

**IN THE 36th JUDICIAL CIRCUIT
BUTLER COUNTY
RIPLEY COUNTY**

ADMINISTRATIVE ORDER

A.O. #5.15.20

In Re: COURT OPERATIONS DURING COVID-19 – PHASE 1

This Order Supersedes this Court’s order regarding COVID-19 dated April 20, 2020

WHEREAS, on March 13, 2020, national and state emergencies were declared following the classification of COVID-19 as a pandemic. In response, the Supreme Court of Missouri announced the implementation of precautionary measures to combat the spread of the disease to the public and employees of the Missouri judiciary; and

WHEREAS, the Governor of the State of Missouri issued a Stay at Home Order effective April 6, 2020, through May 3, 2020. On April 27, 2020, Governor Parson announced that Missouri would enter an initial recovery phase beginning May 4, 2020 and issued the “Show Me Strong Recovery Order,” effective until May 31, 2020, requiring person and businesses to comply with social distancing requirements, including maintaining six (6) feet of space between individuals, but otherwise allowing all businesses to reopen with recommended safety precautions; and

WHEREAS, The continuing operation of the 36th Judicial Circuit Court (“Court”) is deemed to be an essential governmental service and therefore, the Court will remain open and operational; and

WHEREAS, The Supreme Court of Missouri issued an Order on May 4, 2020, effective May 16, 2020, whereby the Presiding Judge of each circuit will determine, based upon certain Gateway Criteria, when that circuit will progress to Phase 1, Phase 2 and Phase 3; and

WHEREAS, in response to the Order of the Missouri Supreme Court, this Court conducted an *En Banc* meeting on May 15, 2020, with local officials involved with the operation of the courts. Present were the Associate Circuit Judges, representatives of the Butler County Sheriff’s Department, Ripley County Sheriff’s Department, Poplar Bluff Police Department, the Director of Emergency Management, County Health Departments, Juvenile Division, Children’s Division, Butler County Prosecuting Attorney, Ripley County Prosecuting Attorney, District Public Defender and members of the private bar. The purpose of the meeting was to gather input in order to arrive at a consensus as to how to move forward with the gradual reopening of the courts in the 36th Judicial Circuit; and

WHEREAS, there have been no confirmed COVID-19 in any court facility in the 36th Judicial Circuit to date; and

WHEREAS, COVID-19 health conditions have been stable over a fourteen (14) day period in the community with only 27 cases and zero deaths in Butler County and 5 cases and zero deaths in Ripley County. There has been no evidence of community spread in the 36th Judicial Circuit; and

WHEREAS, local officials have found that the public health system has the hospital resources, testing resources and public containment resources to begin the process of safely reopening the local economy; and

WHEREAS, the Presiding Judge has fully considered the Gateway Criteria set forth by the Missouri Supreme Court; and

WHEREAS, local health officials and emergency management officials approve of the changes to levels of court and courthouse activities consistent with restrictions on occupancy and social distancing requirements as set forth in the phases established by the Missouri Supreme Court.

WHEREFORE, the Presiding Judge finds:

1. That local conditions are improving sufficiently to allow the Court to progress to Phase One (1) effective May 16, 2020.
2. After consideration of input provided during the meeting of community representatives above referenced, it is determined that this Court will progress through the phases set forth by the Supreme Court only if local COVID-19 conditions continue to stay the same or improve and it can implement sufficient procedures to ensure the safety of every litigant, juror, witness, victim, judicial employee, attorney and any other individual involved in judicial proceedings.

IT IS HEREBY ORDERED, effective at 8:00 a.m. on May 16, and continuing until further order of the Court the operations of the Court shall be pursuant to Phase 1 as follows:

Operating Phase 1 – Effective May 16, 2020

In Phase 1 Court will operate with the following restrictions:

- a. Members of the public who are not involved in court proceedings will not be allowed in the courtrooms.
- b. Social distancing is required of court staff, attorneys, parties and witnesses.

- c. Individuals will not be allowed access to a court facility who have been exposed to or are exhibiting symptoms of COVID-19.
- d. The temperature of all individuals entering a court facility will be taken and those with a temperature of 100.4 degrees or higher will not be allowed entry.
- e. The use of masks or face coverings by attorneys, parties, witnesses, victims and courtroom staff is encouraged.
- f. Occupancy in the courtrooms is limited to ten (10) people or less whenever possible.
- g. All proceedings that do not require in-person appearances of parties or counsel may proceed or be suspended at the discretion of the judge in the matter as circumstances allow. Judges may exercise their discretion to conduct proceedings that do not require in-person appearances by teleconferencing, video conferencing, or other available technology to the extent not otherwise prohibited by statutory or constitutional restrictions.
- h. Technologies such as teleconferences and video conferences shall continue to be available. Attorneys are encouraged when feasible to schedule motion hearings and other matters through the utilization of such technology.
- i. Occupancy rates in courtrooms, lobbies, hallways and other gathering areas are limited to a rate of ten (10) or less whenever possible.
- j. Extra cleaning and disinfecting will occur throughout each day and hand sanitizer will be made available.
- k. Jury trials will not be held during Phase 1.

THIS ORDER MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

Dated: May 15, 2020



Michael M. Pritchett
Presiding Circuit Judge
36th Judicial Circuit