BERNALILLO COUNTY METROPOLITAN COURT

AMENDED TRANSITION PLAN TO EXPAND CURRENT COURT OPERATIONS
June 9, 2020

The Bernalillo County Metropolitan Court, after evaluating all areas of the courthouse for potential risk of the spread of COVID-19 to judicial employees, attorneys, parties, witnesses, the public, and jurors and after successfully implementing numerous mitigation strategies, has determined in conjunction with its justice partners that through a phased plan approach, it can gradually expand its current court operations. The Court is fully prepared to begin to reduce its current restrictive operations on June 15, 2020 and will be prepared to begin holding jury trials as of July 6, 2020.

The Court's proposed Transition Plan has been amended in response to the Memorandum dated June 5, 2020 from the Emergency Response Team.

I. SAFETY

A. Screening at Entry of Courthouse:

1. **COVID-19 Questions:** Continue to utilize the two (2) screening locations where Court staff screen every person requesting access to the courthouse by taking their temperature and asking whether the person has:
    - **a.** Been asked to self-quarantine because of COVID-19 and if the person is still within the quarantine period? If NO, the next question will be asked. If YES, the person will be denied access.
    - **b.** In the past fourteen (14) days been diagnosed with COVID-19 by a doctor? If NO, the next question will be asked. If YES, then the person will be asked if the person has received a clearance letter from the Department of Health. If NO, the person will be denied access. If YES, the next question will be asked.
    - **c.** In the past fourteen (14) days had a positive test result for COVID-19 from a testing center or by the Department of Health? If NO, the next question will be asked. If YES, then the person will be asked if the person has received a clearance letter from the Department of Health. If NO, the person will be denied access. If YES, the next question will be asked.
    - **d.** In the past fourteen (14) days been in contact with anyone who the person knows has COVID-19? If NO, the next question will be asked. If YES, the person will be denied access.
    - **e.** In the past fourteen (14) days had a fever above 100.4°, chills, sore throat, body aches, or headaches? If NO, the next question will be asked. If YES, the person will be denied access.
    - **f.** In the past fourteen (14) days developed new shortness of breath, difficulty breathing or dry cough? If NO, the next question will be asked. If YES, the person will be denied access.
    - **g.** Recently developed a loss of taste or smell? If NO, the next question will be asked. If YES, the person will be denied access.

h. (*Additional Question for Court Staff*) Traveled to any high risk areas in the last fourteen (14) days? If NO, the next question will be asked. If YES, the person will be denied access.

2. **Personal Protective Gear of Screeners Asking COVID-19 Questions:** Court staff asking the screening questions wears personal protective gear to include a mask and gloves and are behind a plexiglass wall.

3. **Use of Infrared Thermometers:** The Court also plans to use infrared thermometers that require no direct contact at the screening booths and at all entrances (public and staff) to the Courthouse so that in addition to the screening questions, the Court would grant or deny access to the Courthouse based upon a person's temperature. If a person's temperature is 100.4°F/38°C or higher that person will be asked to step aside and sit for a short time before having his/her temperature retaken. Then, depending on the second thermometer reading, the person will either be granted or denied access to the Courthouse.

4. **Training in Use of Infrared Thermometers:** Court staff performing the temperature screening would also be trained in the safe use and operation of the infrared thermometers to ensure that there is no contact between the screener and the person being screened and that process for screening is consistent with COVID-19 protocols.

5. **Screening of Defendants Being Transported by MDC:** While defendants who are in custody will still generally be appearing for Court through the use of telephonic or audio-visual means, the Metropolitan Detention Center staff will screen any defendants being transported to the Court for the COVID-19 questions and for temperature before they will be allowed to depart their transportation and enter the Courthouse holding cells in the basement of the Courthouse. If a defendant will not be granted access, MDC staff will immediately notify Court staff of the defendant's and Court case number so that the proceeding can be re-scheduled.

6. **Inadvertent Contact:** If there is inadvertent contact between Court staff performing the screening and the person being screened, then whatever comes into contact will either be replaced if disposable (e.g. gloves) or sanitized (face shields and thermometers), or if a cloth mask, removed and replaced before they are used again.

7. **Access to the Courthouse:** Access to the courthouse is either denied or granted based upon the answers to the COVID-19 questions and the results of the temperature check.

    a. **If Access to the Courthouse Denied:** If a person has answered in the affirmative to any of the COVID-19 questions or if the

person's temperature is 100.4°F/38°C or higher, then the person will be denied access to the Courthouse. The individual's name, court case number, and phone number would then be obtained by Court staff:

i. **If Present for a Court Appearance:** If the person was coming to Court for a hearing, then Court staff would immediately provide the person's contact information to the Judge's TCAA that the individual will not be appearing in Court so that a bench warrant for failure to appear will not be issued;

ii. **If Present to Meet with a Probation Officer:** If the person was coming to Court to meet with a Court Probation Officer, then Court staff would immediately provide the person's contact information to the Probation Officer that the individual will not be appearing for the Probation appointment so that a bench warrant for failure to comply will not be issued;

b. **If Access if Granted:** If access is granted, the person requesting access to the Courthouse is given a slip of paper that is shown to security staff as proof that the person has been properly screened. As the person is granted access, security will direct the person entering the Courthouse to throw the paper into a wastepaper bin that is provided.

B. Screening Booth:

1. **Two (2) Screening Booths for Public:** The two (2) screening booths are staffed by Court employees who are protected by a physical barrier made from plexiglass. Employees performing the screening are six (6) feet apart and/or there is plexiglass between the employees who are working the screening booth and between the public waiting to be screened.

2. **Personal Protective Equipment for Court Screening Staff:** Court staff who are conducting the screenings are required to wear appropriate personal protective equipment. For those Court staff asking the COVID-19 questions, this would include plastic protective face shields (if they are not behind a plexiglass shield), and masks. For those Court staff performing the temperature screening, this would include gloves, and face masks.

C. Personal Protective Equipment:

1. **Face Masks:** All Court employees are required to wear face masks at all times while in the courthouse or on the courthouse property. All attorneys, law enforcement officers, parties, and other members of the

public who visit the Courthouse (collectively "Visitors") are required to wear face masks at all times. Only children under the age of two (2), anyone who has trouble breathing, or anyone who is unconscious, incapacitated, or cannot remove a face mask without help are not required to wear a face mask. Face Masks may only be removed if a person is alone in a walled off private office; otherwise, masks must be worn.

2. **Disposable Face Masks Provided for Visitors without Masks:** Disposable face masks are provided at entrance to the courthouse to anyone requesting access to the courthouse without a face mask.

3. **Gloves:** Gloves are provided by Administration to Court staff as needed. Gloves will be worn by Court staff when appropriate and are not to replace other safety protocols such as hand washing with soap and water, sanitizing with hand-sanitizer containing at least 60% alcohol, and social distancing that are in place at the Court.

4. **Personal Protective Equipment for Court Screening Staff:** Court staff who are conducting the screenings are required to wear appropriate personal protective equipment. For those Court staff asking the COVID-19 questions, this would include plastic protective face shields (if they are not behind a plexiglass shield), masks, and gloves. For those Court staff performing the temperature screening, this would include gloves, and face masks.

