

COURT RULES, MUNICIPAL COURT FOR THE CITY OF LAWTON

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A. GENERAL COURT RULES

Rule No. A(1) *Court Clerk Hours*

The offices of the Court Clerk for the City of Lawton shall be open to the public for business from 8:00 a.m. to 4:00 p.m. Monday through Friday, except on such days and times posted prominently in the office of the Court Clerk. The days and times for trials and motions shall be in accordance with the respective Rules C(5), D(3) and D(4) herein.

Rule No. A(2) *Courtroom*

The courtroom shall be used for no purpose other than court business and hearings unless prior authorization is obtained from the Judge or city manager. The flag of the United States of America and the State of Oklahoma along with the Seal of Lawton shall be displayed at all times while court is in session.

Persons making appearance before the Court shall be dressed appropriately. Distracting clothing is prohibited in the Courtroom. As a guide, gentlemen should wear long pants and modest, collared shirts with sleeves; ladies should wear pants, dresses or skirts of a modest length and modest shirts or blouses. Violation of the guidelines may result in your unexcused removal from the Courtroom.

Eating, drinking, reading of newspapers, magazines or books, cell phone use, or the use of tobacco in any form by anyone at anytime is forbidden inside the courtroom.

Unnecessary conversation, loud whispering or any other disconcerting or distracting activity by anyone in the courtroom or so near thereto as to create diversion is forbidden.

Audio or video recording is prohibited in the courtroom and adjacent areas.

Any person removed from the courtroom for a violation of any court rule will be deemed to have not appeared.

Rule No. A(3) *Violation of Court Rules*

The violation of a Court Rule is contempt of court. Violations in or near court are generally direct contempt while those out and away from the court are indirect contempt. A jury trial may be requested for indirect contempt.

Rule No. A(4) *Court Files*

No case file or portion thereof shall be removed from the office and custody of the court clerk, except under the rules and conditions said clerk may prescribe.

Any person checking out such records shall be prepared to immediately return the same should the need arise for it in court or by the Judge.

Rule No. A(5) *Arrest Warrants*

Upon the failure of a defendant to appear in court as required, the Judge may issue an arrest warrant in addition to a new charge of “Failure to Appear”. Misdemeanor arrest warrants shall be executed in accordance with 22 Oklahoma Statutes, Section 189. If an officer of the court, Lawton police officer, court bailiff, or other law enforcement officer within this jurisdiction wished to execute a Lawton Municipal Criminal Court Arrest Warrant after 10:00 p.m. in a non-public place, he must first obtain the permission of the Judge who, after hearing evidence of the need for such, will endorse “Execute Day or Night” on the original warrant. Should a law enforcement officer or bailiff seek to execute an arrest warrant which was issued prior to the promulgation of these rules and which already carries the “Execute Day or Night” or “Within the limits of 22 O.S. Sec. 189 – Execute Day or Night” endorsement, such officer shall prior to executing said warrant show the Judge cause why it should be executed after 10:00 p.m.

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in a non-public place. If the Judge agrees to such, he shall initial and date the endorsement for execution day or night.

An arrest on a warrant which charges a misdemeanor offense may be made at any time of the day or night if the defendant is in a public place or on a public roadway.

Rule No. A(6) *Acting Judges*

In the absence of the appointed full-time municipal Judge, the City of Lawton will employ acting Judges who preside part-time. These acting Judges preside with the full authority of the appointed full-time municipal Judge. Their orders and rulings are to be given identical weight, force and effect in all respects as that of the full-time municipal Judge.

Rule No. A(7) *Traffic Violations Bureau*

There is established a Traffic Violations Bureau within the Municipal Court Clerk's Office. Citizens cited for traffic violations, other than a second offense within a twelve month period have the option of appearing before the court clerk and entering a plea of guilty or no contest prior to the arraignment date and paying the fines and cost listed on the traffic Fine & Bail Bond Schedule (See Rule 36). Until such time as a "dishonored check fund" is included in the operating budget of the office of the Municipal Court Clerk, personal checks are not accepted for payment of fines over the clerk's counter, however, cash, a money order or, with proper ID, Visa and MasterCard will be accepted. The defendant has the option of mailing a cashier's check or money order for the fines and cost to the Traffic Violations Bureau whereupon the case will be closed and a receipt issued for payment. Citizens who desire a copy of the receipt must provide a self-addressed, stamped envelope for that purpose. Defendants may also submit

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payments on-line or by phone through a third party provider, when such service provider is authorized and available.

