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**MONTANA TWENTY-SECOND JUDICIAL DISTRICT COURT
STILLWATER, CARBON & BIG HORN COUNTIES**

_____))
IN RE OPERATIONS OF THE TWENTY-) ADMINISTRATIVE ORDER RE: PUBLIC
SECOND JUDICIAL DISTRICT IN) HEALTH EMERGENCY/COVID-19
RESPONSE TO COVID-19.)
_____)

This court is cognizant of the state of emergency declarations issued by U.S. President Donald Trump and by the Governor of the State of Montana related to the communicable disease COVID-19 Novel Coronavirus (“COVID-19”) as well as the directives of the Montana Supreme Court, and steps taken by district courts across Montana to limit the potential exposure of members of the public, attorneys and court staff to COVID-19 and protect public health.

The COVID-19 emergency adversely impacts the continuing operation of the Twenty-Second Judicial District Court. The health and safety of the Court’s employees, litigants, attorneys and the general public is a top priority. However, the Court must also maintain essential functions in order to ensure access to justice and to protect constitutional rights. The Court will do its utmost to balance these interests by increasing appearances via video and telephone, prevent large gatherings of people within the courtrooms and adjacent hallways, and allowing litigants and their counsel to utilize electronic filing.

For these reasons, **IT IS HEREBY ORDERED THAT:**

1. **Access to the Court.** The Twenty-Second Judicial District Court remains open. However, all court staff who can perform their job functions remotely and wish to avoid the workplace are encouraged to work from home.
2. **Electronic Filing:** The Court’s Local Rules are changed to permit electronic filing via email. Electronic filing is permitted for all stages of litigation, where applicable, and no fees for electronic filing will apply. Please use the following email addresses to file

1 by email:

- 2 a. Stillwater County: sfox3@mt.gov
- 3 b. Big Horn County: clerkofcourt.bighorn@mt.gov
- 4 c. Carbon County: clerkofcourt.carbon@mt.gov

5 Litigants and counsel are not required to follow up their electronic filings with a
6 physical copy to the Clerk of Court. However, the Court orders that litigants continue
7 to send a courtesy copy to the Judge's chambers as always, which can be an electronic
8 copy.

- 9 3. **Hearings:** The Court encourages litigants and counsel to request that hearings and
10 other appearances be conducted telephonically or by audio/visual means. If the matter
11 is of a nature that an in-person hearing is desired or the Court deems it necessary, the
12 Court will work with litigants/counsel to schedule such hearings to limit the number of
13 people congregating together.
- 14 4. **Criminal Omnibus Hearings:** Defendants are not required to personally appear at
15 omnibus hearings. Counsel shall complete and sign omnibus forms and submit them
16 via email to Kathryn Stanley, Court Administrator, on or before the scheduled
17 omnibus date. If the omnibus form is not timely submitted, the Court will require
18 counsel to be present at the omnibus hearing.
- 19 5. **Criminal Trial Status Hearings:** Defendants are not required to personally appear at
20 trial status hearings. Both parties shall complete a Criminal Trial Status Form attached
21 to this Order. Both parties shall e-file a completed and signed status form, which
22 should contain the signature of the defendant. If a status form is not timely submitted,
23 the Court will require counsel to be present at the status hearing.
- 24 6. **Civil Jury Trials:** Due to the continuing changing nature of the medical emergency
25 and dictates for community safety, at this time it is impractical to attempt to call a pool
26 of potential jurors in such numbers as would be necessary to conduct a jury trial.
27 Therefore, all civil jury trials set between the date of this Order and May 4, 2020 are
28 hereby vacated. The Court will reset these trials for a later date by further order. If the

1 nature of the emergency continues, the Court will consider alternate ways to safely
2 provide access to litigants' right to a jury trial.

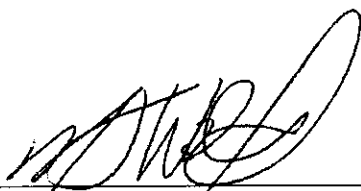
3 7. **Criminal Jury Trials:** Due to the continuing changing nature of the medical
4 emergency and dictates for community safety, at this time it is impractical to attempt
5 to call a pool of potential jurors in such numbers as would be necessary to conduct a
6 jury trial. All criminal jury trials set between the date of this Order and May 4, 2020
7 shall be continued. Continuances not sought by either party shall be deemed
8 institutional delay for speedy trial purposes. If the nature of the emergency continues,
9 the Court will consider alternate ways to safely provide access to defendants' right to a
10 jury trial.

11 8. **Defendant in Custody.** For the cases where the defendant is in custody, defendant's
12 will not be transported but will appear telephonically or by audio/visual means. If the
13 matter is of a nature that an in-person hearing is desired or the Court and counsel
14 deems it necessary, the Court will work with counsel for the State and defendant to
15 schedule such hearings as possible. Due to health concerns at incarceration facilities,
16 defense counsel and the State's attorney may choose to meet and confer to reach
17 agreement regarding alternatives to custody in accord with § 46-9-301, MCA. If
18 agreement cannot be reached, the Defendant may file a motion before the Court, and
19 the Court will consider the issue on a case-by-case basis with an appropriate balancing
20 of the interests at stake.

21 9. This Order will be updated as necessary.

22 **IT IS SO ORDERED.**

23 **DATED** this 23rd day of March 2020.

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26 **MATTHEW J. WALD, District Judge**

27 cc: Big Horn County Clerk of Court
28 Carbon County Clerk of Court
Stillwater County Clerk of Court

CERTIFICATE OF SERVICE
*This is to certify that the foregoing was duly served by mail,
fax, or email upon the parties or their attorneys of record at
their last known addresses.*
Done this 23rd day of March, 2020
By: Kathryn B. Stanley
COURT ADMINISTRATOR to the HON. MATTHEW J. WALD