

Adopted 7-13-2011

RULE 1. Official Court Rules - Adoption, Amendments, Supplements, Repeal

The Local Rules of the Tulsa County District Court may be amended by a majority vote of the District and Associate District Judges of Tulsa County. Amendments to the Local Rules shall become effective immediately upon adoption by the District and Associate District Judges.

Notice of changes shall be posted at the Courthouse and on the Court's website. The local rules shall be available for access via the internet from the Court's website at www.tulsacountydistrictcourt.org

RULE 2. Divisions, Dockets, and Assignments of the District Court

There shall be the following divisions and dockets of the District Court of

Tulsa County:

DIVISIONS: DOCKETS:

CIVIL:

Civil (CJ: over \$10,000) Civil, Special Judges (CS, under \$10,000)
Small Claims (SC, under \$4,500) Civil, Miscellaneous (CV)

CRIMINAL:

Criminal, Felony (CF) Criminal, Misdemeanor (CM) Criminal, Traffic Citations (TR) Criminal, Habeas Corpus, New Cases (WH) Criminal, Property (CP) Criminal, Miscellaneous (MI) Traffic, Jail Cases (TRI) No File/Not Filed (NF) Search Warrant (SW) Okla. Dept of Wildlife Proceeding (WL)

FAMILY:

Divorce (FD) Uniform Reciprocal (FD) Child Custody, including Habeas Corpus (FD) Separate Maintenance (FD) Annulments (FD) Paternity (FD) Protective Orders (PO) Division processes several statutory licensing functions

JUVENILE:

Delinquency (JDL) Child in Need of Supervision (JS) Deprived (JD) Child in Need of Treatment (JT) Shelter/Protective Custody (DH) Mental Health (DHT) Miscellaneous (JMI)

PROBATE:

Probate, Wills and Administrations (PB) Probate, Trust (PT) Conservatorships (PCON) Probate, Judicial Determination (PB) Probate, Guardianship (PG) Probate, Mental Health (MH) Artificial Insemination (AI) Adoption hearings (FA) Protective Services for the Elderly (PSE)

The assignments of the District and Associate District Judges are:

DIVISION:

ASSIGNMENT:

CIVIL:

Daman Cantrell
Mary Fitzgerald
J. Michael Gasset
Linda Morrissey
Rebecca Nightingale
Jefferson Sellers
Deborah Shallcross
P. Thomas Thornbrugh

CRIMINAL:

Thomas Gillert

William Kellough
Dana Kuehn
Gordon McAllister
Clancy Smith

FAMILY:

JUVENILE: Doris Fransein

PROBATE & ADOPTIONS: Jesse Harris

The assignments of Special Judges:

- Traffic Court Room 173
- Civil: Asset Hearings, Defaults, Uncontested Orders and Judgments,
Garnishments Room 357
- Small Claims Room 112
- Probate Room 111
- Family Room(s) 348, 349, 378 and 379
- Criminal Room(s) 124, 329, 343, 344 and 347
Arraignments; Preliminary hearings; Misdemeanor dockets;
Magistrates in criminal felony matters
- Protective Orders Room 158
- Juvenile Juvenile Detention Center
315 South Gilcrease Museum Road

Each Special Judge may also be assigned other matters by the Presiding Judge.

RULE 3. Habeas Corpus Actions

Habeas Corpus Actions shall be filed in the following divisions:

Family Division - Those actions seeking custody of minor children.

1a. If there is an existing Tulsa County Family Division case, the application shall be filed in that case and shall be styled the same as the existing case.

1b. If there is no existing Tulsa County Family Division case, the Petition for Writ of Habeas Corpus shall be filed in the Family Division with a new case number. No Petition shall be filed without a certified copy of the existing custody order. The Judge shall be assigned by computer at the time of filing. The Petition shall be filed without fee.

2. Writs may be served by licensed process servers or the Tulsa County Sheriff's Office unless the minor child or children are to be picked up. If the Judge orders the minor child or children to be picked up, then service must be by Tulsa County Sheriff's department.

