

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

These Rules of the District Court may be amended by a majority vote of the District and Associate District Judges of Tulsa County, but before any amendment shall be in force, it shall be posted in the Court Clerk's office for at least 10 calendar days and notice of the amendment shall be published daily in a Tulsa newspaper of general circulation for at least 10 calendar days.

Orders Supplementing - With the authorization of a majority of the District and Associate District Judges of Tulsa County, the Presiding Judge may enter orders consistent with these rules for the general conduct of business.

Rules Repealed - All previous rules not re-adopted herein are repealed effective February 6, 2003.

These District Court Rules are adopted for Tulsa County and ordered published in pamphlet form certified by the Presiding Judge. The published pamphlet shall be available from the Court Administrator.

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:

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)

DOCKETS:

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 Sharron Bubenik
Doris Fransein
Gregory Frizzell
Michael Gassett
David Peterson
Ronald Shaffer
Thomas Thornbrugh
Jane Wiseman

CRIMINAL Thomas Gillert
Jesse Harris
Rebecca Nightingale
Jefferson D. Sellers
Thomas Thornbrugh
Caroline Wall

FAMILY Linda Morrissey (Chief Judge)

JUVENILE Deborah Shallcross (Chief Judge)

PROBATE & ADOPTIONS Linda Morrissey (Chief Judge)

The assignments of Special Judges:

- Traffic Court: Rm. 173
- Civil: Asset Hearings, Defaults, Uncontested Orders and Judgments, and Garnishments: Rm. 507
- Small Claims: Rm. 112
- Probate: Rm. 111
- Family: Rms. 348, 349, 378 & 379
- Criminal: Rms. 124, 329, 343, 344 & 347
Arraignments, preliminary hearings, misdemeanor dockets, magistrates in criminal felony matters.
- Protective Orders: Rm. 158
- Juvenile: Juvenile Detention Center, 315 S. Gilcrease Museum Rd.

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 or case law 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 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. Men shall wear coats and ties and women shall wear suitable attire for all Court appearances.

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.

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 and Abstractors.

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.
- d. If renewing the license, the fee is \$120 for Tulsa County licenses, or \$130 for three year renewal of statewide licenses. 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.

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

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.