

District Court of Creek County State of Oklahoma

Rules of the District Court of Creek County
effective August 1, 2009

IN THE DISTRICT COURT IN AND FOR CREEK COUNTY, STATE OF OKLAHOMA ADMINISTRATIVE ORDER

MS-09-_____

The following rules are hereby adopted as Rules for the District Court,
Creek County, Oklahoma.

DATED THIS 1ST DAY OF JULY, 2009.

DOUGLAS W. GOLDEN
District Judge

JOE SAM VASSAR
District Judge

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GENERAL RULES

Rule 1.1. Rules of the District Courts

The current Supreme Court Rules of the District Courts as adopted and as they may be modified from time to time by the Supreme Court of the State of Oklahoma shall control if there should be any conflict between these rules and the Supreme Court Rules of the District Courts.

Rule 1.2. Rules of Administration

The Rules on Administration of Courts as adopted by the Supreme Court of the State of Oklahoma and as they may be modified from time to time shall control if there should be any conflict between these rules and the Rules on Administration of Courts.

Rule 1.3. Rules--Changes, Deletions or Additions

These rules may be changed, deleted or added to by a two-thirds (2/3) vote of the Associate District Judge and the District Judges regularly sitting in Creek County.

Rule 1.4. Publication and Filing of Rules

The foregoing rules are adopted for Creek County and are ordered published and shall be filed and recorded in the office of the Court Clerk and entered under the appropriate administrative number.

Rule 1.5. Repeal

All rules heretofore adopted are repealed as of the time these rules become effective on July 1, 2009, except any previously entered administrative rule remains in full force and effect, unless it is in conflict with these rules and in which case the newest rule shall be followed.

Rule 1.6. Waiver

Upon a finding by the Court that any rule herein will work a manifest injustice, the same may be waived for that particular instance.

Rule 1.7. Divisions, Dockets and Assignments of the District Court

Creek County is part of the 24th Judicial District. The District is composed of Creek, Okmulgee and Okfuskee Counties. The County Seat of Creek County is located at Sapulpa. There are Division Courthouses in Bristow and Drumright. All pleadings related to a case filed in any one of the Divisions shall be filed in that Division and the pleadings remain on file at that Division Courthouse.

Cases may be filed at any Division, except all approval of deeds by restricted Native Americans, juvenile, protective orders and mental health actions shall be filed in the Sapulpa Division.

Rule 1.8. Chief Administrative Judge Assignments

The following matters shall be assigned to the Chief Administrative Judge:

- (1) Petitions and requests for a Grand Jury.

(2) Recusal hearings pursuant to Rule 15 of the Supreme Court Rules for the District Courts, 12 O.S. Ch. 2, App. 1. Parties must comply with the provisions of this Rule before the Chief Judge will consider a recusal request.

(3) Election protests and recounts.

(4) Interface between the courts and other agencies. Individual judges may contact such agencies when necessary to carry out their business.

(5) Setting jury terms and summoning jurors.

Rule 1.9. Chief Administrative Judge

The duties of Chief Administrative Judge shall be equally divided between the two Creek County District Judges.

The Chief Administrative Judge term for the first six calendar months of each year shall be held by the District Judge of the Bristow Division. The Chief Administrative Judge term for the last six calendar months of each year shall be held by the District Judge of the Sapulpa Division. The Judge who is not serving as the Chief Administrative Judge shall serve as the Vice Chief Administrative Judge.

In the event the Chief Administrative Judge is unavailable or has recused in any matter, then the matter shall be assigned to the Vice Chief Administrative Judge.

Rule 1.10. Jury Terms

The Chief Judge shall be in charge of the Jury Panel and shall excuse and discharge those jurors not engaged when their services are no longer required.

Jurors shall be summoned to appear for Petit Jury terms of two week duration pursuant to the annual schedule established and made public by the Chief Judge.

Jurors may be summoned on additional weeks due to exigent circumstances as determined by the Chief Judge.

AT EACH CIVIL TERM, EACH JUDGE SHALL GENERALLY HANDLE THAT JUDGE'S CASES FIRST AND THEN OTHER CASES AS ASSIGNED BY THE CHIEF JUDGE. AT CRIMINAL TERMS, THE DISTRICT ATTORNEY SHALL GENERALLY BE RESPONSIBLE FOR SCHEDULING TRIALS IN SUCH A MANNER AS TAKES INTO ACCOUNT THE SCHEDULES OF THE ATTORNEYS, THE EXPERT WITNESSES AND THE REQUIREMENTS OF THE SPEEDY TRIAL RULES. The District Attorney has assumed responsibility for compliance with the statute governing speedy trial. All assignments are subject to the overriding control of the Chief Judge.

Rule 1.11. Attorneys--Behavior

Attorneys are officers of the Court. As such, their behavior toward the Court sets the example for the public. Their responsibility is--at a minimum--to be courteous and civil. Good manners and decorum are required at all times. See Appendix I.

Rule 1.12. Punctuality

At times it is unavoidable to be late for a setting or docket. However, to be consistently late demonstrates a lack of courtesy not only to the Court but to other parties, witnesses and attorneys.

An attorney, who finds it impossible to be on time, should immediately inform the Court giving the reason for the delay and expected time of arrival. Only informing opposing counsel or the client does not comply with this rule. The Court should be kept informed of changes in the expected time of arrival.

Any attorney who is consistently tardy without prior consent of the Court may in those instances where such behavior causes financial hardship be assessed attorney's fees and expenses for travel and other costs to those who have suffered by his/her wrongful conduct.

Opposing counsel may apply to the Court in appropriate circumstances for sanctions under this section.

Rule 1.13. Attorney's Duty to Instruct His Client

An attorney should instruct his client and the witnesses he plans to call about the proprieties of their Court appearance and their attire. The lawyer should explain that at no time are they to approach or communicate with a juror or Judge. An attorney should also instruct his clients and witnesses that they are to remain outside the bar until their case is called or they are called to testify. A violation of this Rule may not only result in a mistrial, but may also result in contempt proceedings and/or assessment of costs (including juror expense and attorney's fees) to the adverse party for the aborted trial.

Rule 1.14. Courtroom/Courthouse Activities

(1) Eating, drinking (except water allowed by the court), chewing gum, or use of tobacco in any form is forbidden in the courtroom, whether Court is in session or not. Reading newspapers or magazines is forbidden in the courtroom when Court is in session. Cameras and recording devices in the courtroom are forbidden unless permission is obtained from the Court. The use of cell phones in any courtroom is prohibited. This includes text messaging. Cell phones must be turned off prior to entering the courtroom.

(2) Any activity or noise in or near the courtroom which disrupts or disturbs the proceedings is prohibited. A courtroom may not be used for any purpose other than a judicial function without the written permission of the judge assigned to such courtroom.

(3) No cell phones or other electronic devices are allowed in the jury room during deliberations.

(4) Do not hold conferences in the courtroom when court is in session.

(5) No trash, copies of dockets, or refuse of any type should be discarded in the courtroom.

(6) Disruptive behavior in the Courthouse will not be tolerated. Security staff may remove offenders from the building, or offenders may be arrested. Except as may be authorized by law, no weapons of any kind are permitted in the courthouse.

