

EIGHTH JUDICIAL DISTRICT JURY
AND COURT MANAGEMENT PLAN
DURING THE COVID-19 PANDEMIC

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I. PURPOSE OF PROTOCOL AND OVERVIEW OF THE EIGHTH JUDICIAL DISTRICT

PURPOSE: To provide a detailed plan for resuming normal court operations while balancing appropriate safety protocols for judges, hearing officers, staff and the public.

- A. Development: The Court's COVID-19 Resumption Plan has been developed in coordination with the judges, our court executive officer, lead workers, other judicial staff, review of other in-state plans, and other resource materials. The plan includes input from the district attorney and members of the defense bar.
- B. Modification: The plan will not be static, but will require continued input from staff, litigants, attorneys, and other related people and will be modified or amended on a monthly basis or as needed. The modification and amendments will be indicated and provided to the emergency response team shortly after their finalization.
- C. Eighth Judicial District: Colfax, Taos and Union County have three district courts and four magistrate courts. Each court will have standardized procedures for the safety of judges, staff and the public. However, for the resumption of jury trials, each court will have an individualized plan detailed below.
- D. Safety Protocols: The safety protocols are particularized to location, facilities, staff and the public. All protocols, at a minimum, shall include the guidelines and procedures established for court operations by the New Mexico Supreme Court.

II. MEASURES TO ENSURE THE SAFETY OF JUDGES, HEARING OFFICERS AND STAFF

A. Judges, staff, and public

1. All court staff will be required to study and indicate that they understand all COVID-19 protocols and requirements for court staff. The court will provide periodic questionnaires to ensure understanding and compliance.
2. Staff will be required to report if they are experiencing signs of respiratory infection, fever or cough, if they have recently been exposed to someone with COVID-19, or if they have traveled out of the country or state prior to coming into work. Staff will be required to telework if they meet any of the criteria.

3. All judges, hearing officers, and staff will be required to have their temperature taken prior to admission into the courthouse or shortly thereafter. Anyone with a temperature of 100.4 degrees Fahrenheit or higher will be denied entry into a courthouse. A log of all people entering a courthouse will be maintained by the Court.
4. The Court staff, with organization and scheduling from supervisors, will work, from the various courthouses and continue to work from home. At all times, there will be sufficient staff to maintain full court operations while balancing the safety of the staff by staggering their in-person work schedule. Staff will be required to document weekly the work that is being performed from home to ensure productivity. Supervisors will ensure that the work being performed is reviewed and will limit work from home opportunities should an employee not continue to be productive working from home.
5. The Court has coordinated with the county managers of Colfax, Taos and Union counties to ensure that proper cleaning protocols during the Covid-19 pandemic are being employed at the various court facilities. This includes cleaning crews cleaning throughout the day all commonly touched places in the courthouses and daily cleaning of all offices and courtrooms. **(Union County District Court once a week)**. Additionally, the Court has taken the following steps to ensure that each respective facility has safe, clean and appropriately spaced workspace for all judges, hearing officers, and staff.

A. Colfax County District Court and Raton Magistrate Court (Co-location)

The district court (3) and magistrate clerks (2) are in close proximity to one another. The clerks have been provided masks and hand sanitizer. Masks are mandatory when they interact with other staff or the public until further notice from the Supreme Court. Clerks will be required to clean their individual work areas every day. Additionally, allowing the clerks to work from home will ensure adequate spacing to provide further distance between clerks on any given day. There is a protective glass barrier to protect the clerks during their interaction with the public.

The judges (2), TCAA (1), judicial specialist (1), program specialist (1) and hearing officer (1) are in separate, individual offices and therefore no protective barriers are necessary. Everyone has been provided with masks and hand sanitizer. Masks are mandatory unless alone in a private office until further notice from the Supreme Court. Judges, hearing officers and staff will be required to clean their individual workspace every day.