5. **Face Shields:** Face shields will be provided to Court staff, jurors, and others, as appropriate. But, in no event shall a face shield be a substitute for a face mask.

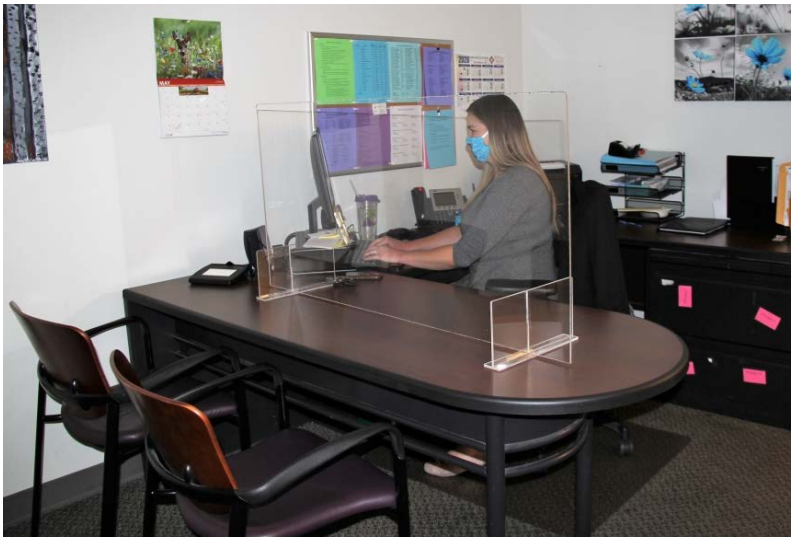
6. **Special Waste Bins for Disposable Personal Protective Gear:** Special waste bins also have been added in designated areas of the Courthouse for separate disposal of disposable personal protective gear including face masks, gloves used by Court staff screening visitors for entrance into the Courthouse and by other. Personal protective gear that is removed or disposed of improperly can spread the virus and so caution is being taken by the Court in this regard.

D. Protective Barriers:

1. **Plexiglass Barriers in Courtrooms:** Physical barriers made of plexiglass have been installed in all courtrooms to protect the Judges and courtroom staff that have contact with attorneys, parties, witnesses, and the public. These physical barriers made of plexiglass have been created for courtrooms to provide protective barriers between Judges and Court staff and between them and those who come into the Courtroom as well as to protect jurors in the event of a jury trial. But, in no event shall plexiglass be a substitute for a face mask.

2. **Mobile Plexiglass Barriers for Witness Box:** Two (2) mobile plexiglass barriers are being created for use around the witness box in a courtroom for when trials are taking place and a witness is testifying. The plexiglass barrier will be sanitized between witnesses. This will allow for necessary social distancing and protection from contact. But, in no event shall plexiglass be a substitute for a face mask.

3. **Plexiglass Barriers in Other Public Areas, Lobbies, and Waiting Areas:** Physical barriers made of plexiglass have been installed in Customer Service, Probation Offices, the Mediation/Self-Help Office, and the Judges' chambers to protect Court staff that have contact with attorneys, parties, and the public. But, in no event shall plexiglass be a substitute for a face mask.



4. **Table Barriers:** Tables are being used as physical barriers in certain areas of the Courthouse in order to ensure necessary social distancing. Tables have been placed in front of the counters in Customer Service to allow for distancing while still being able to reach across to submit and receive documents or other materials.

E. Vigilant Sanitization

1. **Frequent Sanitization of Courthouse:** Cleaning contract renegotiated to include frequent and vigilant sanitization of the entire courthouse and adjacent educational services building. High traffic and high touch areas, including, but not limited to, counters in the Customer Service and Probation Division Lobbies, counters and counsel's tables in the

Courtrooms, doorknobs, buttons, handles, trays for placing belongings when being screened by security will be sanitized once every two hours at a minimum.

2. **Frequent Sanitization of Bathrooms:** There is frequent and vigilant sanitization of the bathrooms once every two hours at a minimum and with an emphasis on high touch areas including, faucets, soap dispensers, paper towel dispensers, doorknobs and bathroom stall handles, toilet paper dispensers, and toilet flush/trip handles. Bathroom sanitization logs shall be maintained in the bathrooms as a record of the frequency (date and time) and areas of sanitization.

3. **Frequent Sanitization of Employee Work Areas:** Rigorous routine established to clean all areas/personal offices if a member of judicial staff is out sick. Daily list of employees who were on-site the previous day and are now teleworking is provided to cleaning contractor so that those employees' work areas may also be sanitized.

4. **Deep Weekend Cleaning with Focus on High Traffic Areas:** Deep cleaning of the courthouse occurs on weekends and focuses on high traffic areas and high touch areas (doorknobs, handles, etc.).

5. **Hand Sanitizer Dispensers Installed Throughout the Courthouse:** Hand sanitizer dispensers have been installed throughout the courthouse for public and employee use and in secure areas for Court staff to use. In addition to hand sanitizer stations, hand sanitizer bottles are also maintained at the counters in Customer Service, in Courtrooms, in Probation and other areas where the public may be in contact with Court staff and vice versa.

6. **Court Staff Sanitization of Own Work Areas:** Court staff are also required to frequently sanitize (not less than once every two hours) their own workstations throughout the day.

7. **Coordination of Judicial Divisions for In-Person Evidentiary Hearings and Trials and Remote Proceedings:** The Court will continue to ensure that social distancing guidelines and procedures are followed. As the Court moves to holding in-person evidentiary hearings and trials, the Judges are working together to cap the number of people in their courtrooms daily and are staggering docket times with smaller numbers in order to allow continued social distancing within floors of the courthouse. Except for those evidentiary hearings and trials that must be held in person, all hearings and trials will continue to be held through the use of remote means (phone or audio-visual, as appropriate).

F. Physical Distance Markings Throughout and Surrounding the Courthouse

1. **Posters and Six (6) Foot Sticker Placement Outside Courthouse:** Posters reminding about distancing and stickers measured six feet apart have been placed surrounding the outside of the courthouse. These stickers also provide a means of facilitating the queues of individuals waiting to be screened at one of the two (2) public screening stations. They have also been used at the side entrance to the Court where Court staff have been entering the Courthouse since the Court began screening the public for COVID-19 symptoms.

2. **Posters and Six (6) Foot Sticker Placement Inside Courthouse:** Posters reminding about distancing and stickers measured six feet apart have been placed throughout the interior of the courthouse and in particular in areas where people may try to congregate such as the customer service area, probation lobby, the jury room, elevator lobbies, and the hallways outside of courtrooms. Distanced seating will be provided in the hallways outside the courtrooms.

3. **Traffic Flow Signage and Floor Stickers:** Signage and floor stickers have been placed throughout the courthouse to denote the direction for the flow of traffic.

G. Maximum Occupancy Limits: Maximum occupancy limits have been established for all areas where individuals may congregate or work and are based

on the Federal Emergency Management Agency recommendations of six (6) foot separation criteria by calculating the area of a circle with a radius of six (6) feet (144 sq. ft per person). Capacity has been determined for all areas and signage regarding those maximum occupancy limits have been posted throughout the courthouse.

