

STATE OF OKLAHOMA }
CLEVELAND COUNTY } S.S.



FILED IN THE DISTRICT COURT CLEVELAND COUNTY
APR 24 2020 STATE OF OKLAHOMA

IN RE: CONTINUITY OF OPERATIONS PLAN
In the office of the CLERK FOR THE JUDICIAL BRANCH OF THE DISTRICT COURT
Court Clerk MARILYN V. WILLIAMS A0-2020-1
JUDICIAL DISTRICT

AMENDED ORDER SUSPENDING CERTAIN IN-PERSON COURT PROCEEDINGS

The Administrative Orders relating to the Continuity of Operations Plan for the District Court of Cleveland County are hereby amended and modified as follows:

1. The Phase 3 Protocol of the Continuity of Operations Plan for the District Court of Cleveland County as set forth in the Administrative Order entered April 6, 2020 shall remain in effect until and through May 15, 2020.
2. Commencing May 18, 2020, the Phase 2 Protocol as set forth in the Administrative Order entered March 23, 2020 shall take effect. Unless otherwise directed and ordered, the Phase 2 Protocol shall remain in effect until and through May 29, 2020. It is the intention of the Court that the Phase 1 Protocol, as set forth in the March 16, 2020 Administrative Order will be implemented June 1, 2020 and shall remain in effect until and through June 12, 2020, unless otherwise directed or ordered. Upon the expiration of the orders suspending in-person proceedings, normal operations shall ensue.
3. A summary of each phase of the Continuity of Operations Plan is attached hereto. In addition, amended guidelines for the implementation of the emergency orders relating to the Continuity of Operations Plan is attached hereto.
4. In-person access to the office of Cleveland County Court Clerk shall remain restricted until further directive issued by the Cleveland County Court Clerk. All measures currently implemented for the filing of documents and/or for contact with the Cleveland County Court Clerk shall remain in effect in order to facilitate the business of that office.
5. The Cleveland County Sheriff's Office, in conjunction with the Cleveland County Commissioners, has instituted certain increased screening measures to ensure the safety of persons entering the Cleveland County Courthouse complex. Due to the proposed transition of operations outlined herein, this Court finds it beneficial to memorialize those measures. Those measures are set forth in the guidelines for the implementation of these orders attached hereto and incorporated herein by reference.

6. All other provisions in the Administrative Orders relating to the Continuity of Operations Plan previously issued which are not specifically modified herein remain in full force and effect.
7. This Order will remain in effect until further order.

IT IS SO ORDERED this 24th day of April, 2020!

A handwritten signature in black ink, reading "Thad Balkman". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Thad Balkman, Chief Judge



GUIDELINES FOR JUDICIAL PROCEEDINGS UNDER THE CLEVELAND COUNTY CONTINUITY OF
OPERATIONS PLAN

Summary of Phase 1, 2 and 3 Protocols

	Phase 1	Phase 2	Phase 3
Access to Courthouse for court or judicial purposes	Restricted to litigants, attorneys, witnesses, victims, security officers, other necessary persons, as determined by the assigned judge and persons going to Clerk's office	Restricted to court personnel, employees of the office of the District Attorney, Court Clerk and Sheriff, OIDS Attorneys and persons appearing for emergency matters, arraignments or as directed by a judge	Restricted to designated courthouse employees and court personnel
Exceptions to Suspension of <i>In-Person</i> Proceedings	<ul style="list-style-type: none"> *Arraignments *PHCs *Preliminary Hearings *Plea Dockets *Call/Jury Assign./Status Conference Dockets *MTA/MTR Settings *SC cases w/ time limits *Emergency Matters *Other matters as directed by assigned judge 	<ul style="list-style-type: none"> *Arraignments *Emergency Matters *Other matters as directed by assigned judge 	None
<i>In-Person</i> Access to Clerk	Not Restricted	Restricted to persons designated above	Restricted to persons designated above

