

IN THE DISTRICT COURTS OF THE 19th JUDICIAL DISTRICT
STATE OF OKLAHOMA



ADMINISTRATIVE ORDER)
)
IN RE:)
CONTINUITY OF OPERATIONS PLAN)
FOR THE 19th JUDICIAL DISTRICT)

AO-20-5

FILED
BRYAN COUNTY, OKLAHOMA
DISTRICT COURT CLERK

MAR 16 2020

DONNA ALEXANDER
COURT CLERK
BY Donna Alexander Deputy

**ADMINISTRATIVE ORDER SUSPENDING
CERTAIN IN-PERSON COURT PROCEEDINGS AND
CONTINUITY OF OPERATIONS PLAN FOR THE 19TH JUDICIAL DISTRICT**

On March 12, 2020, the World Health Organization designated the COVID – 19 outbreak as a global pandemic. On March 13, 2020, the President of the United States declared a national emergency as a result of the emerging public health threat posed by COVID – 19. On March 15, 2020, the Governor of Oklahoma issued an Executive Order declaring an emergency in all 77 Oklahoma Counties caused by the impending threat of the COVID – 19 to the health of the people of Oklahoma. In addition, the Oklahoma Department of Health has urged all Oklahomans to take steps to reduce the spread of infection.

Accordingly, the following **Continuity of Operations Plan for the District Court for the 19th Judicial District** is hereby enacted:

The District for the 19th Judicial District is open and will remain open unless otherwise ordered or directed by the Chief Judge, the Supreme Court of Oklahoma or the Governor.

Any person entering the Bryan County Courthouse is subject to the limitations set forth in **SCAD Order 2020-24**, issued by the Chief Justice of the Supreme Court of Oklahoma and the Presiding Judge of the Oklahoma Court of Criminal Appeals, which is incorporated with, and adopted as a part of, this Order.

All in-person proceedings in the 19th Judicial District are suspended from the close of business on March 16, 2020, until further order, subject to the exceptions below:

THIS ORDER DOES NOT APPLY TO THE FOLLOWING:

- Misdemeanor or Felony Initial Appearances/Arraignments;
- Preliminary Hearing Conferences (PHC);

- Preliminary Hearings, unless moved by the assigned judge;
- Misdemeanor or Felony plea or disposition dockets, unless moved by the assigned judge;
- Motions to Revoke, unless statutory limit is waived;
- Small claims matters with statutory time limits for hearing;
- Applications for Emergency Protective Order;
- Emergency custody, visitation, guardianship, or mental health applications;
- Department of Human Services (DHS) emergency matters related to child protection;
- Proceedings related to emergency protection of elderly or vulnerable persons;
- Other emergency or time sensitive matters;
- Proceedings directly related to the COVID – 19 public health emergency;
- Other exceptions as approved by the Chief Judge

If you are required to appear for any of the above proceedings, you must appear as directed. **Guidelines for the Protection of all Persons Appearing for Proceedings** are attached hereto and incorporated as a part of this Order by reference.

All other District Court proceedings currently set while this Order is in effect shall be rescheduled unless:

- The proceedings will be conducted remotely;
- The assigned judge determines that the proceedings can be conducted under conditions that protect the health and safety of all participants.

YOU ARE DIRECTED TO CONTACT THE ASSIGNED JUDGE IMMEDIATELY TO DETERMINE WHETHER YOUR CASE WILL BE RESET, AND IF SO, TO DETERMINE THE DATE THAT THE MATTER WILL BE HEARD. If you are represented by counsel, all contact with the courts shall be by your attorney ONLY. If you are not represented by counsel, you may contact the office of your assigned judge by contacting that office by telephone or email. The list of the contact information for each judicial office is attached hereto. Contact with judicial offices shall be for the purposes of resetting the matter ONLY. *Ex parte* communication regarding the substance of the matter set before the Court is prohibited.

Although most court proceedings are public matters, due to the current emergency, the assigned judge is authorized to determine the manner in which in-person court proceedings are to be conducted. Further, all in-person court proceedings shall be limited to attorneys, parties, witnesses, victims, security officers, and other necessary persons, as determined by the assigned judge.

All judges and court clerks are urged to limit in-person courtroom contact as much as possible by utilizing available technologies, including alternative means of filing, teleconferencing, email, and video conferencing. Any Local Rule of the 19th Judicial District, criminal or civil, that impedes a judge's or court clerk's ability to utilize available

technologies to limit in-person contact is suspended during the effective period of this Order.

If it becomes necessary to close judges' offices or court clerks' offices during the period of suspension, these offices shall remain accessible by telephone and email to the extent possible during their regular business hours.

