

ADMINISTRATIVE ORDER RE OPERATIONS OF THE COURT SUBSEQUENT TO THE MISSOURI SUPREME COURT'S MAY 4, 2020 ISSUANCE OF OPERATIONAL DIRECTIVES

WHEREAS, in March, 2020, the Centers for Disease Control and Prevention declared that the outbreak of COVID-19 is a worldwide pandemic, and the St. Louis County Executive consequently declared a state of emergency; and

WHEREAS, the St. Louis County Executive subsequently announced a Stay-At-Home Order for all residents and businesses in St. Louis County, Missouri that went into effect on Monday, March 23, 2020 and remains in effect at this time, and that during this time, all non-essential businesses have been closed and all non-essential personnel have been asked to work from home if possible; and

WHEREAS, the continuing operation of the 21st Judicial Circuit Court ("Court") is deemed to be an essential governmental service and therefore, the Court has remained open and operational during the term of the Stay-At-Home Order; and

WHEREAS, notwithstanding the fact that the Court has remained open, the Court has taken steps to protect the health and safety of all employees of the Court, all judicial officers, all attorneys, all litigants, all victims, all witnesses and any other individuals or entities who have cases and hearings pending in Court, while also balancing the rights of all said individuals to have their matters heard; and

WHEREAS, notwithstanding the fact that the Court has remained open, the Court's operations have been significantly modified during the term of the Stay-At-Home Order; and

WHEREAS, the Missouri Supreme Court has entered Orders since March 16, 2020, 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 has suspended all in-person proceedings with certain identified exceptions, and the Missouri Supreme Court has 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 Court desires to employ additional necessary and reasonable measures to protect the general public, litigants, lawyers, employees and all other individuals from exposure to COVID-19; and

WHEREAS, the Presiding Judge of the Court has the administrative authority over the divisions and dockets of the Court and the administrative and discretionary authority regarding the manner in which any hearings are conducted in the Court; and

WHEREAS, as state and local governments begin to relax stay-at-home orders and restrictions on social distancing and group gatherings, the Supreme Court of Missouri, on May 4, 2020, provided Operational Directives to the courts of this state that they must follow before resuming court activities that have previously been suspended by this Court’s prior orders; and

WHEREAS, these Operational Directives are designed to assist courts in ensuring public safety when making decisions at the local level. The Directives established phases which reflect differing approaches to in-person proceedings, personnel and staffing, and courthouse operations; and

WHEREAS, as the Supreme Court has indicated, “the citizens of the state and employees who enter Missouri courthouses and court facilities must feel confident for their own safety and understand that the health and welfare of every litigant, juror, witness, victim, judicial employee, attorney, and other individual involved in judicial proceedings across the state is paramount in the decisions that are made under these Operational Directives”; and

WHEREAS, as Missouri courts have been operating at what the Missouri Supreme Court has referred to as “Operating Phase Zero” since the Supreme Court’s March 16, 2020 Order that suspended most in-person court proceedings. These conditions continued as the Supreme Court’s Orders indicated since March 16, 2020. The Supreme Court has directed this Court to continue to operate under this phase until certain local conditions warrant moving to Operating Phase One; and

WHEREAS, such conditions include the absence of COVID-19 cases in the courthouse, the rescission of stay-at-home orders, the loosening of group gathering restrictions, the improvement of COVID-19 health conditions in the community and support from both local health officials and “judicial partners”; and

WHEREAS, employees and detainees of this Court have recently been diagnosed with COVID-19 and County Executive Sam Page has not changed his Executive Order which took effect on March 23, 2020, restricting activities to limit the spread of the virus, and 3,724 individuals in St. Louis County have been diagnosed with COVID-19, 220 of whom have died as of May 7, 2020. During the past week, 190 new cases of COVID-19 have been diagnosed in St. Louis County and nine residents have died from the virus; and

WHEREAS, as the Missouri Supreme Court declared, “any order or decision that moves courthouse operations from one Operating Phase to another must implement appropriate policies protecting litigants, witnesses, victims, judicial employees, attorneys, and other individuals involved in judicial proceedings.”

IT IS HEREBY ORDERED that the terms of this Court’s Administrative Order 29 (dated April 22, 2020) are extended until further order of this court.

1. The Court shall continue to remain open and operational. However, except for the noted exceptions in Administrative Order 29, there shall remain no in-person proceedings, hearings or conferences held in the St. Louis County Courthouse. This Court continues to encourage the judges to conduct proceedings, hearings and conferences by telephone, Polycom, videoconferencing, Zoom or any other method that does not require the physical presence of persons in the Courthouse.

