



STATE OF COLORADO
Fourteenth Judicial District

**AMENDED ADMINISTRATIVE ORDER OF THE CHIEF JUDGE 2020-04
COURT OPERATIONS UNDER COVID-19 ADVISORY**

In March, 2020, a State of Emergency was declared in the State of Colorado related to the presence of the COVID-19 virus. Furthermore, the Colorado Department of Public Health and Environment (CDPHE) has been working to stop the spread of COVID-19 and has implemented emergency measures as Colorado is experiencing COVID-19 transmission that threatens the health of residents and risks overwhelming the healthcare system in the State of Colorado. The Governor of the State of Colorado has previously issued several Executive and Public Health Orders concerning the operation of businesses and personal pursuits for all Coloradans. Similarly, our public health agencies in the 14th Judicial District have previously issued various orders for their citizens restricting activities. Although vaccines continue to be developed and administered, a recent Kaiser Family Foundation Study discovered that 49% of Americans plan to either refuse to get vaccinated or wait and see how effective the vaccines turn out to be. Based on analysis of the COVID-19 pandemic and especially considering several new mutations of the virus, experts in infectious diseases are still urging some caution, including the C.D.C.

Many governmental agencies have now begun relaxing restrictions throughout the State of Colorado. Ironically, the United States of America just yesterday topped 600,000 deaths due to COVID-19, more than any single country in the world by a large margin. Last week the Chief Justice of the Colorado Supreme Court issued a directive to all chief judges to “prioritize safety for the public and the staff” when establishing local policies taking into consideration all relevant factors in a continuing attempt to slow the spread of the disease and taking precautions to reduce the risk of exposure. Therefore, the courts and probation department of the 14th Judicial District may continue to operate with reduced staff and will focus on matters of immediate concern for public safety.

Notably certain key indicators demonstrate that COVID-19 continues to spread throughout the 14th Judicial District. Today, the following factors have been reported: Moffat County: fully vaccinated rate is 17.7% with a positivity rate of 11.4% and a “very high” risk of transmission; Grand County: fully vaccinated rate is 38.7% with a positivity rate of 8.0% and a “high” risk of transmission; Routt County fully vaccinated rate is 44.5% with a positivity rate of 1.4% and a “medium” risk of transmission. The seven day moving average (daily new cases per 100,000 persons) for Moffat County is 39.8, Grand County is 4.5 and Routt County is 6.1. Just in the last two weeks, Moffat County experienced two new deaths related to Covid-19 and all of the regional hospitals are no longer accepting new Covid-19 transfers from other hospitals due to capacity limits.¹ Unfortunately, it is unlikely that the general public will see the benefit from vaccinations for many more months, particularly given these low vaccination rates, if enough individuals decline to be vaccinated, wear masks or maintain physical distancing from others. Still, the

¹ I recognize that there are many sources of data being reported to the public and many reports appear to be in significant conflict without explanation. Because governmental entities may have motivation to present data in a positive light, I am choosing to rely upon independent reporters who would not have such motivations. Two websites that appear to be independent of any association with political or governmental entities are covidactnow.org and <https://globalepidemics.org/key-metrics-for-covid-suppression/>. These websites have provided the cited data.

judges and staff of the 14th judicial district hope that recent developments and improved access to vaccinations will now provide the opportunity to slowly begin the process of conducting a limited number of jury trials throughout the district.

In addition, I remain very committed to providing safety for staff and the public in our facilities. The presence of the new “Delta” variant is causing grave concern across the world. Reports indicate that some of the current vaccinations do not protect individuals against contracting Covid-19 through this variant which is reported to be extremely contagious. Even before the various mutations began spreading throughout the world, the scientific community recognized that the effective rate of protection from Covid-19 is 95% (Pfizer), 94% (Moderna) and 72% (Johnson and Johnson). This means that of all fully vaccinated persons 5% (Pfizer), 6% (Moderna) and 28% (Johnson and Johnson) are unprotected against the transmission of the virus and will not know it.² Therefore, vaccinated persons who end up unprotected pose a risk to each other and to unvaccinated persons. Unvaccinated persons pose a high risk to each other and to those persons for whom the vaccination is not effective. As the chief judge of this judicial district I have a responsibility and obligation to provide a safe workplace for all employees and a safe facility for those who have business with the court or probation department.