Rule 1.15. Court Files

Original papers on file in the Court Clerk's office shall not be removed, subject to the following exceptions:

Court files may be removed from the Court Clerk's Office by the following persons: Judges, the Court Clerk or deputy court clerks, bailiffs, court reporters, attorneys and any person holding a certificate of authority or license pursuant to the Oklahoma Abstractors Law. Upon removal of a file from the Court Clerk's office an "out card", to be provided by the clerk, shall be filled out providing the court file number, the date removed, name, address and telephone number of the person removing the file, and the bar number, if appropriate, and all files shall be returned within 24 hours of checkout. Alternatively, court files may be checked out using computerized or electronic means that ensure the safeguards outlined in this rule.

- a. The out card shall be deemed to be a written receipt for the file and shall be kept in the filing cabinet in the same location where the Court file is normally stored until the file is returned at which time the out card shall be removed and the information on the card obliterated by striking through.
- b. Persons removing court files are urged to return them promptly at the conclusion of the need for their removal remembering that abstractors and others often have need to examine Court files and that the files also serve as repositories for filings in the various cases.
- c. No papers shall be altered, inserted or removed from the file folders except by the Clerk or a deputy. Judges may add their approvals to documents such as approval of accounts or admissions of wills.

Rule 1.16. Communications

Parties and attorneys should not ask a Judge or a member of a Judge's staff to process Court filings or mailing, but should direct all such communication to the Office of the Court Clerk, unless specifically directed to do otherwise by the Court. Similarly, the Court Clerk should not be requested to obtain the Judge's signature.

Rule 1.17. Media Information

Attorneys are to observe the Rules of Professional Conduct regarding pretrial publicity as set forth in Rule 3.6 RPC.

See Appendix II for additional rules related to the Bristow Division Courthouse.

See Appendix III for additional rules related to the Sapulpa Division Courthouse.

Rule 1.18. Courtroom Attire

Attorneys, as officers of the Court, should appear in Court in attire appropriate to practitioners of this honored profession. Men shall wear coats and ties and women shall wear suitable attire for all Court appearances. Except for extremely inclement weather, blue jeans of any kind are unacceptable for any Court appearance.

It is difficult to define “suitable attire” for women. As a rule, their attire should be business dress, as opposed to casual attire, and it is suggested that if slacks are worn women should also wear a business coat or jacket.

Rule 1.19. Court-Appointed Counsel May Not Accept Fees

Court-appointed lawyers that are to be paid from the Court Fund shall receive total compensation that will not exceed one thousand dollars (\$1,000.00) in the following cases:

- a. Juvenile cases;
- b. Mental health cases;
- c. Grand jury cases;
- d. Traffic cases;
- e. Guardianship cases;
- f. Contempt proceedings; and
- g. Child abuse cases pursuant to 10 O.S. § 7112
- h. Adoptions.

In all cases described above, the hourly rate is sixty dollars (\$60.00) for out-of-court time and eighty dollars (\$80.00) for in-court time. Upon application of the attorney, in extraordinary circumstances, any fee in excess of the amounts set forth may be considered.

It shall be a violation of the Rules of this Court for any Court fund paid counsel to take any fee from any other source for the representation of any person or entity with reimbursement of same to the Court fund. Any reimbursement of expenses shall be submitted to the Court for approval, along with the application for attorney’s fees.

Rule 1.20 Simultaneous Engagements Before Several Courts Within Creek County

Nothing in this rule mitigates the duty of counsel to determine possible conflicts and consult with the court prior to entering a case. *See Rule 2.12.*

An attorney does not have a conflict unless he/she is lead counsel in two or more conflicting cases and the clients cannot be represented adequately by a person other than that attorney.

- a. If an attorney has a conflict between non-trial court appearances in this county, she/he shall as soon as made aware of the conflict:
 - (1) Make a good faith effort to notify opposing counsel and inform that counsel of the problem and the proposed solution.

- (2) Notify the Judge who will be requested to alter or delay a setting, informing the court of opposing counsel's position and the number of times each case has been continued.
 - (3) If the contacted judge disagrees with the solution, he/she shall contact the other judge and resolve the conflict.
 - (4) The attorney with the conflict shall, on the date of hearing, inform the non-deferring court of the pendency of the hearing on the other action, if it remains set for the same time and date, so that the non-deferring court may give precedence to the matter.
 - (5) It shall be the requesting attorney's obligation to inform opposing counsel of the decision.
 - (6) In the event the matter given priority no longer conflicts with the others, the contacting attorney shall immediately notify opposing counsel and the contacted judge.
- b. If an attorney has a conflict between or among trials set before the various courts of this county she/he shall as soon as made aware of the conflict notify opposing counsel and shall contact the judge whose case the attorney feels should be passed, delayed or continued.
- (1) The contacted judge will consider many factors in deciding whether to yield priority. These include:
 - (a) Criminal actions prevail over civil.
 - (b) Jury trials prevail over non-jury.
 - (c) Juvenile and mental health matters have short time limits that must be considered.
 - (d) Matters requiring witnesses prevail over others.
 - (e) Older cases are given priority over newer ones.
 - (2) The contacted judge shall then make a decision as to whether or not her/his case's setting shall be affected by the conflict. It shall be the duty of the attorney with the conflict to notify opposing counsel.
 - (3) Should the requesting attorney be dissatisfied with the proposed solution, a formal motion for continuance shall be filed and ruled upon.
 - (4) If the contacted judge accommodates the conflict by delaying, rather than continuing, the case, the requesting attorney shall inform the other judge so that priority can be given to the case. It shall be the duty of the requesting attorney to keep the contacted judge informed of the estimated time that the requesting attorney will be free.

Conflicts with State Courts other than Creek Counties or with Federal Courts shall be resolved as provided in the Guidelines for Resolving Scheduling Conflicts with Oklahoma State Courts and Federal Courts, SCAD #98-17.

PLEADINGS AND PRACTICE RULES

Rule 2.1. Presentation of Pleadings--Journal Entry Approval

(1) No order or journal entry shall be presented to a Judge for signature unless that order or judgment has been approved by the attorney or attorneys of record affected by said judgment or order.

(2) In all contested matters, unless the court orders otherwise, the prevailing party shall draft the journal entry and circulate it to all opposing counsel or pro se litigants within fifteen (15) days of the Judge's ruling. Opposing counsel or pro se litigants shall have fifteen (15) days to review, approve and submit the journal entry to the court unless a dispute exists. The party not approving shall submit in writing his or her objections to the proposed Journal Entry prior to any hearing on settlement. In the event of a dispute, a motion to settle journal entry shall be filed.

Rule 2.2. Motions

(1) All motions in civil cases must comply with Rule 4 of the Supreme Court Rules for the District Courts (Okla. Stat., Title 12, Ch. 2 App.).

(2) Counsel shall deliver a file stamped copy of each motion, response and brief to the assigned Judge at the time the original is filed.

(3) Any party wishing to have oral arguments shall submit an order for hearing. The Court shall determine whether oral argument will be entertained on a motion and shall provide attorneys of record with notice of the specific hearing date and time.

Rule 2.3. Briefing

All motions, applications, responses and briefs must be filed in accordance with applicable statutes and deadlines and must comply with Oklahoma Supreme Court Rules 1.11(a), 12 O.S. Ch. 15, App.1.

Each brief shall be clearly styled to show whether it is in support of a motion, in opposition to a motion, or a reply brief, the particular application or proceeding to which it relates, and the party or parties on whose behalf it is presented.

All motions and applications and responses to them, including briefs if required, shall not exceed fifteen (15) pages in length without prior permission of the Court.

Reply briefs are permitted only by leave of Court by application stating the reason for filing a reply brief. Reply briefs should not be attached to the application but should be filed separately within five (5) days after permission is granted. No reply brief may exceed five (5) pages in length. No further briefs shall be filed without prior permission of the court.