There are three court monitor stations. The Court will be adding plexiglass shields to each desk so that there is a protective divider between

the monitor, judge and the public. All monitors will be required to clean the plexiglass dividers and their individual work stations following use. Masks are mandatory for monitors in the courtroom and hearing rooms until further notice from the Supreme Court.

Court Monitors and bailiffs will be responsible for cleaning party tables, witness stands, and courtroom equipment in between court sessions, if used by attorneys, jurors, witnesses or the general public.

The lobby area will be regularly cleaned by Colfax County staff and the court staff will clean the transaction window twice a day or following times of high traffic. Court staff will be required to clean the public kiosk following any use.

B. Springer Magistrate Court

The judge is in a separate individual office and therefore no protective barriers are necessary. There is a clerk and court manager occupying the main office area. They are often not scheduled to work from the court on the same day. There is adequate spacing to maintain a proper social distance. The judge and staff have been provided with masks and hand sanitizer. Masks are mandatory at all times unless alone in a private office until further notice from the Supreme Court.

Following any in-person hearings, litigants will be instructed to wait in the parking lot for their paperwork. Staff will provide the documents accordingly. No more than five people other than staff will be allowed into the courthouse at any time. Attorneys and litigants will be instructed to remain outside of the courthouse until called. All workspaces, the transaction window, and the lobby shall be cleaned daily or more frequently depending on traffic.

C. Taos County District Court and Magistrate Court (Co-location)

The district court clerks are in close proximity to one another. The clerks have been provided masks and hand sanitizer. Masks are mandatory at all times unless alone in a private office until further notice from the Supreme Court. Clerks will be required to clean their individual work areas every day. Additionally, allowing the clerks to work from home will ensure adequate spacing to provide further distance between clerks on any given day. There is a plexiglass barrier to protect the clerks during their interaction with the public. The court manager has an individual office and is adequately protected and distanced from other staff and the public.

The magistrate clerks are in close proximity to one another. The clerks have been provided masks and hand sanitizer. Masks are mandatory at all times unless alone in a private office until further notice from the Supreme Court. Staff will be required to clean their individual work areas every day. Additionally, allowing the staff to work from home will ensure adequate spacing to provide further distance between clerks on any given day. Plexiglass has been ordered and will be placed between the clerk's cubicles for added protection. There is a protective glass barrier to protect the clerks during their interaction with the public.

The judges (4), hearing officers (2), chief executive officer, chief financial officer, TCAAs (2), program managers (2), and other administrative staff are in separate, individual offices and therefore no protective barriers are necessary. Everyone has been provided with masks and hand sanitizer. Masks are mandatory at all times unless alone in a private office until further notice from the Supreme Court. Judges, hearing officers and staff will be required to clean their individual workspace every day.

There are three additional employees (3) located in the second floor of the Taos Courthouse. They have cubicles that provide appropriate separation from their fellow employees. Additionally, masks are mandatory at all times and they are required to clean their workspace daily.

There are three court monitor stations. The Court will be adding plexiglass shields to each desk so that there is a protective divider between the monitor, judge and the public. All monitors will be required to clean the plexiglass dividers and their individual work stations following use. Masks are mandatory for monitors in the courtroom and hearing rooms until further notice from the Supreme Court.

Court Monitors and bailiffs will be responsible for cleaning party tables, witness stands, and courtroom equipment in between court sessions, if used by attorneys, jurors, witnesses or the general public.

The Self-Help Desk has been modified to include plexiglass and has been operating on reduced hours during the pandemic. Additionally, the staff operating the Self-Help Desk has been able to assist the public from the closely located magistrate court transaction window. The Self-Help Desk and other related equipment shall be cleaned after any public use and daily by staff on days of operation.

The lobby area will be regularly cleaned by Taos County staff and the court staff will clean the magistrate court transaction window twice a day or following times of high traffic. Court staff will be required to clean the public kiosks following any use.