2. Entry into the Courthouse shall continue to be limited to the same persons as indicated in Administrative Order 29.

3. The Adult Abuse Office, located on the street level of the Courthouse, shall continue to remain open for all individuals seeking to obtain orders of protection. The Adult Abuse Office's hours of operation are 8:00 a.m. to 4:00 p.m., Monday through Friday; 9:00 a.m. to 12:00 p.m. on Saturdays. Petitioners are encouraged to file their petitions online whenever possible. Instructions and the necessary forms are provided on the St. Louis County Circuit Court's website. Nonetheless, the Adult Abuse Office welcomes all petitioners in person as well.

The Adult Abuse Office can be reached by calling (314) 615-4725. Petitioners are encouraged to also contact their local police departments or St. Louis County Police precincts for assistance. Additional resources can be found on the Court's website at <https://wp.stlcourtscourts.com/family-court/adult-abuse-domestic-violence-court>;

4. Individuals not authorized to enter the Courthouse are provided the following contact information to ensure remote access to the administration of justice:

(a) If you are represented by an attorney, please contact your attorney with any questions;

(b) If you are an attorney scheduled to appear in court before a circuit or associate circuit judge or a commissioner, please contact the division clerk directly. The Court's website at <https://wp.stlcourtscourts.com> has court division contact information;

(c) If you need information about the status of your case, please consult Casenet or contact the Circuit Clerk's Office at (314) 615-8029;

(d) For St. Louis County Prosecuting Attorney matters, please contact the St. Louis County Prosecuting Attorney's office at (314) 615-2600; and

(e) For St. Louis County Public Defender matters, please contact the Missouri Public Defender's St. Louis County Office at (314) 615-4778.

The St. Louis County Judicial Administrator shall continue to provide procedures and protocols for *pro se* litigants to deliver and/or file pleadings and other documents with the Court. These procedures shall continue to be posted on the Courthouse doors and posted on the Court's website at <https://wp.stlcourtscourts.com>.

5. The Judicial Administrator is ordered and authorized to suspend the impaneling of all jurors until further order of this court. Jury trials in this Circuit shall not commence until this Court enters Operating Phase Two (as described in the Missouri Supreme Court's May 4, 2020 Operational Directives). Nevertheless, according to the Supreme Court, the only jury trials that could be heard during

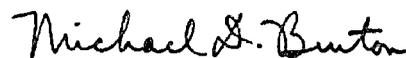
Operating Phase Two are proceedings that are the “most extraordinary, pressing and urgent.”

6. All municipal courts in St. Louis County, Missouri continue to be subject to this Court’s administrative orders and, more specifically, Administrative Orders 23 and 24. The municipal courts shall continue to take appropriate action consistent with these administrative orders and the Centers for Disease Control and Prevention guidelines. No in-person proceedings shall occur in any municipal court until this Court enters Operating Phase Three (as described in the Missouri Supreme Court’s May 4, 2020 Operational Directives). Moreover, such proceedings shall not occur in any municipal court until the municipal court receives written approval from this Court of its Continuity of Operations Plan (which was described to all municipal judges and court administrators in an email from this Court dated May 6, 2020) that describes measures that must be taken to ensure that the courts are engaged in safe practices as recommended by the Centers for Disease Control and Prevention to prevent the spread of COVID-19.

7. This Court will continue to be compliant with the guidelines from the Centers for Disease Control and Prevention pertaining to the prevention of the spread of COVID-19. Consequently, as of May 12, 2020, no one shall enter this Courthouse without a mask. This Court will make every effort to provide masks to visitors who do not have them. Further, masks shall be worn at all times in this Courthouse in the lobbies, hallways, elevators, parking garage and courtrooms of the St. Louis County Courthouse. Masks, of course, need not be worn when persons are alone in their own enclosed offices or in areas where they can ensure that others are more than six feet away from them.

THIS ORDER SUPPLEMENTS THE APRIL 22, 2020 ORDER OF THIS COURT WHICH IS INCORPORATED HEREIN BY THIS REFERENCE, and MAY BE AMENDED AS CIRCUMSTANCES REQUIRE. IT IS SO ORDERED.

May 7, 2020



Michael D. Burton

Presiding Judge, 21st Judicial Circuit

St. Louis County