Rule No. A(8) *Traffic Fine and Bail Bond Schedule*

By separate order, incorporated herein by reference and attached hereto as Annex A, the municipal Judge shall set forth the schedule of traffic fines indicating the amount of the fines and costs when paid by an offender prior to the scheduled arraignment date for traffic code violations in which personal appearance before the Judge is not required. Defendants charged with Domestic Abuse shall not bond out prior to seeing the Judge who shall set bail and conditions for their release. Unless authorized by the Judge, persons incarcerated who have a history of Failure to Appear shall not be admitted to bond prior to arraignment.

Rule No. A(9) *Appearance Bond—Court Officers As Surety*

No clerk, policeman, member of the bar, bailiff or other officer of the court will be accepted as surety, either directly or indirectly, on any bond or undertaking in any action or proceeding in this court. Appearance bonds shall be cash or surety, and may be posted by either licensed bondsmen or private citizens—(cash only), and must contain the bondsman's name, address and phone number in addition to information regarding the defendant and the charge. It shall contain the defendant's next court appearance date and time and such other information deemed necessary by the court clerk for proper processing and refund thereof. The bondsman must accompany the defendant to the initial appearance on the bond and actual notice to the defendant of any subsequent court appearance dates shall be considered notice to the bondsman. The term of all bonds in this court shall be for the duration of the proceedings until such time as the defendant's plea is accepted by the court, a trial is had or the case is otherwise closed. The

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bond amount shall be that set down in Annex A, Bail Bond Schedule, unless a different amount is set by the Judge.

Rule No. A(10) *Amendments to Rules*

The Municipal Court Rules may be amended from time to time as needed. Each new amendment shall be effective from the date of its promulgation by the Judge.

B. ATTORNEYS PRACTICING BEFORE THE COURT

Rule No. B(1) *Professional Ethics*

The Code of Professional Responsibility, as promulgated by the **Rules of Professional Conduct**, Title 5, Oklahoma Statutes, Chapter 1, Appendix 3-A, is hereby adopted as a rule of this court for the direction and guidance of the attorneys practicing herein.

Rule No. B(2) *Trial Publicity*

It is the duty of all members of the Bar to affirmatively protect litigants' rights to fair and impartial trials. It is professional irresponsibility and disrespect to the administration of justice to willfully prosecute or defend any matter in the newspapers or any other media or forum where the integrity of any pending or future covert action may be jeopardized thereby. Officers of the court are admonished to observe the spirit as well as the letter of the obligation.

Rule No. B(3) *Court Appointed Attorney*

It is the duty of all the members of the Bar to accept their proportionate share of the profession's responsibility to represent indigent persons in criminal matters. The court shall appoint its officers to represent such persons and shall expect such appointees to perform their highest professional capacity.

Rule No. B(4) *Attorneys Not Admitted to Practice in Oklahoma*

Counsel from other jurisdictions, not admitted to practice before the Oklahoma Supreme Court must comply with the provisions regulating practice *pro hac vice*, found in the **Rules Creating and Controlling the Oklahoma Bar Association**, Title 5, Oklahoma Statutes,

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Chapter 1, App. 1, Art. II. Their acceptance of such privilege when granted, subjects them to the same rules, requirements, standards and responsibilities as Oklahoma attorneys.

Counsel from other states shall obtain the services of an Oklahoma attorney to prosecute or defend their litigation. Such foreign counsel may sit at counsel table like a party to the action to advise their Oklahoma attorney until the trial Judge orders otherwise.

C. PLEADINGS

Rule No. C(1) *Entry of Appearance and Withdrawal of Appearance*

Attorneys practicing before the Court must comply with the provisions of 12 O.S. 2005.2 when entering their appearance in traffic, criminal or civil cases or moving to withdraw from such a case. Where there is conflict, the provisions of this Rule control.