1. **All Public Areas:** All courtrooms, bathrooms, offices, conference rooms, cubicles, breakrooms, elevator and other lobby areas, the Customer Service Lobby Area, the Probation Waiting Room, and the Mediation/Self-Help Waiting area have been evaluated.

2. **Signage regarding Maximum Occupancy Limits:** Signage regarding Maximum Occupancy Limits will be posted throughout the Courthouse as notice to Court staff, attorneys, parties, witnesses, the public, and jurors of these limits.

3. **Maximum Occupancy Limit:** Maximum occupancy limits are as follows:

    a. **Courtrooms:** Each Courtroom has a maximum occupancy limit of fifteen (15) as follows:
        - **i.** Bench and clerk area has a maximum capacity of three (3) (one Judge and two clerks);
        - **ii.** Witness box has a maximum capacity of one (1) person;

iii. Signs or boxes will be placed in the gallery and on the benches to allow jurors and visitors to be spaced 6' apart.

iv. Gallery areas have a maximum capacity of eight (8) people as the middle row bench will be blocked and no seating allowed (depending on whether or not a jury trial is happening).

NOTE: Signage will be used outside each Courtroom to note when a Courtroom has reached capacity and is FULL. Google meets call-in information also will be posted outside the Courtrooms to facilitate access by the public and press when a Courtroom has reached the occupancy limits for capacity.

b. Voir Dire Panels for Jury Trials: The Court is planning to begin jury trials on July 6, 2020. We have two areas established for voir dire, our jury room and our Ceremonial Courtroom, which can hold up to twenty-five (25) people, but we need Supreme Court approval for this number of people. Each voir dire has a maximum occupancy limit of twenty-five (25) people. In order to allow at least twenty (20) jurors to brought in for voir dire, plus one (1) Judge, One (1) Court staff, two (2) attorneys, and the defendant, voir dire cannot take place within a courtroom as there is inadequate space for necessary social distancing. Therefore, voir dire will be conducted in the two (2) locations in the Courthouse – in the jury room and in the Ceremonial Courtroom.

c. **Traffic Arraignment Courtroom:** The Traffic Arraignment Courtroom has a maximum capacity of twelve (12) people.

d. **Customer Service Lobby Area:** The Customer Service Lobby Area has a maximum occupancy limit of thirty (30) people.

e. **Probation Division Lobby Area:** The Probation Division Lobby Area has a maximum occupancy limit of eight (8) people.

f. **Bathrooms:** Signage regarding maximum occupancy will be posted. Certain individual bathroom stalls also will be marked as

closed in order to ensure necessary social distancing and that occupancy guidelines are met.

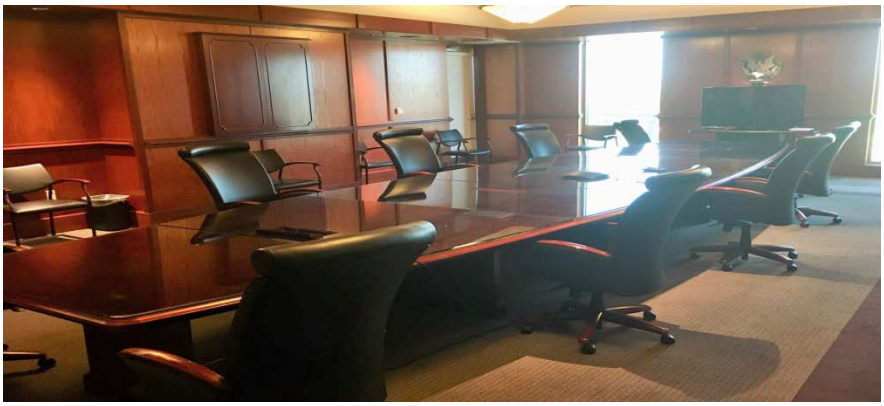
i. **Public Bathrooms on Floors 1-7 and 9:** Each public bathroom has a maximum occupancy limit of two (2) people.
ii. **Public Bathrooms on Floor 8:** Each public bathroom has a maximum occupancy limit of one (1) person.
iii. **Employee Bathrooms on Floors 1-2 and 8:** Each employee bathroom has a maximum occupancy limit of two (2) people.
iv. **Employee and Chambers Bathrooms on Floors 3-7 and 9:** Each employee and chambers bathroom has a maximum occupancy limit of one (1) person.

g. Offices and Cubicles:

i. With limited exception, each employee office has a maximum occupancy limit of two (2) people;
ii. Each Probation Officer office has a maximum occupancy limit of two (2) people;
iii. Each cubicle area has a maximum occupancy limit of one (1) person except that multiple cubicles may not be able to be occupied at the same time; so this limit is also subject to overall limits for cubicle areas;
iv. Each cubicle office (e.g. IT Division, Courtroom Support, and Background) has a maximum occupancy limit of one (1) person;

h. Conference Rooms:

i. Judicial Conference Room 849 has a maximum occupancy limit of twenty (20) people;
ii. Conference Room 836 has a maximum occupancy limit of six (6) people;
iii. Conference Room 118 has a maximum occupancy limit of four (4) people;
iv. Mediation/Self-Help Office Conference Room 211 has a maximum occupancy limit of four (4) people;
v. Mediation/Self-Help Office Conference Room 212 has a maximum occupancy limit of four (4) people; and
vi. Mediation/Self-Help Office Lobby has a maximum occupancy limit of four (4) people.



i. **Educational Training Facility:**
   - **i.** Educational Training Facility Lobby area has a maximum occupancy limit of two (2) people;
   - **ii.** Classroom 1 has a maximum occupancy limit of fifteen (15) people;
   - **iii.** Classroom 2 has a maximum occupancy limit of fifteen (15) people.
   - **iv.** Classroom 3 has a maximum occupancy limit of fifteen (15) people;
   - **v.** Classroom 4 has a maximum occupancy limit of fifteen (15) people;
   - **vi.** Classroom 5 has a maximum occupancy limit of thirteen (13) people; and
   - **vii.** Classroom 6 has a maximum occupancy limit of ten (10) people.

j. **Employee Breakrooms:**
   - **i.** Breakroom 111 has a maximum occupancy limit of six (6) people;
   - **ii.** Breakroom 208 has a maximum occupancy limit of eight (8) people;
   - **iii.** Breakroom 216 has a maximum occupancy limit of three (3) people.
   - **iv.** Breakroom 231 has a maximum occupancy limit of twelve (12) people.
   - **v.** Breakroom 851 has a maximum occupancy limit of two (2) people.

k. **Elevators and Elevator Lobby Areas:** Each elevator has a maximum occupancy limit of two (2) people except that the employee service elevator has a maximum occupancy limit of three (3) people. Each public elevator lobby area has a maximum occupancy limit of two (2) people.

l. **Court's Public Records Viewing Room:** The Court's public records viewing room has maximum occupancy limit of seven (7) people.

