



Managing Civil Cases in the Time of COVID

QUICK REFERENCE GUIDE

December 12, 2020 | Version 1

This Project was funded by the State Justice Institute to provide immediate communication, collaboration, and tools for the sudden response to needs of courts during the COVID-19 pandemic. This guide was designed to provide ready reference to resources for courts managing cases involving civil cases.

RAPID RESPONSE TEAM, POST-PANDEMIC ADVISORS: CIVIL

This advisory group has overseen the creation of issue briefs and webinars intended to provide guidance to courts on how to safely and strategically recover and resume full court operations and to document COVID-19 adaptations and reengineered court practices and procedures to be replicated during and following the pandemic recovery.

INVOLVING CIVIL CASES OCCASIONED BY THE PANDEMIC

Business Litigation

In a five-part webinar series, state court judges, lawyers, and subject matter experts discuss legal and practical issues that are likely to arise in business litigation due to the COVID-19 pandemic.

- Recording: [Complex Litigation Grab Bag](#) (9-14-20). A panel of subject matter experts for a roundtable discussed effective commercial case management, the role of federalism in COVID-19 business litigation, and lesser known procedural quirks that state court judges may encounter in the coming months.
 - [Webinar Materials](#)

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Business Litigation

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Case Law update: Business Litigation in the Time of COVID-19

Business Interruption Insurance

- Impact of COVID-19 on business insurance, led to policy language about direct physical loss
- Reimbursement generally limited

State Farm Ind. Ins. Co. v. Churchland Insurance Company

United States District Court for the Southern District of New York, April 13, 2020 –
Procedural history: Churchland sued State Farm for direct physical loss because Plaintiff placed its business in a state of readiness to serve the public.

Takeaway: Insurance, i.e., State Farm Mutual Automobile Insurance Company
 United States District Court, S.D. of New York, Northern District, September 3, 2020
 Plaintiff's motion for summary judgment was granted.

Analysis: Plaintiff's motion for summary judgment was granted because Plaintiff failed to establish that its business was damaged by direct physical loss. Differences in the definition of direct physical loss between COVID-19 and other infectious diseases, and obsolescence under §12-112.

Mahabadi, LLC v. Greenwich Insurance Company

United States District Court for the Southern District of New York, May 20, 2020 (Case No. 20-cv-00145)
 Defendant's motion for summary judgment was granted. Defendant claimed that Plaintiff lost its business due to COVID-19. Plaintiff claimed that it was forced to close its business due to COVID-19. Plaintiff claimed that it was forced to close its business due to COVID-19. Plaintiff claimed that it was forced to close its business due to COVID-19.

Direct Barbershop, LLC v. State Farm Life Insurance Company

United States District Court for the Southern District of New York, April 13, 2020 (Case No. 20-cv-00145)
 Defendant's motion for summary judgment was granted. Defendant claimed that Plaintiff lost its business due to COVID-19. Plaintiff claimed that it was forced to close its business due to COVID-19. Plaintiff claimed that it was forced to close its business due to COVID-19.

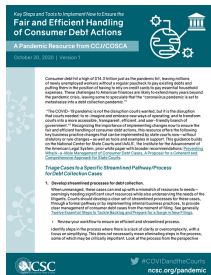
Rose v. L.L.C. v. State Farm Life Insurance Company

United States District Court for the Southern District of New York, April 13, 2020 (Case No. 20-cv-00145)
 Defendant's motion for summary judgment was granted. Defendant claimed that Plaintiff lost its business due to COVID-19. Plaintiff claimed that it was forced to close its business due to COVID-19. Plaintiff claimed that it was forced to close its business due to COVID-19.

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High-Volume Civil Dockets

Consumer debt hit a high of \$14.3 trillion just as the pandemic hit, leaving millions of newly unemployed workers without a regular paycheck to pay existing debts and putting them in the position of having to rely on credit cards to pay essential household expenses. These challenges to American finances are likely to extend many years beyond the pandemic crisis, leaving some to speculate that the “coronavirus pandemic is set to metastasize into a debt collection pandemic.”



These [Key Steps and Tools](#) offer business practice changes that can be implemented by state courts now to ensure fair and efficient handling of consumer debt actions.

- Webinar Recording: [Fair and Efficient Handling of Consumer Debt Actions: Key Steps and Tools to Implement NOW](#). This webinar highlighted key steps and tools that state courts can implement now –without statutory or rule changes –to ensure that consumer debt actions are managed fairly and efficiently.
 - [Webinar materials](#)

Most state courts experienced significant backlogs in civil caseloads due to the COVID-19 pandemic, and expect a substantial increase in cases, especially on high-volume calendars such as landlord/tenant, consumer debt collection, and small claims, due to the impact of stay-at-home orders on the economy.



This [document](#) and related [webinar](#) offer practice case management advice for addressing backlogs and preparing for the surge in civil filings. Many courts acclimated quickly to using videoconferencing platforms for court hearings.

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- NCSC Access to Justice experts Danielle Hirsch and Zach Zarnow are joined by Paula Hannaford-Agor (NCSC) and Emily LaGratta (LaGratta Consulting) in a [Tiny Chat](#) to discuss how courts can take steps to ensure procedural fairness, especially during the pandemic.

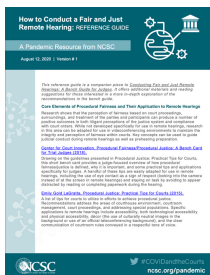


Managing Civil Cases in the Time of COVID

High-Volume Civil Dockets



This [bench guide](#) explains the foundational tenets of procedural fairness and offers practical tips to ensure procedural fairness in remote hearings.



A [companion reference guide](#) provides background research on procedural justice.

Federal and state eviction moratoria have temporarily halted eviction proceedings in many states, but state court policymakers anticipate a surge in eviction filings as these moratoria expire. To prepare, some states have implemented eviction diversion programs, many of which also tap CARES Act funds for rental assistance for tenants who have lost income due to COVID-19.

- This [June 16, 2020 webinar](#) highlights programs in Michigan and Pennsylvania.
- A [follow-up webinar](#) on September 15 returns to those programs for lessons learned about their implementation and early operations.