D. Union County District Court (Clayton)

The Union County clerk's office is located on the second floor of the old courthouse. The county offices are on the first floor and have presented some challenges in gaining compliance with Covid-19 related precautions. The lone court clerk has been provided masks and hand sanitizer. She or any alternative staff covering the court shall wear a mask at all times that anyone else is present. The clerk's office does have a transaction window and it will be cleaned daily.

The judge's or hearing officer's chambers are separate and enclosed and will only require masks when more than one person is present.

The lobby area is small in size and shall be cleaned daily.

E. Clayton Magistrate Court

The judge and court manager are in separate, individual offices and therefore no protective barriers are necessary. There is one clerk occupying the main clerk's office area. There is proper separation and therefore no protective barriers are necessary. Staff has been provided with masks, gloves and hand sanitizer. Masks are mandatory at all times unless alone in a private office until further notice from the Supreme Court. Following any in-person hearings, litigants will be instructed to wait in lobby or the parking lot for their paperwork. Staff will provide the documents accordingly either through the transaction window or outside of the courthouse. No more than five people will be allowed to wait in the lobby at any one time, but will be instructed remain outside of the courthouse until called. All workspaces, the transaction window, and the lobby shall clean daily or more frequently depending on traffic.

III. MEASURES TO ENSURE THE SAFETY OF ATTORNEYS, JURORS, WITNESSES AND THE GENERAL PUBLIC

SAFETY

- A. **People in the courthouse:** The Court will make available masks to anyone entering its facilities, if they do not have one. Individuals that refuse to wear a mask and need to conduct court business will be provided the contact information for the clerk's office and they will be required to leave the courthouse. The individual will be encouraged to immediately contact the clerk's staff. Clerk's staff will make reasonable accommodations either electronically or, if necessary, will provide and accept documents outside of the courthouse. If the

individual had a scheduled hearing, their name will be immediately provided to the presiding judge.

B. Eighth Judicial District Courthouses:

1. Colfax County District Court and Raton Magistrate Court (Co-location):

- a. The security for the courthouse is maintained by the Colfax County Sheriff's Office. The Covid-19 protocols have been discussed in detail with the county manager and sheriff with ongoing communication and collaboration.
- b. The sheriff's office will ensure that people line-up outside the courthouse with a minimum of six (6) ft. between one another prior to their admission into the courthouse.
- c. The public, attorneys, witnesses, parties and jurors prior to selection will enter through the front entrance of the courthouse.
- d. No person shall be allowed to enter the courthouse without wearing a mask. Masks shall be provided for people that did not bring a mask. The sheriff's office shall try and document the names of people refusing to wear a mask and provide the name(s) to the court. The court will inform the public of the court's mask requirement by the court's webpage, radio, newspaper and other means.
- e. The sheriff's office will ensure that the public is screened and not permitted to enter the courthouse, if they are experiencing signs of respiratory infection, fever or cough, if they have recently been exposed to someone with COVID-19 or traveled to an identified hotspot area in the previous fourteen (14) days. All names of people not permitted to enter, shall be documented and provided to the court.
- f. The sheriff's office or court designated staff will use an infrared thermometer to take temperatures of all individuals entering the courthouse. As indicated above, people with a temperature of 100.4 degrees Fahrenheit or higher will be denied entry into a courthouse or other judicial facility. The Court will also maintain a log of people entering a courthouse.
- g. All staff and jurors selected for trial will enter through the rear secured entrance of the courthouse. All jurors and staff will be required to have their temperature taken prior to admission.