H. Criteria for In-Person Hearings

1. **Remote Hearings and Trials:** The use of telephone and video conferencing will continue except for those trials and evidentiary hearings where it is not possible to conduct the proceeding by remote means.

2. **Telephonic Hearings:** Parties, including self-represented litigants who are able and approved to appear telephonically will continue to do so.

3. **In-Custody via Video:** Defendants held in custody will continue to appear via video conferencing.

4. **In-person hearings:** In-person hearings will be evaluated on a case by case basis and if appearance by remote means is not a feasible option, all physical mitigating measures will be taken. Judges will instruct everyone of the requirement to wear a mask at all times and to move about the Courtroom as though they are within a six (6) foot bubble.

5. **Submission of Exhibits:** Except for physical exhibits and rebuttal exhibits or exhibits being submitted by Self-Represented Litigants, all exhibits shall be submitted electronically (by fax or email) to the Court prior to any in-person evidentiary hearing or trial. If exhibits are required to be submitted in open Court, they can be provided by counsel to the clerk or Judge through slots that are provided in the plexiglass. The Court also will use document display technology for use in displaying documents

without having to handle paper copies. For physical exhibits (non-paper exhibits), the clerk will provide counsel with an exhibit sticker upon admission of the exhibit into evidence. In the discretion of the Court, the physical exhibit may be held up by the witness for all to see from the witness box or otherwise displayed. If closer examination is required, the Judge in his/her discretion may permit such inspection subject to necessary social distancing and provided that no one may touch any such exhibits unless they are wearing gloves. For jury trials, counsel shall be directed to bring sufficient copies of each exhibit for each juror.

6. **Interpreters:** The Court is committed to providing services to persons with limited English proficiency ("LEP") in compliance with federal and state law, including Title VI of the Civil Rights Act and also to providing a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Metropolitan Court. The Court is further committed to providing language services for deaf and hard-of-hearing persons under the Americans with Disabilities Act of 1990, as amended ("ADA"). Currently, whether proceedings are being held telephonically, by video, or in-person, interpreters are providing spoken language and signed language interpretation of Court proceedings. If a deaf or hard-of-hearing party or witness were participating in a remote proceeding, the proceeding would be held via audio-visual to allow for necessary signed language interpretation. Other necessary accommodations for hard-of-hearing individuals are being made with the technology as appropriate for and consistent with the technology being used for the remote proceeding. Remote interpretation will be used where appropriate for scheduling conferences and other non-material proceedings. However, in-person interpretation is critical to trials, evidentiary hearings, and other material proceedings; therefore, space will be made for the interpreter either at the second clerk's station or elsewhere in the Courtroom. Interpreters shall use headsets, which also shall be provided to the LEP individual so the interpreter will be able to interpret while maintaining an appropriate social distance.

I. **Self-Represented Litigants/Public Access:** Self-represented litigants and the public are provided additional information and resources so that they may more easily appear remotely, hear/observe proceedings, and navigate the Court process, including:

1. **Google Meets Instructions:** Instructions for how to access Google Meets is provided on the Court's website and outside each Courtroom with that day's docket. Signage will also instruct members of the public that if they do not have access to a phone, they may use one of the conferences rooms that have been made available for their use if they want to observe the proceedings.

2. **Forms Available on Website:** Forms are available on the website and some commonly used forms have been created as fillable pdfs that can be completed and submitted using a smart phone without having to have access to a computer or printer or to come to the Court in person to file.

3. **Links and Court Contact Information on Website:** Links with court contact information are provided on website.

4. **Conference Rooms Available for Telephonic Appearances by Self Represented Litigants and for Observation of Remote Court Proceedings by Members of the Public:** Conference room space at the Courthouse is made available so that Self Represented Litigants who do not have phones may appear by the use of a Court speaker phone at telephonic hearings. These conference rooms may also be used by members of the public who do not have phones and who want to observe the proceedings.

5. **Monthly Civil Legal Clinic – Now Telephonic:** The Court's monthly civil legal clinic has continued but has been conducted through remote means with Court staff performing intakes of interested self-represented litigants. The intake sheets are then provided to the volunteer attorneys who contact the self-represented litigant by phone to provide the volunteer pro bono legal services.

6. **Self Help Office Moved to Window 12 in Customer Service:** In order to allow for necessary social distancing, the functions of the Court's Self Help Office have been moved to Window 12 in the Customer Service division in order to allow for necessary social distancing as the waiting area in the Self Help Office was in adequate to safely serve the volume of customers who regular visit that office.

J. Media Requests

1. **PIO Availability:** The Public Information Officer is available at all times.

2. **Google Meets:** Google Meets information is provided on notices of hearings and upon request for remote hearings. Dockets posted on doors of Courtrooms with Google Meets call-in information for public to attend hearings and trials. Google Meets call-in information also provided by phone by TCAAs and other Court staff upon request.

3. **Media Requests for Cameras in Courtrooms:** The Public Information Officer coordinates with the assigned judge for in-person camera requests in the event an in-person hearing is being conducted.

4. **Media In-Person Access to Courtrooms:** The Public Information Officer communicates with the Media concerning the Courthouse access requirements as follows:
    - **a.** All individuals will be screened and wear personal protective equipment while in the courtroom.
    - **b.** Six (6) foot physical distance will be maintained at all times.
    - **c.** Established physical plexiglass barriers will be used throughout the courtroom.

5. **Camera Pool:** A pool camera will be encouraged when appropriate to minimize the number of photographers/reporters in the courtroom. A camera pool may be required in order to meet maximum occupancy limits in particular in the event of a jury trial.

6. **Media Access to Court Information through SOPA:** The Public Information Officer encourages the media to review criminal complaints via SOPA in an effort to limit visits to the courthouse. Requests for copies of documents are responded to in accordance with the Inspection of Public Records Act.

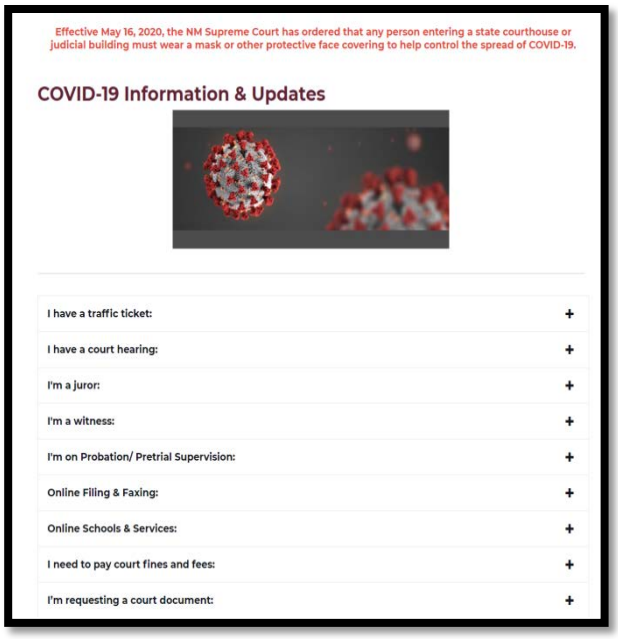
K. Public Requests for Information

1. **Public Record Requests Information on Website:** Links and information are provided on the Court's website for public records requests.

