

SEVENTH JUDICIAL DISTRICT COVID-19 PROTOCOLS FOR IN-PERSON HEARINGS & JURY TRIALS

The Court's COVID-19 Resume and Adapt Plan has been developed in coordination with the District and Magistrate Court Judges, the District and Magistrate Court Managers, the District Attorney, Public Defenders, attorneys, jail officials, and other stakeholders of the Seventh Judicial District's CJCC members. This Plan is evolving and may be amended or modified as the Court continues to identify issues.

We have physically inspected, measured and marked the courtrooms to determine what types (6 or 12 persons plus alternates) of jury trials can be held within the spacing capabilities of each courtroom and jury room. We are coordinating with one another regarding jury-related hearings for courtroom reservations, holding jury voir dire, etc. This will include all jury-related staff (interpreters, court monitors, security bailiffs, attorneys, etc.) to come up with a plan on how they will conduct jury voir dire, the jury trial, and deliberations, at least one week before trial and advise their respective attorneys of how the trial will be conducted.

Facilities

The Seventh Judicial District has a courtroom in each of our four counties with the space available to safely conduct a 12-14 person jury trial. We have accounted for spacing of ancillary staff such as two possible interpreters, a bailiff, the monitor, the Judge, and the attorneys and their staff.

The Seventh Judicial District has three courtrooms that have the available capacity to safely conduct a 6-person jury trial.

Floor Markings and Signage

The Seventh Judicial District has floor markings and signage outside of Court buildings, interior hallways and common areas to ensure proper six-foot distancing.

Judges and Court personnel

The Seventh Judicial District will continue to allow all employees, including judicial staff, to work in a manner that best promotes social distancing. This includes shift work, telework and remote training as approved by the Judge, Hearing Officer, Court Executive Officer or Court Manager. Court personnel will wear a mask while at work unless they are alone in their separated/individual office. Court personnel are required to clean their individual work areas every day they are physically at work. Shared offices have employees on a rotating work schedule where staffing allows. Those offices shared that do not allow for a six-foot social distance are fitted with plexi-glass between work stations and employees are required to wear a mask while at work until further notice per Supreme Court Order.

Courthouse Protocols

Screening

All Judges and Court personnel will be required to pass daily screening to include “screening questions” and temperature of less than 100.4 degrees Fahrenheit taken with an infrared thermometer by self and/or trained Court staff in provided personal protective equipment. All equipment will be sanitized between uses at each temperature check station.

Court visitors will be required to pass the same “screening questions” and temperature of less than 100.4 degrees Fahrenheit. Any individual; Judge, court personnel or visitor; who answers “yes” to any of

the screening questions or has a temperature equal to or above of 100.4 degrees Fahrenheit will not be permitted into the Court.

Inmates being transported from jail will be screened prior to transport by corrections personnel.

Inmates answering “yes” to the screening questions and/or with a temperature at or above 100.4 degrees Fahrenheit will not be transported to the Court.

Sanitizing/cleaning

Courthouses will be cleaned and sanitized by contracted janitorial companies or county maintenance staff. High touch areas will be wiped down every two hours minimum. Ceiling fans will not be used in any Courtroom. Public restrooms will be cleaned once per day. Signs and logs have been posted in restrooms to track cleaning and sanitizing. Six-foot distancing signs and hand washing signs are posted for the public’s safety. Courtrooms will be sanitized between hearings. The Court has single use hand sanitizing packets for public use. Once the “no touch” dispensers are delivered they will be mounted outside of each courtroom.

Contact Tracing

Each Court will maintain a daily log of all persons entering courtrooms, including name and number for each individual. All logs will be maintained for four weeks.

Court Dockets

Court hearings will proceed by remote participation unless an in-person hearing is requested and approved. Juvenile and Criminal jury trial backlog will have priority. Civil jury trials will be set at the discretion of each Judge.