Copies of cited cases should be provided to the Court (although not filed in the case).

Rule 2.4. Notice of Bankruptcy Proceedings

In an emergency situation an oral announcement, by an attorney or a party, that a bankruptcy proceeding has been filed shall be sufficient to temporarily stay a State Court proceeding. However, it shall be obligatory upon the attorney giving such notice to file a written pleading within five (5) days, which shall fully describe the bankruptcy proceeding. Such notice shall, as a minimum, give the following:

- a. Parties;
- b. Location of the Federal Court where bankruptcy is filed and case number; and
- c. Date and time of day filed.

Rule 2.5. Pleadings by Facsimile

Parties are not to file or submit pleadings to the Court Clerk, or to any judge, by facsimile, e-mail or other electronic means. This Rule is intended to comply with 12 O.S. § 2005 E (3). Nothing in this rule prohibits the filing or use of facsimile or photocopies, but this Rule is intended to address the issue of submitting pleadings directly by electronic means.

Rule 2.6. Default Judgments

(1) Before judgment by default will be entered in cases in which a party has entered an appearance or filed pleadings, a motion for default judgment must be filed and proper notice of the hearing thereon given to opposing counsel or opposing parties, if they are not represented by counsel.

(2) It is not necessary to file a motion for default judgment in cases in which a party neither appears nor pleads before judgment by default will be entered. Except in those instances in which counsel has obtained prior approval of the assigned judge, only licensed attorneys, legal interns or pro se parties with knowledge of the case may present the matter. The attorney, legal intern or pro se party shall submit the proposed journal entry along with the court file.
DEFAULT JUDGMENT REQUESTS RECEIVED BY MAIL WILL NOT BE GRANTED.

(3) If the assigned Judge is unavailable, a request for default judgment may be presented to any available Judge, as set forth in paragraph (2) above. Any post-judgment activities remain with the assigned Judge.

Rule 2.7. Discovery

(1) Interrogatories, Requests for Production and Requests for Admissions are not to be filed in the office of the Court Clerk, except as attachments to a motion or response to a motion, or are ordered by the Judge to be filed.

(2) Any motion to compel should have a copy of the discovery request and response [if applicable] attached to the motion.

(3) In filing any motion related to discovery issues, the motion must contain a statement that the parties have conferred as required by 12 O.S. §3237(A)(2).

(4) Each answer or objection to an interrogatory, request for admission, or request for production of documents or things pursuant to 12 O.S. § 3233, 3234 and 3236 shall be immediately preceded by the interrogatory or request to which response is being made.

Rule 2.8. Forcible Entry and Detainer Actions

Forcible Entry and Detainer actions shall be heard by the Small Claims Court for determination of the right to possession, regardless of the underlying amount in controversy. When the issue of possession is concluded, the case shall be returned to the original Judge for further proceedings, unless the parties agree otherwise in writing.

Rule 2.9 Dismissal for Lack of Service

Under 12 O.S. § 2004(I) of the Pleading Code, after the Court has examined the court file and docket sheet of a case and determined that more than one hundred and eighty (180) days have elapsed without service being made on a named defendant, the Court may notify the plaintiff and/or plaintiff's attorney with notice to all parties or counsel of record to file a pleading to show cause why the action should not be dismissed as to that defendant. If good cause is not shown or response is not made, the Court may dismiss the case without prejudice.

Rule 2.10 Extensions of Time

All requests for extensions of time must contain the following:

- a. The original due date for the response;
- b. The amount of additional time requested;
- c. The current status of the case (including when hearings, if any, have been scheduled); and
- d. A statement that opposing counsel has been contacted regarding the extension and either consents or objects to the extension, or that a good faith attempt has been made to contact opposing counsel and contact was unsuccessful.

Requests that do not comply with this rule shall not be considered.

Rule 2.11. Withdrawal of Counsel in Non-Criminal Cases

All motions and orders to withdraw shall be in writing and comply with the requirements of 12 O.S. § 2005.2(C). This requires that a copy of the motion be served on the client and all counsel. It must be signed by the client or must certify that the client has knowledge of it or cannot be found. The motion must also contain, if known, the name and address of the party or the name of the successor counsel. The order allowing withdrawal shall notify the party that an entry of appearance must be filed pro se or by counsel within thirty (30) days from the date of the order permitting withdrawal and that a failure of the party to prosecute or defend the case may result in judgment against the party. Check the statute for the requirements. These are not only a matter of law; they are also matters of ethics.

No attorney will be allowed to withdraw within thirty (30) days of the date of any hearing or the due date of any pleading or response due from the client unless substitute counsel has been obtained. No attorney will be allowed to withdraw if there are any outstanding journal entries. Any application to withdraw must state if there any scheduled hearings or outstanding journal entries.

Rule 2.12. Motions for Continuance

The Court is not bound by any agreement of counsel to continue a case. All motions for continuance of a pre-trial, trial or evidentiary hearing must be signed by the party on whose behalf the motion is made, or contain a certificate of the movant's attorney that the attorney's client has knowledge of and has approved the continuance. Except for extraordinary circumstances, motions for continuance filed less than forty-eight (48) hours before the pre-trial, trial or evidentiary hearing will not be considered.

Except for extraordinary circumstances, no continuance will be granted regarding a pre-trial, trial or hearing based upon the grounds that a new attorney has been employed.

Rule 2.13. Alternative Dispute Resolution (ADR)

It is the policy of the Judges of Creek County to encourage the use of alternative dispute resolution (ADR) procedures for the early disposition of pending litigation. Such informal procedures can achieve the just, efficient, and economical resolution of controversies while preserving the right to a full trial on demand.

The Court, on its own motion, or by agreement of the parties, may refer any civil case, for settlement conference and/or mediation. A referral may be made at any time. More than one referral may be made in any case.

The order of referral to mediation and/or settlement conferences in civil cases shall be entered by the Court and provided to the parties, on a standard form, Appendix IV. REQUESTS SHOULD NOT BE SENT DIRECTLY TO THE EARLY SETTLEMENT COORDINATOR. The Judge presiding over the case will send the form to the Judge in charge of the mediation/settlement program.

Rule 2.14. Ex Parte Orders

(1) An attorney presenting an ex parte order is representing to the Court that he/she is not aware that the respondent is represented by counsel, or the Order shall state that reasonable attempts have been made to notify opposing counsel. If the respondent is represented, such order may be entered only upon such notice as the Court may direct.

(2) THE PRESENTING ATTORNEY REPRESENTS TO THE COURT THAT HE/SHE HAS UNDERTAKEN A SUFFICIENT INVESTIGATION TO ESTABLISH A PRIMA FACIE CASE FOR THE ISSUANCE OF THE ORDER. THE ATTORNEY ALSO REPRESENTS THAT THERE ARE NO DEFENSES TO THE ORDER KNOWN TO HIM/HER EXCEPT FOR THOSE BROUGHT TO THE ATTENTION OF THE JUDGE.

(3) Any respondent to an ex parte order who feels that such order was obtained by fraud or misrepresentation, in addition to other remedies, may seek attorney's fees and costs in setting the same aside.

(4) All ex parte orders become void from and after the show cause date unless continued in force by court order.

Rule 2.15. Pre-Trial Order (other than domestic or criminal)

(1) Only one pre-trial order shall be submitted.