2. **Responses to Public Records Requests by Email or Mail:** Responses to public records requests are sent by email or mail unless an individual requests to view the records in-person and does not want to receive copies.

3. **In-Person Viewing of Public Records:** Then, viewing takes place in the Court's records viewing room, and the public is required to follow the screening process at the entrance to the courthouse.

4. **Disposable Personal Protective Equipment Available for Public:** Disposable face masks will be available at the entrance to the courthouse.



L. Website: The Court's website provides the media and public with the most current and accurate information on the

Court's response to the pandemic including:

1. **General Information and COVID-19 Hotline Phone Numbers:** Court staff will continue to respond to inquiries from the public made to either the Court's General Information or its COVID-19 hotline phone numbers.

2. **Instructions on How to Obtain Court Hearing Information:** Detailed instructions are available on the website on how to verify the date and time of scheduled hearing.

3. **Instructions on How to Contact the Court to Change Address or Contact Information:** Detailed instructions are available on the website on how to contact the Court to change an address or contact information.

4. **Instructions for Jurors:** Specific instructions for what steps to take for jury duty.

5. **Information on Screening Process:** Information about the screening process at the entrance of the courthouse.

6. **Contact Information for Probation/Pre-Trial and Other Court Divisions:** Contact information for probation and pretrial supervision as well as other divisions in the Court.

7. **Instructions for Filing Documents/Pleadings by Email or Fax:** Specific instructions for online filing and faxing.

8. **Forms:**
    a. **Links to Forms:** Links to forms available are provided.

    b. **Instructional Video on Use and Filing of Fillable PDF Forms:** Links to an instructional video on how to complete certain forms that have been created as fillable pdfs on an iPhone or Android phone.

    c. **Links to Download Adobe Acrobat:** Links to download Adobe Acrobat provided.

9. **School Information:** A full list of available online schools is provided.

10. **Option for Payment of Fines and Fees:** Multiple options for how to pay Court fines and fees.

M. Filing Pleadings: Pleadings may be filed by email or fax.

1. **Links to Forms:** Links to forms available are provided.

2. **Instructional Video on Use and Filing of Fillable PDF Forms:** Links to an instructional video on how to complete certain forms that have been created as fillable pdfs on an iPhone or Android phone.

3. **Links to Download Adobe Acrobat:** Links to download Adobe Acrobat provided.

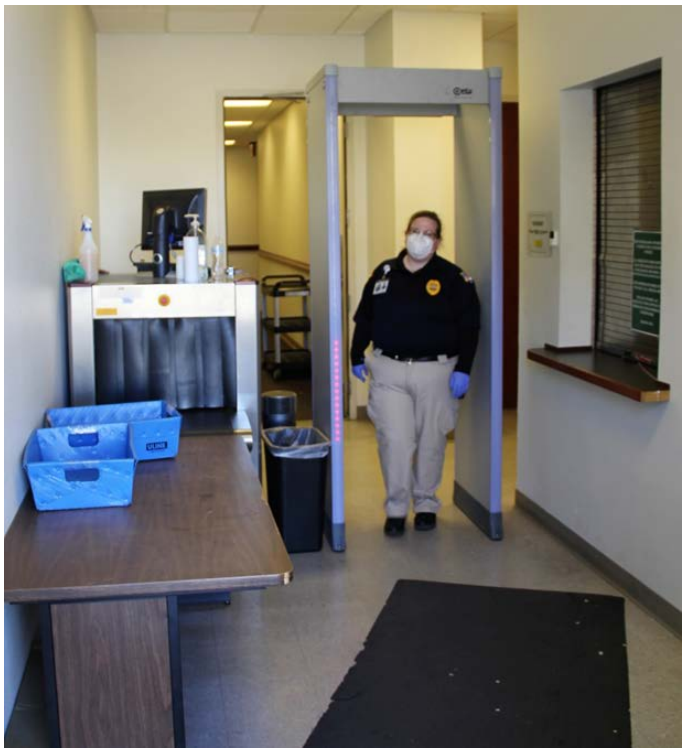
N. Scheduling – See II on Docket Management and Scheduling.

O. Court Staff: Protecting Judges and Court Staff from increased risk of exposure to COVID-19:

1. **Continued Staggered Work Schedules for Court Staff to Allow for Necessary Social Distancing:** Court staff will continue to work schedules that have been adjusted to include evenings and weekends as the needs of the Court allow.

2. **Teleworking Rotations:** Court staff will continue to work in teams split between teleworking and working at the courthouse to protect from increased risk of exposure to COVID-19. The percentage of time spent teleworking and working at the courthouse will be adjusted based upon the needs of each division and the Court. This will also help to ensure that if a staff member is exposed to COVID-19 or is otherwise required to quarantine that exposure to other staff may be limited. Staff who are denied access to the Courthouse also may be allowed to telework in the discretion of the Court and consistent with the directives of the Supreme Court and the Emergency Response Team.

3. **Separate Entrance to Courthouse for Court Staff:** Court staff will continue to enter through the employee only entrance that was established specifically so that the front entrance to the courthouse would not become overcrowded.



a. **Regular Reminders to Court Staff of COVID-19 Criteria for Access to the Courthouse:** All Court staff are regularly instructed by the managers as to the requirements that must be met before they may enter the Courthouse.

b. **Temperature Screening:** Temperature screening of Court staff with trained screeners wearing personal protective gear as described above.

c. **Temperature Screening – Executive Parking Garage:** Judges and Employees parking in the Executive Parking Garage will be screened and will have their temperature taken.

d. **Face Masks Required for All Employees:** Everyone is required to wear a face mask at all times unless alone in an office with the door closed or while taking a drink or eating.

4. **Evaluation of Common Gathering Areas:** Common gathering areas, such as breakrooms and conference rooms have been evaluated for maximum capacity limits and signs have been posted in these areas to properly give notice of these limits. (Currently, breakrooms and conference rooms have been closed, but they will be re-opened when seating has been restricted consistent with these maximum capacity limits and to allow for necessary social distancing.)

P. Vulnerable Populations

1. **Compliance with Americans with Disabilities Act:** The Court is committed to the Americans with Disabilities Act and providing reasonable accommodations to allow access to justice and courthouse resources and proceedings.

2. **Remote Participation in Hearings as Reasonable Accommodation:** The Court will continue to encourage remote participation in proceedings by phone or video conferencing whenever possible for vulnerable populations and/or as a reasonable accommodation under the Americans with Disabilities Act when appropriate.

3. **Online Resources:** The Court will continue to encourage the use of online resources for:

    a. **Filing Documents/Pleadings by Email or Fax:** Filing pleadings by email and fax.

    b. **Links to Forms:** Links to forms.

c. **Instructional Video on Use and Filing of Fillable PDF Forms:** Links to instructional videos on how to complete and file forms on an iPhone or Android phone.

d. **Links to Download Adobe Acrobat:** Links to download free Adobe Acrobat application to complete certain forms.

e. **School Information:** A full list of available online schools is provided. Attendance at these schools is online.

f. **Option for Payment of Fines and Fees:** Multiple options for how to pay court fines and fees is provided

g. **Community Service Options:** Online community service options are available as well.