The attorney whose name, address, and telephone number appear on a document presented for filing is considered counsel of record, and a separate Entry of Appearance need not be filed. If the name of more than one attorney is shown on the document, the attorney who is counsel of record shall be clearly identified.

Rule No. C(2) *Agreement of Counsel*

No controverted agreement of counsel shall be cited to the court in support or defense of any proposition or action, unless the same has been reduced to writing and signed by the parties, or made in open court, and a minute thereof filed with the clerk.

Rule No. C(3) *Continuances*

No continuance of any criminal case, motion or hearing shall occur upon stipulation of counsel alone, but such continuances may be allowed by order of the court. No continuance shall be requested, and none allowed, but for good cause shown. No traffic case which status is in “five parts” set for issuance of a warrant and license suspension order shall be continued without prior approval of the Judge.

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Rule No. C(4) *Extension of Time*

No extension of time shall be granted upon stipulation of counsel alone, but with a showing of good cause therefore, may be allowed by order of the court.

Rule No. C(5) *Motion Docket*

Unless specially set by the Judge, all motions shall be set for hearing on the regular motion docket which shall be Wednesdays at 10:00 a.m. in the municipal courtroom. All motions so set, shall be accompanied with an order for hearing, bearing an affidavit of notice to adverse parties.

Rule No. C(6) *Frivolous Motions or Pleadings*

Frivolous motions and pleadings are not allowed. If a motion or pleading be adjudged to be frivolous it is deemed contempt of court and a violation of this court's rules.

The citation of a case or statute supporting the motion or pleading, placed at the bottom thereof, will insure that a proper position not be misconstrued as frivolous.

Rule No. C(7) *Further Time in Which to Plead*

If, on the arraignment, the defendant requires it, he must be allowed until the next day, or such further time may be allowed him as the court may deem reasonable, to answer the information.

Rule No. C(8) *Briefs and Arguments*

The legal point that is so obvious to the attorney who has lived with a problem for months may remain obscured to the Judge who only has limited acquaintance with each case.

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Oral arguments are useful and save time in ferreting out the issues in controversy but do not change the law or facts involved. Briefs, when succinctly drawn, can be most helpful in effectively informing the Judge. The following is suggested:

- (a) Brief statements of facts or questions involved;
- (b) Short syllabi-like statements if applicable law, in coherent order;
- (c) Followed by complete citation of authority and argument therefore.

Do not read a submitted brief for oral argument in a case or rely upon counsel's sole thoughts and beliefs as being of any substantial or persuasive authority.

D. TRIALS

Rule No. D(1) *Trial Procedure – Notice of Settlement, Dismissal or Continuance*

Cases will be tried in the order of appearance on the docket unless otherwise directed by the court. After a case has been docketed for jury trial, any agreement of the parties to settle, dismiss or continue the same shall be communicated to the court at least 48 hours before the time fixed for the trial. In the event the court is not given at least 48 hours notice of such settlement, dismissal or agreed continuance and a jury reports for the trial, the court shall have discretion to tax the costs of the reporting jurors to either or both of the parties who failed to give the 48 hour notice.

Rule No. D(2) *Appearances, Witnesses and Exhibits*

At the commencement of the hearing of any criminal or code enforcement case, the attorneys, or parties if pro se, shall submit to the court, a list of witnesses each expects to call. Drawings, charts and exhibits shall be made and marked before the start of the trial.

Rule No. D(3) *Non-Jury Trial Dockets*

In setting a case for non-jury trial, the Judge will endeavor to keep the time between arraignment and trial to less than 10 weeks. Therefore, the Judge may set down numerous cases for hearing on the same future date and it is incumbent on all parties to be prepared to proceed on the day of the trial. Non-jury trial dockets shall be held one week each month on Tuesday, Wednesday and Thursday at 2:00 p.m. unless specially set by order of the Judge. Trials will be conducted by the rules of criminal procedure set forth in Title 22 Oklahoma Statutes.

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Rule No. D(4) *Jury Trial Docket Sounding*

A. Jury dockets will be called as required. Cases where the defendant has appeared at arraignment and requested trial by jury will be docketed for the next jury trial sounding. Prior to sounding a docket will be printed and available upon request at the Municipal Court Clerk, 102 S. 5th Street, Lawton, Oklahoma, to attorneys and defendants listed thereon. The order setting the sounding will list the dates and times set for sounding, motions and trials. At the sounding defendants must be present in person or the posted bond will be forfeited and a bench warrant issued for a new criminal charge of “Failure to Appear”.