Public and Press Access

The Seventh Judicial District will provide the public and press access by phone which will be a live stream controlled by the bench. The public and press may contact the Judge's Trial Court Administrative Assistant or Court Manager to request the telephone number or Google meets audio access number/link for the hearing/jury trial. Should space permit the public/media will be allowed to appear in-person for public hearings/jury trials. The victims' rights to attend proceedings will be ensured in coordination with the District Attorney's Office.

In-person Hearing Protocols

Courtroom doors will be propped open to remove multiple touches of door knobs/handles. Ceiling fans will not be used in any Courtroom. Sequestered hearings will have doorways closed during the hearing and propped open by Court personnel prior to commencement and upon conclusion of said hearing. Podiums will not be in use to decrease cross contamination of a shared microphone. Attorneys and clients will remain at counsel tables and address the Court from their respective tables. Tables will have individual use hand sanitizer, tissue and trash receptacle. All parties will be required to wear a mask/face covering while in the Courthouse. Should any person arrive without a mask/face covering a disposable mask will be provided by the Court. Anyone who refuses to wear a mask/face covering will be denied entry and unable to conduct business with the Court with the exceptions as provided by Supreme Court Order No. 20-8500-17, Requiring Use of Face Masks in New Mexico Courts during COVID-19 Public Health Emergency. The Court has installed plexi-glass around the witness stand in all courtrooms. Sierra Magistrate and Socorro Magistrate Courtrooms have plexi-glass around the judge's bench and clerk station.

Jury Trial Protocols

District-wide jury docket calendar will remain in use to coordinate courtrooms. There will be no in-person hearings scheduled at the same court location as a jury trial to limit exposure with the exception of Socorro District Courtroom 3 as it has a separate exterior entrance/exit for the public. Scheduled jury trials will require a two week prior to trial deadline for plea and disposition; reference Supreme Court Order No. 20-8500-022. Five days prior to trial counsel will submit stipulated excusals for cause based on jury questionnaire and facts known at that time and any agreed upon court exhibits. Unexcused jurors will be called in the day of trial in pools that meet the capacity limitations of each individual courtroom. Jurors will be screened prior to entering the Court by answering the “screening questions” and infrared thermometer. Those who meet screening process will be seated to follow ingress protocols to maintain six-foot distancing at all times. Seating will determine juror number on a first come first seated basis. Courtroom seating has been clearly marked with tape to assist jurors in locating the assigned seat upon entrance to the courtroom. The Seventh will have a strict choreography of flow for ingress and egress of jurors, attorneys, parties and courtroom staff to maintain six-foot distancing guidelines. Court Security Bailiff or staff member will ensure six-foot distancing choreography will be followed for ingress and egress.

First group of jurors will be pooled via voir dire. Should the Court not complete the six or twelve person jury with the first group, a second group of jurors will be called in within the time limits set prior to trial. Some trials will need a longer time frame for voir dire than others. Therefore, some jury groups will come in two hour increments to allow time for voir dire and exit of courthouse prior to group two arriving for screening process. A high profile case or well known defendant in the community may need four hours between start and finish of jury groups. Once the jury is established, selected jurors will be asked to return the following morning to begin the jury trial at which time they will go through the

screening process prior to trial commencement. Jurors will receive individual pre-packed bags with a disposable mask, notepad, pen, single use hand sanitizer and juror pin.

Each Court will have a method for confidential communications; ie allowing the use of notepads, headsets, texts, or e-mails. Jurors will be advised these types of communications between attorneys and clients are permissible.

Any exhibits presented during trial will be displayed electronically (video screen, projector, etc). Any exhibits in the form of documents will be copied and provided to each juror and disposed upon conclusion of trial.

Each juror will receive their own set of jury instructions for deliberation.

