

Chief Judge Order 2021-07 (Amended September 30, 2021)

Fourteenth Judicial District

State of Colorado

### **EMERGENCY ORDER LIMITING ACCESS TO COURT FACILITIES**

Pursuant to Orders and Directives from the Chief Justice of the Colorado Supreme Court, I have an obligation “to determine facial covering and physical distancing requirements in courthouses and probation offices in the judicial district. Chief judges must make these decisions ... after consideration of local circumstances including vaccination rates, COVID positivity rates and other metrics, courthouse layout, and staffing needs. Chief judges must prioritize safety for the public and the staff in making these decisions and must strive to ensure that individuals interacting with our court system feel safe.”

As safety is of the utmost concern for all staff, I am taking into consideration several important factors in entering this emergency Chief Judge Order, particularly the vaccination rates, positivity rates and risk of transmission in each county in the 14<sup>th</sup> Judicial District. New variants of this virus, including the Delta, Mu and Lambda, are resulting in increased infection rates and contributing to significant community spread of the virus, regardless of vaccination status. As of today in all three of our counties, the Center for Disease Control and Prevention finds that the risk of transmission is “high” which is their highest risk category.<sup>1</sup> In addition, the positivity rate for Routt County is 10%, Grand County is 18% and Moffat County is 25%, according to the Colorado Department of Public Health and Environment.<sup>2</sup> All of these numbers have been increasing over the last two weeks. The percentage of eligible persons who are fully vaccinated are 67% (Routt), 55% (Grand ) and 35% Moffat according to the New York Times.<sup>3</sup>

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<sup>1</sup> See, <https://covid.cdc.gov/covid-data-tracker/#datatracker-home>

<sup>2</sup> See, <https://covid19.colorado.gov/data/covid-19-dial-dashboard>, September 16, 2021.

<sup>3</sup> See, <https://www.nytimes.com/interactive/2021/us>, and <https://www.covidactnow.org/us/colorado-co/county/> both from September 16, 2021.

On September 15, 2021, an article appeared in the Craig Daily Press detailing, among other things, the fact that Moffat County had the highest percentage increase of new Covid-19 cases in the prior two weeks of every county in the United States:<sup>4</sup> a staggering 760%. Medical personnel were quoted in that article saying that they are taxed to their limit. Not surprisingly, as a result of that article, the courts are now seeing requests from attorneys to continue cases to avoid coming to court at this time for safety reasons.

The 14<sup>th</sup> Judicial District, which is tasked with performing essential governmental functions and ensuring that constitutional rights are protected, is also committed to reducing the risk of exposure to this highly infectious and potentially deadly disease by establishing and enforcing certain measures to maximize the safety of all staff and the public who appear at our court facilities. The purpose of this Chief Judge Order 21-07 is to provide instruction and guidance to members of the public and those employed by and providing services to the 14<sup>th</sup> Judicial District courts and probation.

**THEREFORE, UNTIL FURTHER NOTICE, IT IS HEREBY ORDERED:**

1. Unless specifically excepted below, members of the public shall not be permitted to enter the court and probation facilities of the 14<sup>th</sup> Judicial District. All court proceedings shall proceed as scheduled by Webex, a videoconferencing program. Instructions and links for appearing by Webex can be found here:

[https://www.courts.state.co.us/Courts/District/Custom.cfm?District\\_ID=14&Page\\_ID=1062](https://www.courts.state.co.us/Courts/District/Custom.cfm?District_ID=14&Page_ID=1062)

Exceptions:

- A. Probation clients who are specifically instructed to report in person by their probation officer;
- B. The assigned judge has approved personal appearances in the courtroom upon application and a showing of good cause after the effective date of this order;
- C. A jury trial proceeds under Paragraph 4 below.

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<sup>4</sup> <https://www.craigdailynews.com/news/moffat-county-covid-19-cases-climbing-faster-than-any-county-in-the-country/>

2. If a party to a hearing is unable to appear by Webex because they have no access to a telephone or a computer, they should appear at the court facility and advise security staff of the problem. They will be provided a means of participation in their hearing by the clerk's office. Those seeking protection orders will also be accommodated.
3. If the two-week average positivity rate<sup>5</sup> in the County where a jury trial is to be held is above 8% fourteen calendar days before the scheduled first day of trial, the jury trial will not proceed.
4. If the two-week average positivity rate in the County where a jury trial is to be held is 8% or below fourteen calendar days before the scheduled first day of trial, the jury trial may proceed. The trial judge retains the discretion to vacate the trial if the two-week average positivity rate exceeds 8% or the jury trial cannot be conducted safely.
5. To the extent this order conflicts with Chief Judge Orders 20-04 or 20-08, as amended, this Chief Judge Order shall govern.

Dated: September 30, 2021.



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Michael A. O'Hara, III, Chief Judge  
Fourteenth Judicial District

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<sup>5</sup> As reflected on CDPHE's [COVID-19 Dial Dashboard](#) at 12 p.m.