B. All pretrial motions must be filed in writing no later than the Monday following the sounding and will be heard during the regular motion docket several weeks prior to trial. If a defendant’s case is not disposed of by a written and signed plea bargain agreement or otherwise removed from the docket by the date of the sounding, it will be docketed for a non-jury trial. Defendants are on notice as of the printing of the jury trial docket for the term of court in which their case appears, that the city’s plea recommendation, after the sounding date, may not be accepted by the court.

C. Each defendant electing to go to trial will be given the actual trial date prior to leaving the courtroom at sounding. Attorneys are not allowed to announce “ready” via phone or to the city prosecutor and must appear at sounding to receive a trial date assignment.

Rule No. D(5) *Release of Juror List*

At the expiration of four (4) days after the drawing of the jury panel and sending out of summons for the jurors whose names were drawn, the court clerk may, upon request therefore, deliver a true and correct list of jurors to members of the Bar.

Rule No. D(6) *Jurors Excused*

A. All applications for excuse from jury service shall be made to the Judge. He shall, for statutory cause only, excuse the appearance of any juror. He shall make a written memorandum of his action if the excuse be allowed which shall be filed with the clerk, though not recorded, to be by the clerk preserved through that docket of court. If the excuse is allowed by the Judge, he shall make a written memorandum of his action. This memorandum shall be filed with the clerk, though not recorded. The clerk shall preserve this memorandum through that docket of court.

B. After it has been determined that there are ample jurors to serve, those jurors serving under conditions of special hardship may be excused by the court.

Rule No. D(7) *Findings By The Court*

Any request to the court for Finding of Fact or Conclusions of Law must be timely made and if the parties do not make such request at the jury pretrial sounding or no less than ten (10) days prior to the non-jury trial; they shall do so before the presentation of the evidence in the case.

Rule No. D(8) *Jury Instructions – Objections*

Request for instructions, other than those necessitated by unanticipated events during the trial, must be presented to the court in writing prior to the court's reading of the instructions to the jury. Objections to jury instructions shall be made prior to reading the same to the jury and argument shall occur outside the jury's hearing.

Rule No. D(9) *Voir Dire Examination*

The Judge shall initiate the voir dire examination of jurors by identifying the parties and their representative counsel. He may briefly outline the nature of the case, the issues of fact and law to be tried, and may then put to the jurors any questions which he thinks necessary touching their qualifications to serve as jurors in the cause on trial. The parties or their attorneys shall be allowed a reasonable opportunity to supplement such examination. Counsel shall scrupulously guard against injecting any argument in their voir dire examination, shall avoid repetition, shall not call jurors by their first names or indulge in other familiarities with individual jurors, and shall be fair to the court and opposing counsel.

Rule No. D(10) *Opening Statements*

The opening statements of the parties shall be limited to a brief statement or synopsis of the evidence the party intends to present for the consideration of the jury. There shall be no argument of the facts.

Rule No. D(11) *Argument on Law Before the Jury*

There shall be no argument to the court by counsel on any objection to evidence or upon any other point of law in the presence of the jury. If counsel desires to be heard in argument, he shall so advise the Judge, who, if he chooses to hear such will make arrangements for it.

Rule No. D(12) *Testimony From the Witness Stand*

While the court encourages the use of demonstrative aids for the assistance that they may be to the jury, the testimony of witnesses must be adduced from the witness stand. The witness may be directed to step down to demonstrate or illustrate some point, but shall be returned to the stand before being examined in connection therewith.

Rule No. D(13) *Limitation on Argument*

Arguments to the court and jury shall be subject to reasonable limitation as to time and number of counsel participating.

Rule No. D(14) *Argument by a Party*

No party shall be permitted to argue his own case to the jury if he has counsel.

Rule No. D(15) *Demonstrations*

A lawyer or a party shall not thank the jury or Judge for a favorable verdict, judgment or ruling. It is the duty of the court to see that no demonstration occurs in the courtroom in connection with the rendering of any verdict.