Sierra, Socorro and Torrance District Court and Sierra Magistrate Court bench conferences and any matters to be discussed outside of the presence of the jury will be handled in the usual manner and have the jurors move to the second courtroom setup as the "jury room" to maintain the Court record and limit cross contamination of the "jury room" by non-jurors. Catron District and Magistrate Court jury trial bench conferences will be held at the Catron County Magistrate Courtroom and the jury will remain in the Catron County District Courtroom. Socorro Magistrate Court jury trial bench conferences will be held in the jury room and the jury will remain in the courtroom. Torrance County Magistrate Court jury trial bench conferences will be held in the jury room and the jury will remain in the courtroom.

Counsel tables will have individual use hand sanitizer, tissue and trash receptacles.

COURTROOM CAPACITY

Courtroom capacities are clearly marked at courtroom entrance.

Catron District Courtroom can accommodate 21 individuals for a 12-14 person jury trial and any in-person hearings. In order to accommodate the 12-14 person jury in Catron District the Courtroom would also be utilized as the jury room. Bench conferences or items that need to be discussed outside of the jury's presence will be held across the street at Reserve Magistrate Courtroom.

Reserve Magistrate Courtroom can accommodate 9 individuals for only in-person hearings. Any 6-person jury trials will be held in the Catron County District Courtroom to safely maintain all COVID-19 distancing requirements. However, should a jury trial be scheduled no in-person hearings will be held during this time as the Courtroom will be utilized for bench conferences and other discussions outside of the jury's presence.

Sierra District Courtroom 1 can accommodate 30 individuals for a 12-14 person jury trial and any in-person hearings.

Sierra District Courtroom 2 can accommodate 15 individuals for only in-person hearings. However, should a jury trial be scheduled no in-person hearings will be held during this time as the Courtroom will be utilized as a makeshift jury room.

Truth or Consequences Magistrate Courtroom 1 can accommodate 15 individuals for a 6-person jury trial and any in-person hearings.

Truth or Consequences Magistrate Courtroom 2 can accommodate 14 individuals for any in-person hearings. However, should a jury trial be scheduled no in-person hearings will be held during this time as the Courtroom will be utilized as a makeshift jury room.

Socorro District Courtroom 1 can accommodate 31 individuals for a 12-14 person jury trial and any in-person hearings.

Socorro District Courtroom 2 can accommodate 18 individuals for only in-person hearings. However, should a jury trial be scheduled no in-person hearings will be held during this time as the Courtroom will be utilized as a makeshift jury room.

Socorro District Courtroom 3 can accommodate 10 individuals for only in-person hearings. Since Courtroom 3 has an exterior entrance, jury trials will have no impact on scheduling.

Socorro Magistrate Courtroom can accommodate 18 individuals for a 6-person jury trial and in-person hearings. In order to accommodate the 6-person jury in Socorro Magistrate the Courtroom would also be utilized as the jury room. Bench conferences or items that need to be discussed outside of the jury's presence will be held in the jury room.

Torrance District Courtroom 1 can accommodate 23 individuals for a 12-14 person jury trial and any in-person hearings.

Torrance District Courtroom 2 can accommodate 16 individuals for only in-person hearings. However, should a jury trial be scheduled NO in-person hearing can be held during this time as the Courtroom will be utilized as a makeshift jury room.

Moriarty Magistrate Courtroom can accommodate 23 individuals for a 6-person jury trial and any in-person hearings. In order to accommodate the 6-person jury in Moriarty the Courtroom would have to also be utilized as the jury room. Bench conferences or items that need to be discussed outside of the jury's presence will be held in the jury room.

