

**DISTRICT COURT OF THE STATE OF OKLAHOMA
FIFTEENTH JUDICIAL DISTRICT
MUSKOGEE COUNTY**



**Rules of the District Court
Muskogee County
November, 2009**

District Judges

Judge Thomas H. Alford

Judge Mike Norman

Associate Judge

Judge Norman Thygesen

Special District Judges

Judge Robin Adair

Judge Carl Robinson

In The District Court In And For
Muskogee County, State of Oklahoma

ADMINISTRATIVE ORDER

CV-09-1

The following rules are hereby adopted as Rules for the District Court, Muskogee County, Oklahoma. The rules for the Fifteenth Judicial District (Muskogee County) are in addition to and supplemental to the Oklahoma Rules for the District Courts. These rules may be changed, deleted or added to by a majority vote of the Judges of Muskogee County District Courts.

Dated this __19TH__ day of __November__, 2009

s/

Thomas H. Alford
District Judge

s/

Norman Thygesen
Associate District Judge

s/_____
Carl Robinson
Special District Judge

CHIEF JUDGE:

s/

Mike Norman
District Judge

s/

Robin Adair
Special District Judge

The Chief Judge is the Chief Administrative Officer of the Courts. The Presiding Chief Judge shall alternate each year, beginning January 1st of each year between the two District Court Judges. The Chief Judge shall establish jury terms and orders of appearance for jurors. The Chief Judge shall hear any other matter directed to the Presiding Administrative Judge by statute or rule.

COURTHOUSE CLOSING:

In the event the County Commissioners either close or do not open the Courthouse due to inclement weather or some emergency, all cases set for hearing shall automatically be passed to the next legal week day that the Courthouse is open.

WEAPONS PROHIBITED:

No person shall carry a firearm or other weapon in any courtroom of the Fifteenth (15) Judicial District Courts, except for law enforcement officers. This rule excludes officers who are appearing as a named party in pending litigation.

COURTROOM CONDUCT:

1. The Courtrooms shall be used only for regular Court business unless permission for other use is first obtained from the Judge whose Courtroom is requested;
2. Counsel shall assist the Court in maintaining order and decorum by advising their clients and witnesses in advance of proper Courtroom behavior and dress;
3. Counsel's Conduct in the Courtroom as a member of this Bar demonstrates counsel's

respect for the administration of justice;

4. Punctuality of all parties is required;
5. Arguments shall be addressed to the Court and not to opposing counsel;
6. All parties appearing before the court shall wear proper attire.
7. Cellular phones, pages or other electronic devices may not be activated in the courtroom.
8. Caps will be removed from your head while in a court room.
9. Do not ask to be excused until your matter is completed.

COURTROOM ATTIRE:

Attorney's, as officers of the Court, should appear in the 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.

CIVIL RULES:

1. All parties shall furnish a completed cover sheet to the Court Clerk when a petition is filed in **ALL** civil and domestic cases.
2. All Motions requiring a hearing date be scheduled, **MUST** be accompanied by an Order for hearing.
3. All instruments sent for filing with the Court Clerk's office must be accompanied by a properly stamped return envelope and copies or no copies will be provided and will not be returned after filing.
4. All applications to withdraw as attorney must contain grounds, status of case, certificate of mailing to the client's last known mailing address and to all other attorneys of record in the case.

5. No applications to withdraw will be granted absent compelling circumstances if filed within 30 days before the date on which a hearing or trial is scheduled.

INITIAL ASSIGNMENT OF CASES:

Assignment of civil and domestic cases shall be made at random at the initial filing of the case. The Court Clerk shall indicate the name of the assigned Judge on the computer records.

JURY TERMS:

1. Jury Terms shall be ordered by the Presiding Administrative Judge.
2. The Chief Judge shall cause a separate jury panel to be called for a term of no longer than two to three weeks.
3. Each term is to begin with a Jury orientation session on the Friday preceding the first case setting of each term.
4. The Chief Judge shall specify in a written order to the Court Clerk, the number of jurors needed for either a Grand Jury or Petit Jury and shall order a corresponding number of names to be selected in a manner provided by law by computerized, electronic or mechanical process.

