

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

MAY 06 2020

RICK WARREN  
COURT CLERK

51 *Chana Stevens*

IN RE: CONTINUITY OF OPERATIONS PLAN )  
RELATED TO THE COVID-19 PANDEMIC )

**A07-2020-21**

**ADMINISTRATIVE ORDER**

Pursuant to SCAD No. 2020-36, ¶ 6, beginning on May 16, 2020, all rules and procedures, and all deadlines whether prescribed by statute, rule or order in any civil, juvenile or criminal case, shall be enforced. Thus, beginning on May 18, 2020, this Local Court Order is adopted. *SCAD No. 2020-36, ¶ 12.*

**ENTRY INTO THE BUILDING FOR COURT RELATED FILINGS AND PROCEEDINGS**

1. With limited exceptions, as approved by the assigned judge, only attorneys, litigants, subpoenaed witnesses, victims, victims' immediate family, victims' lawful representatives, and the accused's immediate family with a case on a judge's docket may enter the building for the sole purpose of attending that proceeding. Once the proceeding is concluded those attorneys and litigants shall leave the building to ensure social distancing is possible for others having matters before the Court.
2. Attorneys shall not enter the building to file motions or pleadings except for emergency matters or to file a new case. All other matters shall be filed with the Court Clerk via mail, e-mail or by utilizing the Law Library file by fax option. Copies of these pleadings should be mailed, e-mailed or delivered to the assigned judge using the Law Library for delivery. Each judge will have discretion to determine his or her preferred manner of delivery.
3. The Court shall make reasonable efforts and accommodations to allow victims and victim representatives entitled to attend proceedings pursuant to Marsy's Law, Okla. Const. Art. 2 § 34, or the Oklahoma Victim's Rights Act, 21 O.S.2011 §§ 142A *et seq.*, in the courtroom at the appropriate time. The Court shall allow at least one victim or victim representative in the courtroom at the appropriate time, however, the Court may limit the number of other victims and victim representatives as necessary. Victims, their immediate family,

and their representatives who are excluded from the courtroom shall be directed to the District Attorney's Victim-Witness Center and shall be permitted to observe and participate in the court proceeding, to the extent otherwise provided by law, by means of video and/or audio communications as may be available to and provided by the District Attorney's Office.

4. Upon entering any county facility occupied by judges, judicial staff, law library staff, and court clerks and staff all persons are encouraged to wear masks (some judges may require the wearing of a mask in their courtrooms).

**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:**

1. Persons who have been diagnosed with or have direct contact with anyone diagnosed with COVID-19.
2. Persons with symptoms such as fever, severe cough, or shortness of breath.
3. 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.
4. Persons who are quarantined or isolated by any doctor or who voluntarily quarantine.

**SCHEDULING GUIDELINES**

Judges in all Divisions shall work together to stagger docket start and stop times as well as lunches and breaks. Judges shall set fewer cases on a docket and set more than one docket per day so as to limit the number of people in the courtroom at any given time in order to ensure proper social distancing.

**CRIMINAL FELONY, MISDEMEANOR, DRUG COURT AND MENTAL HEALTH COURT MATTERS**

Prior to June 1, 2020, with limited exceptions, only *in custody* arraignments, bond proceedings, preliminary hearing conferences, preliminary hearings, pretrial conferences, revocation hearings, disposition dockets, drug court, and mental health court proceedings may be held, utilizing video equipment in the courtrooms to the greatest extent possible. Judges shall have

discretion on the number of persons allowed in their courtroom depending on courtroom size with social distancing being maintained at all times. Attorneys and defendants shall not approach the bench unless requested to do so by the judge.

With limited exceptions *out of custody* matters shall be continued to a date after June 1, 2020. When continuing these matters judges shall be mindful to stagger the continuance dates and times so as not to create large dockets on any given day in the future.

Defense Attorneys shall prepare all plea paperwork necessary prior to the scheduled proceeding utilizing the forms approved by the Oklahoma Court of Criminal Appeals and shall bring them along with sufficient copies to Court. The required forms may be found on oscn.net or okcca.net. Any information that cannot be filled in prior to the hearing may be left blank and shall be completed prior to presentation to the judge. However, as much of the information as can be completed prior to the proceeding, such as the name of the Defendant, Charges, Sentencing Ranges, and etc. must be completed prior to the hearing in order to limit the amount of time in the courtroom. This will help ensure proper social distancing and allow the Court to limit the number of persons in the courtroom at any given time.

Additionally, in order to ensure proper social distancing and limit the number of persons in the courtroom at any given time plea bargaining shall not be allowed in the courtroom. All agreed pleas should be negotiated prior to the scheduled court proceeding. Blind pleas may be specially set for a later time if upon announcement of the blind plea request the courtroom capacity does not allow for proper social distancing at that time.

#### **CIVIL DOCKETS CONDUCTED BY DISTRICT JUDGES**

Prior to June 1, 2020, with the exception of emergency matters all hearings shall be conducted utilizing authorized remote participation formats. To the extent possible, emergency matters shall be conducted using remote participation formats. If an in person hearing is required prior to June 1, 2020, each judge shall have discretion on the number of persons allowed in their courtroom depending on courtroom size with social distancing being maintained at all times. Attorneys and litigants shall not approach the bench unless requested to do so by the judge.

