

MAR 19 2020

JERI TOAVS
Deputy Clerk

MONTANA FIFTEENTH JUDICIAL DISTRICT COURT
SHERIDAN, DANIELS and ROOSEVELT COUNTIES

IN RE: CORONAVIRUS / COVID-19

SB-2020-1

PUBLIC EMERGENCY

ADMINISTRATIVE ORDER

The President of the United States and the Governor of the State of Montana having respectively declared national and statewide public-health emergencies in response to the spread of a novel virus and the disease it causes, known as Coronavirus disease or COVID-19 virus; the Court Administrator's Office and the Chief Justice of the Montana Supreme Court having established guidelines for District Courts; and other public health authorities—federal, state, and local—having advised precautions to reduce the possibility of exposure to the virus and slow the spread of the disease, and the Courthouses being temporarily closed to public access:

IT IS HEREBY ORDERED that the District Courts of the Fifteenth Judicial District in the State of Montana adopt the following measures, effectively immediately:

1. The District Courts of the Fifteenth Judicial District will remain open, subject to the following rules, qualifications, and limitations:

a. The Temporary District Court Rules are:

General Business:

i. Should a Defendant be incarcerated, the Defendant will appear by video from the County Detention Center or other county/state detention facility.

- ii. Priority will be given to necessary work in criminal matters, requests for orders of protection, and child abuse and neglect proceedings. Those matters that are not required to be heard will be continued. Even if District Courthouses are open, during this time, the Court is limiting in-person hearings where appropriate and will conduct as much business as possible via telephone or video conference. Instructions on dialing into the District Court's virtual meeting room is attached to this Order.
- iii. Non-jury criminal proceedings such as bench trials, in-person hearings, settlement conferences, mediations, sentencing hearings, preliminary criminal matters, and other Court matters may be held subject to Court discretion. Counsel may seek to continue such matters or request leave to appear remotely via appropriate motions or e-mail notice to the Court. The use of telephonic or video proceedings, where feasible, is welcome and encouraged. This order does not limit the Court's discretion to consider and decide a pending matter without oral argument.
- iv. Preliminary criminal matters, such as initial appearances, arraignments, and bail hearings will be conducted by video or phone unless otherwise ordered by the Court. Defense counsel may decide the most efficient, effective, and safe manner for them to appear at such hearings.
- v. DJ hearings will be held by video where appropriate. Should the youth be in custody, he or she will appear by video from an appropriate location. The youth and his or her counsel will determine the most appropriate location for such video appearances, where possible. No DJ hearings will be held unless

1 necessary or required under Montana statute. The District Judge will have final
2 say as to necessity in such matters.

3 vi. All DI hearings from the Montana State Hospital will be conducted by video.
4 Counsel involved in such hearings must appear in Court or by video.

5 vii. All civil hearings should be conducted by video through VMR, if possible. All
6 civil hearings and proceedings are subject to continuance at the Court's
7 discretion considering factors such as hearing length, number of witnesses,
8 priority of action needed, and the health and availability of attorneys and critical
9 staff. The Court will give as much notice as possible to all parties regarding
10 cancellations and continuances. Any attorney wishing to continue a hearing at
11 their own discretion should file an appropriate motion with the Court as soon
12 as possible.

13 viii. All civil scheduling conferences will be conducted by phone or video.

14 ix. Attorneys are strongly encouraged to file all pleadings and documents
15 electronically, by e-mail, or by US Mail to reduce traffic to the Clerk of Court's
16 Office. Requests for copies of filed documents should be made electronically,
17 and any copy fees will be waived given these circumstances.

18 x. Attorneys or the public may request copies of documents electronically or in
19 writing and the copy fee or e-mail fee shall be waived. However, any document
20 requiring a certification or authentication, can be requested by e-mail, telephone
21 or in writing, but the required fees will still apply.

22 xi. The Clerk of Court's Office and the Judge's chambers, along with support staff,
23 will remain open, but on-site services may be limited. The District Court Judge
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1 and Clerk of Court will retain discretion regarding employees working
2 remotely.

3 xii. Other routine duties performed by the Clerk of Court's office—passports,
4 marriage licenses, and such—will continue at the Clerk of Court's discretion.