2. Springer Magistrate Court (Colfax County)

- a. The staff is responsible for the security of the courthouse.
- b. The staff will ensure that people line-up with a minimum of six (6) ft. between one another prior to their admission into the courthouse.
- c. The public, attorneys, witnesses, and parties will enter through the front entrance of the courthouse. The courthouse has a sign on the door instructing the public to call first before entering the courthouse, limiting the public from unnecessarily entering the courthouse.
- d. Jury trials and selection will be at an alternative location(s) detailed below.
- e. No person shall be allowed to enter the courthouse without wearing a mask. Masks shall be provided for people that did not bring a mask. The staff shall try and document the name of people refusing to wear a mask and provide the name(s) to the court.
- f. Designated staff will use an infrared thermometer, if available, to take temperatures of all individuals entering the courthouse. People with a temperature of 100.4 degrees Fahrenheit or higher will be denied entry into a courthouse or other judicial facility. The Court will also maintain a log of people entering a courthouse.
- g. All staff, not authorized by their supervisor to use an alternative entrance, will enter through the main entrance of the courthouse. All staff will be required to have their temperature taken prior to admission or shortly thereafter.

3. The Taos County District Court and Taos Magistrate Court (Co-Location):

- a. The security for the courthouse is maintained by the Taos County Sheriff's Office. The Covid-19 protocols have been discussed in detail with the county manager and sheriff with ongoing communication and collaboration.
- b. The sheriff's office will ensure that people line-up with a minimum of six (6) ft. between one another prior to their admission into the courthouse.
- c. The public, attorneys, witnesses, parties and jurors will enter through the front entrance of the courthouse.

- d. No person shall be allowed to enter the courthouse without wearing a mask. Masks shall be provided for people that did not bring a mask. The sheriff's office shall try and document the name of people refusing to wear a mask and provide the name(s) to the court. The court will inform the public of the court's mask requirement by the court's webpage, radio, newspaper and other means.
- e. The sheriff's office will ensure that the public is screened and not permitted to enter the courthouse, if they are experiencing signs of respiratory infection, fever or cough, if they have recently been exposed to someone with COVID-19 or traveled to an identified hotspot area in the previous fourteen (14) days. All names of people not permitted to enter, shall be documented and provided to the court.
- f. The sheriff's office or court designated staff will use an infrared thermometer to take temperatures of all individuals entering the courthouse.
- g. All staff, not authorized by their supervisor to use an alternative entrance, will enter through the main entrance of the courthouse. All staff will be required to have their temperature taken following arrival.

4. The Union County District Court (Clayton):

- a. The security for the courthouse is maintained by the Union County Sheriff's Office. The Covid-19 protocols need to be discussed in further detail with the county manager and sheriff. This will include requiring an outside secured entrance on days of in-person trailing dockets and during jury trial.
- b. The sheriff's office will need to set-up a secure entrance at the north side of the courthouse.
- c. The sheriff's office will ensure that people line-up with a minimum of six (6) ft. between one another prior to their admission into the courthouse.
- d. The public, attorneys, witnesses, parties and jurors will enter through the secured entrance of the courthouse.
- e. No person shall be allowed to enter the courthouse without wearing a mask. Masks shall be provided for people that did not bring a mask. The sheriff's office shall try and document the name of people refusing to wear a mask and provide the name(s) to the court. The court will

inform the public of the court's mask requirement by the court's webpage, radio, newspaper and other means.

- f. The sheriff's office will ensure that the public is screened and not permitted to enter the courthouse, if they are experiencing signs of respiratory infection, fever or cough, if they have recently been exposed to someone with COVID-19 or traveled to an identified hotspot area in the previous fourteen (14) days. All names of people not permitted to enter, shall be documented and provided to the court.
- g. The sheriff's office (generally) or court designated staff (jury trials only) will use an infrared thermometer to take temperatures of all individuals entering the courthouse. People with a temperature of 100.4 degrees Fahrenheit or higher will be denied entry into a courthouse or other judicial facility. The Court will also maintain a log of people entering a courthouse.
- h. All staff (one employee) shall be authorized to use an alternative non-secured entrance. All staff will be required to have their temperature taken prior to admission.

