



ADMINISTRATIVE ORDER

For the 5th Judicial District of Colorado

CLEAR CREEK COUNTY – EAGLE COUNTY – LAKE COUNTY – SUMMIT COUNTY

ADMINISTRATIVE ORDER SUSPENDING JURY TRIALS IN THE 5TH JUDICIAL DISTRICT THROUGH JANUARY 28, 2022

Effective: January 3, 2022

Expiration: January 28, 2022

Order Number:

In response to the continuing public health risks presented by the Novel Coronavirus and its variants (COVID-19), the Court has operated under Administrative Orders Regarding Court Operations under COVID-19. The Administrative Orders have continued to evolve in response to changing conditions created by this public health crisis with a goal of both public safety and the continuing administration of justice. In making decisions, the Court has relied on guidance from national, state and local health agencies and continued to monitor data related to all four counties. All Administrative Orders have been issued in compliance with the May 6, 2021 Updated Order Regarding COVID-19 and Operations of the Colorado State Courts issued by Chief Justice Boatright of the Colorado Supreme Court. Under the current Administrative Order, jury trials are permissible with specified safety precautions.

As of today, the available information through either county public health and environment or the Colorado Department of Public Health and Environment. (“CDPHE”) for Eagle County, Summit County, Clear Creek County and Lake County reflect the following data:

Eagle County:	One-Week Cumulative Incidence Rate of 2,116 One-Week Average Positivity Rate of 39.5%
Summit County:	One-Week Cumulative Incidence Rate of 3,453 One-Week Average Positivity Rate of 35.3%

Clear Creek County: One-Week Cumulative Incidence Rate of 383
One-Week Average Positivity Rate of 17.7%

Lake County: One-Week Cumulative Incidence Rate of 377.5
One-Week Average Positivity Rate of 24.1%

The One-Week Cumulative Incidence Rate and the One-Week Average Positivity rate for both Eagle County and Summit County are at the Severe Risk levels pursuant to the CDPHE Level Determinants.¹ The One-Week Cumulative Incidence Rate and the One-Week Average Positivity rate for both Clear Creek County and Lake County are at High Risk level and the Severe Risk level, respectively. These metrics are at levels that are higher than at any time seen during the COVID-19 pandemic. The recent surge is creating strain on hospital bed space, hospital staffing and testing capabilities.

New data from CDPHE shows that the Omicron variant has become the dominant variant in Colorado and now accounts for 91% of COVID-19 cases, with the Delta variant accounting for the majority of the remainder. The Omicron variant is highly transmittable and can be spread to others, even if they are vaccinated or don't have symptoms. The current Omicron surge will likely continue to further aggravate the healthcare system on both a state and local level.²

Upon consideration of the current information available from the Center for Disease Control and Prevention, the CDPHE, and recommendations from local public health officials, it has been determined that public health and safety dictate avoiding the gathering of large groups of prospective jurors and that a temporary suspension of jury trials is necessary. This determination will be continually monitored and addressed as additional data, information and recommendations are available.

Therefore, 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, it is hereby ordered that effective immediately all jury trials and jury calls in the 5th Judicial District are suspended through January 28, 2022.

¹ A recent New York times article placed Summit County #2 nationally and Eagle County #4 nationally for the highest per capita incidence rates in the Country.

² See State Sequencing Data; Omicron Variant: What You Need to Know.

The COVID-19 data for all four counties will be closely monitored and this Administrative Order may be rescinded, modified or extended based upon then-existing data, health-related considerations, input from members of the bench and stakeholders, and all other circumstances impacting court operations.

SO ORDERED this 3rd day of January, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "P. R. Dunkelman", written over a horizontal line.

Paul R. Dunkelman
Chief Judge, 5th Judicial District