General Guidelines

1. Any guideline issued in conjunction with the prior Administrative Orders relating to the Continuity of Operations Plan which are not specifically modified herein, remain in full force and effect.
2. All District Court proceedings currently set shall be conducted under the appropriate phase protocol in effect at the time the matter is scheduled to be heard. Matters will remain as set until continued by the assigned judge as some proceedings may be held via remote means or 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* communications regarding the substance of the matter set before the court is prohibited.
3. You are strongly encouraged to take advantage of the Court's efforts to manage cases effectively during the period of the public health crisis. Dockets will be heavily backlogged as a result of the crisis and significant delays will ensue if cases that are amenable to being held by remote means are not handled accordingly. The Court will continue to utilize remote methods of conducting hearings, where appropriate, after returning to normal operations in order to safeguard the health of the public and justice system partners.
4. It is intended that court operations transition incrementally back to normal operations. However, during the transition, in-person access to the court will be limited as directed by the Chief Judge as well as assigned judges in order to control the number of persons appearing and to provide for adequate social distancing.
5. Matters to be filed at the Cleveland County Clerk's office should be presented under the appropriate directive from the Cleveland County Court Clerk in effect at the time the pleading is presented. When possible, pleadings should continue to be presented electronically by submitting the same to the Cleveland County Court Clerk at: clevelandpleadings@oscn.net.
6. Courtesy copies of pleadings or materials may be sent to the assigned judge at the time the pleading filed by adding the email address of the secretary/bailiff of the assigned judge to the return. In the alternative, courtesy copies may be emailed directly to the secretary/bailiff of the assigned judge. Matters that require a hearing to be set may be sent directly to the secretary/bailiff of the assigned judge, along with a Notice of Hearing. The judicial office will communicate via email regarding the setting of the matter.

When an appropriate date and method of conducting the hearing is determined, the judicial office will complete the Notice of Hearing, file the pleading and Notice and have it returned to the moving party via email.

7. Signature matters may be submitted in person by leaving the matter in the drop boxes located in the lobby of the courthouse or in the signature boxes located in or near each judicial office when access to those floors has resumed. Signature matters may also be presented via email. Once signed by the judge, matters will be filed and a file stamped copy will be returned via email by the Court Clerk.
8. No defendant housed in the Cleveland County Detention Center shall be brought to the Cleveland County Courthouse unless specifically ordered by the assigned judge.
9. Courthouse security officers shall continue the following screening measures:
 - a. All persons entering the courthouse shall be asked to state why they are entering the building;
 - b. All persons entering the courthouse shall be asked to orally acknowledge whether they
 - (1) Have traveled within the last 14 days from any country outside the United States or from an area in the United States with substantial community spread of COVID-19 to include the New York Tri-State Area, Massachusetts, California, Louisiana, Michigan, Florida or Washington State;
 - (2) Have been or have had close contact with someone who has been asked to self-quarantine by any health care provider or public official;
 - (3) Have been or have had close contact with someone who has been diagnosed with COVID-19; or
 - (4) Are presently exhibiting the symptoms of an infectious respiratory illness, which includes fever, cough, or shortness of breath.
 - c. Temperature screening shall be continued at the direction of the Sheriff or Commissioners.
10. The screening questions may be posted. Courthouse security officers may ask each question or may refer a person wishing to enter the courthouse to the posted screening questions and ask if the answer to any question is "Yes". If a person answers any of the screening questions in the affirmative or if they are exhibiting a fever, they shall not be permitted into the courthouse without express authorization from the Chief Judge or the elected official that the person is seeking to enter the courthouse to see.
11. The courthouse security officers also have the authority to deny access to anyone for court purposes pursuant to the appropriate protocol of Continuity of Operations Plan in effect at the time the person wishes to gain access. Furthermore, courthouse security officers shall also ensure that appropriate limitations on the number of persons in a courtroom gallery is enforced and shall encourage all persons in public areas, including but not limited to courtroom galleries, are practicing appropriate social distancing.

Civil and Family Law Matters

1. In-person Civil and Family law motion dockets are suspended pursuant to the Administrative Order issued herewith. Judicial offices may rule on any matter presented pursuant to Rule 4 of the District Courts. In addition, any matter may be set for a telephonic or video conference by agreement and with the consent of the assigned judge. Counsel are encourage to email the assigned judge's office to request a hearing date during the effective period of this order.
2. In-person Temporary Order dockets are suspended pursuant to the Administrative Order issued herewith. However, any matter may be set for hearing by agreement with the consent of the assigned judge. Counsel are encourage to email the assigned judge's office to request a hearing date during the effective period of this order.
3. Waiver divorces may be presented by counsel accompanied by affidavits or special interrogatories without the necessity of a party being present. In the alternative, hearings may be held via video conferencing or other electronic means at the discretion of the assigned judge.
4. Resolution Conferences will remain as set and shall be conducted in the manner directed by the assigned judge unless otherwise ordered. Resolution Conference materials must be exchanged with counsel per the Order for Resolution Conference, however, the materials shall not be delivered to the Court. Instead, a notice of compliance with the Order for Resolution Conference may be emailed to the assigned judge's secretary/bailiff. The notice of compliance may be included in the Resolution Conference Statement if so desired which may also be emailed to the assigned judge's secretary/bailiff.
5. Pretrial Conferences will remain as set and shall be conducted in the manner directed by the assigned judge unless otherwise ordered. Pretrial Conference materials shall be exchanged between the parties pursuant to the Order for Pretrial Conference issued in each case. However, only courtesy copies of motions to be heard at the Pretrial Conference and the jointly prepared Pretrial Conference Order shall be delivered via email to the assigned judge.
6. Motions to Enter shall be conducted via email. Each judicial office will send the appropriate scheduling order to all counsel or the parties if *pro se* with instructions to complete the Scheduling Order, to obtain the signatures required and to return it to the assigned judge via email. Once the completed Scheduling Order is returned, a Resolution Conference or Status Conference date will be offered via email by the assigned judge's secretary/bailiff. Once a date is chosen, the assigned judge will execute the order and file stamped copies shall be returned via email.