3. Counsel or the applicant shall deliver a copy of the application or Petition to the assigned Judge to have a hearing scheduled without delay.

4. Counsel or the applicant shall notify all parties of the specific hearing date.

5. Applications for a writ to secure the presence of a prisoner at hearings in a family relations case shall follow the procedure set out in this Rule below for the Civil Division.

Criminal Division - Those actions seeking release from custody of persons held in the Tulsa City-County Jail System or in the custody of law enforcement officers.

1a. If there is an existing Tulsa County criminal case, the application shall be filed in that case and shall be styled the same as the criminal case at issue.

1b. If there is no existing Tulsa County criminal case, the application shall be filed in the Criminal Division under the case designation WH. The Judge shall be assigned by computer at the time of filing. This application shall be filed without fee and a copy provided to the District Attorney.

2a. Counsel or the applicant for a criminal writ must serve a copy of the application on the custodian of the prisoner, the Sheriff of Tulsa County and the District Attorney of Tulsa County.

2b. If the custodian is a warden/superintendent of a state correctional facility, a copy must also be mailed to the General Counsel of the Department of Corrections.

3. Counsel or the applicant shall deliver a copy of the application to the assigned judge, have the application set on the docket and scheduled for a hearing.

4. Counsel or the applicant shall notify all parties of the specific hearing date.

5. No writ shall issue without notice and a hearing, unless such is waived by the custodian and the District Attorney. The counsel for the custodian may respond to the application by written motion and brief with a request for the court to rule on the application in accordance with Rule 4(h) of the Oklahoma Rules for District Courts.

6. The hearing on the application will be scheduled not less than 10 working days prior to the date of the hearing at which the presence of the prisoner is requested, unless the prisoner is in the Tulsa City-County Jail System or does not request attendance at the hearing, in which event, the Court will consider the application without delay.

7. Reference 22 O.S. § 1151.

Juvenile Division - Those actions seeking review or Habeas Corpus relief concerning custodial status assumed by state agencies, including Oklahoma Department of Human Services, over minors within the purview of the juvenile court.

Civil Division - Habeas Corpus Actions, not otherwise provided for in this rule.

1a. Counsel or the applicant for a writ to secure the presence of a prisoner at hearings in a civil case must serve a copy of the application by mail on the custodian of the prisoner.

1b. If the custodian is the Sheriff of Tulsa County, a copy must also be served on the District Attorney of Tulsa County.

1c. If the custodian is a warden/superintendent of a state correctional facility, a copy must also be mailed to the General Counsel of the Department of Corrections.

2. Counsel or the applicant shall deliver a copy of the application to the assigned Judge, have the application set on the docket and scheduled for a hearing, unless a hearing is waived by the Judge.

3. Counsel or the applicant shall notify all parties of the specific hearing date.

4. The application shall be styled the same as the civil case at issue.

5. The hearing on the application will be scheduled not less than 10 working days prior to the date of the hearing at which the presence of the prisoner is requested, unless the prisoner is in the Tulsa City-County Jail System, in which event, the Court may shorten the time.

6. The Court may waive the hearing and rule on the application pursuant to Rule

4(h) of the Supreme Court Rules for District Courts.

7. Reference 12 O.S. § 397 and Johnson v. Scott, 702 P.2d 56 (Okla. 1985).

RULE 4. Presiding Judge Assignments

The following matters shall be assigned to the Presiding Judge:

1. Petitions and requests for a Grand Jury.
2. The following miscellaneous criminal proceedings (MI):
 - a. Pen register/trap and trace device orders.
 - b. Out-of-state proceedings to compel witnesses' attendance.
 - c. Subpoenas in investigations in which cases have not yet been filed.
 - d. Appeals - applications to proceed pro se pursuant to Court of Criminal Appeals Rule 1.16 when the conviction occurred in a county other than Tulsa County. (If the conviction occurred in Tulsa County, the request should be filed in the existing criminal case.)
 - e. Trial de novo appeals from municipal courts not of record.
 - f. Petitions for expungement where no District Court criminal case number exists (otherwise expungements are to be filed in existing cases).
3. License hearings
4. 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 Presiding Judge will consider a recusal request.