5. Clayton Magistrate Court

- a. The staff is responsible for the security of the courthouse.
- b. The staff will ensure that people line-up with a minimum of six (6) ft. between one another prior to their admission into the courthouse.
- c. The public, attorneys, witnesses, and parties will enter through the front entrance of the courthouse.
- d. Jury trials and selection will be at the Union County District Court.
- e. No person shall be allowed to enter the courthouse without wearing a mask. Masks shall be provided for people that did not bring a mask. The staff shall try and document the name of people refusing to wear a mask and provide the name(s) to the court.
- f. Designated staff will use an infrared thermometer, if available, to take temperatures of all individuals entering the courthouse. People with a temperature of 100.4 degrees Fahrenheit or higher will be denied entry into a courthouse or other judicial facility. The Court will also maintain a log of people entering a courthouse.

- g. All staff, not authorized by their supervisor to use an alternative entrance, will enter through the main entrance of the courthouse. All staff will be required to have their temperature taken prior to admission.

All judges, hearing officers, and staff will ensure adequate social distancing of at least six feet in all private and public areas of the various courthouses. In the courtrooms, pews, chairs, stadium seating, have been marked to provide for a minimum of six-foot distancing for the attorneys, litigants, witnesses, jurors, media and the general public.

6. Seating capacity of courtrooms and hearing rooms w/ 6ft+ distancing

	<u>People</u>
a. Colfax District Courtroom:	Jury box: 4 Gallery: 14-18
b. Colfax District Court Hearing room :	Jury box: n/a Gallery: 6-8
c. Raton Magistrate Courtroom:	Jury box: n/a Gallery: 6-8
d. Springer Magistrate Courtroom:	Jury box: n/a Gallery: 6
e. Taos District Courtroom A:	Jury box: 4 Gallery:22-26
f. Taos District Courtroom B:	Jury box: 4 Gallery: 14-18
g. Taos District Hearing Room A:	Jury box: n/a Gallery: 4
h. Taos District Hearing Room B:	Jury box: n/a Gallery: 4
i. Taos Magistrate Courtroom A:	Jury box: n/a Gallery: 6-8
j. Taos Magistrate Courtroom B:	Jury box: n/a Gallery: 6-8
k. Union District Courtroom:	Jury box: 4 Gallery: 16-20
l. Clayton Magistrate Courtroom:	Jury box: n/a Gallery: 6-8

- N/A is indicated because jury trials throughout the district will occur in the district courtrooms until further determination and approval.

Every courtroom will have mobile plexiglass dividers to protect the judges, staff, attorneys, clients, witnesses and the public. The dividers will be placed in areas between the judges, witnesses, jurors, attorneys and gallery to further protect all participants.

Attorneys will remain more than six (6) ft. apart from their clients and will be permitted to communicate by text or other electronic means provided that the communication does not disrupt the proceeding. Judges and hearing officers will be encouraged to liberally grant recesses to allow for adequate attorney/client communication. Additionally, defense counsel will be provided two-way radio devices used by interpreters to help facilitate communication counsel communication with the defendant.

IV. GENERAL COURT FUNCTIONS

- A. **Filings:** All filings will continue to be authorized by all means permitted under the rules of civil procedure, criminal procedure and under the children’s court rules. The court will continue to accept filings by court designated email and fax.

Pro se litigants will be encouraged to file electronically, if possible, and shall be provided information for filing upon request and on the court's website.

B. Scheduling:

- a. All jury trials shall take scheduling priority regarding in-person use of a courthouse. Each judges' TCAA and magistrate managers will be required to meet regularly to ensure that there are no conflicts regarding the scheduling of in-person or remote hearings that may interfere with a scheduled jury trial. Each county will set-up a schedule for designated weeks for the respective courts or judges.
- b. All staff will be informed regarding a scheduled jury trial. The court will coordinate through staff supervisors to minimize staff present at the courthouse on days of jury assembly, selection or trial. Staff that is not required to be at the courthouse will be authorized to work from home.
- c. All other hearings will be scheduled within their applicable timeframes.

