

<p>TWENTY SECOND JUDICIAL DISTRICT in and for DOLORES AND MONTEZUMA COUNTIES</p> <p>STATE OF COLORADO</p>	
<p><b>ADMINISTRATIVE ORDER 2020-04<sup>1</sup></b> <b>CONCERNING PROCEDURES DURING PRESENT COVID-19 CRISIS</b></p>	

In light of the public health risk posed by COVID-19 and the advisories from the Centers for Disease Control and the Colorado Department of Public Health and Environment (CDPHE) recommending active steps to slow the spread of the disease and precautions to reduce the risk of exposure, the courts and probation department of the 22nd Judicial District previously restricted access to the Courthouse and modified operations. The 22<sup>nd</sup> Judicial district will continue to adapt to changing conditions and will adjust courthouse operations as needed. The present health emergency has shown that while not ideal, it is possible to conduct many matters by audio-visual devices. Further, an increasing number of persons are appearing in person. This results in a need for an order that modifies the prior Chief Judge orders concerning court and probation operations, short of a full reopening and return to normal operations. This order repeals and replaces all prior orders issued by the undersigned concerning conducting business

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<sup>1</sup> This order amends the Administrative Order 2020-03 issued on July 13, 2020 in two ways. First, it corrects the number of the order as there already was an Administrative Order 2020-03. Second, this order exempts court staff, probation, judges and Court Security to from the requirement that they wear a mask in public areas of the Courthouse under certain circumstances. The second amendment is contained in paragraph 5(a) below.

during the present Covid-19 pandemic in the Montezuma County Combined Courthouse and the Dolores County Courtroom, clerk's office and judge's chambers.

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, it is hereby **ORDERED** as follows:

**1. Persons Who May Not Enter the Montezuma Combined Courts building or the Dolores County Courtroom and clerk's office and judge's chambers**

Persons who meet any of the below criteria are prohibited from entering the Montezuma County Combined Courts building or the Dolores County Court facility including the Courtroom and the Clerk's office and judge's chambers.

a. Anyone who has been diagnosed with COVID-19 and who has not tested free of the virus;

b. Anyone who has been in direct 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, any respiratory illness symptoms, muscle aches, sore throat, a new loss of taste or smell or chills;

**2. All persons entering the Montezuma County Combined Courts building and the Dolores County Courtroom and clerk's office through public access points are subject to health screenings as a condition of entry.**

a. All persons entering the Montezuma County Combined Courts Building and the Dolores County courtroom and Clerk's office through public access points will have

their temperature taken by courthouse security deputies by use of a touchless infrared thermometer. Said persons will also be required to answer basic questions to determine if that person is experiencing any of the symptoms described in paragraphs 1 (c) above or if any of the other circumstances described above in paragraphs 1. (a) and (b), apply to that person. If any person answers yes to any of the questions of if the person's temperature is above 100.4 degrees, that person will be denied entrance to the courthouse in Montezuma County or the court facilities in Dolores County, and they must leave immediately.

b. If any criminal defendant or party in other matters who is appearing on the date of her/his court appearance is denied entry under this provision, the security deputies are to take that persons' name and promptly inform the clerks that the defendant appeared. The defendant or party will then be instructed to call the clerk at 970-565-1111 in Montezuma County or (970) 677-2258 in Dolores County for information about a resetting. The Clerk will promptly notify the Court that the defendant or party was to appear in of the situation. Any defendant who is turned away from entry on a day that that person is scheduled to be in court before the time of day that the defendant was set, will be deemed to have appeared for their case and no warrant will issue for that defendant. It is the defendant's responsibility to obtain a new court date and to appear on that new court date.

c. If any defendant who is appearing as required by probation is denied entry under this provision, the security deputies are to take that persons' name and promptly inform the probation department that the defendant appeared. The defendant will then be

instructed to call the probation department at 970-565-7216 for information about a rescheduling.

d. Any person who is due in Court for reasons other than criminal cases who meets any of the above criteria should not come to court but instead should call (970) 565-1111 for Montezuma County cases or (970) 677-2258 for Dolores County cases to reschedule their court date, request to appear by phone, or to receive further instructions.