RULE 5. Presiding Judge

A. The Presiding Judge is the Chief Administrative Officer of the Courts. All statutory, case law, or court rule references to Chief Judge shall be synonymous with Presiding Judge unless indicated otherwise by these rules, i.e., Chief Judge Family, Chief Judge Criminal, Chief Judge Civil, Chief Judge Juvenile.

B. Presiding Judge-Elect -The District and Associate District Judges of the District shall elect a Presiding Judge-Elect in January 2003 and thereafter in January of even-numbered years.

C. Presiding Judge - At the end of the term of the Presiding Judge, the Presiding Judge-Elect shall automatically become the Presiding Judge for a two-year term commencing in January of even-numbered years.

D. If the office of Presiding Judge becomes vacant before the expiration of the regular two-year term, the Presiding Judge-Elect shall become the Presiding Judge for the balance of the remaining term and shall then automatically become Presiding Judge as set forth in [¶] C above.

E. If the office of Presiding Judge-Elect becomes vacant before the expiration of the regular two-year term, the District and Associate District Judges of the District shall elect a new Presiding Judge-Elect for the balance of the two-year term.

F. Acting Presiding Judge - In the absence of the Presiding Judge, the Presiding Judge-Elect shall serve as Acting Presiding Judge with the full authority of the Presiding Judge. If the Presiding Judge-Elect is also absent, the Presiding Judge shall designate an Acting Presiding Judge to act with the full authority of the Presiding Judge.

RULE 6. Chief Judges

There shall be a Chief Judge in each of the following Court divisions: Civil, Criminal, Family, Probate and Juvenile. If there is more than one District/Associate Judge in any division, the Chief Judge shall be elected by a majority vote of the District/Associate Judges in that division, to take office annually on January 1.

RULE 7. Jury Terms

The Presiding 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 one week duration pursuant to the annual schedule established and made public by the Presiding Judge.

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

RULE 8. Use of Courtrooms

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.

RULE 9. Courtroom Conduct

Counsel shall assist the Court in maintaining order and decorum by advising their clients and witnesses in advance of proper Courtroom behavior.

Counsel's conduct in the Courtroom as a member of this Bar demonstrates counsel's respect for the administration of justice. The following is requested of counsel for proper Courtroom conduct:

1. Punctuality and brevity are virtues appreciated by Judges and Jurors.
2. Arguments shall be addressed to the Court and not to opposing counsel.
3. Stand when talking to the Court or when addressed by the Court.
4. When examining a witness, stand where the Court, witness and court reporter can hear you.
5. Do not approach the bench unless you obtain permission or are invited to do so.
6. Do not sit on the counsel tables.
7. Smoking, eating, drinking beverages and reading newspapers are not permitted in the Courtroom.
8. Do not take files, pleadings or papers from the Minute Clerk's desk or exhibits from the Court Reporter unless you obtain permission to do so.
9. Pass papers and documents intended for the Court to the Minute Clerk or Court Reporter who will hand them up to the Court.
10. In order for the Minute Clerks to do their work, do not use the Clerk's desk, phone or office materials without permission.
11. Advise your clients of the ethical impropriety of discussing pending matters with a Judge.
12. Do not ask to be excused when your matter is completed. Please depart quietly. Do not hold conferences in the Courtroom with clients when Court is in session.
13. Cellular phones, pagers or other electronic devices may not be activated in the courtroom. Under no circumstances will cellular phones or any communications devices be permitted in the jury deliberation room by jurors during their deliberations.

RULE 10. Courtroom Attire

Attorneys, as officers of the Court, should appear in Court in attire appropriate to practitioners of this honored profession. Attire must promote the proper administration of justice and maintain the dignity of courtroom proceedings. Men shall wear coats and ties and women shall wear suitable attire for all Court appearances.