Pursuant to the authority granted in Chief Justice Directive 95-01 and in consideration of the Chief Justice’s Orders Regarding COVID-19 and Operation of Colorado State Courts, as amended, it is hereby ORDERED as follows:

1. Persons Who May Not Enter Court Related Facilities At Any Time: Persons who meet any of the below criteria are prohibited from entering these facilities and instead should call (970) 725-3357 (Grand), (970) 824-8254 (Moffat) or (970) 879-5020 (Routt) to reschedule their court date, request to appear by phone, or to receive further instructions:

- a. Anyone who has been diagnosed with COVID-19 and who is not virus-free;
- b. Anyone who is not fully vaccinated and has been in close contact with someone who has been diagnosed with COVID-19 within the past 14 days;
- c. Anyone who is experiencing a fever, cough, shortness of breath or difficulty breathing, fatigue, chills, muscle or body aches, headache, sore throat, new loss of taste or smell, congestion or runny nose, nausea or vomiting, diarrhea or any other symptoms of respiratory illness;
- d. Anyone who has not been fully vaccinated and has been in direct contact with someone who is experiencing any of the above symptoms.

2. Operations: The courts and probation department will be open for business between 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., except weekends and legal holidays. The offices may occasionally be closed to accommodate staff meetings. The number of employees who are physically present and working at the court and probation offices, however, may be reduced or eliminated as coordinated by the Court Executive, Chief Probation Officer, and Clerks of Court, with the approval of the Chief Judge. Due to the reduction in staffing levels, the processing of filings that are not related to public safety matters may be delayed.

² New York Times, “High Hopes for Johnson & Johnson’s Covid Vaccine Have Fizzled in the U.S.”, June 18, 2021.

The probation offices in all three counties remain open at this time, but this is subject to change at any moment at the discretion of the Chief Probation Officer, with the approval of the Chief Judge, and reduced office hours will be posted if applicable. Anyone with business with the probation department may report in person at any time during normal business hours unless already given specific reporting instructions by the probation department.

Probation

Grand County (970) 725-3495

Moffat County (970) 824-7304

Routt County (970) 879-1003

Entry to court facilities by members of the public, other than those summonsed for jury duty, is by appointment only. Members of the public wishing to come to the court clerk's office or to a courtroom must call the relevant number below, in advance, for instructions about appearing:

Combined Courts

Grand County (970) 725-3357 ext. 7

Moffat County (970) 824-8254 ext. 7

Routt County (970) 879-5020 ext. 7

Being physically present at court offices or courtrooms continues to be discouraged at this time, except for jury trials (see below). If possible, an alternative to entry into court facilities will be provided by the clerk's office. Any person who is unable to participate in a court proceeding due to device or connectivity limitations will be accommodated by the courts and probation department. All persons entering court and probation facilities must wear facial coverings over their entire nose and mouth at all times while inside the building. If anyone appears without the ability to provide their own face covering, one will be provided to them for their use by security personnel. Hand sanitizer will be available in public areas of each facility. Any members of the public physically appearing in court and probation facilities shall continue to comply with physical distancing requirements (maintain a space of at least 6 feet from any other person), and crowd limitations.