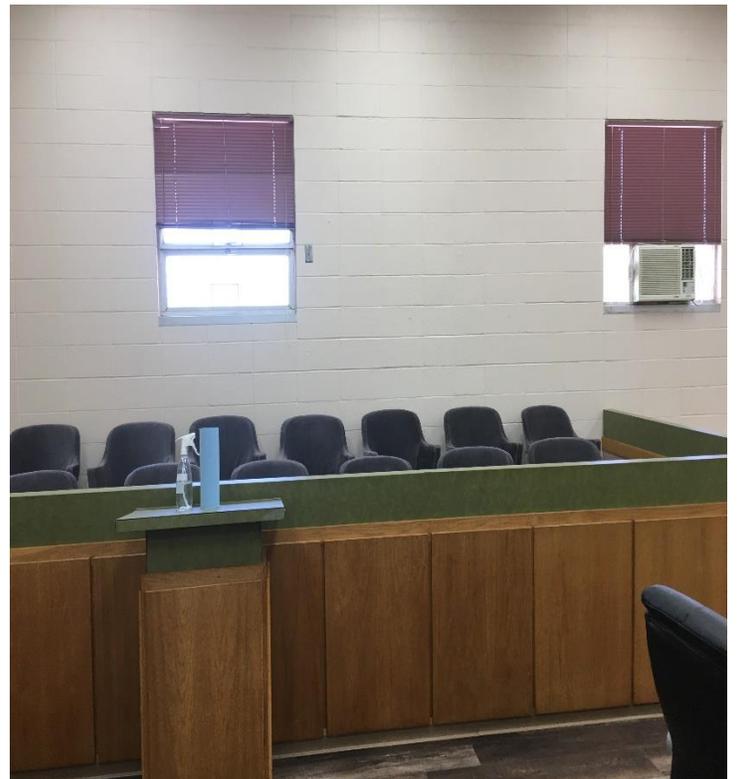
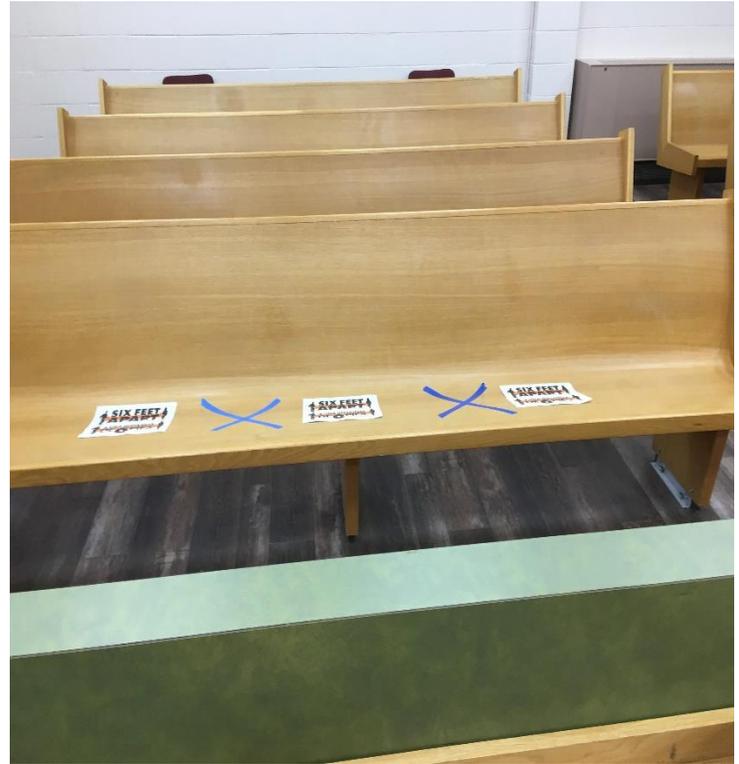
Attachments

