

IN THE SUPREME COURT OF THE STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

APR 14 2020

Shel A. Johnson Legal
Clerk

* * * *
RE:

STATE OF SOUTH DAKOTA)
COUNTY OF MINNEHAHA) SS

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STANDING ORDER REGARDING)
DECLARATION OF PUBLIC HEALTH)
EMERGENCY IN MINNEHAHA COUNTY)
)
)

ORDER APPROVING
AMENDED STANDING ORDER
CIV 2020-4

By the Court's Order of March 13, 2020, Declaring Judicial Emergency COVID-19 Disease the South Dakota Supreme Court declared the existence of a judicial emergency pursuant to SDCL 16-3- 11 through 15 and pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants and the public, it is

ORDERED that the attached Amended Standing Order of the Second Judicial Circuit dated April 14th, 2020, regarding public health emergency in Minnehaha County, be and it is hereby approved in its entirety.

IT IS FURTHER ORDERED that this order shall remain in effect until further order of the Court.

DATED at Pierre, South Dakota this 14th day of April, 2020.

BY THE COURT:

David Gilbertson

David Gilbertson, Chief Justice

ATTEST:
[Signature]
Clerk of the Supreme Court
(SEAL)

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STANDING ORDER REGARDING
DECLARATION OF PUBLIC HEALTH
EMERGENCY IN MINNEHAHA COUNTY

CIV. 20-4
AMENDED
STANDING ORDER

1. On March 13, 2020, the South Dakota Supreme Court declared a Judicial Emergency.
2. On April 6, 2020, South Dakota Governor Kristi Noem issued Executive Order 2020-13 directed at the citizens of Minnehaha and Lincoln Counties.
3. On April 10, 2020, the Secretary of the South Dakota Department of Health issued an Order Declaring Public Health Emergency in Minnehaha County, 2020-01.
4. The Order Declaring Public Health Emergency in Minnehaha County states that the “further spread of the disease from exposure to the infectious virus, known as novel coronavirus, threatens widespread exposure and poses a significant risk of substantial harm and danger to public health and safety to the population of this state[.]”
5. As a result of the health and safety risks posed to the public by COVID-19, Court proceedings will continue to be significantly impacted.
6. As a general principle, the Second Judicial Circuit acknowledges and endorses the well-established presumption in favor of universal access to the courts, and the rights of the public and press to attend court proceedings.

7. Further, Minnehaha County is the home to the third largest outbreak of COVID-19 at a facility in the United States and such facility is a mere one mile from the Courthouse.
8. It is also recognized, however, that access is not absolute and may be limited where there is a compelling interest that cannot be achieved through less restrictive means.
9. The Court hereby finds that matters of public health and safety and curtailing the spread of the virus compel restrictions on the public's physical access to courts to observe court proceedings and there is no less restrictive means by which to accomplish both full public access and social distancing under the present Executive Orders and declaration of a Public Health Emergency in Minnehaha County. (See, e.g., *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 607 (1982); *State v. Uhre*, 2019 S.D. 8, ¶ 16, 922 N.W.2d 789, 796 (citing *Waller v. Georgia*, 467 U.S. 39, 48 (1984))).
10. Accordingly, and due to the declaration of the Public Health Emergency, it is essential for public health and safety that the Courthouse be limited to receiving only litigants, attorneys, subpoenaed witnesses, necessary security officers, victims and those with legitimate and urgent business at the Courthouse, and employees.
11. The mandates of social distancing by the federal, state, and local governments require these measures and there is no less restrictive alternative to achieve these mandates.

12. The Court additionally orders that no person, even a person permitted to enter the Courthouse, shall be admitted to the Courthouse who has signs of illness.
13. Court Security, Court personnel, or those designated as screeners may question any person entering the Courthouse for symptoms of illness or exposure criteria and all persons entering the Courthouse are further subject to having their temperature taken.
14. All members of the public must wear a protective facial covering such as a mask, scarf, bandana, or other cloth which covers the nose and mouth during the time that such individuals are present in the Courthouse.
15. Attorneys, litigants, and witnesses are encouraged to make arrangements to appear via remote means when possible.
16. This order expressly encourages and does not prohibit participation and observation of court proceedings by telephone or other remote electronic means that do not involve in-person contact as feasible. The public is encouraged to obtain information about court proceedings and documents via the Court's website, www.ujs.sd.gov/Second_Circuit, and to call the Clerk of Courts, 605-367-5900, with questions.
17. Anyone seeking to observe a Court proceeding remotely should contact the Clerk of Courts, 605-367-5900, for Magistrate matters and Court Administration, 605-367-5920, for Circuit Court matters.
18. The Clerk of Court's office will be limited to electronic and telephone services until further order.

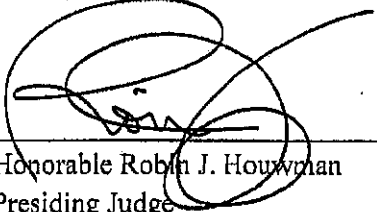
19. All State and local orders regarding media access and recording of judicial proceedings remain in place and are not modified by this Order.
20. This Standing Order shall remain effective for the duration of the Declared Public Health Emergency in Minnehaha County and shall terminate automatically upon the expiration of that Order.
21. This Standing Order is effective April 15, 2020.

Dated this 14th day of April, 2020.



Angela M. Gries, Clerk of Courts

BY
Deputy


Honorable Robin J. Houvman
Presiding Judge

FILED
APR 14 2020
Minnehaha County, S.D.
Clerk Circuit Court