

**SUPREME COURT OF OKLAHOMA AND OKLAHOMA COURT OF
CRIMINAL APPEALS**

**First Emergency Joint Order Regarding the COVID-19 State of
Disaster**

2020 OK 25 · Decided March 16, 2020

SUMMARY

This joint order of the Oklahoma Supreme Court and Oklahoma Court of Criminal Appeals establishes emergency procedures for Oklahoma district courts in response to the COVID-19 state of disaster. It cancels jury terms for 30 days, suspends specified deadlines and procedures, extends civil statutes of limitations by 30 days, encourages remote proceedings, and restricts access to court facilities for individuals posing COVID-19 risks.

CASE DETAILS

COURT	Supreme Court of Oklahoma and Oklahoma Court of Criminal Appeals
JURISDICTION	Oklahoma
DECIDED	March 16, 2020
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Oklahoma and Oklahoma Court of Criminal Appeals issued a joint emergency administrative order governing Oklahoma district-court and appellate procedures during the COVID-19 state of disaster.
PRECEDENTIAL VALUE	Published emergency joint order

TOPICS

civil procedure

criminal procedure

appellate procedure

statute of limitations

sentencing

PRACTICE AREAS

civil procedure

criminal procedure

appellate procedure

health law

QUESTIONS PRESENTED

1. What temporary procedures should govern Oklahoma district courts and appellate courts during the COVID-19 state of disaster?

2. Whether jury terms, litigation deadlines, statutes of limitations, hearings, and other court proceedings should be continued or suspended for 30 days.
3. What restrictions and remote-access procedures should apply to persons entering or participating in court proceedings during the emergency.

HOLDINGS

1. All Oklahoma district courts must immediately cancel jury terms for the next 30 days, release jurors from service, refrain from summoning additional jurors without Chief Justice approval, and continue civil, criminal, and juvenile jury trials to the next available jury dockets.
2. Subject to constitutional limitations, all deadlines and procedures prescribed by statute, rule, or order in civil, juvenile, and criminal cases are suspended for 30 days, including applicable appellate rules and procedures.
3. The statute of limitations in any civil case is extended for 30 days from the date of the order.
4. Subject to constitutional limitations, assigned judges should reschedule non-jury trials, hearings, and pretrial settings, while handling emergency matters, arraignments, bond hearings, and other required proceedings on a case-by-case basis; remote participation should be used to the extent possible.
5. Specified persons, including persons diagnosed with or exposed to COVID-19, persons with specified symptoms, recent international travelers and close contacts, and persons under quarantine or isolation, are prohibited from entering designated court facilities; courts may also limit the number of persons entering those facilities.

FACTUAL BACKGROUND

Governor J. Kevin Stitt issued Executive Order 2020-07 on March 15, 2020, declaring an emergency in all 77 Oklahoma counties because of the impending threat of COVID-19. The courts issued the joint order to clarify procedures, encourage social distancing, and reduce risks to judges, court personnel, jurors, litigants, and the public.

PROCEDURAL HISTORY

The order was issued in response to Governor J. Kevin Stitt's March 15, 2020 emergency declaration concerning COVID-19. It established temporary statewide procedures for jury trials, deadlines, hearings, court access, and emergency proceedings.

DISPOSITION

other

OPINION

FIRST EMERGENCY JOINT ORDER REGARDING THE COVID-19 STATE OF DISASTER
2020 OK 25

PER CURIAM.

FIRST EMERGENCY JOINT ORDER REGARDING THE COVID-19 STATE OF DISASTER

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FIRST EMERGENCY JOINT ORDER REGARDING
THE COVID-19 STATE OF DISASTER

1. Governor J. Kevin Stitt issued Executive Order 2020-07 on March 15, 2020, declaring an emergency in all 77 Oklahoma Counties caused by the impending threat of COVID-19 to the people of the state. This joint order is issued to clarify the procedures to be followed in all Oklahoma district courts and to encourage social distancing and to avoid risks to judges, court clerks, court employees and the public.
2. All district courts in Oklahoma shall immediately cancel all jury terms for the next 30 days and release jurors from service. No additional jurors shall be summoned without approval of the Chief Justice. All civil, criminal and juvenile jury trials shall be continued to the next available jury dockets.
3. Subject only to constitutional limitations, all deadlines and procedures whether prescribed by statute, rule or order in any civil, juvenile or criminal case, shall be suspended for 30 days from the date of this order. This suspension also applies to appellate rules and procedures for the Supreme Court, the Court of Criminal Appeals, and the Court of Civil Appeals.
4. In any civil case, the statute of limitations shall be extended for 30 days from the date of this order.
5. Subject only to constitutional limitations, assigned judges should reschedule all non-jury trial settings, hearings, and pretrial settings. Emergency matters, arraignments, bond hearings, and required proceedings of any kind shall be handled on a case by case basis by the assigned judge. Judges shall use remote participation to the extent possible by use of telephone conferencing, video conferencing pursuant to Rule 34 of the Rules for District Courts, or other means. The use of email, fax and drop boxes for acceptance of written materials is encouraged, except that the use of email may not be used for appellate filings at this time. If any party or counsel objects to a continuance of any matter, assigned judges are encouraged to hold hearings in the same manner as emergency matters.
6. The following persons are prohibited from entering any courtroom, court clerk's office, judges' offices, jury room or other facility used by the district courts :

a. Persons who have been diagnosed with or have direct contact with anyone diagnosed with COVID-19. b. Persons with symptoms such as fever, severe cough, or shortness of breath. c. Persons who have traveled to any country outside of the U.S. in the past 14 days, and those with whom they live or have had close contact. d. Persons who are quarantined or isolated by any doctor or who voluntarily quarantine. e. If you are in one of these categories (a-d) and are scheduled for a court appearance or are seeking emergency relief, contact your attorney, and if you have no attorney, call the court clerk's office in the county where you are required to appear.

7. All courts may limit the number of persons who may enter any courtroom, judges' or clerk's office, jury room or any other facility used by the district courts.

8. This order is subject to extension or modification as necessitated by this emergency.

IT IS SO ORDERED. DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE
THIS 16TH DAY OF MARCH, 2020.

/S/NOMA D. GURICH, CHIEF JUSTICE

WITNESS OUR HANDS AND THE SEAL OF THIS COURT THIS 16TH DAY OF MARCH,
2020.

/S/DAVID B. LEWIS, PRESIDING JUDGE

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