This Order expressly does not prohibit court proceedings by telephone, video, teleconferencing, email, or other means that do not involve in-person contact. This Order does not affect Courts' consideration of matters that can be resolved without in-person proceedings.

All deadlines and statutes of limitations set forth in court rules, statutes, ordinances, administrative rules, or otherwise that are set to expire during the effective period of this Order remain in full force and effect unless extended by order of the Supreme Court of Oklahoma and/or the Oklahoma Court of Criminal Appeals, or statutory exemption. Those deadlines are not extended or tolled by this Order.

Orders of protection and temporary injunctions that would otherwise expire during the effective period of this Order are hereby extended until further order unless otherwise directed and ordered by the assigned judge.

Under the terms of this Order, the 19th Judicial District shall remain open, consistent with the Judicial Branch's obligation to mitigate the risks associated with COVID – 19.

This Order is intended to be interpreted broadly for protection of the public from risks associated with COVID – 19.

This Order will remain in effect until it is expressly rescinded by the Chief Judge, the Supreme Court of Oklahoma or the Governor.

Now on this 16th day of March, 2020,
IT IS SO ORDERED!

A handwritten signature in black ink, appearing to read "Mark R. Campbell", written over a horizontal line.

Mark R. Campbell, Chief Judge
19th Judicial District of Oklahoma

**IN THE SUPREME COURT OF THE STATE OF OKLAHOMA
AND**

IN THE OKLAHOMA COURT OF CRIMINAL APPEALS

SCAD NO. 2020-24

**FILED
SUPREME COURT
STATE OF OKLAHOMA**

MAR 16 2020

FIRST EMERGENCY JOINT ORDER REGARDING

**JOHN D. HADDEN
CLERK**

THE COVID-19 STATE OF DISASTER

1. Governor J. Kevin Stitt issued Executive Order 2020-07 on March 15, 2020, declaring an emergency in all 77 Oklahoma Counties caused by the impending threat of COVID-19 to the people of the state. This joint order is issued to clarify the procedures to be followed in all Oklahoma district courts and to encourage social distancing and to avoid risks to judges, court clerks, court employees and the public.
2. All district courts in Oklahoma shall immediately cancel all jury terms for the next 30 days and release jurors from service. No additional jurors shall be summoned without approval of the Chief Justice. All civil, criminal and juvenile jury trials shall be continued to the next available jury dockets.
3. Subject only to constitutional limitations, all deadlines and procedures whether prescribed by statute, rule or order in any civil, juvenile or criminal case, shall be suspended for 30 days from the date of this order. This suspension also applies to appellate rules and procedures for the Supreme Court, the Court of Criminal Appeals, and the Court of Civil Appeals.
4. In any civil case, the statute of limitations shall be extended for 30 days from the date of this order.
5. Subject only to constitutional limitations, assigned judges should reschedule all non-jury trial settings, hearings, and pretrial settings. Emergency matters, arraignments, bond hearings, and required proceedings of any kind shall be handled on a case by case basis by the assigned judge. Judges shall use remote participation to the extent possible by use of telephone conferencing, video conferencing pursuant to Rule 34 of the Rules for District Courts, or other means.

The use of email, fax and drop boxes for acceptance of written materials is encouraged, except that the use of email may not be used for appellate filings at this time. If any party or counsel objects to a continuance of any matter, assigned judges are encouraged to hold hearings in the same manner as emergency matters.

6. The following persons are prohibited from entering any courtroom, court clerk's office, judges' offices, jury room or other facility used by the district courts :
 - a. Persons who have been diagnosed with or have direct contact with anyone diagnosed with COVID-19.
 - b. Persons with symptoms such as fever, severe cough, or shortness of breath.
 - c. Persons who have traveled to any country outside of the U.S. in the past 14 days, and those with whom they live or have had close contact.
 - d. Persons who are quarantined or isolated by any doctor or who voluntarily quarantine.
 - e. If you are in one of these categories (a-d) and are scheduled for a court appearance or are seeking emergency relief, contact your attorney, and if you have no attorney, call the court clerk's office in the county where you are required to appear.
7. All courts may limit the number of persons who may enter any courtroom, judges' or clerk's office, jury room or any other facility used by the district courts.
8. This order is subject to extension or modification as necessitated by this emergency.

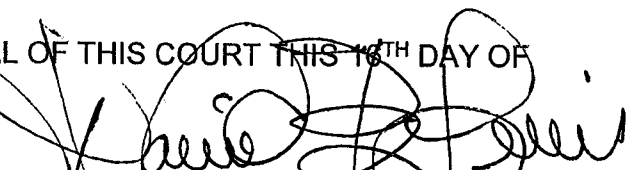
IT IS SO ORDERED.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 16TH DAY OF MARCH, 2020.



