

WAGONER COUNTY, OKLA  
FILED  
IN DISTRICT COURT  
IN THE DISTRICT COURT OF THE 15<sup>TH</sup> JUDICIAL DISTRICT  
CHEROKEE and WAGONER COUNTIES, STATE OF OKLAHOMA

IN THE MATTER OF DOCKET  
SCHEDULES DUE TO PUBLIC HEALTH  
CRISIS

NUMBER A0-2020-

IMPLEMENTATION OF PROCEDURES REGARDING THE REOPENING OF COURT OPERATIONS

Pursuant to the Third Emergency Joint Order Regarding the COVID-19 State of Disaster, the following phases shall be implemented for Wagoner and Cherokee Counties:

COURT DOCKETS:

Between May 18, 2020 and May 29, 2020, when possible all hearings shall be conducted electronically through the use of "Blue Jean" Skype or another approved format. Electronic hearings must be coordinated with the assigned judge's office.

Attached is a copy of Instructions for Participating in the Virtual Courtroom.

Commencing May 18, 2020 all hearings conducted in person (at the discretion of the assigned judge) shall be subject to the following procedures:

- A) Until June 1, 2020 in person hearing are limited to In Custody Criminal Cases, Emergency Guardianships, Protective Orders, and Mental Health Cases.
- B) In Person Hearings shall be limited to ten (10) people in the Courtroom at a time. This limitation is considering Court personnel, law enforcement, parties, respective attorneys and witnesses.
- C) Any other specially set in person hearings by the assigned judge shall follow these same procedures.
- D) All persons entering the courtroom/courthouse shall have their temperature taken. Any person whose temperature is above 100.3 shall be prohibited from entering the courtroom/courthouse.
- E) Any person with apparent symptoms of coronavirus; traveled outside of the United States in the past 3 months; or has been ask to self-quarantine or lives with someone who has been asked to self-quarantine shall not enter the Courtrooms/Courthouse.
- F) Follow CDC Guidelines. All persons entering the courtroom shall wear a "FACE COVERING" (e.g. mask, respirator, bandanna, handkerchief, tee shirt, etc.).
- G) No person under the age of 18 shall enter the Courtrooms unless previous permission is granted by the assigned judge.

- H) All individuals who are attending an in-person hearing shall exercise social distancing when Court is in session. Social Distancing means to distance at least six (6) feet apart from the other individuals.
- I) Leave the Courtroom and Courthouse as soon as possible after the conclusion of your case (or participation if a witness) to minimize contact with others during our practice of social distancing/CDC guidelines protocol.

Filing Documents/Pleadings:

With the exception of Protective Orders, Emergency Matters, Marriage License requests, and Passport Applications all pleadings or documents to be filed with the Court Clerk shall be made by mailing, facsimile or e-mail.

All documents shall comply with either the Oklahoma Rules of Civil Procedure, Rules of the District Court, and Title 22 of the Oklahoma Statutes including the Rules of the Court of Criminal Appeals. All documents shall have an original or electronic signature affixed to the document.

The Court Clerk shall have the authority to make arrangements for drop off pleadings or adjust filing procedures during this reopening operation.

Judge's Chambers/Offices:

Until further Order, all access to the Judges Chambers/ Office is restricted to phone, email, mail, and drop-off unless previous permission is granted. If permission is granted, no more the three (3) individuals at a time may be permitted access.

If a Court Reporter is needed, the requesting party shall notify the assigned Judge's Office before the scheduled time.

**Beginning June 1, 2020, Stage 2 shall be implemented.**

The restrictions shall be eased depending on the status of the COVID-19 cases analysis.

Civil and Criminal dockets shall be limited to fifty (50) people at a time. Temperatures of each individual is not required. All other restrictions shall remain in place until otherwise notified.

The Court Clerk's Office is open to in person filing subject to the restrictions previously outlined in this Order.

Specialty Courts shall resume with Social Distancing measures in place. These measures shall be implemented by the Assigned Specialty Court Judge.

Conference Dockets:

All Attorneys are required to communicate with each other and their respective clients and alleged victims before coming to Court. Cases will be set for announcements or pleas only. The Assigned Judge will limit the time for each individual case.

Regarding Criminal pleas- all paperwork shall be completed in advance of the scheduled date. Therefore, the ADA must provide a recommendation and the Attorney must communicate with his/her respective client before the scheduled plea.

**DEPRIVED MATTERS:**

All hearings shall be limited to 10 cases per docket. Each case shall be scheduled for a specific time. The hearing must be completed within 30 minutes. If a non-jury trial is required/requested, more time will be allocated on a case by case basis or conducted via <https://bluejeans.com>. The hearing format will be decided by the assigned judge. See Virtual Hearing Protocols attached.

The Court will take stipulations by affidavit. If parents have stipulated by affidavit, the parent and attorney do not need to appear.

**DELINQUENT/DETENTION MATTERS:**

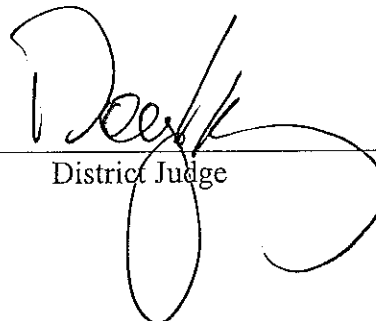
Detention hearings shall be conducted as scheduled. If the juvenile has access, the hearing shall be conducted by <https://bluejeans.com>. If the juvenile does not have access to an electronic device, the hearing shall be conducted telephonically.

