

FEB 01 2023

TRIBAL CLERK OF THE COURT

**IN THE TRIBAL COURT OF THE KLAMATH TRIBES**

**STANDING ORDER**

**REMOTE PROCEEDINGS AND PROTECTIVE MEASURES**

**2023-001**

**Findings**

The Chief Judge has the authority under the Constitution of the Klamath Tribes, Article V, to exercise administrative authority and supervision over the tribal court. As part of this authority, the Chief Judge may issue orders as appropriate to perform the functions of the office of the Chief Judge.

The Klamath Tribes issued a state of emergency in address the threat posed by COVID-19 to the health and safety of the tribal membership. In response, I have issued Standing Court Order 2020-001 and 2020-001(Amended) to address the risks to the Klamath Tribes Judiciary.

During the state of emergency, the Klamath Tribes Judiciary expanded its capacity for remote hearing technology in court proceedings. This technology protected the public health by limiting the number of people coming into the courthouse.

While the state of emergency has been terminated, the tribal court has gained significant experience in utilizing remote proceedings. Remote hearings are a critical response in providing access to justice by responding to safety concerns and health vulnerabilities. It allows participants the ability to participate and engage with the court notwithstanding work, school, and childcare schedules. It also addresses the limited access to transportation or disabilities that make travel to the courthouse difficult. This flexibility has increased court participation and outcomes while ensuring fairness and equity.

The Klamath Tribes has a policy as to vaccination and although staff have a high vaccination rate against COVID-19, case participants and other

**members of the public who enter the courthouse may have varying rates of vaccination.**

**This Order is based on the foregoing and may be revised as further information becomes available.**

**Now therefore, I hereby ORDER as follows:**

**1. Mode of Proceedings**

- a. Tribal Court proceedings may be conducted in-person or by remote means, as determined by the Chief Judge. A proceeding may be a hearing, trial or other court proceeding and “remote means” means the use of telephone, video, other two-way electronic communication, device, or simultaneous electronic transmission.**
- b. Regardless of the mode of proceeding and following notice filed with the court, an attorney representing a party, at either first appearance or hearing, may appear by remote means with no need to file a motion requiring court approval.**
- c. Relationship to Other Law**
  - a. Any category of arraignment may be conducted remotely, without agreement of the parties.**
  - b. Notwithstanding any other code provision or rule requiring a person to “personally appear,” or be “present in court,” the proceeding may be conducted remotely, and any appearance may be made by remote means.**
  - c. Notwithstanding any other provision of this Order, if the constitution requires an in-person appearance or proceeding, the appearance or proceeding may be conducted in person.**
  - d. If a party contends that a remote appearance or proceeding conducted remotely results in violation of the party’s rights, then the party may file a motion seeking an order that the appearance or proceeding be conducted in person.**
- d. Appellate oral arguments and Supreme Court public meetings may be conducted in person or remotely, by video, at the determination of the Chief Justice.**



**2. Exhibits in Court Proceedings**

- a. When a remote proceeding is conducted, all complaints, answers, summons, motions, argument, agreements, orders, or other documents served upon a party during a case shall be filed electronically. Such filings shall be with the Tribal Court Clerk at [courtclerk@klamathtribalcourts.com](mailto:courtclerk@klamathtribalcourts.com). There will be no in-person filings of these documents.
- b. Dates and times for the filings of documents shall be made in accordance with the procedures found in applicable tribal law.

**3. Protective Face Coverings**

- a. Protective face coverings are not required to be worn in court unless the Chief Judge determines that it is appropriate to align with a tribal government mandate that requires protective face coverings to protect against the spread of COVID-19.

**4. Social Distancing**

- a. The Klamath Tribes Judiciary requires social distancing in public areas of the courthouse. Such procedures are to be determined by the Judicial Director.

**5. The following Order is no longer in effect: KTJ 2020-001 as amended.**

**This Order becomes effective on February 1, 2023, and will remain in effect until amended, superseded, or vacated by further Chief Judge Order.**

Signed this 1<sup>st</sup> day of February 2023

  
Chief Judge Patricia L. Davis