### **3. Hearings other than jury trials**

a. Most appearances, hearings, conferences, criminal proceedings, bond hearings and civil proceedings may be conducted by video or telephone using WebEx subject to requirements of Rules of Criminal and Civil procedure. The use of WebEx is encouraged and will be considered to be the default method to conduct court appearances, except for court appearances which must be held in person under Crim. Pro. 43. The individual judges are expressly authorized to hear any matter that can be heard by telephone or by audio-video device. Any subpoena issued will instruct the witness to appear by WebEx and not in person, by connecting with the correct WebEx virtual courtroom. Full WebEx instructions can be found on the Court's Website at

[https://www.courts.state.co.us/Courts/District/Index.cfm?District\\_ID=22](https://www.courts.state.co.us/Courts/District/Index.cfm?District_ID=22) .

All attorneys are hereby authorized and encouraged to attend any and all proceedings by WebEx. Parties, attorneys and witnesses are allowed to appear in person. Individual judges are allowed to require such persons as they deem appropriate in the interest of justice to appear in person.

### **4. No Jury Trials**

No jury trials will be held in the 22<sup>nd</sup> Judicial District until at least August 3, 2020. All jury trials to be held after that date will be subject to a separate order or orders.

**5. Social Distancing and the use of face coverings**

a. All persons in the public area of the Montezuma County Combined Courthouse and the Dolores County Courtroom and the Dolores County Court Clerk's office, except as set out below, must wear a face covering at all time that they are in those public areas. The "public areas" are those areas where the public may enter including the courtrooms, the hall ways open to the public, the conference and meeting rooms, the restrooms, the waiting area near the clerk's windows, the Kiva in the Montezuma Combined Courthouse, probation's waiting room and the offices of staff who meet with individuals (the Family Court Facilitator, the Self-Represented Litigant Coordinator and the Collections Investigator). Public areas also include the probation offices when a person who does not work for the judicial department (i.e. a probationer) is present. Public areas do not include the secure hall ways and offices of the judges or the clerk or other staff. The Family Court Facilitator, the Self-Represented Litigant Coordinator and the Collections Investigator need not wear a face covering when a member of the general public is not in their office. Likewise, the judicial assistants and probation staff who are assisting customers from behind the clear windows between their offices and the public area, need not wear a face covering. Judicial and probation staff, court security and judicial officers need not wear a face covering if they are in a single room, such as a Courtroom that is open to the public, if no member of the public is present in that room. For example, judicial staff and judges are not required to wear a face covering in Court if

no one beside the Judge, the Judicial staff and security are present in the Courtroom. Court Security in Montezuma County is also exempted from this requirement during times when the only persons present in the building are employees of the Judicial District. A face covering is a mask or other item made of cloth or paper which may be worn in such a manner as to cover the person's mouth and nose. Clear plastic face shields are acceptable substitutes if they wrap around the sides of the wearer's face and extend to below the chin. The face covering must be worn correctly at all times in order to cover the nose and mouth of the wearer. Individual judges may allow or instruct persons wearing masks in their courtroom to remove them briefly if needed in the course of a hearing. For example, during a hearing in order to identify the defendant or if the judicial officer deems it necessary to see the entire face of a witness. The Chief Judge may allow exceptions for any person for whom it is not medically advisable to wear a face covering but only if that person has a note from their doctor. Any waiver shall be in the sole discretion of the Chief Judge.

b. Any person entering the Montezuma County Combined Courthouse and the Dolores County Courtroom, clerk's office and judge's chambers will strictly observe social distancing. Social distancing as used here means staying at least 6 feet from any other person at the courthouse at all times. If any person wishes to participate in or observe any court appearance in person, they may do so by entering the courtroom of the judge hearing the case, provided that no judge shall allow more than 10 persons, excluding the judge, court staff, and security deputies but including parties, attorneys and witnesses to be in any single courtroom at one time.

