

**Procedures for Video Teleconferences in Criminal Proceedings  
Before U.S. Magistrate Judges Northern District of Oklahoma**

Based on the public health crisis created by COVID-19, and based on the findings in this Court's General Order 20-46, the U.S. Magistrate Judges will automatically set the following hearings for video teleconference ("VTC"):

- Initial Appearances under Federal Rule of Criminal Procedure 5;
- Arraignments under Federal Rule of Criminal Procedure 10;
- Preliminary Hearings required by Federal Rule of Criminal Procedure 5.1;
- Detention Hearings under 18 U.S.C. § 3142(f).

If a defendant does not consent, the Court will address that issue during the scheduled VTC. Hearings not listed will remain in person, unless specifically scheduled for a VTC.

**General Procedures for Daily VTC Docket:**

1. All proceedings set on the daily criminal docket will be conducted by VTC in Courtroom 1, United States District Courthouse, 333 West 4th Street, Third Floor, Tulsa, OK, 74103. All attorneys and the defendant will appear by video. The Magistrate Judge and court staff will be in the courtroom but will also appear by video.
2. The Magistrate Judge will aim to take the bench at 2:00 pm, with all participating AUSAs, defense counsel, and defendants present on the video conference simultaneously. All AUSAs and defense counsel may be present and listening on the VTC as they would during public court proceedings.
3. The Court will not require any physical signatures by Defendant. Instead, the courtroom deputy will write "oral consent" on all forms that ordinarily require a defendant's signature, including orders setting conditions of release and appearance bonds, if such consent is obtained on the record.

4. The program being used is Cisco WebEx. There is a separate PDF with log-in instructions, available at the Court's website, [www.oknd.uscourts.gov](http://www.oknd.uscourts.gov). The meeting number and password will be provided by email to AUSAs, FPDs, and CJA counsel. It will be the same for all proceedings, and it should be retained. Counsel will be notified if the meeting number and password change.
5. Attorneys' first point of contact for technical issues is Lynn Tiefenthaler. She should be called at 918-699-4724 (direct dial) or 918-699-4721 (courtroom), and emailed at [Lynn\\_Tiefenthaler@oknd.uscourts.gov](mailto:Lynn_Tiefenthaler@oknd.uscourts.gov). She is a clerk's office employee who will be running the Cisco WebEx program in the courtroom, and she or another court employee will be present for VTCs and the pre-docket VTCs. Attorneys will be able to speak to the courtroom deputies before the judge takes the bench, as is the usual practice, and the courtroom deputies will be present for all court proceedings as usual.
6. Unless scheduled otherwise, all VTCs are open to the general public via the public's presence in the courtroom. Any of Defendant's family or friends, victims, the press, or other members of the general public may be present in the courtroom at 2:00 p.m. to observe the VTC proceedings. If permitted by counsel, victims or defendant's friends or family members may also appear during the VTC by appearing by video with counsel from their respective offices.
7. The proceedings may not be recorded, either by phone, computer, or otherwise, by hearing participants or observers.
8. The proceedings will be recorded by the Court's digital recording system, and transcripts may be ordered in the typical manner.

**Initial Appearances/Arraignments:**

1. **Defense counsel, whether retained or appointed, shall appear via VTC at 1:00 pm for any initial appearance/arraignment.** Defense counsel will be provided **ten minutes or less** to meet with their client in a private virtual meeting room. (More time may be permitted if an interpreter is necessary.) Defense counsel should be prepared to wait for their meeting time, depending on the number of defendants at a particular jail who are being seen for an initial appearance that day and how many need interpreters.
2. **Interpreters shall appear, if needed, via VTC at 1:00 pm** to assist with the pre-docket meetings between defense counsel and clients.
3. In advance of the private meeting with counsel, the **courtroom deputy** will provide the following documents **to defendants at the jail**:
  - a. Charging document.
  - b. Order setting conditions of release/appearance bond (if government not seeking detention).
4. In advance of the initial appearance, the **courtroom deputy and/or U.S. Probation Officer** will provide the following documents **to counsel for both parties via email**:
  - a. Pretrial Services Report (will be provided to counsel as soon as completed, with goal of prior to 1:00 pm). Counsel should not delay the private meeting because he or she does not have the pretrial services report. If counsel needs more private time to consult with defendant upon receipt of the pretrial services report, counsel may inform the Court during or in advance of the initial appearance.
  - b. Order Setting Conditions of Release/appearance bond (if government not seeking detention).

5. During this private meeting, defense counsel shall:
- a. **VTC Consent Form** - Determine if defendant consents to appearing by VTC for purposes of I/A, arraignment, and any preliminary or detention hearing. If so, defense counsel must complete the Consent to Proceed by Video Teleconference form available on the Court's website, [www.oknd.uscourts.gov](http://www.oknd.uscourts.gov). **Defense counsel shall file the document of record after the initial appearance.** As explained on the form, defendant's signature may be in electronic form.
  - b. **Financial Affidavit** - Complete the Financial Affidavit form available on the Court's website at [www.oknd.uscourts.gov](http://www.oknd.uscourts.gov) / Forms / CJA / CJA-23 Financial Affidavit, with information provided by defendant. Defendant's signature may be in electronic form or signed by counsel on Defendant's behalf. The form shall be submitted as soon as possible once it is completed to: **both of the following email addresses:** [CriminalDuty OKND@oknd.uscourts.gov](mailto:CriminalDuty_OKND@oknd.uscourts.gov);  
[Lynn Tiefenthaler@oknd.uscourts.gov](mailto:Lynn Tiefenthaler@oknd.uscourts.gov).
  - c. Provide any other advice typically provided in the in-person meeting conducted in advance of the initial appearance. If applicable, counsel shall review the contents of this Court's standard waiver of detention/preliminary hearing, waiver of indictment, and any orders setting conditions of release, including having them interpreted. A copy of the Court's standard waivers are available on the Court's website at [www.oknd.uscourts.gov](http://www.oknd.uscourts.gov).

**Preliminary/Detention Hearings:**

1. Counsel shall appear via VTC at 2:00 pm and await their proceeding to be called by the Court.
2. Any written evidence to be proffered at the hearing shall be provided to the courtroom deputy and opposing counsel in advance of the hearing. WebEx participants can share their screen and show documents to other participants.
3. Counsel shall inform the courtroom deputy in advance of the detention proceeding whether live witnesses will be called and how they propose to present the witness.