V. CONDUCT OF HEARINGS IN THE DISTRICT COURTS AND MAGISTRATE COURTS (Non-Jury)

- A. Criteria for in-person hearings: Remote hearings will continue to be the default for all hearings, except jury trials. Each judge or hearing officer will have the discretion to allow for an in-person hearing or a combination of remote and in-person hearing upon a showing of good cause. No in-person hearings will take place on days that a jury trial is being conducted at the same courthouse. In-person hearings need to be requested, at least, forty-eight (48) hours in advance of the scheduled hearing.
1. Except for jury trials, judges will be able to continue to appear remotely, but will be encouraged to appear in-person.
 2. Each courtroom will have a least one laptop or other camera-enabled device to provide for hearings that include both an in-person and remote appearance. Staff and county employees will clean the tables, laptops, and camera-enable devices after each in-person session, which shall include recesses of more than fifteen (15) minutes.
 3. Litigants that come to the courthouse will be provided instructions for appearing telephonically or by video. The court intends to provide litigants that are unable to appear remotely; Wi-Fi enabled devices or pre-paid phones for a particular hearing. The litigant will be able to use the device at or near the courthouse. No litigant shall be turned away for inability to appear remotely, but rather, the judge shall be informed and the person

shall appear in-person or the hearing shall be continued. Unwillingness to appear remotely, shall not necessarily result in an in-person hearing or continuance, but shall be in the presiding judge's discretion.

4. Media shall be provided, upon request, remote access to all non-sequestered proceedings. In-person coverage must be requested and approved by the chief judge of the district, except for jury trials. For jury trials, three members of the media are authorized to watch the trial, unless additional access is approved by the chief judge.
 5. The Court has coordinated appearances of defendants or other litigants from the Taos Detention Center and Vigil Maldonado Detention Center (Colfax) by remote appearance utilizing Google Meets. Additionally, the court has coordinated a schedule for judges to conduct hearings for in-custody litigants to prevent scheduling conflicts.
- B. All parties shall be provided the Google Meet URL and call-in information by notice. All court staff can provide the Google Meet URL and call-in information for a judge or hearing officer upon request. Dockets for all judges and hearing officers are distributed weekly and available on the court's website.
- C. The Court has established local Covid-19 procedural protocols for Civil, Criminal and Children's Court proceedings. The protocols have been disseminated to local attorneys and are posted on the Court's webpage. The protocols shall continue to be utilized, reviewed and modified, as necessary

VI. GRAND JURY

Motions to convene a grand jury will not be liberally granted. Generally, grand jury is scheduled two days a month in Taos County. Impaneling and conducting grand jury proceedings are essential as the courts work to resume full court operations. The rules of evidence and confrontation are not applicable and allow for remote impaneling of a grand jury and potentially remote grand jury proceedings.

The court recently remotely impaneled a grand jury using primarily Google Hangouts. Another panel will not likely be convened until September of 2020. All grand jury proceedings involving investigations and probable cause determinations shall be conducted in-person, unless remote grand jury proceedings are expressly authorized by the Supreme Court. The proceedings will all take place in the Taos District Courtrooms A or B. The large courtrooms will provide sufficient spacing for social distancing. Similar to all other proceedings, the grand jurors, court staff, witnesses and prosecuting attorneys will be required to wear masks at all times with hand sanitizer available to all participants. Masks will be provided for grand jurors that do not bring their own mask. Court staff will be responsible for cleaning the witness stand between each witness. The courtroom will be

thoroughly cleaned by Taos County staff following each grand jury date. Grand Jury is not conducted in our other two counties.

District attorney's staff and court staff will call grand jurors the Monday before grand jury to confirm attendance, review the mask requirements and ask the COVID-19 screening questions. In the event there are jurors who cannot safely participate based on their answers to screening questions, alternatives will be notified well in advance of the proceedings. All grand jurors will be screened upon entry to the courthouse including temperature checks.