c. All persons who are intending to enter any courtroom in the Montezuma County Combined Courthouse, including counsel and parties will proceed directly from the secure entry to the Clerk's window marked with a check-in sign. The person will the need to declare which courtroom they are going to. The judicial assistant will then indicate whether the courtroom has sufficient room for the person or not. If there is enough room, the judicial assistant will inform the person to go to the courtroom. If there is not enough room, then the clerk will instruct the person where to wait until there is enough room in the courtroom for the person to enter. If a person enters the building and wishes to visit the clerk's office or other staff (i.e. Self-Represented Litigant Coordinator, Family Court Facilitator or Collections Investigator) the judicial assistant at the check in window will determine if that employee is in their office and if that employee is free to see the person. All persons waiting to see the clerk or other employee or to enter a courtroom will wait as directed by the judicial assistants who may seek assistance from Court security.

d. Any person who wishes to enter the Montezuma County Combined Court building or the Dolores County Courtroom for judicial business, (i.e. Court, filing, probation business, etc.) who does not have a face covering may approach the clerk's window and ask for a face mask, which will be provided, free of charge to that person. Any person who is entering the building in order to visit the probation department may ask for a mask at the probation department window. The judicial district has a limited number of masks and if none are available because the district has exhausted its supply,

the requirement that the clerk's office hand them out will be suspended until such time as a supply is procured by the district.

e. There will be times when individual judges have a need for a docket that in the past would have normally resulted in more than 10 persons in the Courtroom. Under these circumstances, each individual judicial officer will conduct their large docket in a fashion to stagger the entry of parties and attorneys so that there are never more than 10 persons in the courtroom. If there is a need to allow more than 10 persons (excluding the Judge, court personnel and security deputies) to participate in or observe a proceeding, for example a sentencing with multiple victims, the seating in the courtroom, after the parties and attorneys will be on a first come basis. If there are persons who are entitled by law to observe a proceeding and those persons are not able to be physically present in the Courtroom because of this provision, the Court will utilize audio-visual devices such as WebEx so as to allow the entitled person to see, hear and take part in the hearing. Any person who is in the courtroom who is not directly connected to the case such as parties, attorneys or witness when testifying, will be removed from the courtroom if the space is needed by someone who has a right to be present.

f. Any party will be represented by one and only one attorney at a time directly in the Courtroom. Any party who is represented by more than one attorney or who wishes to have the attorney's staff present, shall notify the Court in advance and the court will endeavor to make arrangements for the extra attorneys or staff to have access to the courtroom by audio visual device. In this occurrence, the attorney in the courtroom may have contemporaneous telephonic or email contact with the other attorney or staff person

monitoring the case from outside the courtroom. The attorney and client may sit closer than 6 feet if they wish in order to confer with each other during a hearing. The attorney and client may use electronic devices to communicate with each other by email or text. The attorney or client must provide any device used. Attorneys will address the Court and witnesses from counsel table.

g. All exhibits that will be offered in a particular hearing must be pre-marked and e-filed by an attorney or emailed to the clerk and the other party, at least 24 hours prior to the hearing. Any paper or other physical exhibit will be exhibited and handled as directed by the presiding judge.

#### **6. Extrajudicial Activities:**

The use of the Montezuma County Combined Courthouse for extrajudicial activities (e.g., the solemnization of marriages) is prohibited. The use of the court facilities (Courtroom, Jury Room and Clerk's office) in the Dolores County Courthouse for extrajudicial activities (e.g., the solemnization of marriages) is prohibited. Nothing in this provision will prevent meetings that are called by the chief judge or with the permission of the chief judge, for judicial purposes, provided that such meetings will not exceed 10 persons and the attendees are able to stay at least 6 feet apart.

#### **7. Requests for Records**

Instructions with regard to making requests for records may be obtained by calling (970) 565-1111 for Montezuma County and (970) 677-2258 for Dolores County.

#### **8. Enforcement of order**

Any person who fails or refuses to comply with any portion of this order will be denied entry to the Court facilities or ordered to leave the building. Persons who refuse to comply may be found to be in contempt. Court Security is authorized and ordered to remove or deny entry to all persons who refuse to comply with the provisions of this order.

#### **9. Modifications of this Order**

Circumstances have changed rapidly and may continue to do so. The Chief Judge has the sole discretion to waive any provision of this order as he deems in the interest of the public and justice. 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](http://www.courts.state.co.us)) for the latest information, including the page that is specific to the 22nd Judicial District.

APPROVED AND SIGNED this 15th of July, 2020.



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Douglas S. Walker  
Chief Judge, 22<sup>nd</sup> Judicial District