(2) Plaintiff's counsel shall initiate the preparation of the pretrial order by submitting a proposed pretrial order to opposing counsel no later than fifteen (15) days before the pre-trial conference hearing. If Plaintiff's counsel fails to do so, then at least ten (10) days before the pretrial conference hearing, Defendant's counsel shall submit a proposed pre-trial order to Plaintiff's counsel. If plaintiff is pro se, the first named represented party shall initiate its preparation. Opposing counsel and pro se parties must cooperate with the preparing party in the completion of the pre-trial order and shall return the completed pre-trial order to opposing counsel no later than five (5) days before the pre-trial hearing.

(3) The parties shall exchange pre-marked exhibits no later than ten (10) days before the date of the pre-trial conference. Each exhibit shall be separately numbered. The use of sub parts is discouraged. The exhibit numbers shall correspond to the numbers in the pre-trial order. All witnesses and exhibits to be relied upon by a party, must be listed in the pre-trial order. Such statements as, "all exhibits listed by opposing party" or "all witnesses listed by opposing party" are not deemed compliant to the requirements of Rule 5, Rules for the District Courts.

(4) Unless right to jury trial has previously been waived, jury fees shall be paid prior to filing the pre-trial conference order. A pre-trial order shall be filed no later than ten (10) days from the date of the pre-trial conference.

(5) Pursuant to Rule 5 (H) Rules for District Courts of Oklahoma, the pre-trial conference must be attended by the lawyer who is to try the case. Represented clients may attend.

(6) Pursuant to Rule 5 (I) Rules for District Courts of Oklahoma, all objections to exhibits must be specifically stated in the pre-trial order, otherwise the exhibit will be deemed to be admitted. Generic or blank objections will not suffice.

Failure to comply with these requirements may result in sanctions, including those provided in Supreme Ct. Rule 5.

Rule 2.16. Absence of Assigned Judge

In the absence of the Judge assigned to a case, any available Judge may sign such Order as may be necessary for the administration of the case.

FAMILY RULES

Rule 3.1 Ex Parte Orders

See Rule 2.14.

Rule 3.2. Mediation in Domestic Matters

Unless otherwise ordered by the court, each contested domestic matter shall attend mediation prior to requesting a hearing on the merits. The mediation can be through a private mediation service or through Early Settlement Program if available.

Rule 3.3. Pre-Trial Financial Declaration

In all contested divorce cases, each side shall exchange and present to the court within five (5) days in advance of pre-trial conference, or if pre-trial conference is not held, five (5) days in advance of trial, a Joint Exhibit, setting out all the income, expenses, assets and debts of the parties, and a list of marital property and debts by utilizing the form approved by the Chief Administrative Judge and available from the assigned Judges. Child support calculations shall be pursuant the form available on the Department of Human Services website. Copies of these completed forms, when applicable, shall be provided directly to the assigned Judge. Failure to comply will result in sanctions as determined by the Court.

JOINT EXHIBITS SHALL CONTAIN THE FOLLOWING:

ASSETS: Each party shall give a personal opinion of the value of each asset, regardless of who has possession of the same, and in the event the party plans to use an expert witness to establish value, such party shall give such expert's name, address and credentials, as well as the value the party proposes for the asset.

DEBTS: All debts, secured or unsecured, shall be listed giving the name and address of each creditor, the unpaid balance, the periodic payment, whether the debt is current, and if delinquent when it became so, and list the asset given as security.

The Court may on its own motion require either party to furnish such additional information as the Court deems necessary to insure an efficient disposition of the case.

Rule 3.4. Pre-Trial Conference

A pre-trial conference may be set, or an agreed pre-trial order required, at the discretion of the assigned Judge.

Rule 3.5. Orders and Decrees

(1) A formal order or decree shall be prepared as ordered by the court and submitted within the times and following the procedure set forth in Rule 2.1. No formal orders or decrees shall be presented except those in compliance with all statutory and District Court Rule requirements including but not limited to:

- a. Waiting periods; and
- b. Child support guidelines.

(2) No journal entry or final decree shall be presented for approval unless, where appropriate, it is accompanied by a Summary of Support and has been approved, if applicable, by the Department of Human Services.

(3) When any case set for hearing or trial is announced to the Court as settled if a formal order or decree is not contemporaneously presented, a settlement form as approved by the Chief Administrative Judge and available from the assigned Judges shall be filled out, signed by the attorneys and parties, and filed in the case.

Rule 3.6. Protective Orders

Protective orders shall be assigned on a random basis. If there is a pending domestic case, then the protective order shall be assigned to the Judge handling the domestic case. In the event that a domestic action is filed subsequent to a protective order, then the protective order case shall be assigned to the Judge handling the domestic case.

Rule 3.7. Visitation

An approved standard visitation order is provided in Appendix V for use when proper.

Rule 3.8. Annual Reports for Guardianship and Conservator Cases

All open guardianship and conservatorship cases shall file annual reports as required by law. At each approval, the assigned judge shall set a date for the next annual report and the date for any objections to the annual report. The Court Clerk shall place each matter upon the assigned judge's docket on the date previously specified by the judge and indicate if the report has not been filed.

In no event, may the Court Clerk accept for filing an annual report without having a date set for objections. If an annual report is tendered for filing and there has not been a date set for objections, the clerk shall place the matter upon the first docket, after the expiration of 15 days of filing the report, with the assigned judge.

CRIMINAL RULES

Rule 4.1. Defendant May Not Nominate Attorney

The Court will not entertain the suggestion that any particular attorney be appointed to represent an indigent defendant in a criminal case.

Rule 4.2. Time Limits for Withdrawal by Attorney

An attorney for the defendant in a criminal case can not withdraw, except for good cause shown, within thirty (30) days of the beginning of a jury docket on which the defendant is set for trial. "Good cause shown" does NOT mean that the attorney has not been paid. Any attempt to withdraw after a waiver of preliminary hearing will require extraordinary circumstances to be considered, otherwise it will be denied instant.

Rule 4.3. Court Fund Transcripts

Parties ordering a transcript shall do so by completing the form provided by the Court. No continuance shall be granted for lack of a transcript unless this form is used and the transcript applied for at least thirty (30) days in advance.

In the event that the court reporter cannot complete a transcript within thirty (30) days of its being ordered, the Judge hearing the matter shall be informed.

If a transcript of any part of the criminal justice proceedings has been furnished by the Court Fund, it remains the property of the Court Fund. Counsel for the State and the Defendant may use the same to prepare for trial or appeal.

Rule 4.4. Duty to Disclose Previous Attempts at a Plea Bargain

When a matter is presented to the Court on a plea bargain, both counsel for the defense and for the State are bound to reveal to the Court any previous denial by a Judge of any plea bargain in that particular criminal case and all surrounding circumstances.

Rule 4.5. Amended Information

After a Defendant has been arraigned subsequent to preliminary hearing or waiver of preliminary hearing, the Information shall not be amended without prior leave of the Court.

Rule 4.6. Misdemeanor and Juvenile Trials

All misdemeanor and juvenile matters which have demanded trial by jury, shall be heard by a Special Judge on the next available civil docket.

Rule 4.7. Plea Bargains

In the event the defendant wishes to enter a felony plea, pursuant to a plea bargain, no plea will be taken unless all paperwork necessary to present the plea to the Court has been completed by the time the case is called. **IF THE PLEA PAPERWORK IS NOT COMPLETED, THEN THE MATTER WILL NOT BE PASSED TO THE HEEL OF THE DOCKET ON THAT DATE.**

Rule 4.8. Payment of Fines, Assessments, Restitution and Court Costs

All defendants are expected to be able to pay their fines, assessments, restitution and court costs if entering a plea. Immediately after plea or released from custody, all defendants are required to meet with the Cost Administrator in the Court Clerk's office to make arrangements for payment in full of all sums due.

