

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

MAR 23 2020

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RE:

*Shirley A. Johnson Lepp*  
Clerk

STATE OF SOUTH DAKOTA )  
COUNTY OF YANKTON ) SS

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

IN RE THE ADMINISTRATION OF )  
THE FIRST JUDICIAL CIRCUIT )  
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ORDER APPROVING  
ADMINISTRATIVE ORDER #3  
RE: COVID-19 PANDEMIC RESPONSE  
AND PUBLIC ACCESS

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By the Court's Order of March 13, 2020, Declaring Judicial  
Emergency COVID-19 Disease the South Dakota Supreme Court declared the  
existence of a judicial emergency pursuant to SDCL 16-3- 11 through 15  
and pursuant to the Court's authority to administer justice and to  
ensure the safety of court personnel, litigants and the public, it is

ORDERED that the attached Administrative Order #3 Re:  
Covid-19 Pandemic Response and Public Access of the First Judicial  
Circuit be and it is hereby approved in its entirety.

IT IS FURTHER ORDERED that this order shall remain in effect  
until further order of the Court.

DATED at Pierre, South Dakota this 23rd day of March, 2020.

BY THE COURT:

*David Gilbertson*

David Gilbertson, Chief Justice

ATTEST:

*[Signature]*  
Clerk of the Supreme Court  
(SEAL)

**FILED**

MAR 23 2020

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF YANKTON

*Cheryl L. Johnson*  
Yankton County Clerk of Courts  
1st Judicial Circuit Court of South Dakota

FIRST JUDICIAL CIRCUIT

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Civ. 20-1

IN RE THE ADMINISTRATION OF  
THE FIRST JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER #3  
RE: COVID-19 PANDEMIC RESPONSE  
AND PUBLIC ACCESS

Pursuant to the March 19, 2020 South Dakota Supreme Court Order Providing for the Operation of the Court System During COVID-19 Pandemic, the Honorable Cheryl Gering, Presiding Judge of the First Judicial Circuit, with the approval of Chief Justice David Gilbertson, does issue the following administrative order:

**IT IS HEREBY ORDERED** that in Aurora, Clay, Charles Mix, Davison, Hanson, Hutchinson, Turner, and Union Counties, or any other county in the First Circuit, whenever the commissioners in any county determine it is necessary to limit or exclude the public from accessing other offices in the courthouse and/or public safety center where the court, court administration, clerk of court, and court services has its offices, chambers and courtrooms,

1. No judge or UJS employee shall be denied access to courtrooms, court chambers, clerk of court's offices, court administrative offices, or court services offices that are located in any county courthouse or public safety building in the First Circuit.

2. All parties, attorneys, media, and persons who want to be present for or participate in a court hearing or trial should contact the county clerk of court's office to determine if they can appear telephonically or by ITV. Requests for such appearances must be made as far in advance of the hearing as possible. If telephonic or ITV appearances cannot be done, a courthouse entrance must be made available for those persons to enter the courthouse. In addition, unless cleared in advance with the assigned judge, security shall continue to be provided by the county sheriff's office for all in-person court hearings and trials.

3. No depositions, mediations, or arbitrations shall take place in any courthouse in the First Circuit.

4. Any documents that need to be obtained from, or filed with, a clerk of court shall be filed via Odyssey, mailed, or emailed to the clerk of court's office. If a person needs to file time-critical documents with the clerk's office and the person does not have any other way to get the documents to the clerk's office other than personal delivery, a courthouse entrance must be made available for those persons to enter the courthouse during the clerk of court's posted hours.

5. If court services needs to conduct an in-person meeting, a courthouse entrance must be made available for those persons who are meeting with court services to enter the courthouse.

6. The First Circuit has approved the posting of signs that asks all persons entering for court business to self-screen for health concerns. If the county commission wishes to physically screen any person who enters the courthouse or public safety building for health concerns, the county commission is responsible for providing the persons and equipment to do that screening.

7. The county commission shall post written notice on all entrances to the courthouse, as well as on any public websites or other public postings utilized by the county, that advises persons that public access to the court system will be maintained and that they can call the county clerk of court for all cases, and, in criminal cases, the county state's attorney's office.


8. Whenever a First Circuit clerk of court's office is closed by the presiding judge for any period of time due to a COVID-19 necessitated closure, the presiding judge and court administrator shall assign the work of that clerk of court's office to another clerk's office during the closure. Currently, the plan is for offices with fewer staff to be paired for purposes of handling all necessary filings during any closure, namely, Bon Homme and Hutchinson; Hanson and McCook; Aurora and Douglas. The remaining clerk of court's offices in the First Circuit (Brule/Buffalo, Clay, Charles Mix, Davison, Turner, Union, Yankton) with multiple staff will remain open, but they will have reduced staff. Additionally, even though a clerk's office may be closed, the judges and court services will continue their work in those courthouses.

9. The county shall continue to provide staff to regularly clean and disinfect all court chambers, courtrooms, offices, and adjacent areas.

THIS ORDER shall be in effect until modified or terminated by the presiding judge.

Dated this 23rd day of March, 2020.

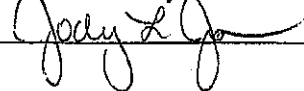
BY THE COURT:

  
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Cheryle Gering  
Presiding Circuit Judge

ATTEST:

Jody Johnson

Yankton County Clerk of Court

  
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