3. Filings: All court users are encouraged to only utilize electronic means for filing any document with the court. Fax numbers and email addresses for each court location are as follows:

Grand: email: grandclerk@judicial.state.co.us; fax: (970) 725-3216

Moffat: email: moffatclerk@judicial.state.co.us; fax: (970) 824-8923

Routt: email: routtclerk@judicial.state.co.us; fax: (970) 879-3531

4. Prior to appearing at a courthouse, all court users (other than jurors) must call that court for specific directions regarding appearances or filings. In-person filings at the court facilities will **only** be accepted if they are filed by law enforcement (i.e., summons, affidavits for warrants, etc.) or pertain to an urgent public safety matter as described in section 5.b. below, and only if they cannot be submitted electronically. The court will accept electronic filings from attorneys only through CCE for case types in the CCE system. In cases that are not subject to e-filing, ONLY, attorneys and unrepresented parties may email pleadings to the above email addresses or deliver documents by U.S.

Postal Service, for filing. Hearings related to non-public safety matters may be delayed pursuant to this order. All existing proceedings pursuant to Rule 120, evictions, foreclosures, and replevins that could result in eviction are still subject to special rules issued by the Governor of the State of Colorado. Should parties to such cases believe that the stay should not apply in a particular case, those parties may file a motion for relief from stay explaining why that case is not subject to any mandated moratorium.

5. Continuances and Limitations on Hearings:

- a. The courts of the 14th Judicial District will attempt to conduct all hearings as scheduled, although some hearings may be continued. The district began conducting jury trials in cases requiring no more than six jurors (plus any applicable alternate jurors) on April 5, 2021. Anyone who is scheduled to appear in court or any member of the public wishing to observe court hearings is directed to contact the clerk's office or the 14th Judicial District website for information on appearing at or observing any hearing by video or telephone. In-person appearances at the courthouse by litigants, attorneys or witnesses, for any hearings other than jury trials are discouraged unless approved in advance by the judge assigned to that case and only for good cause shown. Jury trials requiring 12 or more jurors cannot be safely conducted at this time in any of the three courthouses in the 14th Judicial District due to our inability to call an adequate number of jurors and still maintain required physical distancing. Such trials will begin to occur on July 19, 2021.
- b. The courts will continue to conduct prompt hearings on all public safety matters. Public safety matters are defined as follows:
 - i. Petitions for temporary civil protection orders and permanent protection order hearings;
 - ii. Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders
 - iii. For incarcerated or detained persons, Crim.P. Rule 5 advisements, the initial setting of bail, bond-related hearings, plea hearings, sentencing hearings and other proceedings that must occur by a deadline imposed by statute;
 - iv. Revocation hearings on complaints to revoke probation involving an incarcerated defendant or a juvenile;
 - v. Detention hearings in juvenile delinquency cases;
 - vi. Shelter hearings in dependency and neglect cases or other juvenile (JV) proceedings;
 - vii. Petitions for appointment of an emergency guardian and/or special conservator;
 - viii. Hearings on motions to restrict parenting time and parental abduction prevention;
 - ix. Emergency mental health proceedings;
 - x. Other proceedings deemed necessary by the assigned judge (in consultation with the Chief Judge) to prevent a substantial risk of imminent financial hardship, or imminent risk to the health, safety or welfare of an individual or members of the community.
- c. When hearings, other than jury trials, are conducted, courts shall conduct such

proceedings by telephone and/or video appearance for all participants and observers whenever possible.

6. **Jury Calls:** Summoned jurors should visit: https://www.courts.state.co.us/Courts/District/Index.cfm?District_ID=14 or contact the jury commissioner for further information about whether a trial is proceeding as scheduled.
7. **Extrajudicial Activities:** The use of court related facilities for extrajudicial activities (e.g., the solemnization of marriages; meetings) remains prohibited.
8. **Requests for Records:** Instructions with regard to making requests for records may be obtained by calling your local courthouse.

Circumstances have been changing rapidly and will likely continue to do so. The Chief Judge will continue to monitor available information and recommendations from health organizations and this order may be revised or extended, as deemed necessary. All are encouraged to regularly check the website for the Colorado Judicial Branch (www.courts.state.co.us) for the latest information, including the page that is specific to the 14th Judicial District.

SO ORDERED this 18th day of June, 2021.



Michael A. O'Hara, III, Chief Judge