TRIAL RULES**Rule 5.1. Trial Procedure, Notice of Settlement, Dismissal or Continuance**

Cases will be tried in the order of appearance on the docket unless otherwise directed by the Court. After a case has been docketed for jury trial, any agreement of the parties to settle, dismiss or continue the same shall be communicated to the Court at least two (2) working days before the time fixed for trial. In the event the Court is not given at least the two (2) day notice of such settlement, dismissal or agreed continuance and a jury reports for the trial and no other

jury trial is scheduled on said date, the Court shall have the discretion to tax the costs of the reporting jurors, and such other reasonable costs as the Court may determine, to either or both of the parties who failed to give the required notice.

Rule 5.2. Requesting Court Reporter

Parties desiring a court reporter shall pay the court reporter fee and notify the court reporter at least 24 hours in advance and shall furnish proof of the payment of the fee for the reporter.

Rule 5.3. Argument By a Party

No party to a suit shall be permitted to argue the case to a jury if the party has counsel.

Rule 5.4. Request For Findings of Fact

Any request to the Court for Findings of Fact and Conclusions of Law must be made prior to or at the commencement of the trial. Within such time as may be allowed, counsel shall submit their suggested Findings of Fact and Conclusions of Law which shall be filed and incorporated in the record of the case.

Rule 5.5. Conduct Toward Jurors After Verdict

No lawyer or party may communicate with a juror after a verdict has been returned until the juror has been finally discharged from further service during that term.

Rule 5.6. Civil Jury Cases Tried to Twelve Person Juries

When courtroom space allows, eighteen (18) potential jurors are placed into the box, and the “struck method” of selection will be used.

Rule 5.7 Jury Case Peremptory Challenges

The parties are forbidden from demonstrating or revealing which side strikes a juror on peremptory challenge, either in that trial or later. Unless the “struck method” is used, the following rules apply:

- a. The parties are requested to exercise or waive each of their peremptory challenges in unison after each of which the vacant seats will be filled until the last one when plaintiff or state will exercise its challenge, the seat will be filled and then defendant will exercise the last one;
- b. Unless previously ruled to the contrary upon the request of a party, waiver of a peremptory challenge does not constitute acceptance of jurors then sitting in the box;
- c. A party may waive peremptory challenge and then exercise a challenge against a juror who was sitting in the box at time of waiver;
- d. If both parties waive in sequence, the jury will be deemed accepted.

Rule 5.8 Trial Exhibits

(1) During trial no exhibit offered or admitted in evidence shall be removed from the courtroom or from the custody of the Court Clerk or court reporter, as the case may be, without permission of the Judge.

(2) Only two-dimensional exhibits, eight and one-half (8 ½) inches by fourteen (14) inches or smaller, videotapes, and audiotapes admitted into evidence will be retained by the court reporter following the trial. Counsel shall substitute a copy, meeting these size restrictions, of any oversized exhibit. Other exhibits, including oversized exhibits, shall be withdrawn from the record at the conclusion of the trial and retained by the party/counsel presenting the same at trial.

(3) In criminal cases, parties/counsel shall comply with the Rules of the Court of Criminal Appeals.

(4) IT IS THE DUTY OF ALL ATTORNEYS IN A JURY TRIAL TO POLICE THE EXHIBITS ULTIMATELY GIVEN TO THE JURY AT THE START OF AND DURING THEIR DELIBERATIONS. No objections to exhibits mistakenly furnished or not furnished to the jury at the start of or during their deliberations will be considered unless a contemporaneous objection was lodged.

Rule 5.9 Video Trial Depositions

(1) The parties should make advance arrangements for showing a video to the jury.

(2) In the case of video trial depositions, a system of marking objections, designated testimony, etc. using a full-sized written copy of the deposition should be as follows:

- a. Plaintiff should circle all testimony that he/she desires to be included in blue.
- b. Defendant should circle all testimony that he/she desires to be included in red.
- c. Objections that the party desires to urge may be handwritten on the left hand page facing the testimony involved. The objection should give the line, the grounds for the objection if reserved, and a sentence or two supporting the objection.
- d. The party offering the testimony may then respond below the objection with one or two sentences in support of admission.
- e. The Court will rule on admissibility by separate order and the marked copy of the exhibit along with the Court's order may be introduced to show the reviewing Court the testimony and the objections and the rulings.

Rule 5.10 Audio/Visual Equipment

If a party furnishes an ELMO or similar device and the other party wants to use it in cross-examination or in putting on a witness, the other party will be expected to split the cost. There is a screen that deploys on the north wall of the Bristow courtroom and a larger one that comes down in front of the bench. The other courtrooms have no screens. Generally, parties with ELMOs seem to need a small table to place between counsel tables. Advance arrangements to inspect the courtroom to consider logistic problems can be made with the secretary/bailiff of the Judge conducting the trial.

SANCTIONS

Rule 6.1. Penalties

A willful violation of a Court Rule may subject the party/attorney involved to contempt proceedings, censure or other appropriate remedial action. This may include any or all of the following:

- a. Dismissal of the suit;
- b. Imposition of Court costs;
- c. Attorney fees for opposing counsel;
- d. Mileage and other costs to any party financially damaged by such acts; and/or
- e. A fine, representing the jury fees and/or other direct costs to the Court for any aborted or delayed trial.

APPENDIX I

IN THE DISTRICT COURT WITHIN AND FOR CREEK COUNTY STATE OF OKLAHOMA

Standard Rules for Conduct of Counsel in Trials

This document contains the standard rules for conduct of counsel in trials. In addition, we will use the American Bar Association Standards for Trial Management in the selection of a jury. It is consistent with Oklahoma law.

The Rules will be strictly enforced regarding attorney conduct, voir dire and examination of witnesses. As lead counsel you are responsible that all assisting attorneys and designated agents are aware of these rules. Please adhere to the following:

1. Counsel will not address each other during the trial of the case in the presence of the jury without permission of the Court;
2. Counsel will stand when addressing the Court or examining a witness;
3. Counsel will state all objections, in a normal tone of voice, to the Court and not to opposing counsel;
4. There will be no arguments on objections in the presence of the jury. If counsel desires to argue a point after making an objection or being overruled on a point, counsel will ask the Court for permission to approach the bench. However, argument may be permitted on objections at the discretion of the Court;
5. Counsel will not interrupt each other, except to state a valid objection, while counsel is addressing the Court or the jury. If an objection is made by way of interruption it shall be short and concise and not stated by way of argument;
6. Counsel for the Plaintiff will use the counsel table nearest the jury box;
7. Counsel will avoid facial expressions or other non-verbal comments on the evidence or credibility of witnesses (no mugging);
8. If either counsel desires to offer stipulations, they shall be made to the Court in the absence of the jury. After the offer is made, opposing counsel may either accept or reject them, or ask for a conference to state some conditions or additions;
9. Attorneys will conduct their examinations of witnesses at a reasonable distance away from the witness chair so that all jurors and other counsel may hear the questions and answers. An attorney may not approach a witness without verbal permission of the Court;

10. If you wish for a witness to leave the stand during testimony, you must have the permission of the Court, and that permission will be granted only sparingly. Please wait to begin your examination of a witness until the Court directs that you may inquire;

