

**FILED**

JUN 18 2020

ANGIE SPARKS, Clerk of District Court  
By JREIJGERS Deputy Clerk

**MONTANA FIRST JUDICIAL DISTRICT COURT  
LEWIS AND CLARK COUNTY  
AND  
BROADWATER COUNTY**

IN RE: RESUMPTION OF  
COURTROOM OPERATIONS  
DURING COVID-19 PANDEMIC

Cause No. SB-2020-14

**ADMINISTRATIVE ORDER**

In order to ensure the safety and well-being of employees, litigants, potential jurors, jurors and visitors, the First Judicial District Court adopts the following Administrative Order for the resumption of courtroom operations during the COVID-19 pandemic.

Accordingly, **IT IS HEREBY ORDERED** that the Lewis and Clark County and Broadwater County courthouses located in Helena and Townsend will resume operations beginning July 6, 2020 subject to the following requirements:

1. All individuals, before entering either courthouse, are encouraged to self-assess their health daily for COVID-19 related symptoms and shall not enter the courthouse if they have symptoms;

1           2.     No individual shall be allowed to enter either courthouse if  
2 they personally know they have been exposed to COVID-19 within the last  
3 fourteen (14) days;

4           3.     Each courthouse will provide each courtroom disinfectant,  
5 such as wipes and hand sanitizer, and masks as supply allows;

6           4.     Each county shall continue to provide enhanced cleaning  
7 services for courtrooms, jury rooms, and restrooms;

8           5.     Civil and criminal hearings will proceed remotely or in  
9 person, depending on judicial preference, provided the required social distancing  
10 requirements can be met;

11          6.     At all jury trial final pretrial conferences, counsel shall  
12 confer with the presiding judge to determine if an additional questionnaire should  
13 be sent regarding standard *voir dire* questions;

14          7.     If an additional questionnaire is necessary, the party  
15 requesting the questionnaire in civil cases shall be responsible for paying all  
16 associated costs associated with the questionnaire;

17          8.     If a party believes an additional questionnaire is necessary,  
18 the party shall bring a proposed questionnaire to the final pretrial conference.

19          9.     Any additional questionnaire shall be approved by the  
20 presiding judge before being sent to potential jurors;

21          10.    Any additional questionnaire shall provide a penalty of  
22 perjury declaration which must be signed by the potential juror;

23          11.    Potential jurors will also receive information regarding  
24 COVID-19 procedures with their summons and/or more information on where to

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1 locate a recommended COVID-19 health questionnaire if not provided with the  
2 summons;

3 12. Any potential juror who reports COVID-19-related  
4 vulnerabilities or challenges will be excused from service upon request;

5 13. Potential jurors and jurors shall report as instructed;

6 14. Social distancing signage will be placed at the entrance and  
7 designated locations in the courthouse or alternative facility;

8 15. County staff will escort potential jurors into their designated  
9 locations.

10 16. Potential jurors shall be requested to bring their own  
11 protective masks;

12 17. If a potential juror does not have a mask, one will be  
13 provided to them;

14 18. No litigant, counsel, court staff or potential juror shall be  
15 allowed into any jury area or courtroom if they refuse to wear a mask;

16 19. No litigant, counsel, court staff or potential juror shall be  
17 allowed into any jury area or courtroom if they report COVID-19 related  
18 symptoms, and shall be excused by the presiding judge;

19 20. County staff will ensure the court is in receipt of masks (if  
20 required) and hand sanitizer in a quantity sufficient for the number of jurors  
21 reporting;

22 21. Spectators will not be permitted to be personally present  
23 during *voir dire*. If requested, spectators may observe *voir dire* via Zoom;

24 22. Potential jurors who are responding to questions during *voir*  
25 *dire* shall, individually, do so from a podium;

1           23. Potential jurors who are speaking from the microphone will  
2 be encouraged to remove their masks when answering questions;

3           24. County staff shall ensure social distance compliance near the  
4 microphone and sanitize the microphone after use;

5           25. During *voir dire* and trial, counsel shall remain seated at  
6 their respective counsel table;

7           26. Courtroom staff will seat the empaneled jurors in  
8 compliance with social distancing requirements;

9           27. Any juror seated in the gallery must be able to view and hear  
10 all evidence presented;

11           28. Jurors with sight or hearing impairments shall be given  
12 preference for being seated in the jury box;

13           29. Jurors should report each day to a designated room that is  
14 large enough to comply with social distancing requirements;

15           30. Breaks will also be taken in a designated room that is large  
16 enough to comply with social distancing requirements;

17           31. Jury deliberation will be held in a designated room that is  
18 large enough to comply with social distancing requirements;

19           32. The bailiff(s) will monitor all entrances and exits of any jury  
20 deliberation room;

21           33. All preliminary criminal matters filed in district court such  
22 as initial appearances and arraignments shall be conducted by telephonic or video  
23 means to the greatest extent possible;

24           34. Counsel or *pro se* individuals are encouraged to  
25 electronically file all pleadings. Compliance with Local Rule 5Jiii (“A hard copy

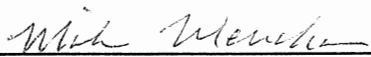
1 original of an emailed document must be provided within five business days”) is  
2 waived through July 3, 2020;


3 35. The public and practicing bar are encouraged to continue  
4 using First Judicial District Court services while strictly following all applicable  
5 public health guidelines.

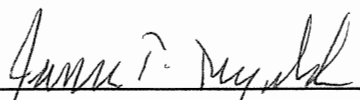
6 36. In the event any individual being held in custody at the  
7 LCDC or the BCDC tests positive for the novel coronavirus or COVID-19, the  
8 Lewis and Clark County Sheriff or the Broadwater County Sheriff shall  
9 immediately notify each other by email as well as all district judges, justices of  
10 peace, and city/municipal judges in Helena, East Helena, and Townsend.

11 37. The First Judicial District Judges will continue to assess the  
12 public health situation during the pendency of this Order. They may vacate,  
13 extend, or amend this Order as circumstances require.

14 **ORDERED** this 16<sup>th</sup> day of June 2020.

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18 **MIKE MENAHAN**  
19 Chief District Court Judge

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18 **KATHY SEELEY**  
19 District Court Judge

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21 **JAMES P. REYNOLDS**  
22 District Court Judge

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21 **MICHAEL E. McMAHON**  
22 District Court Judge

1 cc: Leo Gallagher, Lewis and Clark County Attorney, (hand-delivered)  
2 Cory Swanson, Broadwater County Attorney, (via email)  
3 Suzanne Seburn, Office of Public Defender, (via email)  
4 Leo Dutton, Lewis and Clark County Sheriff, (hand-delivered)  
5 Wynn Meehan, Broadwater County Sheriff, (via email)  
6 Angie Sparks, Lewis and Clark County Clerk of Court, (hand-delivered)  
7 Val Hornsveld, Broadwater County Clerk of Court, (via email)  
8 Honorable Mike McGrath, Montana Supreme Court Chief Justice, (via  
9 email)  
10 Honorable Kirk Flynn, Broadwater County Justice of Peace/City of  
11 Townsend Judge, (via email)  
12 Honorable Mike Swingley, Lewis and Clark County Justice of Peace,  
13 (hand-delivered)  
14 Honorable Annie Peterson, City of Helena Judge (hand-delivered)  
15 Montana Bar Association, (via email)  
16 Montana Judges Association, (via email)  
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