Order dated July 24, 2020, re: Operational Directives for Easing COVID-19 Restrictions on In-Person Proceedings

Supreme Court of Missouri
en banc

July 24, 2020
Effective August 1, 2020

In re: Operational Directives for Easing COVID-19 Restrictions on In-Person Proceedings

ORDER

This Order supersedes this Court's order regarding COVID-19 dated May 4, 2020.

On March 13, 2020, national and state emergencies were declared following the classification of COVID-19 as a pandemic. In response, the Supreme Court of Missouri announced the implementation of precautionary measures to combat the spread of the disease to the public and the employees of the Missouri judiciary, while ensuring that essential services remained available and Missouri courts continued to fulfill their constitutional responsibilities.

Now, the Court enters the following Order and Operational Directives applicable to all appellate and circuit courts – including all associate, family, juvenile, treatment, municipal, and probate divisions. Effective August 1, 2020, and pursuant to this Court's constitutional authority to supervise the administration of the state judicial system, see Mo. Const. art. V, §§ 4.1, 8, court activity in all appellate and divisions of the circuit courts shall be limited and restricted pursuant to the attached Operational Directives. Despite these restrictions, the primary goal and principal purpose of this and all prior COVID-19 related orders is that the courts of the State of Missouri shall remain open, available, and able to carry out the core, constitutional functions of the Missouri judiciary as prescribed by law and continue to uphold the constitutional rights of litigants seeking redress in any Missouri court. Each circuit court should work with local law enforcement, judiciary partners, and county health agencies to ensure that, to the extent possible, courthouses remain accessible to carry out time-sensitive in-person proceedings and other essential constitutional functions.

In all judicial proceedings, courts and judges are encouraged to utilize all available technologies – including teleconferencing and video conferencing – to conduct court activities remotely in order to limit the number of in-person proceedings conducted in courthouses. Any local, criminal, or civil rules that would impede a court clerk or judge's ability to utilize such technologies are hereby suspended for the duration of this Order.

During the duration of this Order, judges presiding over a civil case or matter may exercise their discretion to waive, for good cause shown, any filing deadlines or time limitations set though Missouri's e-filing system or by court order, local rule, or Missouri Supreme Court Rules 41 through 81. This authorization does not apply to any deadline or time limitations set by a statutory or constitutional provision. Each circuit and appellate court should adopt measures to ensuring timely filing by pro se litigants who lack access to Missouri's e-filing system. Likewise, courts with public access computer terminals should devise procedures for allowing litigants otherwise lacking internet access to be able to use such computers for matters pertaining to pending litigation.

If it becomes necessary to temporarily close any courthouse during the duration of this Order, the presiding judge of that circuit or chief judge of that court shall develop procedures for ensuring the court remains accessible by telephone, e-mail, and regular mail to the extent possible during regular business hours. The Supreme Court of Missouri should be notified immediately of the closing of any courthouse, and notice of such closings should be disseminated to the local media, posted on the courthouse doors, and made available electronically.

Furthermore, for the health and safety of its employees, each court is instructed to post on the courthouse doors and make available electronically a COVID-19 Notice prohibiting access to the premises for individuals who have been exposed to or are exhibiting symptoms of COVID-19. The COVID-19 Notice should list necessary contact information for individuals not authorized to enter the premises to have remote access to the administration of justice. In addition, the COVID-19 Notice should advise of the social distancing, occupancy rate and other precautionary restrictions taken inside the court facility.

In-person Supreme Court committee meetings and judicial education seminars sponsored by the Coordinating Commission for Judicial Education are suspended. If possible, such seminars and meetings should be conducted by teleconferencing or rescheduled to a later date.

This Order will remain in effect until rescinded or amended by order of this Court as circumstances warrant.

This Order is intended to be interpreted broadly for protection of the public from the risks associated with COVID-19.

Day – to – Day

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GEORGE W. DRAPER III

Chief Justice