A. **EFFECTIVE FROM MEMORIAL DAY THROUGH THROUGH LABOR DAY** -- Local Rule 10 "Courtroom Attire" of the Rules for the District Court of Tulsa County is temporarily modified for the summer months. Acceptable dress includes short-sleeved collared shirts without ties, business casual slacks (no denim), socks and shoes (no sneakers). The attire should be "business casual" and applies to both men and women. Rule 10 **IS NOT** modified for any jury trial court appearance.

B. Unacceptable clothing for men includes casual shirts without collars, sweatshirts, T-shirts, denim of any type or color, sweat suits, shorts, jogging or warm-up suits, jeans of any color or style, athletic shoes, flip-flops, moccasins, or sandals. Golf shirts with large logos or lettering are also prohibited.

C. Unacceptable clothing for women includes tight, sheer, and low-cut clothing of any style; sweatshirts; T-shirts; denim of any type or color; spaghetti straps; open backs; midriff; tank tops; halter tops; stretch pants; stirrup pants; jogging or warm-up suits; casual shorts; dress shorts; miniskirts; and Capri pants that end close to the knee. Unacceptable shoes for women include athletic shoes, moccasins, flip-flops, and platform heels.

RULE 11. Photographing, Recording, Broadcasting and Televising Judicial Proceedings

In conformity with the practice that has prevailed in the District Courts, the following rules governing the taking of photographs, the recording, broadcasting and televising of judicial proceedings in the Courthouse of Tulsa County, Oklahoma, are hereby promulgated:

1. Except as expressly permitted by the individual Judge, the use of cameras, television and other recording or broadcasting equipment is prohibited:

a. Inside a courtroom

b. In the immediate vicinity of a courtroom, including the hallways, with the exception of that hallway between the public elevators.

2. The use of cameras, television, recording and broadcasting equipment is not prohibited in other areas of the Courthouse, provided that media representatives exercise diligence to insure that such equipment and its use do not interfere with the session of any proceeding being covered or with any proceeding in a courtroom adjacent to the proceeding being covered.

3. Notwithstanding these rules, the Presiding Judge or an individual Judge may promulgate specific rules governing the use of cameras, television, recording and broadcasting equipment to remain in force and effect for any specific proceeding or event.

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.

It should be emphasized that the representatives of the news media are expected to conduct themselves at all times in a professional manner consistent with the spirit and intent of this directive. In order to insure such conduct, if conduct of the news media which is violative of the foregoing rules is brought to the attention of any Judge, the offending person shall be notified immediately to cease and desist such activity. If the offending party refuses to comply with the order, then the Judge may immediately command his or her personnel to take affirmative action to end such activity, including the seizure of the equipment of such person. Any offender may be dealt with for contempt of Court.

This directive does not prohibit any Judge from giving photographic or broadcasting interviews with any television or radio station or to be photographed in any manner in chambers, and any Judge may permit broadcasting, televising, recording or photographing of investigative, ceremonial or naturalization proceedings or any moot court trial use for educational or scientific purposes.

RULE 12. 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.

Adopted 03252010

RULE 13. Removal of Court Files

The following persons may remove Court files from the Court Clerk's office for official use with a written Order or Receipt Form from the Judge or Court Clerk: the Court Clerk or the Clerk's Deputies, Bailiffs, Judges, Attorneys, Court Reporters, Court Administrator, Abstractors, Court Referees, Juvenile Court Case Managers, the Family Court Case Coordinator, the Family Court Resource Coordinator, and employees of the Tulsa County Law Library.

Criminal files may be checked out only to the Court Clerk, Deputy Court Clerks, Bailiffs, Judges, the Court Administrator, and Court Reporters.

A signed receipt must be submitted and the check-out period may not exceed 48 hours.

All persons authorized to remove Court files from the Court Clerk's office shall provide on the receipt: Court file number, date, and name of the authorized person checking out the file, his or her address, phone number and bar number, if applicable.

Failure to return a court file may subject the offending party to the imposition of sanctions.

RULE 14. Removal of Exhibits

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, and a written dated receipt shall be given by the person receiving it.

Only two-dimensional exhibits no larger than 8 1/2 inches by 14 inches, videotapes or 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 or counsel presenting them at trial.