Q. Social Distancing:

1. **Signage and Six (6) Foot Sticker Placement Outside Courthouse:** Stickers measured six feet apart have been placed surrounding the outside of the courthouse. These stickers also provide a means of facilitating the queues of individuals waiting to be screened at one of the two (2) public screening stations. They have also been used at the side entrance to the Court where Court staff have been entering the Courthouse since the Court began screening the public for COVID-19 symptoms. They are also utilized by attorneys, parties, the public, and jurors waiting to pass through the Court's screening process, and when filing pleadings or posting bonds at the Court's outside window.

2. **Signage and Six (6) Foot Sticker Placement Inside Courthouse:** Stickers measured six feet apart have been placed throughout the interior of the courthouse and in particular in areas where people may try to congregate such as the customer service area, probation lobby, elevator lobbies, and the hallways outside of courtrooms. They are also utilized by individuals waiting to enter a courtroom in the event the courtroom is at maximum capacity. Distanced seating will be provided in the hallways outside the courtrooms.

3. **Drug Testing of Defendants/Probationers – Modification of Rotunda Public Restroom:** The public restroom on the first floor has been modified to be used for drug testing for defendants on pre-trial supervision or on probation in an effort to maintain proper physical distance.

4. **Ingress and Egress to the Courthouse:**

    a. **Two (2) Screening Booths for Public:** Attorneys, parties, witnesses, and the public will continue to enter through the screening process at the two screening booths where they will be screened and asked the COVID-19 questions and have their temperature taken as described above.

    b. **Jurors:** When jurors contact the Court to find out whether or not they will have to report that day, they will speak with a Court staff person who will pre-screen the juror and ask the COVID-19 questions. Jurors who will be reporting for jury duty will be instructed to enter the courthouse at a specific screening entrance where they will again be asked the COVID-19 questions and have their temperature taken. After a juror has passed the screening process, the juror will be directed to a designated juror only security entrance.

    c. **Employee Entrance:** Court staff will continue to utilize the designated "employee only" entrance on the North side of the

Courthouse where they will be screened and asked the COVID-19 questions and have their temperature taken.

d. **Executive Entrance:** Judges and Employees parking in the Executive Parking Garage will be screened and will have their temperature taken.

e. **Reminders regarding Distancing:** Attorneys, parties, witnesses, the public, and jurors will be reminded to keep physical distance when entering and exiting the building.

R. Face Coverings:

1. **Notice to Court Staff of Required Face Masks:** Court staff have been made aware of the NMJBPR Protective Face Mask Requirement and have signed acknowledgment forms.

2. **Supervisors to Monitor that Staff Uses Face Masks:** Court supervisory staff will monitor the proper use of face masks.

3. **Disposable Face Masks for Visitors:** Disposable face masks are provided at the entrance to the courthouse to anyone requesting access to the courthouse without a face mask.

S. Hygiene:

1. **Hand Sanitizer Dispensers Installed Throughout the Courthouse:** Hand sanitizer dispensers have been installed throughout the courthouse for public use and in secure areas for Court staff to use.

2. **Court Staff Sanitization of Own Work Areas:** Court staff are also required to frequently sanitize (not less than once every two hours) their own workstations throughout the day and to develop a frequent sanitization schedule of their workstations throughout the day.

3. **Signage on Proper Hygiene:** Signage regarding proper hygiene has been prominently posted throughout the courthouse.

4. **Additional Waste Bins:** Additional waste bins have been distributed throughout the courthouse to ensure the proper disposal of waste products. Special waste bins also have been added to the rotunda area for separate disposal of gloves worn by Court staff screening visitors for entrance into the Courthouse.

5. **Paper Towels and Tissue:** Paper towels and tissue have been distributed throughout the courthouse to ensure they are available when needed.

6. **Doors Propped Open:** Doors are being propped open whenever possible so that people will not be required to touch door handles.

T. Contact Tracing:

1. **Court Staff:**

   a. **Limit Exposure:** Court staff will limit movement throughout the courthouse as much as possible.

   b. **Training of Court Staff:** Court staff will watch a three (3) minute video from National Public Radio about contact tracing and why it is important.
   https://www.npr.org/sections/goatsandsoda/2020/05/10/852928949/video-what-is-contact-tracing-and-how-does-it-stop-the-pandemic

   c. **Log of Contacts:** Court staff will each maintain a log of internal contacts throughout the day, which will include the date, name, and phone number (to the extent possible) of individuals with whom they have spent longer than fifteen (15) minutes with and been within six (6) feet of. These logs will be maintained for four (4) weeks in accordance with Center for Disease Control and Prevention guidelines. The logs will be provided daily by Court staff to their respective division managers or Judges, as appropriate.

   d. **Use of Technology:** The Court's security badge scanners will be used to determine areas of the Courthouse that could be potentially contaminated based upon the individual's badge scans in a given date range. Affected areas will be immediately closed and sanitized.

   e. **Use of Text Message Alert System:** The Court's established text message alert system will be used to communicate relevant information about a closure and possible exposure to COVID-19.

   f. **Isolation of Affected Court Staff:** Once it is determined that there has been contact with an individual who has been confirmed positive for COVID-19, notice will be given to individuals who came into contact with that person that they will need to self-quarantine in accordance with the directives of the Supreme Court and the New Mexico Judicial Branch Emergency Response Team.

2. **Public:**

a. **Use of Media:** Immediately upon confirmation of a positive COVID-19 test, the Public Information Officer will issue a press release that will give dates and what is being done to sanitize the Courthouse.

b. **Website:** The Court's website will be updated to alert the public to the possible exposure, affected dates, and what is being done to sanitize the courthouse. Instruction will also be given about rescheduling of court dates affected by the closure.

c. **Use of Case Management System:** Court staff will continue to maintain the contact information for all parties entered in the case management system to ensure proper notice is given of rescheduled court dates.

d. **Use of Text Message Alert System:** The established text message alert system will be used to communicate relevant information about a closure and possible exposure to COVID-19.

e. **Log of Contacts:** Court staff will be maintaining a log of contacts throughout the day, which will include the date, name, and phone number (to the extent possible) of individuals they have spent longer than fifteen (15) minutes with and been within six (6) feet of. To the extent possible, the members of the public with whom Court staff has been in contact will be contacted.

II. DOCKET MANAGEMENT AND SCHEDULING:

A. Remote Hearings is the Default: Except for those evidentiary hearings and trials that must be held in person, all hearings and trials will continue to be held through the use of remote means (phone or audio-visual, as appropriate).

B. Traffic Arraignment Docket:

1. **Traffic Arraignment Courtroom:** The Traffic Arraignment Courtroom has a maximum capacity of twelve (12) people.

2. **City Attorney Operations Moved to Customer Service:** As the City Attorney's office within the Traffic Arraignment Courtroom has limited space, the City Attorney's staff will meet with defendants at designated windows in the Customer Service area on the first floor of the courthouse prior to their scheduled hearing to determine if the case can be dismissed or otherwise resolved prior to the traffic arraignment.