NOMA D. GURICH, CHIEF JUSTICE

WITNESS OUR HANDS AND THE SEAL OF THIS COURT THIS 16TH DAY OF MARCH, 2020.



DAVID B. LEWIS, PRESIDING JUDGE

GUIDELINES FOR THE PROTECTION OF PERSONS APPEARING FOR COURT PROCEEDINGS

General Guidelines

1. Communications between counsel should occur prior to appearing for court in order to reduce the amount of people entering the building and the amount of time necessary to be in the building. This includes but is not limited to, negotiations, notices regarding the manner in which a proceeding will be conducted, the number of witnesses that will need to be present, etcetera.
2. Communications between defense counsel and the District Attorney's Office should be by email or other remote communication method unless, by agreement, counsel for the defense and State wish to meet in person.
3. Communications between counsel and the Court should be accomplished by email or other remote communication method unless otherwise directed by the specific judicial office. Any emails directed to the Court shall also include all counsel. No *ex parte* communications shall be allowed.
4. Courtesy copies of pleadings or materials which consist of no more than ten (10) pages total may be emailed to the judicial offices rather than presenting the same in person. Submissions of more than ten (10) pages shall be left in the place designated by the specific judicial office pursuant to the guidelines for each office.
5. Requests for continuances of matters set during the effective period of the Order Suspending Certain In-Person Proceedings may be emailed to the Court along with a proposed order. All matters remain as set unless a request is approved by the Court prior to the hearing date.
6. No defendant housed in the Bryan County Jail shall be brought to the Bryan County Courthouse unless specifically order by the assigned judge.

Initial Appearances/Arraignments

A revised Order to Appear for Initial Appearance will issue notifying all persons posting bond that they will be required to appear for an in-person initial appearance/arraignment between April 15, 2020 and April 30, 2020. [See separate Order to appear]

7. In custody initial appearances/arraignments will be attempted by video. Defendants who are in custody on a Motion to Revoke will be advised of their right to a hearing within twenty (20) days at the initial appearance/arraignment. The scheduling of the hearing on the Motion will be determined by whether a waiver of that right is made.

8. If a defendant is not in custody and IS represented by counsel, the defendant need not appear for initial appearance/arraignment. Counsel may initially appear/arraign his/her client by court minute. If agreed upon by the State, a court minute may be presented to the assigned magistrate PRIOR to the date set for initial appearance/arraignment. If a bond or other conditions are not agreed upon or if an agreed order is not presented PRIOR to the date set for initial appearance/arraignment, counsel for the defendant must appear for walk-in initial appearances/arraignments.
9. If a defendant is not in custody and IS NOT represented by counsel, he/she must appear in person.
10. Walk-in initial appearances/arriangment will be conducted according to the current schedule and procedure. However, the location of initial appearances/arraignments may be adjusted to provide a space that allows for appropriate social distancing. Notice will be provided at check-in of the appropriate courtroom.
11. Only the defendant and/or his attorney, the State, court personnel and/or victims wishing to be present shall be allowed in the courthouse for initial appearances/arraignments. All family members, friends and other interested persons shall remain outside of the Courthouse unless otherwise ordered, approved or directed by a Judge of the District Court.

Pre-Hearing Conferences (PHC)

12. If a defendant is not represented by counsel and is in the Bryan County Jail, the PHC will be conducted by video conferencing. Matters currently set for PHC shall remain as set.
13. If a defendant is not represented by counsel and is out of custody, he/she must appear as previously ordered.
14. If a defendant is represented by counsel, he/she need not appear, unless otherwise directed by his/her attorney or the Court. Counsel for the defendant must file an Entry of Appearance as required by Court Rules. The Entry of Appearance shall be emailed to the assigned District Attorney who shall then email all reports, agreed discovery and a recommendation to defendant's attorney. Meaningful negotiations shall take place prior to the PHC.
 - a. If counsel has complied with this guideline but additional time is needed, a summary order continuing the matter may be submitted to the assigned magistrate and his/her secretary/bailiff via email. All applicable blanks on the Summary Order must be filled out and it must be signed by the State and defense counsel. Incomplete Summary Orders shall not be considered. The proposed reset date may be obtained from the appropriate judicial office. The proposed Summary Order **MUST BE APPROVED BY THE ASSIGNED**

MAGISTRATE PRIOR TO THE PHC SETTING. No continuance shall be granted unless for good cause shown. The assigned magistrate may provide notice of approval via email. If the proposed Summary Order is not approved prior to the PHC setting, counsel must appear.

