

**IN THE IOWA DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT**

ADMINISTRATIVE ORDER RE: FIRST JUDICIAL DISTRICT FUNCTIONING UNDER MARCH 14, 2020, ORDER OF THE SUPREME COURT.

**ADMINISTRATIVE ORDER**

March 15, 2020

1. This Order incorporates, as if fully set forth herein, the March 14, 2020, Order of the Iowa Supreme Court.

2. This Order incorporates, as if fully set forth herein, the March 13, 2020, Order of the Iowa Supreme Court.

3. This Order incorporates, as if fully set forth herein, the March 12, 2020, Order of the Iowa Supreme Court.

4. This Order, by implication, incorporates, as if fully set forth herein, the Supervisory Order of the Iowa Supreme Court entered on December 1, 2009, and the subsequent Order filed on February 4, 2010, concerning general priority.

5. To effectuate the above-referenced Orders of the Supreme Court and to direct the operation of the First Judicial District under said orders while keeping in mind the capabilities and resources of the First Judicial District, the undersigned now provides the following additional directives for the benefit of court staff, attorneys, litigants, and other court consumers:

(a) All felony pleas will be accepted via written guilty plea in the same manner as in serious and aggravated misdemeanor cases in accord with Iowa Rule of Criminal Procedure 2.8(2)(b). District Court Judges retain discretion to require an in-person guilty plea proceeding in Class A felonies or other felony if determined to be an absolute necessity by the Judicial Officer, however, this should be the rare exception. The Court is contemplating a required guilty plea form to be used in all First Judicial District proceedings and more will be forthcoming in the near future if such a form is issued.

(b) All felony sentencings will continue to be in person or by video conference. The First Judicial District has some counties presently capable of immediately using a video conferencing system while other counties will need to develop procedures for the use of video conferencing in conjunction with county attorneys and defense counsel. Issues with video conferencing will be ironed out in upcoming days with future directives expected.

(c) Juvenile court proceedings will continue in person, however, the juvenile courts may opt for written proceedings in delinquency cases consistent with the March 14, 2020, Supervisory Order. In addition, juvenile judges in the First Judicial District will work together to implement the use of telephone or video hearings when possible in all possible proceedings.

(d) Court Administration in Black Hawk County and magistrates will work together to reset all small claims trials and hearings to a date after May 4, 2020. Court Administration and magistrates will work together in Dubuque County to reset all small claims trials and hearings to a date after May 4, 2020. County magistrates and/or administrative judges in the remaining counties in the First Judicial District will enter rescheduling orders to reset small claims trials and hearings to after May 4, 2020. This provision does not include forcible entry and detainer actions or motions to quash garnishment or any other small claims matter that in the discretion of the judicial officer requires more immediate action. Signs will be put up near the entrance and in the hallways of courthouses to alert litigants of the rescheduling of small claims proceedings.

(e) Court Administration in Black Hawk County in consultation with Administrative Judge Brad Harris will reset all criminal jury trials in that county. Court Administration in Dubuque County in consultation with Administrative Judge Michael Shubatt will reset all criminal jury trials in that county. The administrative/primary judge in each of the First Judicial District's remaining counties will reset all criminal jury trials. All reset trials

will be reset to the earliest practical date keeping in mind the priorities of scheduling, available trial dates, number of trials, age of cases, demands for speedy trial, the impact of the March 14, 2020, Supervisory Order and any other good cause. All attempts will be made to meet speedy trial requirements, however, good cause may be found to permit trial to be scheduled beyond speedy trial timeframes.

(f) Court Administration will set trial scheduling conferences in all impacted civil jury trials in each county. All reset trials will be reset to the earliest practical date keeping in mind the priorities of scheduling, available trial dates, number of trials, age of cases, availability of counsel, the impact of the March 14, 2020, Supervisory Order and any other good cause.

(g) Temporary matters hearings in all CDDM and DRCV cases shall take place with only the parties and counsel present in the courtroom with all other testimony submitted by affidavit.

(h) For all hearings and trials, counsel and parties are encouraged to bring only necessary witnesses to the courthouse and are discouraged from bringing third parties to wait in the hallway during any hearings.

(i) In order to preserve the weeks and months immediately following the lifting of the March 14, 2020, Supervisory Order for the rescheduling of trials and hearings impacted by that Order, any case set for a first time trial date shall be set after November 1, 2020, and any case set for a first time hearing shall be set after September 1, 2020. Certain exceptions will apply to be determined by the undersigned and administrative judges in conjunction with the Office of Court Administration. To the extent possible, the Court will prioritize the rescheduling of matters presently scheduled to take place, but which are to be reset as a result of the March 14, 2020, Supreme Court Order, into dates prior to September 1, 2020.