After June 1, 2020, judges are encouraged to continue to use authorized remote participation formats to conduct all matters to the extent possible until such time as social distancing is no longer required.

#### **CIVIL DOCKETS CONDUCTED BY SPECIAL JUDGES (SIXTH FLOOR DOCKETS)**

Prior to June 1, 2020, dockets that have previously been set and which currently exceed the number of cases that would allow for proper social distancing shall not be subject to a docket call. Rather, the litigants shall check in and each judge shall use discretion on the number of persons allowed in their courtroom depending on courtroom size with social distancing being maintained at all times. Those awaiting entry shall social distance in the hallway. Following the completion of their case the litigants shall immediately leave the courtroom and hallway so as to allow the next group of litigants to present their cases. No additional cases may be set on any docket currently scheduled prior to June 1, 2020. However, additional dockets may be scheduled to be held at other times to accommodate those new filings that require a hearing prior to June 1, 2020.

Beginning June 1, 2020, or as soon thereafter as possible, additional dockets shall be added so as to limit the number of cases per docket. Additionally, a formal docket call shall not take place but rather a check-in procedure shall be utilized if necessary to ensure proper social distancing within each courtroom at any given time.

Social distancing shall be maintained at all times. Attorneys and litigants shall not approach the bench unless requested to do so by the judge.

Judges shall encourage the use of Early Settlement Mediation to the extent possible.

To the extent possible any necessary hearings on dockets other than small claims or FED, shall be conducted via authorized remote participation formats.

#### **JUVENILE**

Through at least June 2020, hearings shall be staggered and held via video, unless specifically indicated otherwise by the assigned judge. Prior to the video conference, please ensure you have downloaded the applicable video conference platform to avoid any delays or

continuances of the proceeding. If an in person hearing is required prior to the end of June, 2020, no more than 25 persons, including judges and staff, shall be allowed in the courtroom at any one time. Social distancing shall be maintained at all times. Attorneys and all others in the courtroom, shall not approach the bench unless requested to do so by the judge.

### **DOMESTIC**

Each judge assigned to the domestic docket shall schedule multiple dockets per day with only 2 cases set per docket in order to limit the number of people in the courtroom and to allow for social distancing. Attorneys and litigants shall not approach the bench unless requested to do so by the judge. Attorneys handling waiver divorce cases shall utilize authorized remote participation formats to facilitate the divorce or any other matter.

Judges shall no longer require in person parenting classes during this same time frame and shall instead allow online classes.

The *Pro Se* Waiver dockets shall be limited to ten (10) cases per day. Because of the various sizes of the courtrooms in which judges' conduct the *pro se* waiver divorce docket, parties must check in for the docket and wait in the large waiting room on the first floor to be called into the courtroom by the judge's bailiff. Judges shall determine the number of cases that can be accommodated in their courtroom at one time to maintain appropriate social distancing guidelines. *Pro Se* litigants shall not approach the bench unless requested to do so by the judge.

### **PROBATE, GUARDIANSHIP AND ADOPTION**

Prior to June 1, 2020, rather than calling the docket, judges shall utilize a check-in system. Once all persons have checked in, the judge shall allow no more than two cases at a time into the courtroom at any one time. This will ensure there is room for social distancing while also allowing for the attorneys, parties, and other necessary participants to be present in the courtroom.

Social distancing shall be maintained at all times. Attorneys and all others in the courtroom, shall not approach the bench unless requested to do so by the judge.

Prior to June 1, 2020, only adoptive parents and the child will be allowed to attend the final adoption hearing. However, adoptive parents may utilize cell phones, tablets or other electronic methods to allow others to remotely view the proceeding.

Beginning June 1, 2020, or as soon thereafter as possible, additional dockets shall be added so as to limit the number of cases per docket. Additionally, a formal docket call shall not take place but rather judges shall utilize a check-in procedure to ensure proper social distancing in their courtroom at any given time.

To the extent possible, authorized remote participation formats should be utilized to conduct proceedings.

### **PROTECTIVE ORDERS**

Prior to June 1, 2020, rather than calling the docket, the judge shall utilize a check-in system. Once all persons have checked in, the judge shall allow no more than two cases at a time in the courtroom. This will ensure there is room for social distancing while also allowing for the attorneys, parties, and victim's advocates to be present in the courtroom.

Beginning June 1, 2020, or as soon thereafter as possible, rather than scheduling a large number of cases on a docket, the docket shall be staggered throughout the day so as to ensure there is room for social distancing while also allowing for the attorneys, parties, and victim's advocates to be present in the courtroom.

Social distancing shall be maintained at all times. Attorneys and litigants shall not approach the bench unless requested to do so by the judge.

To the extent possible, authorized remote participation formats should be utilized to conduct proceedings.

*IT IS SO ORDERED.*

Dated this 6<sup>th</sup> day of May, 2020.

  
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RAY C. ELLIOTT  
PRESIDING ADMINISTRATIVE JUDGE

**CERTIFIED COPY**  
AS FILED OF RECORD  
IN DISTRICT COURT  
MAY 06 2020  
RICK WARREN COURT CLERK  
Oklahoma County  
