

COMBINED COURTS, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma Counties, State of Colorado.	
ADMINISTRATIVE ORDER NO. 2020-B	▲ COURT USE ONLY ▲
ORDER AUTHORIZING RELEASE OF JURORS FOR HEALTH REASONS	

The constitutional right to a trial by jury for certain cases is one of the pillars of our justice system. Likewise, a person’s right to a speedy trial in criminal cases is provided by law. When considering the rights related to a jury trial, the Court also must be mindful of the health concerns pertaining to the spread of COVID-19 (“Novel Coronavirus”). These concerns could affect not only jurors and Court staff, but unfairly affect the attorneys and litigants in a case. The Court has posted instructions on the 13<sup>th</sup> Judicial District Website for persons summoned for jury duty to request postponement prior to reporting; however, there may be persons who are not aware of these instructions and report for jury duty when that person is experiencing symptoms of an illness.

Colorado law provides for juror postponements, C.R.S. §13-71-116 (juror entitled to one postponement of jury service for up to six months). A juror may also defer jury service for a variety of reasons pursuant to C.R.S. §13-71-119. In addition, a juror may be excused from jury service if jury service would “cause undue or extreme physical hardship” to the juror or someone under the direct care of the juror. C.R.S. §13-71-119.5. “Undue or extreme physical hardship” includes the possibility of the service resulting in illness or disease. §13-71-119.5(2)(d)(II). Either the court or jury commissioner is authorized to make the determination whether the juror would experience undue or extreme physical hardship. §13-71-119.5(2)(b).

The Court finds that “undue extreme physical hardship” and the possibility of jury service resulting in illness or disease should not be limited only to that individual juror, but also other persons participating in the case. Therefore, in addition to all other provisions of law relating to juror postponements, deferrals, and excusals, the Court hereby authorizes the jury commissioners and those persons working under their direction and supervision to immediately excuse a juror who: (1) has been diagnosed with COVID-19 (“Novel Coronavirus”) and that person does not have written verification that the person has received a subsequent test confirming that the juror is currently virus-free; (2) the juror has been in direct contact with someone who has been diagnosed with COVID-19 within the past fourteen days; (3) the juror is experiencing a fever, cough, shortness of breath, or any other respiratory illness symptoms, either through a report made by the juror or observations made by the jury commissioner or staff members working with the jury commissioner. The goal is to keep persons who may be ill from other prospective jurors as soon as practicable.

To that end, until further Order of Court, all jury commissioners shall require reporting jurors to complete a confidential questionnaire addressing the following questions:

- Are you or anyone in your household currently ill or showing signs of illness (fever, shortness of breath, flu-like symptoms)?
- Have you or anyone in your household been ill and home from work or school in the last 14 days?
- Have you been diagnosed with or tested for COVID 19?
- Have you been in contact with anyone diagnosed with or tested for COVID 19?
- Do you suffer from any chronic medical condition?
- Are you in treatment for cancer or any immune system condition?
- Are you over the age of 60?
- Have you travelled out of the country in the last 14 days?
- Have you been in China, South Korea, Italy, or Japan in the last 30 days?

In the event the responses to a juror’s questionnaire indicates that such juror could pose a health risk or risk of infection to others within the courthouse, the jury commissioner may excuse that juror, without leave of court. All questionnaires completed pursuant to this Order shall remain confidential, and shall be uploaded into the record for appellate purposes as “sealed” documents.

If a juror is released by the jury commissioner pursuant to the procedures established under this order, the jury commissioner will notify the division conducting the jury trial of the juror's name, juror number, and the reason for the excusal, and the judge presiding over the trial will inform the parties on the record, outside of the presence of other prospective jurors, of the excusal. The parties may make any further record as they deem necessary.

Nothing in this Order impairs the authority of the trial judge to excuse a juror on the same or similar grounds.

Date: March 16, 2020.

BY THE COURT

A handwritten signature in black ink that reads "Michael K. Singer". The signature is written in a cursive style and is contained within a light blue rectangular box with a thin blue border.

Michael K. Singer  
Chief Judge, 13<sup>th</sup> Judicial District