

PARK COUNTY CLERK
OF DISTRICT COURT
MOLLY BRADBERRY

2020 MAR 25 AM 9 10

FILED
BY *Molly Bradberry*
DEPUTY

1 HON. BRENDA R. GILBERT
2 District Judge
3 Sixth Judicial District Court
4 414 East Callender Street
5 Livingston, Montana 59047
6 406-222-4130

MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK and SWEET GRASS COUNTIES

7
8 IN RE: CORONAVIRUS / COVID-19

PUBLIC EMERGENCY
ADMINISTRATIVE ORDER

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10 The President of the United States, the Governor of the State of Montana, the Park County
11 Commissioners and the Livingston City Commission having respectively declared national, statewide
12 and local public-health emergencies in response to the spread of a novel virus and the disease it causes,
13 known as Coronavirus disease or COVID-19 virus; the Court Administrator's Office and the Chief
14 Justice of the Montana Supreme Court having established guidelines for District Courts; and other
15 public health authorities—federal, state, and local—having advised of precautions to reduce the
16 possibility of exposure to the virus and slow the spread of the disease,
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19 IT IS HEREBY ORDERED that the District Courts of the Sixth Judicial District in the State of
20 Montana adopt the following measures, effectively immediately:

- 21 1. The District Courts of the Sixth Judicial District will remain open, subject to the following
22 rules, qualifications, and limitations:

23
24 **General Business**

- 25 a. Should a Defendant be incarcerated, the Defendant will appear by video from the Park
26 County Detention Center or other county/state detention facility.
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1 b. Priority will be given to necessary work in criminal matters, requests for orders of
2 protection, child abuse and neglect proceedings, and involuntary commitment proceedings. Those
3 matters that are not required to be heard will be continued. The Court is limiting in-person hearings
4 where appropriate and will conduct as much business as possible via telephone or video
5 conference.

6
7 **Please contact the Court Administrator (406-222-4130) or the Clerk of Court (406-**
8 **222-4125 in Park County and (932-5154 in Sweet Grass County), to notify the Court that you**
9 **will be appearing by telephone or video. Filing a Motion to do so is not required.**

10 Instructions on dialing into the District Court's virtual meeting room are as follows:

- 11
- 12 i. To dial into the Virtual Meeting Room to appear just by phone with no video, dial 1-406-
13 449-7478 and when prompted dial 2010# for Park County or 2011# for Sweet Grass County.
14 **When appearing telephonically, please make sure your phone is muted when you are**
15 **not speaking.**
 - 16 ii. If you are dialing into the Virtual Meeting Room from another location that is part of the
17 Judicial Video Network- JVN, (from another courtroom, for example), you will dial
18 2152010 for Park County or 2152011 for Sweet Grass County.
 - 19 iii. To dial into the Virtual Meeting Room from a Polycom that is not on the JVN state network
20 will need to dial 161.7.29.142##2152010 for Park County or 161.7.29.142##2152011 for
21 Sweet Grass County.
 - 22 iv. To use the Polycom RealPresence App from a smartphone, dial 161.7.29.142##2152010 for
23 Park County or 161.7.29.142##2152011 for Sweet Grass County.
 - 24 v. If downloading the Polycom RealPresence App:
 - 25 1. Step 1: Download the polycom realpresence mobile app (black and red logo)
 - 26 2. Step 2: It will ask for your email when you click into the app, just click next in the top right
27 corner.
 - 28 3. Step 3: It will ask for server sign in, click skip sign in.
 4. Step 4: Keypad, you will need to dial- 161.7.29.142##2152010# for Park County and
161.7.29.142##2152011 for Sweet Grass County.

1 **c. If attending a Court hearing in person, you will need to enter the City-County**
2 **Building from the East (Law Enforcement) entrance and go to dispatch to gain entry to the**
3 **Courtroom.**

4 d. Non-jury criminal proceedings such as bench trials, in-person hearings, settlement
5 conferences, mediations, sentencing hearings, preliminary criminal matters, and other Court
6 matters may be held subject to Court discretion. Counsel may seek to continue such matters or
7 request leave to appear remotely via appropriate motions or e-mail notice to the Court. The use of
8 telephonic or video proceedings is highly encouraged. The Court is temporarily restricting access
9 to the Courtroom. Only Court staff, parties, their attorneys, witnesses, and law enforcement will
10 be allowed in the courtroom. All participants should make every effort to maintain social
11 distancing in the Courtroom. This order does not limit the Court's discretion to consider and
12 decide a pending matter without oral argument.

