

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

SUPPLEMENTAL ADMINISTRATIVE ORDER

A.O. #5.28.20

In Re: COURT OPERATIONS DURING COVID-19 – PHASE 2

This Order Supplements this Court’s order regarding court operations dated May 15, 2020

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

WHEREAS, this Court entered into Phase 1 on May 16, 2020. During said phase, COVID-19 health conditions have been stable over a fourteen (14) day period in the community with 30 cases and zero deaths in Butler County and 7 cases and zero deaths in Ripley County as of this date. There has been no evidence of community spread in the 36th Judicial Circuit; and

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

WHEREFORE, the Presiding Judge finds:

1. That local conditions are improving sufficiently to allow the Court to progress to Phase Two (2) effective June 1, 2020.
2. The 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 June 1, 2020, and continuing until further order of the Court the operations of the Court shall be pursuant to Phase 2 as follows:

Operating Phase 2 – Effective June 1, 2020

In Phase 2 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. In-person proceedings will be held, as long as social/physical distancing requirements can be met.
- g. Occupancy in courtrooms is limited to twenty-five (25) people or less whenever possible. **However**, such an increased number of individuals in the courtroom presumes the necessity for several individuals to be present simultaneously on a given case. Otherwise, occupancy limits shall be controlled by social/physical distancing requirements with an emphasis on proceedings being safely conducted in compliance with social distancing protocols. The authority to permit increased numbers of individuals in a courtroom is not a mandate to do so.
1. Unnecessarily permitting additional numbers of individuals in a courtroom increases potential for COVID-19 exposure for all present. Court staff and security officers have been very effective in enforcing social/physical distancing protocols and occupancy restrictions during Phase 1 of court operations and will continue to do so. There have been 2 new COVID-19 cases in Butler County while the Court has operated under Phase 1. Only strict adherence with the policies herein contained will allow the Court to safely and efficiently progress through phases established by the Supreme Court of Missouri. Although the Court is required to remain in Phase 2 for a minimum of 14 days, proceeding to Phase 3 will be based upon local conditions and phasing up shall not be automatic.

- h. 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.
- i. 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.
- j. Occupancy rates in courtroom lobbies, hallways and other gathering areas are limited to a rate of twenty-five (25) or less whenever possible.
- k. Extra cleaning and disinfecting will occur throughout each day and hand sanitizer will be made available.
- l. Jury trials will not be held during Phase 2.

THIS ORDER MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

Dated: May 28, 2020



Michael M. Pritchett
Presiding Circuit Judge
36th Judicial Circuit