STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this 13th day of March, 2020
Clerk of Supreme Court
Deputy

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

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SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 13 2020

Shirley A Jameson-Fergel
Clerk

ORDER DECLARING JUDICIAL EMERGENCY COVID-19 DISEASE

The Court is carefully monitoring the evolving circumstances presented by the spread of the novel coronavirus first detected in China and the resulting outbreak of respiratory coronavirus disease 2019 (COVID-19) in many areas, including South Dakota. A public health emergency has been declared in the United States and guidance from public health officials suggests that one of the most effective ways to protect against the spread of this disease is to limit exposure, particularly to persons at higher risk of developing serious COVID-19 illness. The Center for Disease Control has recently recommended that people at higher risk of severe illness should stay home and away from large groups of people as much as possible, including public places with lots of people and large gatherings where there will be close contact with others. People identified as "high risk" include:

* Over 60 years of age;
* With underlying conditions including heart disease, lung disease or diabetes;
* With weakened immune systems; or
* Who are pregnant.

WHEREAS, during this time, it may become necessary for courts in counties across the State of South Dakota to close, relocate or otherwise significantly modify their regular operations;

WHEREAS, the presiding judges of South Dakota's seven judicial circuits need sufficient authority to effectively administer their courts in response to the COVID-19

illness, including authority to adopt, modify and suspend court rules and orders as warranted to address emergency conditions.

NOW, THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants and the public,

IT IS HEREBY ORDERED THAT:

1. The South Dakota Supreme Court declares the existence of a judicial emergency pursuant to SDCL 16-3-11 through 15.

2. After first consulting with the Chief Justice of the South Dakota Supreme Court in order to maintain continuity and consistency, the presiding judges of South Dakota's seven judicial circuits are authorized to adopt, modify and suspend court rules and orders and to take further actions concerning court operations, as warranted to address the spread of COVID-19 in their areas;

3. Each circuit shall immediately transmit copies of emergency local rules adopted or modified to address the public health emergency to the Chief Justice of the South Dakota Supreme Court and the State Court Administrator's Office;

4. Each circuit shall enact policies to address requests from persons, who meet the public health criteria for high risk populations for COVID-19, to be excused from jury service or in-person appearances at court. Such requests should be allowed to be made telephonically or in writing and such persons should be allowed to appear via telephone or interactive television as may be appropriate.

This order is effective immediately and until further order of the Court.

DATED at Pierre, South Dakota, this 13th day of March, 2020.

BY THE COURT:

David Gilbertson, Chief Justice

ATTEST:

Clerk of the Supreme Court
(SEAL)