3. **Unresolved or Pled Cases Referred to the Traffic Arraignment Courtroom:** Only pleas and defendants who cannot resolve their case

prior to their scheduled traffic arraignment will be referred to the Traffic Arraignment Courtroom.

C. Continued Coordination Between Staff who are Teleworking and Staff who are Working On-Site

1. **Teleworking Teams:** Judicial Divisions have divided their staff into two teams and rotated schedules of teleworking and working at the courthouse in an effort to protect them from increased risk of exposure to COVID-19.

2. **Rotation between Judicial Divisions with Increased On-Site Work:** Judicial staff will continue to work in teams split between teleworking and working at the courthouse to protect them from increased risk of exposure to COVID-19. The percentage of time spent teleworking and working at the courthouse will be adjusted based upon the needs of each judicial division and Court.

D. Staggered Dockets:

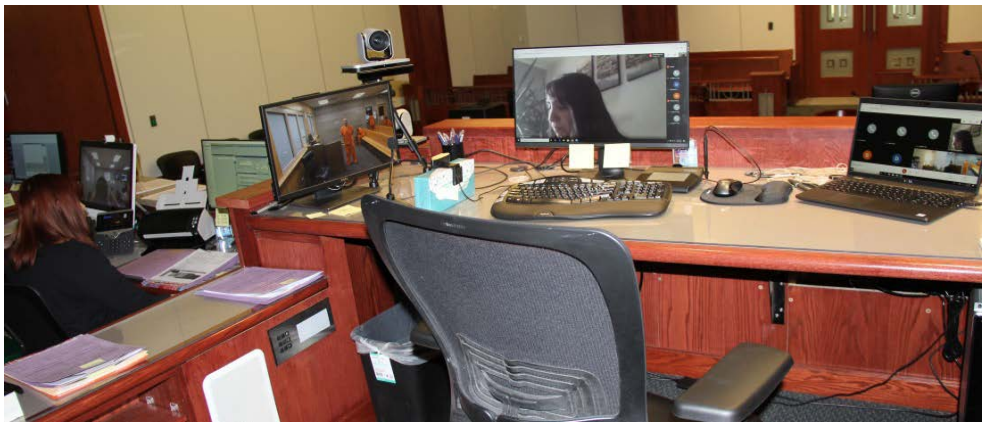
1. **Coordination of Judicial Divisions for In-Person Evidentiary Hearings and Trials and Remote Proceedings:** The Court will continue to ensure that social distancing guidelines and procedures are followed. As the Court moves to holding in-person evidentiary hearings and trials, the Judges are working together to cap the number of people in their courtrooms daily and are staggering docket times with smaller numbers in order to allow continued social distancing within floors of the courthouse. Except for those evidentiary hearings and trials that must be held in person, all hearings and trials will continue to be held through the use of remote means (phone or audio-visual, as appropriate). The Court is also coordinating jury trials by limiting the number of jury panels to four (4) daily. See III below on Jury Trials.

2. **Staggered Dockets:** The Judges have strategically staggered their dockets to prevent over-crowding of any one area of the courthouse at any given time.

3. **Caps on Docket Sessions:** The Judges have established caps on their docket sessions to prevent an overloaded session.

E. Backlog:

1. **Continued Use of Remote Appearances:** The Court will continue to utilize remote appearances by phone or video whenever possible.



2. **Mediation of Civil Cases:** In civil cases, when appropriate, cases will be referred to mediation while those cases are pending trial or evidentiary hearing in an effort to encourage alternative dispute resolutions. The Court working with the Access to Justice Commission and the City of Albuquerque has pioneered a Mediation Pilot Project for landlord/tenant cases where through the use of volunteer mediators, telephonic mediations have been occurring between parties that have allowed a safe, distanced, but effective means of their facilitating the settlement of their cases. The Court plans to expand this Mediation Pilot in order to address the anticipated influx of new cases and in particular petitions for writs of restitution and debt collection proceedings. The Court will continue to hold mediations through the use of remote means by the use of both phone and audio-visual.

F. Delayed Cases:

1. **Priority of Scheduling In-Person Evidentiary Hearings and Trials in Criminal Cases:** In criminal cases, cases will be set for trial or evidentiary hearing while giving the highest priority to those cases where defendants are in custody. Secondarily, consideration will be given to the age of the case and the degree of seriousness of the charge.

2. **Priority of Scheduling In-Person Evidentiary Hearings and Trials in Civil Cases:** In civil cases, cases will be set for trial or evidentiary hearing while giving the highest priority to those cases where a statute mandates deadlines for adjudication such as cases under the Uniform Owner Resident Relations Act. Secondarily, consideration will be given as to the age of the case.

G. Influx of New Cases:

1. **Weekend Work:** With Court staff rotating and working weekends to allow for social distancing, teams can be used to receive and process new cases.

2. **Continued 24/7 Operation of Background Investigations Division and Processing of Paperwork for Defendants Booked into Custody at MDC:** The Court's Background Investigations Division receive and process paperwork initiating cases 24/7 for defendants who are booked into custody at MDC.

H. Case Types Expected to Increase: See above re Influx of New Cases. See also information regarding use of Mediation in Civil Cases above. The Court anticipates increases in civil cases (landlord-tenant and debt collection), traffic cases as more people are driving, domestic violence, felonies, and CR cases (with increased shoplifting and other property crimes).

1. **Mediation of Civil Cases:** The Court hopes to expand its Mediation Pilot Project of landlord tenant cases discussed above in order to address the anticipated influx of new cases and in particular petitions for writs of restitution and debt collection proceedings.

2. **Increased Security Officers:** As the Metropolitan Court does not have bailiffs, in order to ensure necessary

social distancing, additional security officers will be deployed on each of the floors outside the courtrooms and in other high-traffic areas.

3. Continued Use of Remote Appearances: To allow for the most efficient processing of cases and to facilitate necessary social distancing, the Court plans to continue to require appearance by telephone and video conferencing except for those trials and evidentiary hearings where it is not possible to conduct the proceeding by remote means.

a. Google Meets Instructions: Instructions for how to access Google Meets is provided on the Court's website.

b. Google Meets: Google Meets information is provided on notices of hearings and upon request by the media or public for remote hearings. Dockets posted on doors of Courtrooms with Google Meets call-in information for public to attend hearings and trials. Google Meets call-in information also provided by phone by TCAAs and other Court staff upon request.

I. Resources Needed for Influx:

1. Protective Personal Gear:

a. Masks for the Public: Disposable masks for visitors to the Court who do not have masks.

b. Personal Protective Gear and Pens for Jurors: Zip lock bag for petit jurors containing one (1) cloth mask, one (1) pair of disposable gloves, one (1) bottle of hand sanitizer, and one (1) pen for taking notes during the trial.

c. Face Shields: Face shields for jurors for additional protection.

d. Personal Protective Gear for Temperature Screeners: Disposable gloves and face shields for temperature screeners.

e. Disposable Gloves: Disposable gloves for use by Court staff.

f. Disposable Pens for the Public: Disposable pens for use by the public in particular in the Courtrooms, Customer Service, Probation, and Self-Help.

