

<p><b>EIGHTEENTH JUDICIAL DISTRICT: ARAPAHOE, DOUGLAS, ELBERT and LINCOLN COUNTIES, COLORADO</b></p> <p>Arapahoe County Justice Center 7325 South Potomac Street Centennial, Colorado 80112</p> <p>Arapahoe County Courthouse 1790 West Littleton Boulevard Littleton, Colorado 80120</p> <p>Douglas County Justice Center 4000 Justice Way #2009 Castle Rock, Colorado 80109</p> <p>Elbert County Courthouse PO Box 232, 751 Ute Street Kiowa, Colorado 80117</p> <p>Lincoln County Courthouse PO Box 128, 103 Third Avenue Hugo, Colorado 80821</p>	<p style="text-align: center;"><b>• COURT USE ONLY •</b></p> <p style="text-align: center;"><b>Amended Chief Judge Order 21-08 January 26, 2022</b></p> <hr/> <p style="text-align: center;"><b>Division 201</b></p>
<p style="text-align: center;"><b>AMENDED CHIEF JUDGE ORDER 21-08 SUSPENDING JURY TRIALS IN THE 18<sup>TH</sup> JUDICIAL DISTRICT THROUGH FEBRUARY 11, 2022</b></p>	

This order is issued to provide updated guidance to summoned jurors, attorneys, litigants, and all others associated with any jury trials in the Eighteenth Judicial District. On December 30, 2021, the undersigned, in her capacity as Chief Judge, issued Chief Judge Order 21-08 Suspending Jury Trials in the 18<sup>th</sup> Judicial District Through January 28, 2022 as a result of the public health risk posed by the Novel Coronavirus (“COVID-19”) and its variants, specifically the Omicron

variant.<sup>1</sup>

On that date, the Colorado Department of Public Health and Environment (“CDPHE”) website reflected the one-week cumulative incidence rate was 632.5 for Arapahoe County, 563.8 for Douglas County, 339.9 for Elbert County, and 159 for Lincoln County.<sup>2</sup> The website further reflected the one-week average positivity rate was 18.1% for Arapahoe County, 16.9% for Douglas County, 14.2% for Elbert County, and 6.8% for Lincoln County.<sup>3</sup> Those statistics were higher than those seen even prior to the availability of vaccinations and were extremely concerning when considering the large number of people who are summoned to appear for jury trials on any given week.

As of today’s date, the CDPHE website reflects the one-week cumulative incidence rate is 1002 for Arapahoe County, 1099 for Douglas County, and 885.4 for Elbert County. The website further reflects the one-week average positivity rate is 22.8% for Arapahoe County, 26.4% for Douglas County, and 27.6% for Elbert County. The Director of Public Health in Lincoln County reports their latest data reflects a two-week average positivity rate of 30% and that active COVID-19 cases were at 94 last week and have dropped to 67 this week. These statistics are consistent with the predicted record-breaking surge of COVID-19 infections caused by the highly transmissible Omicron variant. And while these statistics are substantially higher than they were on December 30, 2021, they are also demonstrative of a decline from their peak, as anticipated by public health officials.

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<sup>1</sup> Chief Judge Order 21-08 is hereby incorporated by reference into this Amended Chief Judge Order 21-08.

<sup>2</sup> The one-week cumulative incidence rate is the number of reported positive COVID-19 cases per 100,000 people over a 7-day period.

<sup>3</sup> The one-week average positivity rate is the percentage of people who test positive for COVID-19 of those overall who have been tested over a 7-day period. A higher positivity rate indicates higher community transmission.

Throughout the pandemic, the undersigned has heeded national, state, and local public health guidance and has monitored COVID-19 data related to all four counties on a weekly, if not daily, basis. Our counties have peaked, and the statistics are now incrementally declining. It is anticipated this downward slope will continue barring no other unforeseen circumstances. However, according to the Centers for Disease Control and Prevention (“CDC”), Arapahoe, Douglas, Elbert, and Lincoln Counties remain in high community transmission status. While the Omicron variant has proven to produce less severe symptoms in most people, the severity of symptoms is not the primary determining factor regarding the ability to safely assemble a jury and proceed with jury trials. The fact that anyone with an Omicron infection can easily spread the virus to others even if they are fully vaccinated or don’t have any symptoms at all warrants a continued suspension of jury trials beyond January 28, 2022.

Simply stated, community transmission must further decline for jury trials to safely resume. Jury trials require gathering large numbers of citizens to potentially serve as jurors, and their attendance is compelled by the court. Once a jury is selected, the jury trial itself is dependent on everyone involved remaining healthy throughout the trial. Given how high community transmission remains today, not only is it unsafe to assemble jurors, but also the risk of a mistrial is high when the health and safety of everyone involved in a jury trial is in peril. Mistrials come at great and differing expense to the litigants involved and our entire system of justice.

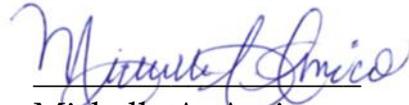
The undersigned has consistently strived to balance ensuring public health and safety with our duty and collective commitment to conduct jury trials. The undersigned has considered current information from the CDC, the CDPHE, and conferred with local public health officials from all four counties and has

determined that public health and safety dictate it remains unsafe to assemble large groups of prospective jurors and proceed with jury trials the week of January 31, 2022, as originally anticipated.

In compliance with the direction provided in the May 6, 2021 Updated Order Regarding COVID-19 and Operation of Colorado State Courts issued by Chief Justice Boatright of the Colorado Supreme Court and pursuant to the authority provided to Chief Judges by the Chief Justice of the Colorado Supreme Court through Chief Justice Directive 95-01, *Authority and Responsibility of Chief Judges*, the undersigned hereby **extends the suspension of all jury trials across the 18<sup>th</sup> Judicial District through February 11, 2022.** The decision to suspend jury trials is not one undertaken lightly. As a result, the undersigned will continue to closely monitor the COVID-19 data for all four counties and reserves the right to rescind, modify, or extend this Amended CJO 21-08 at any time based upon then-existing data, health-related considerations, input from members of the bench and stakeholders, and all other relevant factors impacting jury trials.

Dated this 26th day of January 2022.

**BY THE COURT:**



Michelle A. Amico  
Chief Judge

Eighteenth Judicial District