

In re: COVID-19 Pandemic and the Municipal Courts

ST. LOUIS COUNTY CIRCUIT COURT

**ADMINISTRATIVE ORDER RELATING TO MUNICIPAL DIVISIONS
(OPERATIONS ORDER)**

WHEREAS, the Centers for Disease Control and Prevention have declared that the outbreak of COVID-19 is a worldwide pandemic, and the St. Louis County Executive has declared a state of emergency; and

WHEREAS, the St. Louis County Executive announced a Stay-At-Home Order for all residents and businesses in St. Louis County, Missouri that went into effect at 12:01 a.m. on Monday, March 23, 2020, and is to remain in effect until at least April 22, 2020, and that during this time, all non-essential businesses will be closed and all non-essential personnel will be asked to work from home; and

WHEREAS, the continuing operation of the municipal court divisions within St. Louis County are deemed to provide essential governmental services and therefore, the courts must remain open and operational during the term of the Stay-At-Home Order; and

WHEREAS, notwithstanding the fact that the municipal divisions are required to remain open, it is imperative that the municipal divisions take steps to protect the health and safety of all employees of the municipal divisions, all judicial officers, all attorneys, all litigants, all victims, all witnesses and any other individuals or entities who have cases and hearings pending in these municipal divisions, while also balancing the rights of all said individuals to have their matters heard; and

WHEREAS, notwithstanding the fact that the municipal divisions must remain open, the municipal division's operations are and will be significantly modified during the term of the Stay-At-Home Order; and

WHEREAS, the Missouri Supreme Court entered an Order dated March 16, 2020, together with other Orders regarding on-going court operations, and has instructed courts in this state to "prepare for potential infection in their community"; and

WHEREAS, the Missouri Supreme Court has directed its courts to "consider strategies to prevent the spread of respiratory germs into, within, and between facilities"; and

WHEREAS, the Missouri Supreme Court suspended all in-person proceedings with certain identified exceptions, and the Missouri Supreme Court authorized the presiding judge of each Circuit to determine the manner in which hearings are to be conducted, including the discretion to excuse individuals from appearing; and

WHEREAS, the Missouri Supreme Court's Minimum Operating Standard #10 for Municipal Divisions and Municipal Division Judges provides that the "circuit court presiding judge of the judicial circuit" has oversight of municipal division operations, and Missouri Supreme Court Rule 37.04 gives the presiding judge of the circuit general administrative authority over the judges and court personnel of all divisions of the circuit court; and

WHEREAS, the presiding judge of St. Louis County has oversight and administrative authority over the operations, judges and court personnel of the sixty-plus municipal divisions of St. Louis County,

IT IS HEREBY ORDERED that all St. Louis County Municipal Divisions, until at least April 17, 2020, shall operate during this time as follows:

1. Effective immediately, no “in-person” municipal division/court dockets shall be held in any municipal division until further order of this court until it is deemed safe by the St. Louis County Department of Public Health for normally scheduled municipal division dockets to resume. Accordingly, continuances should be granted liberally during this time. Upon issuance of continuances to new court dates, notice shall be sent to the parties.
2. Defendants and attorneys for defendants are hereby reminded of their duty to provide current, up-to-date addresses and contact information to the municipal division staff for mailing of notices of new court dates.
3. As Missouri Supreme Court Chief Justice George Draper indicated on both March 16 and March 22, 2020, “[t]he courts of the State of Missouri shall remain open.” All locations, therefore, are to remain open during normal municipality/division daytime hours, Monday through Friday. Each municipal division is given the authority to adjust the hours and locations of its operations as the situation dictates.
4. As Justice Draper has also indicated, “[i]f it becomes necessary to (physically) close any courthouse during the suspension period, the courthouse shall develop procedures for ensuring the court remains accessible by telephone and email, to the extent possible during regular business hours.” The Chief Justice indicates that while the doors to the courthouse need not be physically “open,” access to justice must never be denied or paused. Essential functions must always be performed.
5. As Justice Draper requires, the municipal division clerk/judge must notify the Supreme Court of Missouri, the Office of State Courts Administrator and this court immediately of the physical closing of any courthouse. Notice of such closings, as has been ordered by Chief Justice Draper, “should be disseminated to the local media and posted on the courthouse doors.”

6. If the municipal division courthouse closes or reduces its accessibility, the municipal division staff must provide public notices about how the court will continue to perform its essential functions. Specifically, the court must continue to make necessary arrangements to:

- a. issue and recall warrants;
- b. set and reduce bonds;
- c. receive payments for court matters; and
- d. provide information about pending cases, including new court dates.

These functions do not require any in-person presence at the courthouse, given the current circumstances. The municipal judges shall notify the presiding judge by April 3, 2020 as to the method and manner in which the municipal division is currently performing the essential division functions listed above.

7. All available technologies should be utilized, including email, teleconferencing, video conferencing, drop boxes and online payment methods.
8. The municipal divisions must make every effort to keep the public informed, via all available means of communication, including, but not limited to, the court's website, social media, posting physical notices on doors and buildings and press releases. All communications to the public shall prominently display the municipal division's telephone number(s).
9. Municipal division personnel are encouraged to stay home if sick or with fever or exhibiting any symptoms associated with COVID-19 until such time that it is safe for them to return. Signs should be posted on the courthouse doors that ban visitors from entering the building due to potential COVID-19 exposure.
10. The municipal divisions must communicate and coordinate regularly with their municipalities, their appointed and elected officials, the St. Louis County Department of Public Health and the

Missouri Department of Health and Senior Services. Communication with local health officials is critical to ensure that the municipal divisions are always included in the priority listing of persons/entities to be notified of any local measures enacted to both protect public health and prevent the spread of COVID-19.

11. Once regular municipal division operations resume, a notice of the date of the rescheduled municipal division proceedings in the form of a summons shall be issued to all parties at the addresses provided to the municipal division.
12. The municipal divisions shall regularly update the Missouri Supreme Court, the Office of State Courts Administrator, and the undersigned of any changes made in accordance with these instructions.

SO ORDERED:


Michael D. Burton, Presiding Judge
Twenty-First Judicial Circuit
St. Louis County, Missouri

Date: 3/30/20