The in-person cases shall be limited to 10 cases per docket. Each case shall be set a specific time. The hearing must be completed within 30 minutes. If a non-jury trial is requested, more time will be allotted on a case by case basis or conducted via <https://bluejeans.com>. The hearing format will be decided by the assigned Judge. If the Judge decides to conduct the hearing electronically, then the parties, attorneys, and witnesses shall follow the Virtual Hearing Protocols attached.

**CLARIFICATION:**

In their discretion, any assigned judge may modify these procedures to accommodate their dockets or cases as is necessary or appropriate.

DATED this 15<sup>th</sup> day of May, 2020.

  
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District Judge

## VIRTUAL HEARING PROTOCOLS

To attend a hearing, go to <https://bluejeans.com> create an account. You must sign in using your real name. Download and install the free Bluejeans app on your computer or tablet, or go to the App store and install the free Bluejeans app on your smart phone. If you cannot connect by Bluejeans, you may join the Bluejeans hearing by calling the phone number contained in the Order Setting Hearing. However, you will not be permitted to testify unless you appear on camera in Bluejeans.

### Instructions for Participating:

- a. All participants will receive an email invitation to attend the virtual hearing. The email will include a link, which will enable access to the hearing.
- b. Join the Virtual Courtroom a few minutes before the schedule time by clicking the link in the email invitation or clicking "Join the Meeting" in <https://bluejeans.com> and entering the Meeting ID and Participant Passcode contained in the Order Setting Hearing. If it asks you whether to open in the browser or open the Bluejeans app, always instruct it to open in the Bluejeans app. When you enter, select "Join by Computer Audio", even if you are connecting via smart phone.
- c. Upon entering the Virtual Courtroom, your video will automatically be on and your audio muted, until the hearing begins. If you are having trouble connecting, contact the judge's office for assistance.
- d. When you first connect, you will be placed in a virtual waiting room until the hearing begins. There may be other cases set at or near the same time as yours. Do not disconnect or exit the waiting room while you waiting. When the hearing begins, the Court will bring you and the other participants from the waiting room in the virtual courtroom.
- e. Video and audio recordings of the virtual hearings is strictly prohibited by any one except the official Court Reporter, if a part of the hearing.
- f. The Rule of Sequestration of Witnesses is invoked in every hearing in the Virtual Courtroom. Do not communicate with the witnesses by any means while the hearing is underway. Witnesses who violate this rule may not testify.
- g. All exhibits must be numbered and submitted to the judge's Office via email or mailed no later than 1:00 pm on the day prior to the hearing.
- h. If a violation takes place you can be subject to Contempt of Court which can carry a punishment of up to \$500 or up to six (6) months in the county jail.

Additional instructions and admonishments may be given by the assigned judge prior to or during the hearing.

Dated the 15<sup>th</sup> day of May, 2020

  
District Judge Douglas Kirkley

## IN THE DISTRICT COURT OF THE STATE OF OKLAHOMA

### PROCEDURES AND POLICIES ADOPTED FOR THOSE CASES ASSIGNED TO JUDGE SHOOK DURING THE COVID 19 PANDEMIC

NOW on this 15<sup>th</sup> day of May, 2020 the following Procedures, Rules, and Policies are adopted and will apply to those cases assigned to Judge Dennis N. Shook during the entirety of the Covid 19 Pandemic or until Further Order of This Court.

1. A facial mask or other facial covering shall be worn by all persons who enter the Courtroom or the Judge's chamber. This rule applies to all attorneys, parties, witnesses, victims, bailiffs, court reporters, law enforcement officers & Courtroom security officers.
2. Physical presence in the Courtroom when possible shall be limited to Attorneys, parties or their representatives, members of the media, victims in criminal cases as defined by Statute and the Oklahoma Constitution, Court reporters, law enforcement officers and Courtroom security officers. No more than ten (10) persons at a time shall be present in the Courtroom

3. The Preliminary Hearing Conference Docket for criminal matters is discontinued during the course of the Covid 19 Pandemic or until further Order of the Court. The Attorneys for the State and the Defense are directed to engage in plea negotiations at least 10 days prior to the Preliminary Hearing. The Office of the District Attorney shall verify that plea negotiations have occurred at least 24 hours prior to the preliminary hearing excluding weekends or holidays.
4. Preliminary Hearing Waivers shall be executed by the Defendant, Defendant's Attorney and the District Attorney or Assistant District Attorney. Defendants are not required to appear before the Court in order to waive their preliminary hearing. Preliminary Hearing Waivers shall be submitted by Counsel to the Court at any time during courthouse hours.
5. Initial appearances for in custody Defendants in criminal actions will be conducted remotely. All Defendants represented by Counsel shall appear by Counsel and not in person unless special circumstances require personal appearance.
6. Agreed decrees in domestic, paternity, and civil cases shall be submitted to the Court by personal appearance of Counsel or regular mail. The

- appearance of a party or parties for the purpose of providing jurisdictional testimony is discontinued.
7. Motion hearings in Civil, domestic, paternity and guardianship cases where in court testimony is unnecessary shall be conducted by teleconference or video conference.
  8. Annual in Court review hearings for all Guardianships are discontinued. Reports for the Property of Wards shall be filed according to statute unless waived by the Court.
  9. Video conferencing as set forth in Rule 34 of the Rules of the District Courts, when feasible will be utilized in lieu of in court hearings.
  10. The above stated procedures, rules and policies shall remain in effect and shall be subject to modifications as circumstances dictate during the entirety of the Covid 19 Pandemic or until Further Order of this Court. **IT IS SO ORDERED**

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JUDGE OF THE DISTRICT COURTYT