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

RULE 15. Bankruptcy Notice

Any party filing bankruptcy or receiving notice of another party in his case filing bankruptcy shall file immediate written notice in the Tulsa County District Court case of the bankruptcy filing.

After a Notice of Bankruptcy has been given, no request for relief can or will be addressed unless the moving party (1) notifies the District Court that the Bankruptcy Court has granted relief from the stay or the stay is no longer in effect and (2) attaches a copy of the pertinent Order.

RULE 16. Law Library Rules

The Rules for the Tulsa County Law Library adopted by its Board of Trustees are adopted as if set forth in full. Copies of the current Rules are available from the Law Librarian.

RULE 17. Private Process Servers

Procedure to Obtain a License:

1. Obtain an application form from the Court Clerk's office and obtain a hearing date from the clerk.
2. Return the completed application to the Court Clerk's office with the following:
 - a. A performance bond payable to the State of Oklahoma in the amount of \$5,000.00. The bond must show that it is good for one year (or three years for statewide renewals), and must be effective on the date of the hearing.
 - b. Two recent passport-size pictures
 - c. ~~The initial fee for Tulsa County licenses is \$150, or \$265 for statewide licenses.~~ (modified by AO-2010-20)
 - d. ~~If renewing the license, the fee is \$120 for Tulsa County licenses, or \$130 for three year renewal of statewide licenses.~~ (modified by AO-2010-20) Renewals can only be accepted if the renewal application is timely filed and the previous license has not expired.
 - e. Cash or certified checks will be accepted, but personal checks cannot be accepted.
3. ~~Hearings will be held before the Presiding Judge on Tuesday mornings at 9:00 a.m. The Family/License Division of the District Court Clerk's Office can be contacted if any questions arise concerning the hearing date.~~ (modified by AO-2010-20)
4. To insure the hearing date, the application, fee, bond and pictures must be on file in the Court Clerk's Office no later than five working days (excluding Saturdays, Sundays and Holidays) before the hearing date, to allow for posting and mailing notices.

Rules Governing Private Process Servers:

1. A licensed process server is authorized to serve process issued by Tulsa County in civil cases anywhere within the State of Oklahoma. A licensed process server may not serve papers originating in any other county unless the process server is also licensed in that county or has met the requirements for registering the license in that county as provided by law.
2. Process servers are not authorized to serve or execute warrants, executions, writs, attachments, or any other process for the taking or locking up of property or causing an arrest.
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 always 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. A process server will never carry any type of gun or weapon unless he or she has an officer's commission or has been certified as required by law to carry a concealed weapon.
5. When serving a person, process servers must show their licenses and advise the person

they are process servers. Licenses shall be carried at all times while on duty. The use of any badge is prohibited.

6. If any questions arise concerning the process server's license or activities, refer to §158.1 of Title 12 of the Oklahoma Statutes, and/or consult an attorney for legal advice.

7. Upon an annual filing of a certified copy of a license issued pursuant to the provisions of this section and payment of a filing fee of ten (10) dollars to the Court Clerk of any county within this state, a licensed process server may serve process in that county for the district court having jurisdiction in that county.

Renewals:

An application for a renewal license for each succeeding year shall be processed the same as for a new application.

Applications for renewals not timely processed before the expiration date of the previous license shall result in the licensee's name being removed from the list of authorized process servers until the renewal is approved.

List of Authorized Servers:

The Court Clerk shall keep posted at all times in the Clerk's office the list of licensed process servers. Upon the cancellation of a licensee's bond, the licensee's name shall be removed from the list and the licensee notified by the Court Clerk by certified mail. 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.

Designation of Process Server

Any person using a licensed process server shall designate on the face of the summons or order the name and license number(s) of the process server or servers selected from the Court Clerk's approved list and shall sign the designation. No separate judicial appointment or approval is necessary under this procedure.

More than one process server may be designated as long as names and license numbers are specified.

The name of the process server making service shall appear legibly on the return of service.

ADMINISTRATIVE ORDER AO-2010-20 IS ATTACHED.