MOTIONS/HEARINGS:

1. The Court Clerk's Office shall furnish and keep a motion docket as directed by the District Judge.
2. The motion and order for hearing shall be filed with the Court Clerk's office and each party or counsel presenting the motion for hearing shall be responsible for notifying all other parties or counsel of record of the hearing date.

3. When a motion is ruled on, counsel for the prevailing party shall within ten (10) days thereafter prepare a journal entry of the ruling and present it to counsel for the adverse parties, and if it be approved by all the attorneys, it shall be presented to the Court for signature. If counsel is unable to agree upon the form of journal entry, the prevailing party shall submit said journal entry to the assigned Judge for ruling.
4. All parties shall file a Entry of Appearance after a case is at issue.

REMOVAL OF COURT FILES:

The following persons may remove Court files from the Court Clerk's office for official use with a receipt form filled out in full in the Court Clerk's office:

1. Local in-town Attorney's only.
2. District Attorney - Muskogee County only.
3. Abstractors

CHECK-OUT PERIOD SHALL NOT EXCEED 24 HOURS.

Failure to return a court file within the 24 hour period may subject the offending party to refusal of further authorization in checking out court files.

REMOVAL OF EXHIBITS AND/OR TRANSCRIPTS:

No exhibit admitted in evidence shall be removed from the Court Clerk's office if said case is pending appeal to the Supreme Court.

RULES GOVERNING PRIVATE PROCESS SERVERS:

1. A licensed process server is authorized to serve process issued by Muskogee County in civil cases. A state wide process server is authorized to serve process in any county in the State of Oklahoma.
2. Process servers are not authorized to serve or execute warrants, executions, writs or any other process not ending in or causing an arrest or locking up of property.
3. A licensed process server will not represent himself or herself as a Police Officer, Deputy Sheriff, Deputy Court Clerk or any other Court Official.
4. Process servers should keep in mind that they are representatives of the courts and should never serve or attempt to serve process while under the influence of alcohol or drugs.

LIST OF AUTHORIZED PROCESS SERVERS:

The Court Clerk shall keep posted in the Clerk's office the list of licensed process servers. If a licensee does not make a timely application for renewal or if the license is revoked, the Court Clerk shall remove the licensee's name from the list.

Excess Funds in Foreclosure Actions:

No excess funds held in the Court Clerk's office shall be paid without a signed order by the Judge that heard said case.

Personal Data Identifiers:

1. Parties should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. If sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading:

- a. Social Security Numbers: If an individual's SSN must be included in a pleading, only the last four digits of that number should be used.
- b. Date of Birth: If an individual's date of birth must be included in a pleading, only the year of birth shall be used.

CASES TRANSFERRED TO AND FROM MUSKOGEE COUNTY:

Actions transferred pursuant to 20 O.S. § 642 shall be accompanied by the appropriate filing fees unless waived by the Court. The plaintiff shall be responsible for advancing the fees unless otherwise directed by the Court.

FRIVOLOUS PLEADINGS:

If a pleading is found to be frivolous, the Court may, on its own motion or on the oral or written Motion of the opposing party, tax costs in the case or a portion of the costs up to and including the frivolous pleading, against the party filing it. The Court may make subsequent Orders to insure compliance with the Court's findings.

PHOTOGRAPHING, RECORDING, TELEVISIONING JUDICIAL PROCEEDINGS:

In conformity with the practice that has prevailed in the District Courts, the taking of photographs, recording, televising and broadcasting of judicial proceedings inside the Courtrooms are hereby prohibited unless expressly permitted by the individual Judge.

The purpose of this directive is to insure that courtroom proceedings are conducted at all times with dignity and in a manner calculated to avoid the disruption of order and decorum which the judicial process demands.