11. In the order of examination of witnesses, the Court will allow direct examination, cross examination and redirect. No further questioning should be attempted without specific permission of the Court. That permission will be granted only if new evidence is elicited in redirect examination;

12. Counsel will ask their questions for prospective jurors only on matters which would be the basis for challenge for cause and will not examine as to matters of law. Counsel are not to argue their case to the jury during voir dire. Counsel shall not ask questions pertaining to any hardship a prospective juror may have, the Court has covered those issues during jury orientation. The majority of questions should be addressed to the panel, and not individual jurors. Questions should be designed to elicit facts and, therefore, should not be leading. Of course, no questions prohibited by Rule 6 of the Rules for District Courts will be allowed;

13. In making an opening statement, counsel will refrain from argument of any kind and will confine themselves to the outline of facts that they intend to prove and will stay within the issues framed. Statements in civil cases should not exceed fifteen (15) minutes in duration unless previously approved by the Court;

14. Counsel will refrain from making derogatory remarks, inferences or insinuations about each other or their handling of the case;

15. When two or more attorneys are on the same side trying a case, the attorney conducting the examination of the witness shall continue until the witness is excused from the stand, and all objections made or exceptions taken during the examination of such witness shall be made or announced by the attorney who is conducting the examination or cross examination;

16. In a case with multiple counsel (or if you have a designated agent) neither may exit nor enter the bar area while Court is in session without permission of the Court. Certainly, neither counsel (nor the designated agent) should leave while the adverse party is in the process of examining witnesses;

17. When counsel desires to approach the bench for any reason, counsel will ask leave of the Court to do so, and if leave is granted, one counsel for each party shall approach;

18. If possible, all exhibits should be pre-marked. Counsel should provide an exhibit list to the reporter prior to trial. This list will be held in confidence. Exhibits, once identified, whether admitted or not, shall be left in the custody of the reporter. Do not take identified exhibits to your table or elsewhere;

19. Counsel should provide a list giving the order of their witnesses to the bailiff prior to trial. Any changes in that order during the trial should be brought to the bailiff's attention. Your list of witnesses, nor their order, will be divulged to opposing counsel;

20. The normal schedule is for testimony to begin at 9:00 a.m. and conclude at 5:00 p.m. You must schedule your witnesses accordingly so that there is no delay in the proceedings or necessity to end a court day early because of the absence of a witness;

21. All counsel should be present, on a daily basis, at least 30 minutes prior to the scheduled start of testimony. This is ordered in an effort to avoid delaying the jury on emergency evidentiary matters;

22. Parties shall confer with opposing counsel prior to submitting requested jury instructions and requested instructions must be in writing and submitted no later than the start of the trial;

23. Judges can't stand surprises. You must alert the trial judge to any problems that you anticipate prior to their disclosure before the jury;

Please take these points seriously. Adherence to these procedures can save numerous trial delays. If you have any questions, please ask your trial judge now.

APPENDIX II

MEDIA GUIDELINES AND POLICIES FOR TRIALS IN BRISTOW

I. GENERAL:

- A. It has been the experience of the Court that the media has always acted responsibly in its coverage of trials. Nonetheless, the Court has been requested to set out some rules to serve as guides.
- B. As a general rule, the press should avoid activity which interferes with the operation of the courts, detracts from a dignified and serious attitude or which might prejudice or identify jurors (the term includes prospective jurors, sitting jurors, alternates or prospective jurors not selected.)
- C. The Court is limited by several factors:
 - 1. The Court is a guest of the City of Bristow which allows us to share their premises. It is important that we be considerate guests.
 - 2. The City Hall in Bristow is relatively small and provides no private space for interviews, etc.
 - 3. Parking is also limited, especially during the first two days of the jury term.

II. DESIGNATED PARKING AREAS:

There have been some requests for designated press areas for parking or van, etc. The parking west of City Hall, north across the street and around the library are all reserved for employees, jurors and court personnel.

III. COURTHOUSE-CITY HALL CONDUCT

- A. There shall be no cameras allowed in the Courthouse-City Hall. Cell phones with camera functions may not be used in the Courthouse, unless allowed by the Judge.
- B. Any interview should not take place in the hallways of the Courthouse-City Hall, should not interfere with the operations of the Courts and should not be in a location that might be frequented by jurors.
- C. Media personnel have the same obligation as others to make sure that there is no discussion of the case or opinion expressed that might be overheard by jurors.

IV. COURTROOM CONDUCT IN ADDITION TO “III”

- A. There will be seats or pews designated for press personnel. Please use these unless they are full.
- B. Requests for interviews may be made in the Courtroom. This should be done quietly when Court is not in session. Please do not stand outside the bar and talk to people in the well of the Court.
- C. No recording devices, telephones (unless turned OFF), computers (including tablet PCs, handheld PCs, PDAs and calculators) or other communication devices of any kind will be used or powered up inside the courtroom. The above does not apply to attorneys appearing before the Court or waiting to make an appearance. There will be no texting by anyone from the courtroom.
- D. In the event that it is desired to sketch any participants, jurors or audience members should not be included in any sketches and sketches should be made in a non-disruptive manner.
- E. All non-court and city personnel will have to enter through the metal detectors.

APPENDIX III

MEDIA PROCEDURES FOR THE CREEK COUNTY COURTHOUSE LOCATED IN SAPULPA, OKLAHOMA

1.1 Introduction

These procedures are to ensure the security and efficient handling of cases and events in the Creek County Courthouse in Sapulpa, Oklahoma. No filming, photography or electronic recording is permitted in the Courthouse except as set forth herein. These procedures have been developed for the protection of all parties and are subject to modification based on specific circumstances or wishes of an individual trial court judge in the courtroom.

1.2 Permission of the Court Required

Cameras and audio equipment may be permitted in and around the courtrooms at the discretion of each trial judge.

1.3 Procedure to Obtain Permission

The trial judge, based upon requests made by a party or any other person at least 48 hours in advance of the proceedings, shall decide whether to allow camera and/or audio coverage of proceedings in and around the courtroom in a given case. A party, witness, or counsel may object to such coverage of any case or of any portion of the proceedings, and the trial judge shall rule upon such an objection. The decision whether to cover judicial proceedings shall be left to the discretion of the individual media organization for which coverage has been approved.

It shall be the affirmative duty of the media personnel to affirm that they have read these rules and will abide by the same and further to demonstrate to the trial judge sufficiently and in advance of any proceeding that the equipment sought to be used does not produce a distracting sound or light. A failure to obtain such advance approval may preclude the use of such equipment in any proceeding.

1.4 Termination of Coverage

The privilege granted by these rules does not limit or restrict the power, authority or responsibility of the judge to control the proceedings before the judge. The authority of the judge to exclude media or the public at a proceeding or during the testimony of a witness extends to any person engaging in the privilege authorized by these rules.

After the proceedings have commenced, the trial judge shall terminate coverage of any portion of the proceedings or of the remainder of the proceedings if the trial judge determines that coverage will impede justice or deny any party a fair trial.

A trial judge may impose other restrictions or limitations necessary to preserve the solemnity, decorum, and dignity of the court and to protect the parties, witnesses, and jurors. A judge may terminate any or all public access coverage at any point finding, based on substantial reasons, that the rules contained herein or any other rules imposed by the court have been violated.

Nothing within these rules is intended to limit the contempt powers of the court.