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY

STATE OF OKLAHOMA

RECEIVED

AUG 16 2010

SALLY HOWE SMITH
COURT CLERK

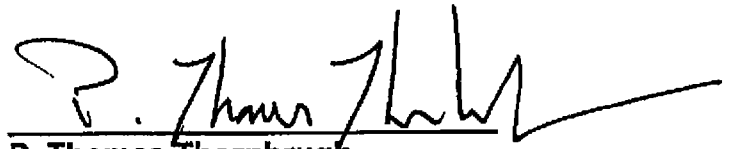
AO-2010-20

**ADMINISTRATIVE ORDER
PRIVATE PROCESS SERVER LICENSE FEES**

All prior Administrative Orders concerning the Procedures and Instructions for Tulsa County or State Private Process Servers are revoked. The process for licensing persons as private process servers is set out in Title 12, Oklahoma Statutes, Section 158.1 and Tulsa County Local Court Rule 17.

1. The initial fee for Tulsa County licenses is \$190.00. The initial fee for a statewide license is \$305.00.
2. The renewal fee for Tulsa County licenses is \$160.00. The renewal fee for statewide licenses is \$170.00.
3. Hearings will be held before the Presiding Judge in Courtroom 706 on Tuesday mornings at 9:00 a.m. Contact the Family Relations/License Division of the District Court Clerk's Office regarding any hearing date questions.

ORDERED THIS 4th DAY OF AUGUST, 2010.


P. Thomas Thornbrugh
Presiding Judge

RULE 18. Foreign language Interpreters and Interpreters for the Deaf and Hard of Hearing

A. Foreign Language Interpreters. In all court proceedings in which any party or witness is unable to clearly understand and/or speak English he shall have his statements interpreted into English and/or have documents and statements interpreted to him by a certified foreign language interpreter. A certified foreign language interpreter shall be a person who:

- (1) Makes application to the Presiding Judge on a form prepared by the Office of Court Administration, and adopted in an Administrative Order.
- (2) Agrees in writing to comply with the Code of Professional Responsibility for Interpreters adopted by an Administrative Order.
- (3) Observes two (2) court proceedings; and
- (4) Either:
 - (i) Proves certification by either (a) any United States District Court, (b) the State Consortium for Interpreter Certification program, or (c) any State court of equivalent jurisdiction having a certification program approved by the Presiding Judge, or;
 - (ii) Has attained a four (4) year college degree in the language for which certification is requested, or;
 - (iii) Is determined to be proficient in the language for which certification is requested or deaf interpretation by a majority vote of the District and Associate District Court Judges, or;
 - (iv) Is certified pursuant to procedures adopted pursuant to Okla. Stat. tit. 20 § 1701-1710.

B. Interpreters for the Deaf and Hard of Hearing. In all court proceedings in which any party or witness is unable to clearly understand and/or speak due to deafness or hearing difficulty he shall have his statements interpreted and have statements interpreted to him by a certified sign language interpreter. A certified sign language interpreter shall be a person who:

- (1) Complies with the provisions of Section A 1, 2 and 3 above; and
- (2) Either
 - (i) Proves certification by (a) any United States District Court, (b) the Registry of Interpreters for the Deaf or the National Association for the Deaf or the National Association for the Deaf, or, (c) any state court of equivalent jurisdiction having a certification program approved by the Presiding Judge, or,
 - (ii) Has attained a four (4) year college degree in deaf education which includes proficiency in sign language, or,
 - (iii) Is determined to be proficient in the use of sign language by a majority vote of the District and Associate District Court Judges, or,
 - (iv) Is Certified pursuant to procedures adopted pursuant to Okla. Stat. tit. 20 §1701-1710.

C. Authority of District Court Preserved. Notwithstanding the requirement for certification set forth above, any District Judge, Associate District Judge or Special District Judge may waive certification by any interpreter in any proceeding before that judge if (a) no certified interpreter is available for the proceeding and obtaining one would cause delay contrary to the interest of any party or the Court; and, (b) such interpreter has requisite skill in translating and interpreting as determined by the Judge after appropriate inquiry.