Arraignments

7. IN CUSTODY: arraignments will continue under the current video arraignment process.
8. OUT OF CUSTODY/REPRESENTED BY COUNSEL: PHASE 1 AND 2: DEFENDANT NEED NOT APPEAR, unless he/she has not previously been processed through the Cleveland County Detention Center. Counsel may arraign his/her client by summary order. If agreed upon by the state, a summary order may be presented to the assigned magistrate PRIOR to the date set for arraignment. If bond or other conditions are not agreed upon OR if an agreed order is not presented PRIOR to the date set for arraignment, counsel for the defendant must appear for walk-in arraignments.
PHASE 3: Counsel for Defendant may present an agreed arraignment summary order to the assigned magistrate via email. If there is no agreement regarding bond or other conditions OR if the Defendant has not been processed through the CCDC, the arraignment shall be set for an arraignment conducted by remote means.
9. OUT OF CUSTODY/NOT REPRESENTED BY COUNSEL: PHASE 1 AND 2: DEFENDANT MUST APPEAR. PHASE 3: Arraignment shall be reset for an in-person proceeding.
10. Once in-person arraignments have resumed and until the return to normal operations, 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 arraignments. All family members, friends and other interested persons shall remain outside the building unless otherwise ordered, approved or directed by a Judge of the District Court.
11. Arraignment summary order forms are available via email. Either the State or defense counsel may present an agreed summary order to the assigned magistrate. The agreement may be indicated by each attorney's signature on the proposed summary order or by forwarding the email from opposing counsel evidencing the agreement.
12. Current arraignment settings may be modified by the assigned magistrate in order to facilitate appropriate docket management. This may include moving the arraignment setting to an earlier date. In addition, counsel may request an earlier setting in order to facilitate appropriate docket management.

Preliminary Hearing Conferences (PHC)

13. All matters currently set for PHC shall remain as set, subject to the provisions below. However, current PHC settings may be modified by the assigned magistrate in order to facilitate appropriate docket management. This may include moving the PHC setting to an earlier date. In addition, counsel may request an earlier setting in order to facilitate appropriate docket management.
14. DEFENDANT NOT REPRESENTED BY COUNSEL: If the defendant is in custody, the PHC will be conducted by video conferencing. If the defendant is out of custody, the PHC will be conducted as follows:

PHASE 1 AND 2: Defendant must appear in person as previously ordered.

PHASE 3: The PHC shall be reset for an in-person proceeding.

15. DEFENDANT REPRESENTED BY COUNSEL: ALL PHASES: 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 both attorneys have complied with this Order but additional time is needed, an agreed PHC 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.
Incomplete Summary Orders shall not be considered. No continuance shall be granted unless for good cause shown.
 - b. If the matter is for plea or waiver of Preliminary Hearing and setting for Formal Arraignment, 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** (as appropriate) may be submitted to the assigned magistrate and his/her secretary/bailiff via email. If the matter may be conducted via remote means, the same shall be indicated on the proposed summary order as well as whether both parties agree to waive jurisdictional limitations so that an appropriate setting may be made.
 - c. If the matter is for Preliminary Hearing, counsel shall communicate with the assigned magistrate to request a Preliminary Hearing date. Once the date is received, the procedure for presenting the proposed summary order shall be the same as subparagraphs (a) and (b) above.
 - d. The proposed Summary Order MUST BE SUBMITTED TO THE ASSIGNED MAGISTRATE NO LATER THAN 5:00 P.M. OF THE FRIDAY PRIOR TO THE PHC SETTING. The assigned magistrate may provide notice of approval via email. If the proposed summary order is not submitted OR it is not approved by the assigned magistrate prior to the PHC setting, **both attorneys AND the Defendant must appear if the PHC setting occurs during Phase 1 or 2 or after the return to normal operations. If the PHC setting occurs during Phase 3, the PHC shall be set for hearing via remote means. The defendant will be required to appear with counsel at the PHC.**
 - e. For all other matters, both attorneys and the defendant must appear for an in-person PHC as directed by the assigned magistrate.
16. PHC summary order forms are available via email. Either the State or defense counsel may present an agreed summary order to the assigned magistrate. The agreement may be indicated by each attorney's signature on the proposed summary order or by forwarding the email from opposing counsel evidencing the agreement.

