

1 Thirteenth Judicial District Court
2 Yellowstone County Courthouse
3 217 N. 27th Street
4 Billings, MT 59101

5 MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE
6 COUNTY

7 IN RE OPERATIONS OF THE
8 THIRTEENTH JUDICIAL DISTRICT IN
9 RESPONSE TO COVID-19.

No.: _____

ADMINISTRATIVE ORDER

10 On March 12, 2020, the Governor of the State of Montana issued Executive
11 Order No. 2-2020 declaring a state of emergency to exist within the State of Montana
12 related to the communicable disease COVID-19 Novel Coronavirus (hereafter
13 “COVID-19.”) Mont. Code Ann. §§ 10-3-302, -311, & -312. The Governor’s
14 declaration relies on guidance provided by the Montana Department of Health &
15 Human Services, and the Centers for Disease Control to slow the spread of COVID-19
16 and protect public health; it does not order the closing of state and public facilities.

17 On March 13, 2020, the President of the United States declared the COVID-19
18 outbreak in the United States constituted a national emergency. 50 U.S.C. § 1601 *et*
19 *seq.*

20 On March 13, 2020, and March 17, 2020, the Chief Justice of the Montana
21 Supreme Court, Mike McGrath, issued guidance regarding the judicial branch’s plan in
22 response to the COVID-19 emergency.

23 On March 16, 2020, the Centers for Disease Control released the “President’s
24 Coronavirus Guidelines For America” which recommended that social gatherings
include no more than 10 people.

1 The present emergency situation adversely impacts the continuing operation of
2 the Thirteenth Judicial District Court. The health and safety of the Court's employees,
3 litigants, and the general public is paramount. The Court must also maintain essential
4 functions to ensure access to justice and protect constitutional rights. Accordingly, the
5 Court endeavors to balance these interests by increasing appearances via video and
6 telephone and preventing large gatherings of people within the courtrooms and adjacent
7 hallways.

8 **IT IS HEREBY ORDERED THAT:**

- 9 1. **Daily Operations:** The Thirteenth Judicial District Court remains open.
10 All court staff who may perform their job functions remotely are encouraged
11 to work from home. For case types not yet utilizing electronic filing, parties
12 are encouraged to utilize e-mail filing with the Clerk of District Court. Fees
13 associated with e-mail filing shall be temporarily waived until further notice.
14 Please use the following email address to file by email: DC-
15 casefiling@co.yellowstone.mt.gov . Parties that file by e-mail must certify the
16 attachment has been scanned for viruses with anti-virus software and is virus-
17 free.
- 18 2. **Uncontested Civil Matters:** All uncontested civil matters, civil
19 scheduling conferences, and civil status conferences shall be conducted
20 telephonically and personal appearance is not required. Please email your
21 telephone contact information to the Judicial Assistant for the Department for
22 your scheduled matter.

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3. **Law & Motion Days:**

- a. ***Civil Law and Motion:*** All civil law and motion matters will be conducted telephonically. Please email your telephone contact information to the Judicial Assistant for the Department for your scheduled matter. Proposed orders may be emailed to the Judicial Assistant in advance of the hearing. Parties that email proposed orders must certify the attachment has been scanned for viruses with anti-virus software and is virus-free.

- b. ***Criminal Law and Motion:*** All defendants in custody will be seen via live video conference. The assigned daily jail courtroom attorney shall appear from the jail. All other defense counsel may choose to appear in the courtroom or at the jail. The Court will seek waivers of personal appearance from defendants on guilty pleas, sentencing hearings, probation violation hearings, and release order violations. If a defendant demands personal appearance, the matter will be vacated and reset by Court Order. For defendants who are not in custody (hereafter “walk-ins”), all matters set on March 19, 2020, and March 20, 2020, are hereby vacated. Beginning on March 23, 2020, the Yellowstone County Sheriff’s Office will manage walk-ins to prevent courtroom overcrowding and ensure appropriate distance is maintained between all persons. Additional courtrooms will be utilized for walk-ins waiting for their case to be called. Given these considerations, relatives, friends and family who are not parties and not providing testimony will not be permitted into the courtroom unless sufficient space exists to

1 accommodate them. Walk-ins will start at 9:00 a.m. Video
2 appearances will start at 10:00 a.m.

