

District Court, Weld County, State of Colorado Court Address: 901 9 <sup>th</sup> Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632-2038	
<b>ADMINISTRATIVE ORDER NO. 2020-10</b>	<b>▲ COURT USE ONLY ▲</b>
	Case Number: <b>2020 CV 01</b> Division 1
<b>ORDER FINDING PUBLIC HEALTH CONCERNS DUE TO COVID-19          PRECLUDE THE CALLING OF A JURY PANEL FOR JURY TRIALS          SCHEDULED THROUGH MAY 15, 2020</b>	

This order is issued to provide guidance to summoned jurors, attorneys, litigants, and all others associated with any jury trials in the Nineteenth Judicial District due to the public health risk posed by the Novel Coronavirus (“COVID-19”). It is imperative that active steps be taken to slow the spread of COVID-19 and precautions be strictly followed to reduce exposure to COVID-19. Given the serious threat the pandemic presents to persons participating in jury trials in the courthouse locations in the Nineteenth Judicial District, the Court will no longer summon jurors for jury trials set through **May 15, 2020**. Further, any persons with a summons to report for jury duty during this period are **not required to appear**. The Court cannot conduct jury trials in court buildings without unnecessarily risking the spread of COVID-19 to persons compelled by summons to report for jury duty. The Chief Judge hereby finds that calling a jury to the courthouse buildings in the Nineteenth Judicial District may endanger the health of all involved in a jury trial, as well as the community at large, given the significant risk of spreading COVID-19. This pandemic continues to threaten the health and well-being of the community. The gravity of the pandemic and bases upon which this Order is issued is reflected by the

following non-exhaustive list of facts and events:

- The World Health Organization has pronounced that COVID-19 is a world-wide pandemic.
- On March 10, 2020, the Governor of Colorado, Governor Jared Polis, declared a State of Emergency related to the presence of COVID-19 in the State of Colorado.
- On March 12, 2020, the Colorado Department of Public Health and Environment (“CDPHE”) issued Public Health Order 20-20 restricting visitors at all Colorado skilled nursing facilities, assisted living residences, and intermediate care facilities.
- On March 13, 2020, President Donald Trump entered a proclamation declaring a National Emergency concerning COVID-19, and on March 18, 2020, President Trump issued an executive order prioritizing and allocating health and medical resources to respond to the spread of COVID-19.
- On March 14, 2020, Colorado State Public Defender Megan Ring sent a letter to Governor Polis, Chief Justice Coats of the Colorado Supreme Court, the State Court Administrator, and others, which recommended the courts significantly reduce visits by the public and limit the presence of court personnel and litigants at the courthouses.
- On March 15, 2020, the CDPHE recommended limiting all social gatherings to 50 persons or less, based on recommendations of the Centers for Disease Control (“CDC”), and that all events involving more than 50 persons be postponed. Prior to March 15, 2020, the CDPHE had recommended gatherings of no more than 250 persons in a single location to reduce the spread of COVID-19.
- On March 16, 2020, the CDPHE issued a Public Health Order 20-22, closing all restaurants, bars, gyms, theaters, and casinos through April 30, 2020.
- On March 16, 2020, Chief Justice Coats issued an *Order Regarding COVID-19 and Operation of Colorado State Courts* suspending all jury trials, with the exception of

jury calls for criminal cases facing imminent speedy trial deadlines, through April 3, 2020. In an order issued on March 20, 2020, Chief Justice Coats extended the suspension of jury calls through May 15, 2020, with the same exception. He also ordered all courts to minimize or eliminate in-person proceedings and contact.