5 xiii. Important and informative health warning/instruction signs shall be placed
6 throughout the District Courthouse in areas jurors, defendants, and the public
7 frequent. These provide information about the **Coronavirus Disease / COVID-**
8 **19 virus**, its transmission, and risk-mitigation techniques such as hand washing,
9 hand sanitization, disinfection, social distancing, and such. **THESE MUST BE**
10 **READ AND FOLLOWED.**

11 **Regarding Jury Trials:**

12 xiv. Prosecutors and defense counsel are instructed to review each pending criminal
13 jury matter and decide whether it needs to proceed forward. Attorneys and self-
14 represented individuals will be encouraged to continue any jury trials or
15 proceed with a bench trial.

16 xv. Upon request, any potential juror over the age of **sixty (60)** and/or with a
17 chronic health condition will be excused telephonically through the Clerk of
18 Court and will not have to report for jury service.

19 xvi. Any potential juror, attorney, or member of the public who has traveled to
20 China, South Korea, or any European country, or who has been exposed to a
21 person diagnosed with **Coronavirus Disease / COVID-19 virus** in the last
22 **fourteen (14) days**, will be excused telephonically through the Clerk of Court
23 and need not appear in person for jury service or hearings.

1 xvii. Potential jurors, attorneys, or parties who are visibly ill at the time of a hearing
2 or trial will be immediately excused and the hearing or trial will be continued.

3 xviii. Should a jury pool need to be assembled, the Court will offer further direction
4 to the Clerk of Court to ensure social distancing during voir dire and trial.

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6 **Under Circumstances of Courthouse Closure:**

7 xix. Unless otherwise specifically Ordered, during periods of time where County
8 Courthouses are closed to general public access, parties including Counsel,
9 Defendants, and witnesses are required to attend hearings set via Judicial
10 Video Network or via telephone.

11 1. Parties wishing to appear via Judicial Video network will need to
12 download the Polycom Real Presence app and dial 161.7.29.142##
13 2152034.

14 2. Parties wishing to appear via telephone will need to dial 406-449-7478
15 and when prompted 2034#.

16 3. Defense Counsel shall contact Defendants to ascertain Defendant's
17 ability to appear virtually—if arrangements cannot be organized,
18 Defense Counsel shall file Motions to Continue hearings.

19 The Court will continue to assess the public health situation as it progresses and evolves during
20 the pendency of this Order. The Court may vacate, amend, or continue this administrative order as
21 circumstances require.

22 The undersigned certainly understands the inconvenience these rules may cause and the
23 substantial additional work that will be required to implement them. The Court thus thanks staff,

1 counsel, parties, and the public in general for their understanding during this challenging and uncertain
2 time. Your cooperation in promoting the health and safety of all is greatly appreciated.

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4 Dated this 19th day of March, 2020.

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6 HON. DAVID CYBULSKI
District Judge

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1 For Virtual Meeting Rooms on Polycom:

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3 Using the Virtual Meeting Room for phone conferencing

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5 You can use the Virtual Meeting Room (VMR) for phone conferencing by using the 215xxxx number

6 that is associated with your Polycom.

7 Using Sheridan County as an example, their Virtual Meeting Room number is 2152034

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- 9 Sheridan County will join their meeting room by dialing 2152034
- 10 If another Polycom, that is on the state network, they will need to dial 2152034
- 11 A Polycom that is not on the state network will need to dial 161.7.29.142##2152034
- 12
- 13 Using the Polycom RealPresence App from a smartphone will also dial 161.7.29.142##2152034
- 14
- 15 To dial into the Virtual meeting Room to appear just by phone no video, dial 4497478 and when prompted dial 2034#
- 16

17 If downloading the app:

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19 Step 1: Download the polycom realpresence mobile app (black and red logo)

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21 Step 2: It will ask for your email when you click into the app, just click next in the top right corner.

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23 Step 3: It will ask for server sign in, click skip sign in.

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25 Step 4: Key pad, you will need to dial- 161.7.29.142##2152034#

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CERTIFICATE OF SERVICE

This is to certify that the foregoing was duly served by
Mail _____ Email Fax _____
upon parties or Attorneys of record at their address or addresses
this 19 day of March, 2020.

Enka Fyfe

JERI TOAVS
Clerk of District Court
Wolf Point, MT 59201

✓ Cory Grangle
Lisa M. Six
Laura Christoffersen: Kathleen McCloskey
: Debra Dunaway
Pete Helland & Haley @helland
GAO & Frank Piccas <http://midriff.m>
Sally Nickol [.com](http://com)
Terry Tocus: Kn's Pipe: Kayla Dreyer:
Keri Fox
Chase Brown & Sharris m10 @ midrive
Jasm frederick & Troy Blaumt
Jeri Grimsrud
Albert Battmann