

<p>NINTH JUDICIAL DISTRICT, COLORADO Court Address: Garfield County Courthouse 109 Eighth St., Suite 104 Glenwood Springs, Colorado 81601</p> <p>Phone Number: 970-928-3065</p> <hr/> <p>ADMINISTRATIVE ORDER</p>	<p><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p>
<p>The Honorable James B. Boyd</p>	<p>Administrative Order 20-03</p>
<p>ORDER UPDATED: OPERATIONS DURING COVID-19 PERIOD</p>	

This order updates in part, supersedes in part and restates in part prior Administrative orders 20-01 and 20-01A. Therefore, those orders are rescinded. The public health crisis of COVID-19 continues to exist, as again confirmed in Colorado Governor Executive Order 2020-079 entered May 25, 2020, and continues to support the entry of this order.

REMOTE PROCEEDINGS

Court proceedings, including hearings, trials and regularly-scheduled dockets, shall be conducted by remote technology, such as webex or telephone, to the greatest extent possible. Except as otherwise provided in this order, any proceeding may go forward as directed by the presiding judge if the proceeding is conducted wholly by remote technology. Instructions for audio/visual appearances and hearings are set forth in Ninth Judicial District Administrative Order 20-02,

which is posted on the Ninth District's website. Links to the District's "virtual courtrooms" are also posted on the website.

IN-PERSON PROCEEDINGS

In-Person proceedings shall not be conducted except as provided in this order. The authorization here for in-person proceedings does not preclude the presiding judge from ordering remote proceedings unless in-person proceedings are the only reasonable way to perform those functions designated "essential" by the Chief Justice of the Colorado Supreme Court. The judicial officer presiding over a case shall have the authority to conduct in-person proceedings for the following:

Essential Functions as defined by the Chief Justice of the Colorado Supreme Court in his Updated Order Regarding COVID-19 and Operation of Colorado State Courts entered on May 5, 2020, or in any subsequent modifications to that order.

Criminal proceedings within the scope of C.R.Crim.P. 43(f)(2) if the defendant does not consent to interactive audio/visual proceedings or if the defendant is not available for audio/visual proceedings that meet the requirements of C.R.Crim.P. 43(f)(2).

In proceedings scheduled for virtual dockets or virtual courtrooms, the presiding judicial officer shall have the discretion to conduct an individual proceeding for a person who physically appears for the proceeding so long as

the judicial officer reminds the person about the virtual courtroom and encourages or orders the person to appear virtually for his or her next court date.

Types of proceedings or individual hearings whose exceptional circumstances require personal appearances as determined or approved by the Chief Judge as authorized in the Chief Justice's order of May 5, 2020.

Even for matters where in-person proceedings are authorized, virtual or other electronic proceedings remain the preferred protocol and are encouraged. In-person appearances shall be managed as the exception, not the rule. All in-person hearings and appearances must comply with the safety protocols for persons in the courthouse set forth below.

CONTINUANCES FOR CRIMINAL DOCKETS

For criminal dockets, due to the large number of cases handled by the public defender, the prosecutor and public defender defense counsel may stipulate to a continuance to a specific future docket date and time without filing a motion in each case. A single document may be submitted by email to each court's division clerk stating the Defendant's name, the case number, and the agreed-upon date and time to which a continuance is proposed. The stipulation shall be submitted not less than

two days prior to the docket. When such a stipulation is timely presented to the court, unless the presiding judge affirmatively denies a particular continuance at least one day prior to the docket, the presiding judicial officer shall not issue a warrant for failure to appear even if the stipulation has not been ruled upon at the time scheduled for appearance. The presiding judge shall have the authority to set a future date and time different than the one proposed in the stipulation and the authority to require an appearance at the next date without permission to continue the next date by stipulation. The court clerk shall enter a minute note in each affected case confirming the continuance. For cases not involving the public defender, continuance requests shall be handled by motion filed in the case or as otherwise directed by the presiding judge.

SAFETY PROTOCOLS FOR PERSONS IN THE COURTROOM

Social Distancing: All persons shall maintain social distancing by keeping a distance of at least six feet from other persons. This includes hallways and waiting areas as well as courtrooms. Where seating locations are identified by markings or signs, all persons shall sit only in the designated locations. Presiding judges shall

enforce this limit in their respective courtrooms.

Gathering Size: All persons shall avoid gatherings of ten or more people. This includes hallways and waiting areas as well as courtrooms. Presiding judges shall enforce this limit in their respective courtrooms.

Masks: Members of the public are strongly encouraged to wear masks that cover the nose and mouth at all times in the courthouse. At times when the court is able to provide masks to individuals, judicial officers have the discretion to require persons to wear masks in their courtrooms.

Filings: As with remote proceedings, exhibits and other filings shall be electronically provided to the court and to the other parties prior to any hearing. For persons without attorneys and without access to electronic filing, exhibits and other filings shall be submitted by mail or as permitted through procedures adopted in the office of the Clerk of the Court for the relevant courthouse. The presiding judge may refuse to accept any documents or items physically tendered in open court and may continue any hearing until electronic filing is completed or other filing protocols are completed.