Courthouse photos

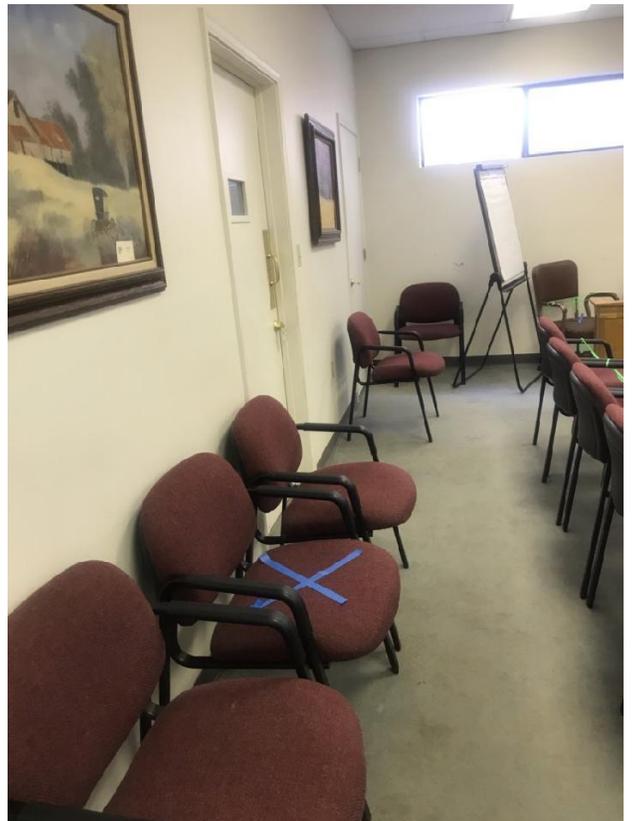
Screening questions

Juror supplemental questionnaire

Catron District Courtroom
Capacity: 21



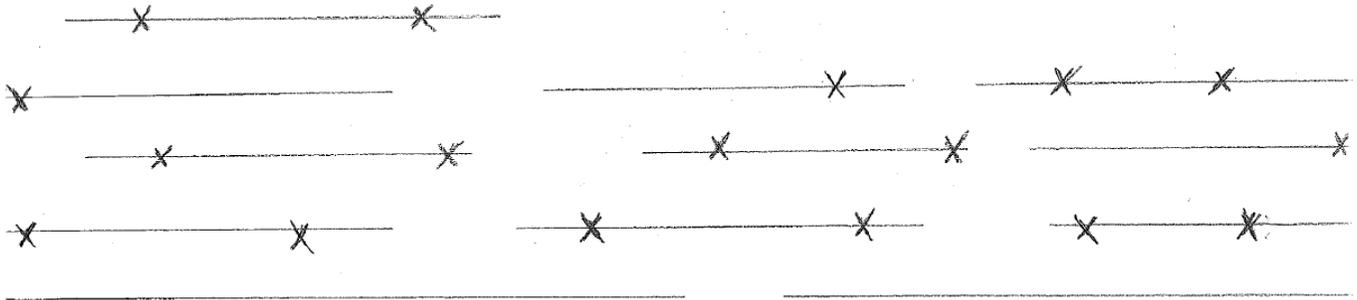
Reserve Magistrate Courtroom
Capacity: 9



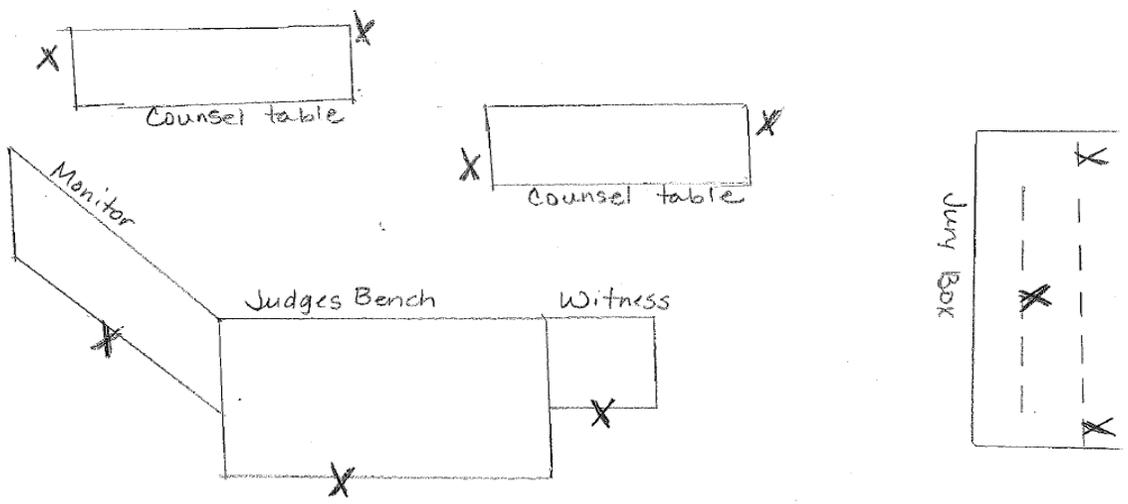
Sierra District Courtroom 1
Capacity: 30