1.5 Scope of Coverage

Camera coverage shall be limited to those proceedings open to the public. In order to protect the attorney-client privilege and the right to effective assistance of counsel, there shall not be audio coverage or broadcast of any conferences occurring between or among attorneys and their clients; or between and among attorneys, clients, and the trial judge officer. The trial judge may summarily prohibit public access coverage of a particular witness if the judge determines that public access would endanger the welfare or materially hamper the witness's testimony. Additionally, there shall be no public access coverage of the following:

- (a) Proceedings in chambers.
- (b) Any notes or conversations intended to be private including, but not limited to, counsel and judges at the bench and conferences involving counsel and their clients.
- (c) Dissolution, juvenile, paternity, adoption, custody, visitation, support, mental commitment, trade secrets, and abuse, restraining and stalking order proceedings.
- (d) At a victim's request, sex offense proceedings.
- (e) Voir Dire.
- (f) Any juror anywhere during the course of trial in which he or she sits.
- (g) Recesses.

1.6 Non-Judicial Meetings

Coverage of any non-judicial meeting or other gathering in the courtrooms shall be determined by the concurrence of the sponsoring group and the trial judge and shall be conducted in accordance with these rules. These rules shall not limit media coverage of ceremonial proceedings conducted in court facilities under such terms and conditions as may be established by the prior consent of the trial judge.

1.7 Equipment and Personnel

The following equipment and persons shall be the maximum equipment and broadcast personnel permitted in the courtroom at any one time:

- (a) One portable television camera or film camera with not more than one person operating the same.
- (b) One still photographer with one camera and not more than two lenses and necessary related equipment.
- (c) As used in these rules, "television equipment" includes both film and videotape cameras. Only television equipment which does not produce distracting sound or light shall be employed in the courtroom. No artificial lighting (other than that normally present in the courtroom) shall be employed in the courtroom except that, with the concurrence of the trial judge, modifications and additions may be made to lighting in the courtroom, provided that such modifications or additions are installed and maintained without public expense.
- (d) Only film and video cameras without working audio pickup, unless otherwise approved by the trial judge, shall be employed in the courtroom. Only still camera equipment that does not produce distracting sound or light shall be employed in the courtroom.

(e) Audio equipment of any type shall not be permitted in the courtroom at any time, without prior permission of the trial judge. If permission is given, not more than one audio system for radio broadcast shall be permitted in any proceeding. If a technically suitable audio system exists in the court facility, audio pickup for both radio and television shall be accomplished from such system. If a technically suitable audio system does not exist in the court facility, microphones and related wiring shall be unobtrusive and shall be located in places designated in advance of the proceeding by the trial judge.

(f) Members of the media shall not record interviews for broadcast in the hallways immediately adjacent to entrances to courtrooms if passageways are blocked or judicial proceedings are disturbed thereby. Photographing through the windows or open doors of the courtroom is prohibited. Prior to rendition of the verdict, criminal defendants shall not be photographed in restraints as they are being escorted to or from court proceedings.

(g) A judge may ban cameras from the entire floor on which a proceeding is conducted.

(h) So as not to cause a hazard to the public, media personnel should not station themselves in the doorways of the courthouse for the purpose of recording courtroom proceedings or entrances and/or exits of litigants, and media personnel shall not station themselves in the hallways of the courthouse in any manner that unreasonably interferes with the safety, security, or movement of persons in such hallways, or which is disruptive to any court proceeding.

(i) Members of the media are **NOT** exempt from courthouse security and are expected to cooperate with the courthouse security officers and members of the Creek County Sheriff's Office.

1.8 Location of Equipment

The equipment as designated above shall be located in the courtroom as follows:

(a) Television equipment shall be positioned in such location in the courtroom as shall be designated by the trial judge. All camera equipment shall be positioned only in such area. Television equipment shall be positioned in an area outside the courtroom if that is technically possible. Cables and wiring will be placed in a safe and unobtrusive manner.

(b) A still camera photographer shall position himself or herself in such location in the courtroom as shall be designated by the trial judge. The photographer shall assume a fixed position within the designated area and shall act so as not to create a disturbance or call attention to himself or herself through further movement. The photographer shall not move about the courtroom.

(c) Audio equipment shall be positioned in such location in the courtroom as shall be designated by the trial judge. Cables and wiring will be placed in a safe and unobtrusive manner.

(d) Representatives of the media shall not move about the courtroom while a proceeding is in progress, and equipment, once positioned, shall not be moved during a proceeding.

1.9 Pooling Arrangements

Any pooling arrangements among those seeking to provide camera coverage that are required by these limitations on equipment and personnel shall be the sole responsibility of media persons. The trial judge will not resolve any dispute regarding the same. In the absence of

an advance agreement on pooling by multiple media representatives, the trial judge may exclude all contesting video media equipment from the courtroom.

1.10 Admissibility in Evidence

None of the film, videotape, photograph, or audiotape developed during any proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent or collateral thereto, or upon any retrial or appeal of such proceeding, unless the trial judge has designated it as part of the official record of the proceeding.

1.11 Prior Approval to Identify or Show Jurors

Without prior approval by the trial judge, no person shall broadcast or publish any written report, film, videotape, photograph, audio tape, or other report of any kind or character, taken or made in or out of the courtroom where the face of a juror is shown or the identity of any juror is stated or is otherwise discernable. Nothing herein shall be interpreted to prohibit a juror from voluntarily disclosing his or her identity to the media, after the completion of such juror's term of service.

1.12 Availability of Recording

Upon request, any person engaging in public access coverage of a court event or in a courtroom, courthouse, its premises, or environment under the control and supervision of the court must provide to the court, without expense, or to any other person, if the requestor pays actual copying expense, a copy of any public access coverage the person performed.

1.13 Media Parking

There is no reserved media parking at the Courthouse. A public parking lot is located east of the Courthouse. For assistance with parking problems, the County Sheriff should be contacted. The streets around the Courthouse are under the jurisdiction of the City of Sapulpa and any long term parking arrangements must be made with the City. The parking area adjacent to the south door of the Courthouse is reserved for court personnel and any vehicle restricting access to that parking is subject to towing and impound.

APPENDIX IV
REFERRAL TO MEDIATION

IN THE DISTRICT COURT OF CREEK COUNTY, STATE OF OKLAHOMA

)	
Plaintiff(s),)	
vs.)	Case No. _____
)	
)	Judge _____
Defendant(s),)	
vs.)	<u>DO NOT FILE</u>
)	Submit to Judge's Minute Clerk
)	
Third Party Defendant(s),)	

JOINT APPLICATION FOR SETTLEMENT CONFERENCE

On this _____ day of _____, 20____, the parties jointly request a Settlement Conference through the Early Settlement program and submit the following:

1. This case involves Plaintiff'(s) claim(s) of _____

[nature of the claim(s)]

and Defendant'(s) counterclaim(s) of _____

[nature of counterclaim(s)]

and Third Party claim(s) of _____

[nature of the Third Party claim(s)]

2. This Settlement Conference should take _____ hours to complete.

3. Notice of the Settlement Conference should be sent to the undersigned as counsel for the parties:

Counsel for Plaintiff(s) Counsel for Defendant(s) Counsel for Third Part Def.(s)

NAME: _____

ADDRESS: _____

PHONE #: _____

SIGNATURE: _____

APPENDIX V

VISITATION SCHEDULE

_____ shall have visitation with the parties' minor children as follows:

1. Location of Exchanges

All exchanges of the parties' minor children for visitation purposes as set forth below shall take place at the custodial parent's residence.

2. Regular Visitation

Every other weekend from 6 pm, Friday until 6 pm, Sunday, commencing the _____ day of _____, 20____.