Gloves, Washing Hands, and Use of Sanitizer: Members of the public are strongly encouraged to wear gloves, to wash their hands and to use hand sanitizer as directed or guided by state and local health orders and guidelines.

Cleaning: Working with court staff, the presiding judge shall cause surfaces that will come within the immediate reach of multiple individuals (witness stands and podiums, for example) to be sanitized between each person. Nothing in this order precludes a presiding judge from managing the courtroom and placing persons in multiple locations or non-traditional locations to reduce the frequency of persons sharing surfaces.

Other Instructions: Members of the public shall follow the directions of judicial officers, court security, administration, court staff and signs placed by the court or by the county in which the courthouse is located.

JURY TRIALS

Courts in the 9th Judicial District will not summon jurors for any jury trials set to begin before July 6, 2020, and any persons with a summons to report for jury duty during this time period are not required to appear. Any juror appearing in

person on a summons through July 5, 2020 shall be informed by the court or security team that the person's jury service has been cancelled and that person may return home.

Jurors who have a jury summons for a date to appear commencing on or after July 6, 2020, must appear but should continue to monitor the Court's website for updates.

EVICTIONS AND RULE 120 FORECLOSURE PROCEEDINGS

Courts in the 9th Judicial District will accept new filings for FED (eviction) actions. Except as provided below, the return dates for eviction cases will be on or after June 1, 2020.

Courts in the 9th Judicial District will accept new filings for orders authorizing sale under C.R.C.P 120. Except as provided below, the courts will not be addressing pending CRCP 120 matters until on or after June 1, 2020.

Nothing in this order authorizes any person to initiate or proceed with evictions or foreclosures in violation of the federal CARES Act or in violation of the Colorado Governor's Executive Order D 2020-88 (or any extensions or

amendments of 2020-88 and the prior executive orders it incorporates). Allegations that a particular eviction or foreclosure case has been initiated or is being prosecuted in violation of the CARES Act or applicable Executive Orders shall be addressed by the judge presiding over the particular case.

ENTRY INTO THE COURTHOUSE

To all persons: Do not enter the courthouse if

you have been diagnosed with COVID-19 (“Novel Coronavirus”) and you have not received a subsequent test confirming that you are currently virus-free;

you have been in direct contact with someone who has been diagnosed with COVID-19 within the past fourteen days;

you are experiencing a fever, cough, shortness of breath, or any other respiratory illness symptoms; or

you have been in direct contact with someone who is experiencing flu-like symptoms.

If any of these three criteria apply, please call the clerk’s office of your respective county to reschedule your court date or to request to appear electronically through each judicial officer’s virtual docket or to receive further instructions.

CRIMINAL ADVISEMENTS

Criminal advisements shall be conducted by audio/video conference.

USE OF CLERK AND OTHER COURT SERVICES

All are directed to seek assistance from the Court Clerk offices and other court staff by telephone whenever possible. When a personal appearance is necessary, to maintain a safer distance, you may be directed to confer from behind a line or from a specific location. All filings by attorneys shall be made electronically through ICCES for case types in the ICCES system. For self-represented filings, you may be directed to place the filings in a drop box at the Clerk's office. Depending on local circumstances, some clerk's offices may be closed to in-person service except for matters prearranged by phone.

The services listed below will be provided by telephone only.

SRLC, Self-Represented Litigant Coordinator

FCF, Family Court Facilitator

Collections Investigator

PROBATION SERVICES

All are directed to seek assistance from probation offices by telephone whenever possible. Probation clients shall be supervised in a modified manner as directed by the Chief probation Officer and probation supervisors.

This order does not change any trial settings. The judicial officers in the district will individually determine the status of all cases set for trial during this time period.

PRESIDING JUDGE ORDERS

In individual cases, the presiding judge has the authority to enter orders to address issues specific to the needs of the case so long as those orders are not less restrictive than the mandatory procedures for all cases set forth in this order or in the Updated Order Regarding COVID-19 and Operation of Colorado State Courts entered on May 5, 2020, by the Chief Justice of the Colorado Supreme Court.

UPDATES

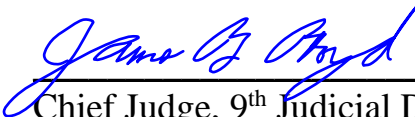
Circumstances have changed rapidly and may continue to do so. This order may be modified or updated frequently. All are encouraged to check regularly the 9th Judicial District homepage located on the website for the Colorado Judicial

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Branch (www.courts.state.co.us) for the latest information. To access this homepage, use the drop-down menu for “courts”, click on “courts by district”, and then click on “9th Judicial District.”

Done on June 3, 2020.

BY THE COURT



Chief Judge, 9th Judicial District