ALL MEASURED 6 FEET APART



Gallery



SIERRA COUNTY COURTHOUSE

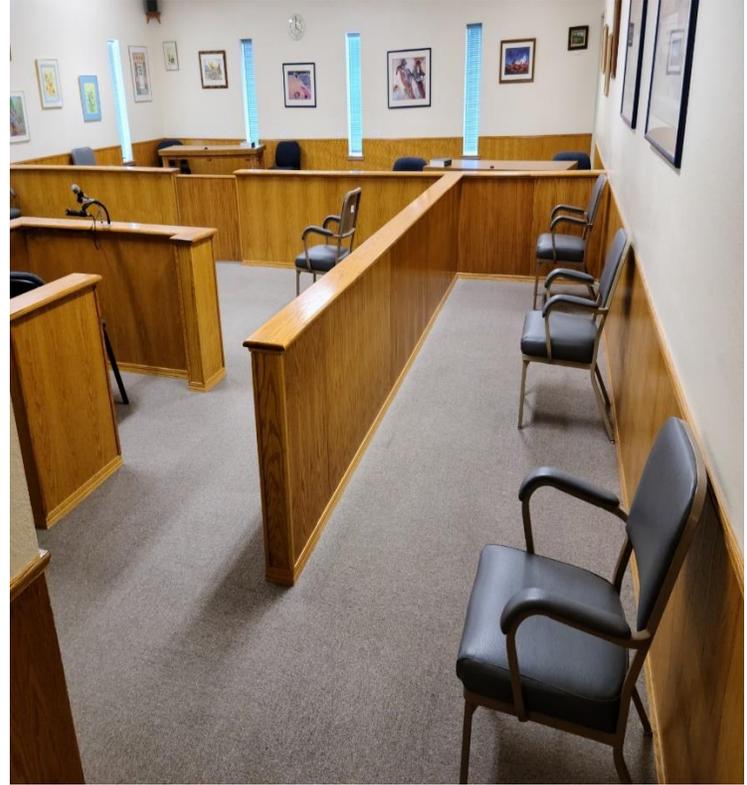
Sierra District Courtroom 2 – “Jury Room”
Capacity: 15