- During the month of March, the Governor has issued a series of Executive Orders in an effort to control and slow the spread of COVID-19 and to mitigate the effects of the virus. Specifically, Executive Order D-2020-07 suspended all normal in-person instruction at all Colorado public and private schools from March 23, 2020 through April 17, 2020.
- On March 18, 2020, and as amended on March 20, 2020, the CDPHE issued Public Health Order 20-23 limiting all mass gatherings to 10 persons or less. The 10-person limitation on gatherings went into effect on March 19, 2020. The 10-person limitation does not apply to certain entities, including Colorado state courts.
- Over the last two weeks, several courts in Colorado have been temporarily closed because of the pandemic.
- On March 23, 2020, the City and County of Denver issued a Stay-at-Home Order that required all persons to shelter in place, with certain exceptions, effective March 24, 2020, through April 10, 2020.
- On March 25, 2020, Governor Polis issued Executive Order D-2020-17 imposing a statewide Emergency Temporary Stay at Home Order for Colorado, effective March 26, 2020 through April 11, 2020.
- As of March 25, 2020, a total of 1,086 COVID-19 cases were confirmed in Colorado, 19 COVID-19 deaths, and 148 hospitalizations, according to the CDPHE. There were 87 confirmed COVID-19 cases in Weld County. The first positive COVID-19 case in Colorado was made on March 5, 2020.
- On March 25, 2020, the CDPHE issued Amended Public Health Order 20-24 Implementing Stay at Home Requirements, which is in effect through April

11, 2020.

The CDPHE Public Health Order 20-23 limiting gatherings to 10 persons or less does not apply to state courts, and there is an exception in Chief Justice Coats' order suspending jury calls for criminal cases facing imminent speedy trial deadlines. There are also strong recommendations by state and federal health experts and executive authorities to limit gatherings to 10 persons or less, unless a distance of at least 6 feet can be maintained between persons at all times if more than 10 persons are in the same location at the same time. Given the non-exhaustive facts listed above, the strong recommendations regarding social distancing, combined with the way jury trials are completed in the court buildings in the 19<sup>th</sup> Judicial District, the Court has no option but to issue this Order.

The number of persons needed for jury selection for a felony jury trial can range from 45 to 100 per case, depending on the charges, length of trial, pretrial publicity, and other factors. The number of persons needed for jury selection for a single county court jury trial can range from 25 to 40, again depending on several factors. In order to select a jury in the Nineteenth Judicial District, the public called for jury duty needs to be seated in close proximity to one another. While it might be possible to maintain social distancing of 6 feet between persons if there are less than 40 people in the room, even limiting the number of prospective jurors to 40 people would make it difficult to monitor for proper social distancing. And even if voir dire occurred with one juror in the courtroom at a time, once the jurors are impaneled it would be impossible to separate the jurors spatially by 6 feet without having some members of the jury seated away from the jury box, such as in the gallery section or in the well area of the courtroom. This would make it difficult for some of the jurors to hear the testimony and/or observe the witnesses and/or attorneys, which calls into question the fairness of the proceedings. Once deliberations begin, the jury will deliberate in small, closed jury rooms where they cannot maintain social distancing.

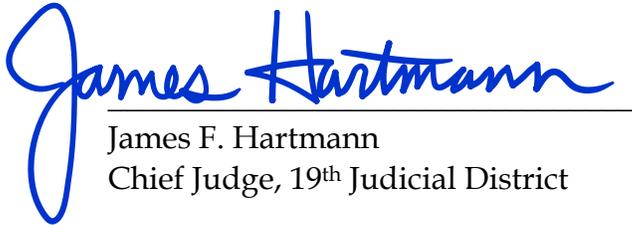
The district's facilities are not configured to safely complete a jury trial during this pandemic. It would be socially irresponsible for the Court, through the command of a jury summons, to bring more than 10 people at a time to the courthouse for jury service. Even if the jury commissioner summoned 10 people at a time over the course of several days for jury service, it is unrealistic to believe that a jury could be selected considering the heightened public concern over the spread of COVID-19.

The Court will not summon jurors for jury trials set through May 15, 2020, and any persons with a summons to report for jury duty during this time period is not required to appear. The judicial officers in the district will individually determine the status of all cases set for jury trial during this time period.

The provision of this order shall apply only to the county and district courts in Colorado's Nineteenth Judicial District and not to any municipal court located in Weld County, Colorado.

Date: March 26, 2020.

BY THE COURT



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James F. Hartmann  
Chief Judge, 19<sup>th</sup> Judicial District