3 c. ***Pro Se Law and Motion:*** All *pro se* law and motion matters will be
4 conducted telephonically. *Pro se* litigants must email their telephone
5 numbers to Martha.Forrest-Martin@mt.gov in advance of the scheduled
6 hearing.

7 4. **Criminal Omnibus Hearings:** Defendants are not required to personally
8 appear at omnibus hearings. Counsel shall complete and sign omnibus forms
9 and submit them via email to the Judicial Assistant on or before the scheduled
10 omnibus date. If omnibus hearing is not waived via submission of the
11 omnibus form, please indicate in the provided space so the Court may
12 schedule a formal omnibus hearing. If the omnibus form is not timely
13 submitted, the Court will require counsel to be present at the omnibus hearing.

14 5. **Criminal Trial Status Hearings:** Defendants are not required to personally
15 appear at trial status hearings. Both parties shall complete a Criminal Trial
16 Status Form attached to this Order. Both parties shall e-file a completed and
17 signed status form. If a status form is not timely submitted, the Court will
18 require counsel to be present at the status hearing.

19 6. **Contested Civil Non-Jury Trials/Civil Hearings/Criminal Hearings:**
20 Litigants, in consultation with the opposing party, are encouraged to request
21 continuances of any pending non-jury trials and hearings for at least 30 days
22 from the date of this Order.
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7. **Civil Jury Trials:** All civil jury trials set between the date of this Order and May 4, 2020, shall be continued. The respective Department will hold scheduling conferences to reset civil jury trials.

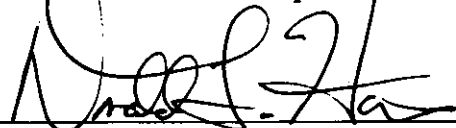
8. **Criminal Jury Trials:** All criminal jury trials set between the date of this Order and May 4, 2020, shall be continued. Continuances not sought by either party shall be deemed institutional delay. For those cases where the Defendant is in custody, defense counsel and the State's attorney shall meet and confer to reach agreement regarding alternatives to custody in accord with Mont. Code Ann. § 46-9-301. If agreement cannot be reached, the Defendant may file a motion before the Court.

9. This Order will be updated as necessary.

IT IS SO ORDERED: March 19, 2020.



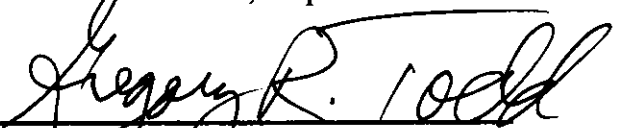
Hon. Jessica Fehr, Department 1



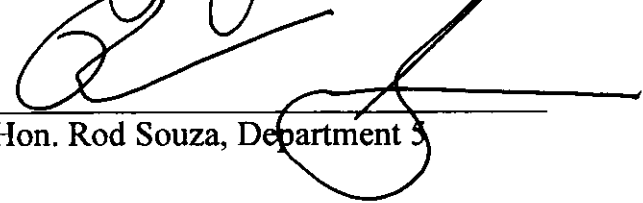
Hon. Donald L. Harris, Department 2



Hon. Michael Moses, Department 3




Hon. Gregory R. Todd, Department 4




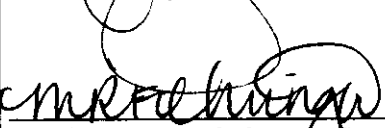
Hon. Rod Souza, Department 5

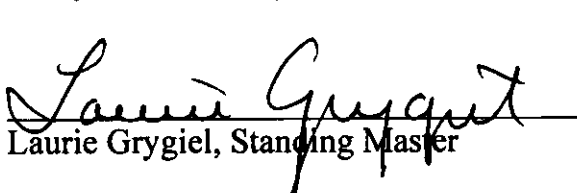
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Hon. Mary Jane Knisely, Department 6


Hon. Colette B. Davies, Department 7


Hon. Ashley Harada, Department 8


Molly Rose Fehring, Standing Master


Laurie Grygiel, Standing Master