2. Sanitization Supplies:

a. Hand-Sanitizer: Hand Sanitizer for dispensers throughout the courthouse.

b. **Hand Soap:** Hand soap for bathrooms and breakrooms.

c. **Clorox Wipes**: Disinfecting wipes so staff may continue to sanitize work spaces and high touch and high traffic areas accessed or used by the public.

III. JURY TRIALS

A. **Informational Video on Website for Jurors:** The Court is planning to begin jury trials on July 6, 2020. The Court will be producing a video explaining how things will work when the jurors come to Court. The video will show the jurors how they will enter the courthouse and where they will be going within the Courthouse. The video will demonstrate to the jurors the many efforts that the Court has undertaken to minimize the risk of COVID-19 contact or infection through the Court's distancing requirements and capacity limits on courtrooms and all other areas within the Courthouse as well as through the mandated use of face masks for all who enter the Courthouse. The video will inform jurors about the personal protective gear that will be provided to them to include a cloth mask, disposable gloves, personal hand-sanitizer bottle, and a pen. The video will include a mock-up of a courtroom so the jurors can see the 8 jurors in the courtroom wearing masks.

B. **Telephonic Pre-Screening of Jurors for COVID-19 Questions:** All Jurors will be required to call the Court at 505-938-4295 on the first day of their term, no later than 8:30 a.m. They will be pre-screened by Court staff. Their responses to the screening questions will determine if they will remain as "qualified" to serve. If a juror answers in the affirmative to any of the COVID-19 questions, they will be postponed to a later term. Once a juror has been pre-screened and cleared, he or she will then be instructed to call the Code-a-Phone line at 505-841-8158 between the hours of 10:30 a.m. to 11:30 a.m. to receive specific reporting information for the day. This recorded message will inform the Juror whether or not any jurors will be required to report for the day or if a panel(s) is being called in, and a list of group numbers will be recited instructing the juror with the corresponding group number to report to the court at a specified time.

C. **Postponement of Jury Duty for Vulnerable Populations:** The Court will postpone upon request, any juror who falls into a vulnerable population as defined by the CDC.

D. **Necessary Distancing for Voir Dire:** We have two areas established for voir dire, our jury room and our Ceremonial Courtroom, which can hold up to twenty-five (25) people, but we need Supreme Court approval for this number of people. In order to allow at least twenty (20) jurors to brought in for voir dire, plus one (1) Judge, One (1) Court staff, two (2) attorneys, and the defendant, voir dire cannot take place within a courtroom as there is inadequate space for necessary social

distancing. Therefore, voir dire will be conducted in the two (2) locations in the Courthouse – in the jury room and in the Ceremonial Courtroom. The jury room will be set up to look like a courtroom with bench and counsel tables, etc.

E. Jurors to Arrive in Shifts: Jurors will call in each day by 10:30 to see if they will be needed for a voir dire panel that afternoon. If a juror will be on a panel, then the juror will be directed to arrive at one of the two panel locations (the Jury Room or the Ceremonial Courtroom) at either 1:30 PM or 3:30 PM.

F. Sanitization of the Voir Dire Locations Between Panels: The two locations (the Jury Room or the Ceremonial Courtroom) for jury panels for voir dire will be cleaned between shifts in order to allow for four panels to be brought in daily.

G. <u>Removal of Communal Juror Coffee Pot and Hot Water Pot</u>: The Court has removed the communal coffee pot, hot water pot, and other such related high touch items from the jury room. Alternatively, the Court will only be providing bottled water for jurors.

H. Limit of Four (4) Jury Panels Each Day: In order to allow for necessary social distancing, only four (4) jury panels of twenty (20) jurors each will be brought in each day for voir dire. Judges will notify Jury Division staff if they will have a jury trial that is confirmed to go that day. Jury panels will be assigned to Judges on a first come first served basis. If five (5) or more Judges have a case ready to go for a jury trial then only the first four (4) cases will be assigned panels for voir dire and the remaining cases will be assigned panels the next day, or until a panel is available subject to the daily limitations on panels.

I. Protective Personal Gear for Jurors: Each juror who is selected to participate on a petit jury will be provided with a zip lock bag containing one (1) cloth mask,

one (1) pair of disposable gloves, one (1) bottle of hand sanitizer, and one (1) pen for taking notes during the trial. The Court will also provide the juror paper or legal pads on which to write during the trial. If a jury trial is longer than one (1) day, jurors will be instructed to bring their protective personal gear with them to Court except that the note pad will remain at Court. Each day at the conclusion of the jury proceedings for that day, staff will provide jurors with an individual plastic bag for their note pad, which bag will be collected by Court staff wearing gloves and will be secured by staff at the courthouse and provided to jurors for the next day's proceedings.

J. Efforts to Ensure Firm Jury Trial Settings: Judges will work with parties to ensure a jury panel is only called if there is a definite jury setting. Jury trials will commence upon completion of voir dire. The Court will take any and all other steps as are necessary to ensure that all jurors who are required to come to the Court for jury duty will be on a panel and participating in voir dire. Otherwise, jurors will not be called to the Court.

K. Bench Conferences During Voir Dire, Jury Trials, and other In-Person Proceedings: Bench conferences will be held in the jury quiet room when voir dire is being held in the Jury Room. It will be held in the Ceremonial Courtroom's chambers when voir dire in the Ceremonial Courtroom. Bench Conferences in a jury trial or other in-person proceedings will be held in the hallway with proper social distancing and a hand-held recorder to continue the record for record cases or in such other area that is appropriate in the discretion of the Judge.

L. Jury Trial and Deliberation: Jury trials will be held in the assigned Judge's courtroom. Jury deliberation also will take place in Courtroom where the trial was held. If jury deliberation should continue through a mealtime such that the Court would be ordering food, communal pizza shall no longer be ordered and only individually packaged servings would be provided to jurors.

M. Jury Instructions: Counsel will be required to provide sufficient copies of all jury instructions so that each juror will receive his/her own set.

N. Mock Jury Trial and Mock Voir Dire: The Court will hold a mock jury trial in order to determine how the logistics of a jury trial will work and for finding and resolving issues. Representatives from the District Attorney's Office and the Law Office of the Public Defender will be participating in the Mock Jury Trial in order to obtain their input including seating arrangements so that they can communicate as between co-counsel and their clients while still allowing for necessary social distancing. The Court will also be collaborating with these justice partners on ideas for best practices on submitting exhibits. The Court also will hold a mock voir dire.

IV. RESOURCES

New Mexico Department of Health Website: https://cv.nmhealth.org/

Center for Disease Control and Prevention:
https://www.cdc.gov/coronavirus/2019-ncov/index.html
World Health Organization: https://www.who.int/emergencies/diseases/novel-coronavirus-2019
National Center for State Courts: https://www.ncsc.org/newsroom/public-health-emergency
New Mexico Emergency Response Team Directives
Federal Emergency Management Agency https://www.usfa.fema.gov/coronavirus/planning_response/occupancy_social_distancing.html

V. OTHER

None.