated to bring its contents to the attention of the general public. The Proclamation shall also be promptly filed with the Governor's Office of Homeland Security and Emergency Preparedness, with the Department of Health, Office of Public Health, and with the Secretary of State.

SECTION 11: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this event.

SECTION 12: This order is effective upon signature and shall remain in effect from Wednesday, March 11, 2020 to Thursday, April 9, 2020, unless terminated sooner.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge on this 11th day of March, 2020.



GOVERNOR OF LOUISIANA

ATTEST BY THE SECRETARY
OF STATE



SECRETARY OF STATE

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

2020-02449

NO.

STATE OF LOUISIANA

DIVISION "F" -7 DOCKET

CITY OF NEW ORLEANS

FILED:

March 11, 2020
@ 6:24 p.m

DEPUTY CLERK

Cathy Vayh

MAYORAL PROCLAMATION OF A STATE OF EMERGENCY DUE TO COVID-19

WHEREAS, the United States of America has confirmed cases of individuals who have a severe acute respiratory disease ("COVID-19") caused by a novel coronavirus ("the virus") first detected in Wuhan, Hubei Province, People's Republic of China, which was first reported on December 31, 2019; and

WHEREAS, as of March 11, 2020, the World Health Organization ("WHO") has reported more than 100,000 confirmed cases of COVID-19 in 114 countries, and approximately 4,291 deaths from the virus, with the number of confirmed cases escalating dramatically over a short period of time; and

WHEREAS, the U.S. Centers for Disease Control and Prevention ("CDC") is responding to an outbreak of respiratory disease caused by the virus; and

WHEREAS, approximately 3% of the people confirmed infected with the virus have died, according to the WHO; and

WHEREAS, on March 11, 2020, the WHO declared the COVID-19 outbreak a pandemic; on January 31, 2020, the U.S. Department of Health and Human Services declared a Public Health Emergency for the United States; and on March 11, 2020, Governor John Bel Edwards declared a state of emergency for the State of Louisiana; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has determined that the virus presents a serious public health threat, requiring coordination among federal, state, and local health departments to ensure readiness for potential health threats associated with the virus; and

WHEREAS, the New Orleans Health Department, the Louisiana Department of Health, and other City partners have been working successfully and diligently to implement CDC guidelines and assist with the ongoing and developing threat of COVID-19; and

WHEREAS, on March 9, 2020, the first presumptive positive case of COVID-19 was announced in the State of Louisiana, in a hospital in the City of New Orleans; and

WHEREAS, as of March 11, 2020, there are more than ten presumptive positive cases of COVID-19 in the State of Louisiana, the majority of which are in the City of New Orleans; and

WHEREAS, there is reason to believe that COVID-19 may be spread amongst the population by various means of exposure, therefore posing a high probability of widespread exposure and significant risk of substantial future harm to Orleans Parish residents, and

WHEREAS, the direct and definite public health and safety threats of COVID-19, and the related threats to the health, safety, and welfare of the residents of the City of New Orleans, are now imminent and emergency action must be taken to prevent death or injury of persons and to preserve the lives and property of the people of the City of New Orleans; and

WHEREAS, a declaration of a state of emergency is necessary to allow City agencies to thoroughly prepare for and respond to any eventuality, including directing personnel and resources from various City departments to help manage the emergency, and to allow state and federal agencies and state and federal resources to be deployed, if necessary; and

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Mayor of the City of New Orleans emergency powers to deal with emergencies and disasters, including those resulting from terrorist events, enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this City will be adequate to deal with such emergencies or disasters, and in order to detect, prevent, prepare for, investigate, respond to, or recover from these events, and to preserve the lives and property of the people of the City of New Orleans;

NOW THEREFORE, I, LATOYA CANTRELL, Mayor and Chief Executive Officer of the City of New Orleans and the Parish of Orleans, by virtue of the authority

vested in me as the Mayor of the City of New Orleans by the Constitution and laws of the State of Louisiana and the Home Rule Charter and laws of the City of New Orleans, do hereby declare pursuant to La. R.S. 29:727 that due to the above-recited circumstances, a state of emergency exists in the City of New Orleans, warranting the use of all extraordinary measures appropriate to ensure public health, safety, welfare, and convenience.

In furtherance of this declaration, the Superintendent of Police is hereby directed pursuant to the provisions of La. R.S. 40:1387, to take command and control of all peace officers and police officers within the City, when and if and to the extent that their services are needed to deal with the present emergency.

All available resources of the City of New Orleans and its boards and agencies are hereby ordered to be commandeered and utilized by the Emergency Authority for the purpose of performing or facilitating emergency services, when and if and to the extent that their resources are necessary to deal with the present emergency. The "Emergency Authority" as used in this Proclamation refers to the Superintendents of Police and of Fire under supervision of the Office of the Mayor through the Director of Homeland Security, or under direct supervision of the Office of the Mayor, all acting directly under the supervision and control of the Mayor of the City of New Orleans.

The direction, personnel, and functions of all local departments, agencies, and units are hereby transferred, to the extent necessary, to the Emergency Authority for the purpose of performing or facilitating emergency services. All City officials and employees are hereby ordered to take all steps requested by the Director of Health and the Emergency Authority to prevent the spread of COVID-19 and to prevent or alleviate illness or death due to the virus.

The Emergency Authority may commandeer or utilize any private property if it finds this necessary to cope with the local disaster emergency.