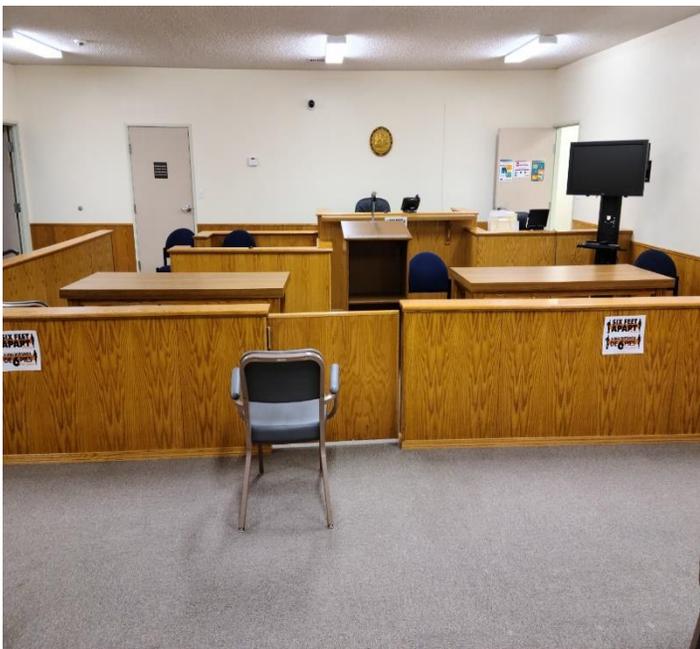
Sierra District Hallway



Sierra Magistrate Courtroom 1
Capacity: 15



Sierra Magistrate Courtroom 2 – “Jury Room”
Capacity: 14



Socorro District Courtroom 1
Capacity: 31



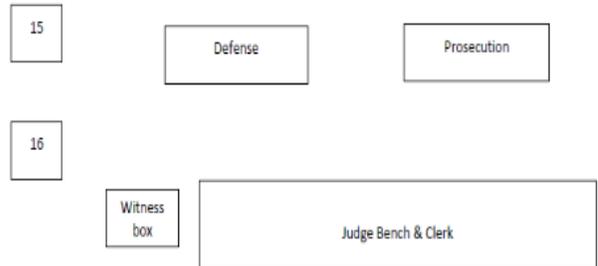
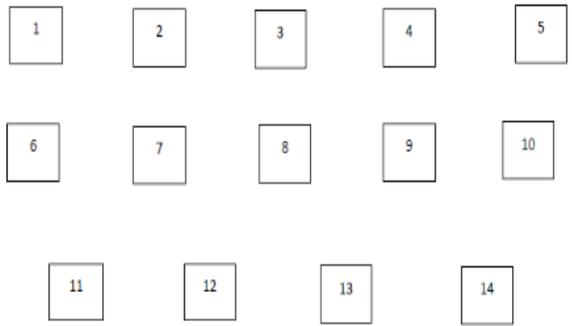
Socorro District Courtroom 2 - "Jury Room"
Capacity: 18



Socorro Magistrate Courtroom Capacity: 18



Socorro County Magistrate Court (Individual Chairs)



Torrance District Courtroom 1
Capacity: 23



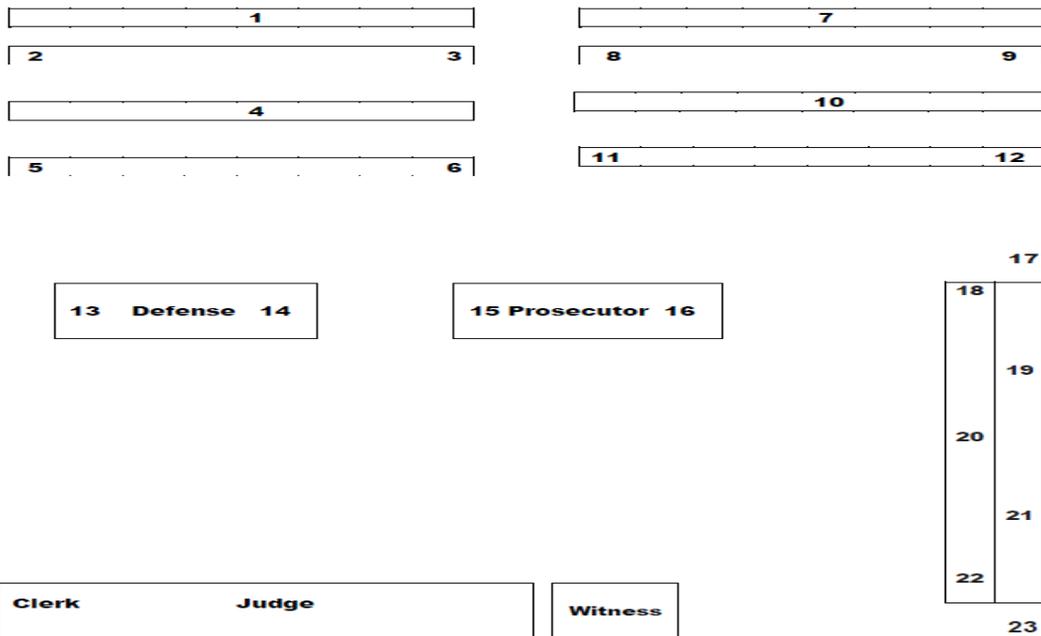
Torrance District Courtroom 2 – “Jury Room”
Capacity: 16