(j) Until further order, any counsel requesting to hold a hearing via video conferencing or telephone conference call should be prepared to

facilitate the origination of that call and to provide the assigned judge or presiding judge with call-in or sign-in information. Further, for any hearing scheduled by the court for telephone conference call, counsel representing the moving party (or the moving party) should be prepared to facilitate the origination of that call and to provide the assigned judge or presiding judge with call-in or sign-in information.

(k) To the extent possible, offices of the Clerk of Court will close or partially close their public doors, and all communication between clerk staff and attorneys, litigants, and the general public shall take place over the counter. A person may be granted entrance to the Clerk's Office only upon the discretion of the Clerk of Court or her designee. Public terminals for EDMS use will remain open and available for access and use by the public, however, clerk staff will no longer assist the public at the terminals, but may provide assistance over the counter.

(l) All communication by attorneys, litigants and other court consumers with court schedulers shall be done via telephone or email correspondence. To the extent possible, the Offices of Court Administration in Black Hawk and Dubuque Counties will be closed to entry by anyone other than courthouse staff. A person may be granted entrance to the Offices of Court Administration by the Court Administrator or her designee. Appropriate signage will be placed at the entrance to court administration offices.

(m) Clerks of Court will work to establish a drop box, as indicated in the March 14, 2020, Order from the Supreme Court.

(n) Attorneys and litigants in Black Hawk County are advised to check the court schedule daily as some criminal hearings previously held at the courthouse may now take place in the Black Hawk County Jail.

(o) Signs will be placed on the external doors and internal hallways of all courthouses advising jurors that all jury trials have been continued per Supreme Court Order and that jurors do not need to enter the courthouse

unless they wish to claim mileage for their journey to and from the courthouse. Jurors scheduled for terms of service during the suspension period may be rescheduled to a term of service after the lift date.

(p) With regard to Dubuque County, the email issued by Administrative Judge Michael Shubatt on March 13, 2020, is rendered moot or is otherwise overtaken by this Order.

(q) Further directives will be issued concerning the appearance of criminal defendants at arraignments, pretrial conferences, probation hearings, or other criminal proceedings within the days following the issuance of this order. Defense counsel are encouraged to utilize the provisions of the March 14, 2020, Supervisory Orders permitting the waiving of certain procedural hearings and to file written arraignments in all possible proceedings. Defense counsel are also encouraged to utilize written stipulations in probation revocation proceedings and may present those stipulations before the date set for hearing for expedited processing in order to assist with control of the jail population.

(r) The Administrative Directive issued by the State Court Administrator anticipates that a short transition period will be necessary to implement the Supervisory Order entered on March 14, 2020. With that in mind, the undersigned anticipates that court hearings and appearances in all counties on March 16-17, 2020, will proceed as scheduled at the discretion of the presiding judge. Additional administrative orders may be issued by the undersigned to effectuate implementation of the March 14, 2020, Supervisory Order beginning March 18, 2020. The undersigned anticipates that a significant number of non-evidentiary hearings will be converted to telephone hearings, and counsel and litigants should be aware of the potential for same. For any hearings scheduled on March 16-17 that counsel believes can be accomplished by telephone, counsel is encouraged to contact the presiding judge.

(s) This Court reaffirms information sent to the First Judicial District Bar members via e-mail concerning the Supreme Court Supervisory Order entered on March 12, 2020, specifically, that an attorney or party must promptly notify opposing counsel and the respective Clerk of Court's Office if they reasonably suspect that a participant in any scheduled hearing, trial, conference, deposition, or other proceeding may have an elevated risk of transmitting the Covid-19 virus and, further, to the extent possible, counsel must affirmatively inquire of their clients and witnesses whether they have an elevated risk of transmitting the Covid-19 virus and, most importantly, no person who has an elevated risk of transmitting the Covid-19 virus may personally attend any hearing, trial, conference, deposition, or other proceeding without prior authorization from the Court.

(t) This Court has entered separate orders to assist county sheriffs and community based correction facilities in addressing jail population issues. County attorneys and county sheriffs are encouraged to contact the undersigned if further administrative orders are needed to address jail population concerns.

(u) Fayette County court operations held in Oelwein, Iowa, will take place on Tuesday, March 17, 2020, but after that date, will take place exclusively in the Fayette County Courthouse in West Union, Iowa.

(v) Counsel should not utilize the red/emergency processing designation for matters set more than 48 hours after the filing of the document. Court queues will be processed daily and with all speed available to clerks and judicial officers.

(w) Judicial officers and the undersigned retain discretion to reset or continue any proceeding or to set reasonable parameters and restrictions on any proceeding.

BY THE COURT:

*/s/ Kellyann M. Lekar*

KELLYANN M. LEKAR, Chief Judge of the  
First Judicial District of Iowa