

**IN THE TWENTY-FIFTH JUDICIAL CIRCUIT, STATE OF MISSOURI
COUNTIES OF PHELPS, PULASKI, TEXAS AND MARIES**

ADMINISTRATIVE ORDER 2020-12

RE: Superseding Order - Implementation of Phase Three Under Missouri Supreme Court COVID-19 Operational Directives for All Counties

WHEREAS, the Missouri Supreme Court issued a Superseding Order and Operational Directives (“Directives”) on July 24, 2020 setting forth procedures for the gradual resumption of court activities previously suspended by the Court’s prior orders; and

WHEREAS, the Directives create four different phases for court operations, from phase zero (the most restrictive) to phase 3 (the least restrictive), with each of the 46 judicial circuits to begin in Phase zero as of May 4, 2020; and

WHEREAS, all counties of the Circuit are currently operating under Phase three pursuant to this Circuit’s Administrative Order 2020-11; and

WHEREAS, it is necessary to issue this Order superseding Administrative Order 2020-11 in order to comply with the Supreme Court Order issued this date.

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The counties of Maries, Phelps, Pulaski and Texas shall remain in Operating Phase three until further order. The details for operating under Phase three are set forth herein.
2. In-person court proceedings are allowed so long as they can be conducted in compliance with social distancing protocols as set forth herein.
3. Grand jury proceedings and petit jury proceedings are allowed, but only in strict accordance with the Missouri Supreme Court order dated June 5, 2020, titled “Procedures For Jury Proceedings During COVID-19 Pandemic.” If HEPA air filters are not compatible with the HVAC system for a courtroom, additional air filtration solutions should be considered such as ultraviolet disinfection systems.

4. Though a court is permitted to conduct an in-person court proceeding as set forth above, it is not required to do so, and instead is encouraged to handle such proceeding by audio conference or video conference when possible. If an in-person proceeding is necessary, it shall be limited to the attorneys, parties, witnesses, security officers, and others necessary to the proceeding as determined by the judge presiding over the proceeding. The judge presiding over an in-person proceeding shall allow vulnerable¹ litigants, witnesses, victims, attorneys, and other participants to participate in the proceeding remotely by audio conference or video conference, or, if such remote participation is not feasible, postpone such person's in-person presence or postpone the in-person proceeding. If a proceeding is one that is open to the public by law, any member of the public desiring access shall be provided upon request with electronic access by either audio conference or video conference. The judge presiding over a proceeding has the discretion to excuse jurors or other individuals who cannot or should not appear as a result of risks associated with COVID-19.

5. In each case, judges and court staff shall endeavour to specify by docket entry available on Casenet a reasonable time in advance of a given court date the type of appearance expected by attorneys and parties. If the appearance is required by audio conference or video conference, the joining information for participating should be included in the docket entry.

6. A current version of this Court's Administrative Order limiting courthouse access of persons with risk factors for the COVID-19 virus and advising of COVID-19 precautions shall be posted at each exterior entrance of each courthouse of this Circuit. Court security staff are permitted to screen persons entering the courthouse with a temperature check. Also, basic screening questions are permitted in order to identify COVID-19 risk factors. The questions are limited to determining whether the person (a) has traveled to any foreign country within the last 14 days, (b) resides or has had close contact with someone who has traveled to a foreign country within the last 14 days, (c) has been asked to self-quarantine by any doctor, hospital or health agency, (d) has been diagnosed with, or had contact with

¹ "Vulnerable" persons are defined by the Centers for Disease Control and Prevention as individuals 65 years or older or individuals with underlying medical conditions, particularly if not well controlled, including those who suffer from chronic lung disease, moderate to severe asthma, serious heart conditions, immune disorders, obesity, diabetes, or chronic kidney or liver disease.

anyone who has been diagnosed with COVID-19, or (e) has an unexplained fever, cough or shortness of breath within the last forty-eight hours.

7. Social distancing of at least six feet shall be practiced in all courtrooms, jury assembly rooms, judicial offices, clerical offices, court security offices, hallways, and other areas in the court facility.

8. Face masks or coverings shall be required in all courtrooms, jury assembly rooms, judicial offices, clerical offices, court security offices, hallways, and other areas in the court facility except when an individual is alone in a private office.

9. Notwithstanding the previous paragraph, a judge presiding over a particular proceeding for good cause shown may permit a person to remove the mask or face covering during that proceeding, such as for a witness who is testifying.

10. A judge presiding over an in-person proceeding may require the use of tape or other visible means to demark six-foot distances where practical.

11. The occupancy limit, taking into account social distancing requirements, shall be posted for each room of the court facility at the entrance of each room. For a lobby, it should be posted near the entrance to the lobby.

12. Judges and court staff should remain alert to the possibility of congestion in waiting areas when dockets contain multiple cases requiring in-person appearances. Steps should be taken to avoid such congestion, such as by asking participants at the courthouse entrance to wait in their motor vehicles until they receive a call that the court is ready for their case.

13. The current practice of increased cleaning and disinfection of common areas and the provision of hand sanitizers and wipes shall continue.

14. Vulnerable judicial employees are allowed to return to work, but supervisors are encouraged to make reasonable accommodations to address those vulnerabilities.

15. Though judicial employees are permitted to work in shifts if deemed advisable by their supervisors, the supervisors should consider having such employees resume normal staffing schedules.

16. A judicial employee is permitted to stay home where possible if the employee:

- a) Is subject to a quarantine or isolation order or is living with or caring for such an individual;
- b) Has been advised by a health care provider to self-quarantine or is living with or caring for an individual who has been advised to self-quarantine;
- c) Is experiencing symptoms of COVID-19 and seeking medical diagnosis, or is living with or caring for such an individual.

17. This Order is effective immediately and shall remain in full force and effect until further court order. This Order supersedes Administrative Order 2020-11.

SO ORDERED this 24th day of July, 2020.

A handwritten signature in black ink, reading "William E. Hickle". The signature is written in a cursive style with a horizontal line underneath it.

William E. Hickle, Presiding Judge

Cc: Honorable John D. Beger
Honorable Kenneth G. Clayton
Honorable Colin P. Long
Honorable Douglas D. Gaston
Honorable Kerry G. Rowden
Honorable Mark D. Calvert
Honorable Michael V. Headrick
Circuit Clerks, Sheriffs, County Commissioners and County Clerks
of Phelps, Pulaski, Texas, and Maries counties
Area Attorneys
File