13 e. Preliminary criminal matters, such as initial appearances, arraignments, and bail hearings
14 will be conducted by video or telephone unless otherwise ordered by the court. Defense counsel
15 may decide the most efficient, effective, and safe manner for them to appear at such hearings.

16 f. DJ hearings will be held by video where appropriate. Should the youth be in custody, he
17 or she will appear by video from an appropriate location. The youth and his or her counsel will
18 determine the most appropriate location for such video appearances, where possible. No DJ
19 hearings will be held unless necessary or required under Montana statute. The District Judge will
20 have final say as to necessity in such matters.

21 g. All DI hearings from Hope House or the Montana State Hospital will be conducted by
22 video. Counsel involved in such hearings must appear in Court or by video.
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1 h. All civil hearings should be conducted by video through VMR, if possible. All civil
2 hearings and proceedings are subject to continuance at the Court's discretion considering factors
3 such as hearing length, number of witnesses, priority of action needed, and the health and
4 availability of attorneys and critical staff. The Court will give as much notice as possible to all
5 parties regarding cancellations and continuances. Any attorney wishing to continue a hearing at
6 their own discretion should file an appropriate motion with the Court as soon as possible.
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8 i. All civil scheduling conferences will be conducted by phone or video.

9 j. All jury trial verification hearings and informal omnibus hearings will be held
10 telephonically.
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12 k. In Park County, all unrepresented parties and counsel of record shall consult the
13 Memorandum posted by the Park County Clerk of District Court on the door to the Clerk of District
14 Court's Office, and distributed to members of the Park-Sweet Grass Bar Association and Gallatin
15 Bar Association by their respective chairs. They may also consult the Park County website at
16 parkcounty.org to obtain information regarding altered procedures for filing documents and
17 accessing the services of the Clerk of District Court, or call the Clerk at 406-222-4125.
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19 l. In Sweet Grass County, all unrepresented parties and counsel of record shall consult the
20 Memorandum posted by the Sweet Grass Clerk of District Court on the front door of the
21 Courthouse regarding reduced access to the Clerk's Office. They may also consult the Sweet Grass
22 County website at sweetgrasscountygov.com to obtain information regarding altered procedures
23 for filing documents and accessing the services of the Clerk of District Court, or call the Clerk at
24 406-932-5154.
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26 m. The Office of the Court Administrator will remain open, but on-site services may be
27 limited. The District Court Judge will retain discretion regarding employees working remotely.
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1 n. Important and informative health warning/instruction signs shall be placed throughout the
2 District Courthouse in areas jurors, defendants, and the public frequent. These provide information
3 about the Coronavirus Disease / COVID-19 virus, its transmission, and risk-mitigation
4 techniques such as hand washing, hand sanitization, disinfection, social distancing, and such.

5 **THESE MUST BE READ AND FOLLOWED.**

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7 **Regarding Jury Trials:**

8 o. Prosecutors and defense counsel are instructed to review each pending criminal jury matter
9 and decide whether it needs to proceed forward. Attorneys and self-represented individuals will
10 be encouraged to continue any jury trials or proceed with a bench trial.

11 p. Upon request, any potential juror over the age of **sixty (60)** and/or with a chronic health
12 condition will be excused telephonically through the Clerk of Court and will not have to report for
13 jury service.

14 q. Any potential juror, attorney, or member of the public who has traveled to China, South
15 Korea, or any European country, or who has been exposed to a person diagnosed with
16 Coronavirus Disease / COVID-19 virus in the last **fourteen (14) days**, or is feeling ill, will be
17 excused telephonically through the Clerk of Court and need not appear in person for jury service
18 or hearings.

19 r. Potential jurors, attorneys, or parties who are visibly ill at the time of a hearing or trial will
20 be immediately excused and the hearing or trial will be continued.

21 s. Should a jury pool need to be assembled, the Court will offer further direction to the Clerk
22 of Court to ensure social distancing during voir dire, trial, and deliberations.
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The Court will continue to assess the public health situation as it progresses and evolves during the pendency of this Order. The Court may vacate, amend, or continue this administrative Order as circumstances require.

The undersigned certainly understands the inconvenience these rules may cause and the substantial additional work that will be required to implement them. The Court thus thanks staff, counsel, parties, and the public in general for their understanding during this challenging and uncertain time. Your cooperation in promoting the health and safety of all is greatly appreciated.

Dated this 24th day of March, 2020.



HON. BRENDA R. GILBERT
District Judge