Disposition Dockets

17. All matters currently set for plea on any felony or misdemeanor disposition docket shall remain as set, unless otherwise ordered by the assigned judge. However, current settings may be modified by the assigned judge in order to facilitate appropriate docket management. This may include moving the disposition to an earlier date. . In addition, counsel may request an earlier setting in order to facilitate appropriate docket management. 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.
18. Until further order, 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 Cleveland County Courthouse.
19. Pleas, Formal Arraignments, Motions to Revoke or Accelerate or other matters set on a disposition docket may be conducted by remote means by agreement or at direction of the assigned judge.
20. Requests to continue matters set on disposition dockets may be made via email to the assigned judge with opposing counsel copied on the email or by presenting an agreed summary order to the assigned judge. Matters shall only be continued for good cause shown which must be indicated in the email request or on the proposed agreed summary order.

Jury Assignment/Call/Sounding or Status Conference Dockets

21. All matters currently set for jury assignment/call/sounding or status conference dockets shall remain as set, unless otherwise ordered by the assigned judge. However, current settings may be modified by the assigned judge in order to facilitate appropriate docket management. This may include moving the setting to an earlier date. In addition, counsel may request an earlier setting in order to facilitate appropriate docket management.
22. DEFENDANT NOT REPRESENTED BY COUNSEL: If the defendant is in custody, the matter will be conducted by video conferencing. If the defendant is out of custody, the matter will be conducted as follows:
PHASE 1 AND 2: Defendant must appear in person as previously ordered.
PHASE 3: The matter shall be reset for an in-person proceeding.
23. DEFENDANT REPRESENTED BY COUNSEL: ALL PHASES: If a defendant is represented by counsel, he/she need not appear, unless otherwise directed by his/her attorney or the Court. The same procedure as set forth above for PHC dockets shall be utilized for these dockets. The deadlines set forth

above apply equally to this dockets. Failure to comply shall result in both attorneys and the defendant being compelled to appear in person.

All Other Criminal Case Matters

24. Any jail issues or questions may be directed to Judges Stice or Walkley via email or telephone call to their cellular telephone numbers.
25. Any matter related to treatment or specialty courts may be directed to:
Judge Tupper for Drug Court, Recovery Court, Mental Health Court, and/or PTR Program
Judge Virgin for Community Sentencing
Judge Walkley for PTR Program
26. Any other criminal case matters including but not limited to search warrants, arrest warrants and other law enforcement contact may be directed to Judges Walkley, Balkman or Stice.

Protective Orders

27. During Phase 3, Emergency Protective Orders may be granted at the discretion of and under the procedure set forth by the judge assigned to hear those matters as set forth below. For all Protective Order issues, contact:
April 27, 2020-May 6, 2020: Judge Brockman
May 7, 2020-May 15, 2020: Judge Napoli
(If the judge assigned to that week is not available, you may contact the other judge.)
28. After the expiration of the Phase 3 Protocol, Protective Orders will be conducted at the discretion of the assigned judge.

Emergency Custody, Visitation,
or other Civil Emergency and/or Time Sensitive Matters

29. During Phase 3, all applications shall be emailed to the following judge for review and disposition
April 27, 2020-May 6, 2020: Judge Tupper
May 7, 2020-May 15, 2020: Judge Virgin
(If the judge assigned to that week is not available, you may contact the other judge.)
30. After the expiration of Phase 3, emergency applications shall be emailed to the assigned judge for disposition.

Emergency Delinquent/Deprived/Youthful Offender Matters

31. Emergency applications or matters may be granted at the discretion of and under the procedure set forth by Judge Stice.

Emergency Mental Health or Guardianship Applications

32. Emergency applications or matters may be granted at the discretion of and under the procedure set forth by Judge Napoli.

These guidelines are hereby adopted by the Cleveland County Courts this 24th day of April, 2020 and are incorporated in the Order Suspending Certain In-Person Proceedings filed herewith.

A handwritten signature in black ink, reading "Thad Balkman", with a horizontal line underneath the name.

Thad Balkman, Chief Judge