The Emergency Authority is hereby empowered to suspend the provisions of any regulatory ordinance prescribing the procedures for conduct of local business, or the orders, rules, or regulations of any local agency, if strict compliance with the provisions of any ordinance, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

The Emergency Authority, on my order as Mayor of the City of New Orleans and Chief Executive Officer of the Parish of Orleans, is hereby empowered to direct and compel the evacuation of any and all persons from any part of the City deemed by the Emergency Authority to be suitable for evacuation, if necessary for the preservation of life or other disaster mitigation, response, or recovery in accordance with the provisions of Ordinance No. 22,247 M.C.S.

The Emergency Authority is hereby empowered to prescribe the routes, modes of transportation, and destinations for such evacuation, if necessary, to control ingress and egress to and from the City of New Orleans and the movement of persons and occupancy of premises therein.

Subject to the provisions of Act 275 of 2006 (Regular Session), the Emergency Authority is hereby empowered, if necessary, to suspend or limit the sale, dispensing, or transporting of alcoholic beverages, firearms, explosives, and combustibles.

The Emergency Authority is hereby empowered and directed in conjunction with HANO, HUD, and any other appropriate agencies, public and private, to make provisions for the availability and use of temporary emergency housing, if necessary.

The Superintendents of Fire and Police are directed to take all necessary steps within legal bounds to ensure that no looting or arson occurs within any area ordered evacuated.

The Emergency Authority is hereby authorized to invoke any relevant provisions of the City Code.

The City Attorney is directed to file this proclamation promptly in the office of the Clerk of Court.

WITNESS my hand in New Orleans, Louisiana this 11th day of March, 2020.



LATOYA CANTRELL, MAYOR



Supreme Court
STATE OF LOUISIANA
New Orleans

CHIEF JUSTICE
BERNETTE J. JOHNSON Seventh District

JUSTICES
WILLIAM J. CRAIN First District
SCOTT J. CRICHTON Second District
JAMES T. GENOVESE Third District
MARCUS R. CLARK Fourth District
JEFFERSON D. HUGHES III Fifth District
JOHN L. WEIMER Sixth District

JOHN TARLTON OLIVIER
CLERK OF COURT

400 ROYAL STREET
NEW ORLEANS, LA 70130

TELEPHONE (504) 310-2300
HOME PAGE <http://www.lasc.org>

March 12, 2020

Dear Chief Judges:

Both the Center for Disease Control and the Louisiana Department of Health have advised people to take precautions in light of the COVID-19 virus (coronavirus) outbreak, and Governor John Bel Edwards has declared a public health emergency. In light of these developments, I wanted to assure you that we are monitoring the situation closely and we offer the following advice and recommendations.

First and foremost, we must handle this public health crisis in a way that protects the health and safety of everyone at our court facilities, while at the same time, to the extent possible, maintains access to the courts. In meeting these strategic goals, the courts are strongly encouraged to implement social distancing strategies to slow and possibly prevent exposure of the COVID-19 virus. As such, our courts are strongly encouraged to:

- Restrict court settings to emergency and time-sensitive settings;
- Stagger the scheduling of dockets to reduce the number of people in a space at the same time;
- Stagger essential court staff in attendance for court hearings to limit the pooling of people unnecessarily in a space at the same time;
- Encourage employees that can work remotely from home to do so; and

March 12, 2020

- Expand the use of audio and/or video conferencing in meeting, discovery conferences, scheduling conferences, bail settings, first appearance settings (where possible) hearings on post-convictions (to reduce unnecessary travel on detention centers and inmates).

Minimizing the number of people entering the courts is essential to slowing and preventing the spread of the COVID-19 virus outbreak. While you are in the best position to know what is optimal for your court, we recommend that all civil and criminal hearings and jury trials be continued, if possible, except as determined by the courts in regards to cases where speedy-trial motions have been filed in pre-trial detained individuals' cases to avoid violation of any constitutional rights. You may also wish to consider reducing the size of your jury pools for the time being.

Attached is an initial communication that we forwarded to our employees. For your information, the Louisiana Supreme Court will remain open for filings and other court business, while allowing non-essential employees to work remotely. Oral arguments scheduled for next week will be rescheduled. My "State of the Judiciary" address and reception, previously set for Tuesday, March 17, 2020, will also be rescheduled. If you adopt any orders affecting your court, please email them to us at rgunn@lasc.org so we may post them on the Supreme Court website.

We will be posting information and resources on the Supreme Court website at www.lasc.org. In addition, attached are some sample court Orders and notices. Additional resources are below:

Coronavirus Disease 2019 (COVID-19) | CDC
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Coronavirus (COVID-19) | Department of Health | State of Louisiana
<http://ldh.la.gov/coronavirus/>

Preparing for a Pandemic: An Emergency Response Benchbook and Operational Guidebook for State Court Judges and Administrators - Courthouse Facilities - National Center for State Courts
<https://ncsc.contentdm.oclc.org/digital/collection/facilities/id/194/>

Coronavirus Information | Office of Governor John Bel Edwards
<https://gov.louisiana.gov/index.cfm/page/89>

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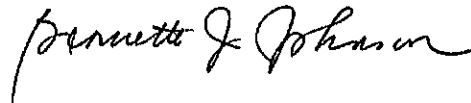
March 12, 2020

Gov. Edwards Declares Public Health Emergency in Response to COVID-19 |
Office of Governor John Bel Edwards

<https://gov.louisiana.gov/index.cfm/newsroom/detail/2400>

Our collective cooperation and implementation of these recommendations are essential in slowing and preventing the spread of the COVID-19 virus outbreak. Thank you in advance for your cooperation.

Yours very truly,

A handwritten signature in black ink, appearing to read "Bernette J. Johnson". The signature is fluid and cursive, with a large initial "B" and "J".

Chief Justice Bernette Joshua Johnson

Attachments

cc: Justices
Judges
Court Administrators