b. If the matter is for plea or waiver of Preliminary Hearing and setting for Formal Arraignment, defendant's attorney may submit an agreed Summary Order setting the matter on the assigned District Judge's docket along with a signed waiver of Jury Trial or Preliminary Hearing to the assigned magistrate for approval. The proposed Summary Order and signed waiver may be submitted via email to the assigned magistrate and his/her secretary/bailiff. If the proposed Summary Order and signed waiver are approved/accepted by the assigned magistrate **PRIOR TO THE PHC SETTING**, defense counsel need not appear. If approval is not given prior to the PHC setting, defense counsel must appear.

c. If the matter is for plea, all paperwork is completed and is ready for plea at the time of the PHC setting, an email shall be sent by defense counsel to the secretary/bailiff of the assigned magistrate and the State stating that the plea will take place in lieu of the PHC. The assigned magistrate's staff will direct counsel to an alternate courtroom so that the plea can be taken in lieu of and at the same date/time as the PHC.

d. For all other matters, defense counsel must appear for PHC unless otherwise excused by the Court.

Preliminary Hearings

15. All Preliminary Hearings remain as set unless indicated by the assigned judge. Each judicial office may limit the number of persons attending the Preliminary Hearing. Furthermore, if more than one matter is set creating a large number of people congregating in or near the courtroom, the assigned judge may refer matters to any other available judge. No witness for either party may congregate in or near judicial chambers.

Disposition Dockets

16. Matters set for plea on any misdemeanor or felony docket may be reset by the assigned judge in order to properly manage the number of persons appearing on those dockets. In determining whether a matter will be reset, the Court will take into consideration whether the defendant is in or out of custody, the age of the case, the prejudice, if any, to any victims, the prejudice, if any, to the defendant, the length of the delay caused by the reset and any other factors relevant to the assigned judge. Persons in custody shall not be reset absent good cause.

17. Each judicial office may schedule multiple settings in a week in order to reduce the size of individual dockets. In addition, any judicial office may take a plea whether the case is assigned to him/her by agreement of the parties.

18. If a defendant is in custody, the disposition will be done by video conferencing. All paperwork must be completed prior to the docket and it must be presented to the Court at the time of the docket. Defendants will not be brought to the Bryan County Courthouse unless directed by a Judge of the District Court.

Motions to Revoke or Accelerate

19. If a defendant is represented by counsel and has previously waived his/her right to a hearing within twenty (20) days, the matter may be reset by agreement of counsel and approval by the assigned judge without the defendant having to appear. However, the approval by the Court must be granted prior to the hearing set in order for the defendant and defense counsel to be excused.

20. If a defendant is represented by counsel, the Motion is set for the first setting following arraignment (no prior waiver of 20 days) and the defendant is requesting additional time to come into compliance, defense counsel may present a signed waiver and agreed summary order prior to the hearing via email to assigned judge and his/her secretary/bailiff. If approved by the Court PRIOR TO THE HEARING, the matter will be reset and defendant and defense counsel need not appear. If not approved prior to the hearing, defendant and counsel will need to appear.

21. If a defendant is not represented by counsel, he/she must appear as ordered.

Forcible Entry and Detainers

22. Unless otherwise directed by the assigned judge, all small claims matters shall be reset except those seeking immediate possession of property under the Forcible Entry and Detainer statute. Those matters will remain as set.

Protective Orders

23. All applications for Protective Order shall be handled under the process currently in place. Show cause hearings may be referred by the assigned judge to any other available judge for hearing. The Court may limit the number of persons allowed to be present.

24. Matters currently set for hearing shall remain as set unless otherwise ordered by the assigned judge. The Court shall allow liberal continuances if requested.

Emergency custody, visitation, guardianship, or mental health applications

25. All applications for emergency relief shall be handled under the process currently in place. The assigned judge shall determine the manner and method for any hearing.

Department of Human Services (DHS) emergency matters related to child protection

26. All applications for emergency relief shall be handled under the process currently in place. The assigned judge shall determine the manner and method for any hearing.

Deprived and Delinquent Matters

27. Guidelines for docket reduction or public presence shall be provided by the assigned judge. Matters which may be resolved via email correspondence such as review hearings may be ordered to reduce in person appearances. For example, review hearings may be conducted by reports and recommendations sent via email by the case worker to all counsel, CASA and the Court. Comments and arguments to recommendations may be made via email in the same email string. The Court may modify any existing Order based upon the emails.

Proceedings related to emergency protection of elderly or vulnerable persons

28. All applications for emergency relief shall be handled under the process currently in place. The assigned judge shall determine the manner and method for any hearing.

Other emergency or time sensitive matters

29. All applications for emergency relief shall be handled under the process currently in place. The assigned judge shall determine the manner and method for any hearing.