3. Special Visitation

The parties shall have special visitation with the parties' minor children as follows:

Occurrence	Mother	Father
Spring Break: 6pm the day school is dismissed for Spring Break until 6 pm Sunday before school resumes	Even numbered years	Odd numbered years
Easter: 6pm Friday preceding Easter until 6pm Sunday	Odd numbered years	Even numbered years
Mother's Day: 12pm until 6pm on Mother's Day	Every year	
Memorial Day: 6pm Friday preceding Memorial Day until 6pm Memorial Day	Even numbered years	Odd numbered years
Father's Day: 12pm until 6pm, on Father's Day		Every year
Summer:	6pm June 1 st until 6pm June 15 th and 6pm July 1 st until 6pm July 15 th of every year	6pm June 15 th until 6pm June 30 th and 6pm July 15 th until 6pm July 31 st of every year
4 th of July: July 3 rd at 6pm until 6pm July 5 th	Odd numbered years	Even numbered years
Labor Day: 6pm Friday preceding Labor Day until 6pm Labor Day	Even numbered years	Odd numbered years

Fall Break: 6pm the day school is dismissed for Fall Break until 6pm Sunday before school resumes	Odd numbered years	Even numbered years
Thanksgiving: 6pm Wednesday preceding Thanksgiving until 6 pm Sunday	Even numbered years	Odd numbered years
Christmas (Part 1): 6pm December 21 st until 12pm December 25 th	Odd numbered years	Even numbered years
Christmas (Part 2): 12pm December 25 th until 6pm December 30 th	Even numbered years	Odd numbered years

The Special Visitation schedule set out above is to be observed even if it conflicts with the regular visitation schedule. On those occasions when non-custodial visitation is ordinarily scheduled on a Special Visitation set aside to the custodial parent, the non-custodial visitation shall not take place.

3. Address and Phone Numbers

Petitioner and Respondent shall each provide the other with their respective phone number and address. In the event a party's phone number and/or address is changed, the party whose phone number or address is changed shall notify the other party of such change within three days of the change.

It is important to be aware that this visitation schedule is for the purpose of providing assured minimum amounts of visitation between non-custodial parent and children. Visitation should exceed the number of occasions set forth herein. Liberal telephone communication between the non-custodial parent and children is encouraged.

APPENDIX VI

RULES FOR PROPER CONDUCT FOR DIVORCED OR SEPARATED PARENTS

Rules for Proper Conduct for Divorced or Separated Parents shall be given by the attorney to his client and a copy served on Respondent with the Petition. In the event the party filing the action is pro se, then a copy shall be given to the person by the court clerk and shall be served with the Petition.

APPENDIX VII

JUDICIAL ORDER FOR PROPER CONDUCT FOR DIVORCED OR SEPARATED PARENTS

This Order for the proper conduct of separated or divorced parents is directed equally to both the Petitioner and the Respondent herein. The word “children” means one or more children. No Order can possibly deal with every situation which may arise in rearing children. You must always conduct yourself reasonably. This Order serves to highlight means of doing so in the Court’s view. Children are always the losers when parents separate. The children are deprived of the proper, full-time guidance that two parents can give that is so essential to moral and spiritual growth. If there is bitterness between you, it should not be inflicted upon your children. In every child’s mind, there must and should always be an image of **two good parents**. Your future with your children and with this Court will be enhanced if you will follow these directions:

1. Do not poison your children’s mind against the other parent by discussing their shortcomings.
2. Do not attempt to buy your children’s favor with presents or special treatment.
3. Do not expose your children to your sexual relationship with any person who is not your spouse. That kind of conduct is confusing and upsetting to your child.
4. Do not use visitation contact to continue an argument with the other parent. Never quarrel in the presence of the children.
5. Do not visit or transport the children if you have been drinking. Do not attempt to visit or telephone your children at unreasonable hours.
6. Be prompt in paying child support exactly as ordered. You will not be credited with presents, clothes, etc., as part of child support. The parent who has the duty of paying support must always maintain proof of payment and be in a position to prove the payment (i.e. receipts, canceled checks, etc.)
7. Do not fail to notify the other parent, as soon as possible, if you are unable to keep your scheduled visitation. It is unfair to your children to keep them waiting and even worse to disappoint them by not coming at all.
8. Make your visitation as pleasant as possible for your children by **not** questioning them regarding activities of the other parent. Custodial parents are under the same obligation.

9. The parent with whom the children live must prepare them both physically and mentally for the visitation. The children and necessities for their care should be available at the time mutually agreed upon or the time set by the Court. Children should be encouraged to visit and encouraged to return home - be a positive person with your children.

10. The parents must realize that visitation takes precedence over other plans for the children; however, infrequently there may be conflicts between visitation and plans which are in the best interests of the children. Both parents are required to work out this problem together as mature adults. Custodial parents should make every effort to allow make-up visitations when scheduled visits are legitimately missed.

11. If your decree specifies reasonable visitation rights, then **be as reasonable with the other parent as you expect the other parent to be with you** - share the children as much as is practical and reasonable.

12. You are required to keep the other parent informed of any change of address and change of telephone numbers of yourself and the children at all times. All such changes must be reported immediately. You are required to inform the other parent at once of serious illness or injury to the children. Both parents are required to keep the other advised of activities through church, school, and extracurricular in which the children participate as that the children are afforded the opportunity to benefit from parental attendance at such events.

13. Do not burden your children with the worries and troubles of adults - they are children only once.

14. Each parent must realize that the most important job is to carry out the responsibility of raising the children in a proper, cooperative way. Always work for the spiritual well-being, health, happiness, and safety of your children. You are encouraged to schedule regular dental and medical examinations. When driving, secure your children in seat belts or a safety chair. Never subject the children to dangerous, immoral, or illegal situations or circumstances.

15. Do not accuse, blame, or nag the other parent about things which have happened in the past. The past is the past. Your children are yours today. Remember, others will treat you as you treat them. Always use the same degree of consideration, respect, and kindness toward the other parent as you expect in return.

16. In the event a party experiences a change in his or her home or work address, home or work telephone number, cell phone, pager, e-mail address, then that party shall notify the other party of the new information, in writing, within seventy-two (72) hours of the change.

17. In the event of any change in pay (hiring, firing, termination, layoff, promotion, demotion, etc.), the party experiencing the change shall notify the other party and the parenting coordinator, if any, in writing (an e-mail is acceptable), within seventy-two (72) hours of the event, detailing the circumstances of the change, the name and address of any new employer, and the new rate of pay.

18. If either party removes any of the children from the State of Oklahoma overnight, the leaving parent shall, in advance and in writing, provide the remaining parent the following information:

- a. The duration of the trip;
- b. The adults who will be present; and
- c. A contact phone number so that the remaining parent can continue to communicate with the child(ren) daily.

19. Each party shall notify the other party of any meetings, conferences, doctor's appointments, etc., regarding the minor children at least forty-eight (48) hours prior to the appointment to effectuate a continual involvement of both parties in the lives of the minor children. If an appointment is made within the 48 hour period, the party making the appointment should notify the other party as soon as the appointment is made. In case of an emergency, the party having physical custody of the children shall notify the other as soon as possible.

20. Each party shall designate the other party as the secondary contact on all physician documents and enrollment forms for the minor children.

21. Give your children all the love you have - one day they will be gone.

Willful failure to follow these directions is a violation of the Orders of this Court and can be punished by contempt of court with a fine, imprisonment, or both. There might also be the additional expense of attorneys' fees and court costs, all of which can be better used for the benefit of your children.