Moriarty Magistrate Courtroom
Capacity: 23



Torrance County Magistrate Court - Moriarty
(Bench Seating – Wide Courtroom)



Screening Questions



New Mexico Judicial Branch COVID-19 Court Facility Screening Questions

Screening Questions				
Have you been asked to self-quarantine because of COVID-19 <u>and</u> are you still within the quarantine period?	If No, Next Question	If Yes > DO NOT ENTER		
Within the past 14 days, have you been diagnosed with COVID-19 by a doctor?	If No, Next Question	If Yes > Have you received a clearance letter from the Department of Health?	If No > DO NOT ENTER	If Yes, Next Question
Within the past 14 days, have you had a positive test results for COVID-19 from a testing center or by the Department of Health?	If No, Next Question	If Yes > Have you received a clearance letter from the Department of Health?	If No > DO NOT ENTER	If Yes, Next Question
In the past 14 days, have you been in contact with anyone who you know has COVID-19?	If No, Next Question	If Yes > DO NOT ENTER		
Within the past 14 days, have you had a fever above 100.4 degrees, chills, sore throat, body aches, or headaches?	If No, Next Question	If Yes > DO NOT ENTER		
Within the past 14 days, have you developed new shortness of breath, difficulty breathing, or dry cough?	If No, Next Question	If Yes > DO NOT ENTER		
Have you recently developed a loss of taste or smell?	If No, CAN ENTER BUILDING	If Yes DO NOT ENTER		

Juror Supplemental Questionnaire

Courts are taking precautions during trials to limit the potential exposure that jurors, the parties, witnesses and members of the public have to COVID-19 such as ensuring that social distancing standards are met and masks and hand sanitizer is available. The service of jurors is the backbone to ensuring that the wheels of justice turn. Thank you for your time.

1. Within the past two weeks, have you had signs of respiratory infection, fever or cough?
 Yes No
2. Have you recently been exposed to someone with COVID-19?
 Yes No
3. Have you or a household member traveled out-of-state within the last 14 days?
 Yes No
4. Have you traveled to a high-risk country?
 Yes No
5. Do you have any concerns about serving on a jury during this time because of COVID-19?
 Yes No
6. The judge, parties, witnesses and jurors will be required to wear a mask throughout the trial. Are you willing to wear a mask during your service?
 Yes No
If yes, do you have a mask or will you need the Court to provide a mask?
 Yes, I have a mask No, I need the Court to provide a mask
7. The Centers for Disease Control have identified the following people to be at a higher risk for severe illness because of COVID-19: people 65 years and older, people with chronic lung disease or moderate to severe asthma, people who have serious heart conditions, people who are immunocompromised (including those undergoing cancer treatment, those who smoke, those who have undergone bone marrow or organ transplantation, people who have immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune-weakening medications), people with a body mass index of 40 or higher, and people with diabetes, chronic kidney disease requiring dialysis, and people with liver disease. Do any of these high risk conditions apply to you?
 Yes No
If yes, are you seeking to be excused from jury duty?
 Yes No
8. Are you a caregiver for someone that falls into a high-risk category?
 Yes No
If yes, are you seeking to be excused from jury duty?
 Yes No