VII. JURY TRIALS

- A. **Evaluation and Schedule:** All judges have been instructed to evaluate their cases and form priority lists for potential trials. The priority shall be based on detention, length of time pending trial, complexity, child involvement, victim's advocacy, and attorney discussion. Initial trials in the district are likely to involve (1) older criminal cases, (2) detained defendants; (3) few witnesses, and (4) a low level of complexity. Civil jury trials will also be set in the presiding judge's discretion, giving priority to criminal trials. Once the court, staff and the attorneys gain experience, confidence, and adapt procedures based on juror feedback regarding the Covid-19 jury procedures, more complex cases will precede to trial.

All jury trials will be at the discretion of the presiding judge, but will be discussed with the chief judge prior to trial. The court will form a schedule providing adequate days for jury trials for the district courts and the magistrate courts. The schedule will try to ensure that no jury panel is called on back to back weeks.

District and magistrate judges will continue to schedule pretrial and status conferences to ensure cases are proceeding in a timely manner. Judges will also enter case management orders to ensure that jury trials operate as efficiently as possible, to reduce the number of jurors at the courthouse at any given time, and to reduce the amount of time jurors are in the courthouse.

All judges will be instructed to not accept a plea or grant a continuance the day of trial, unless extraordinary circumstances exist and after consultation with the chief judge.

All courtrooms will be cleaned thoroughly by the county, prior to jury service and following any recess or completion of service.

The Court will actively engage in public outreach to promote jury service. A Court representative will appear on local radio stations and submit public service announcements recognizing jurors as the heroes of the criminal justice system and thanking the community for fulfilling this civic duty. The Court will post on the Court's webpage all of the precautions the Court is making to ensure jurors' safety in our courthouses.

B. Pretrial Procedure and Proceedings:

1. Meet and confer: Attorneys will be required to confer regarding possible resolution, stipulations to exhibits, facts and testimony. The week before trial, the state will be required to provide an exhibit list including all stipulations. The defendant may provide an exhibit list including stipulations. Meet and confer certification will be filed with the court.
2. Motions in Limine: Motions must be filed ten (10) days before trial and will be heard on the date of the evidentiary hearing. Motions filed the day of trial will not be heard absent exceptional circumstances for the delay, which must be indicated in the motion.
3. Evidentiary Hearing: A hearing will be conducted the week before trial to address disputed exhibits, witness testimony, motions in limine and other procedural matters. The court may conditionally admit or exclude exhibits, witnesses or enter any other appropriate procedural orders for trial. The purpose of the hearing is to reduce trial time and any delays during the course of trial.
4. Supplemental Questionnaires: Questionnaires will be required to be provided to the court three (3) weeks prior to jury trial. The questionnaires will have court approved Covid-19 and case specific questions. The court staff will attempt to provide the questionnaires by email, mail, and in-person.
5. Pre-jury Selection and instructions: The week before trial, the court will review with the parties and defendant(s) the supplemental questionnaires. The parties and the court will identify jurors that can permissibly be excused for cause. The jurors excused for cause will be contacted to minimize the size of the venire panel necessary the day of trial. This should allow for impaneling of juries will smaller panels that are physically present at the courthouse.

The parties and the court will discuss the jury instructions and attempt to resolve any issues prior to jury trial with the understanding that the instructions will need to conform to the evidence adduced at trial.

6. Jury Orientation: The court will broadcast the jury orientation video on Google Hangouts multiple times prior to jury service.

C. Jury Assembly

1. All jurors for district and magistrate will be assembled outside of the district courthouses in Colfax, Taos and Union.

- a. Court staff will (1) check in the jurors; (2) provide a Covid-19 screening sheet for jurors to respond to; (3) ensure jurors have provided a supplemental questionnaire; (4) prepare a seating chart prior to bringing the jurors into the courthouse. Prospective jurors will be excused from service if they do not pass the Covid-19 screening.
- b. The staff will create a first venire panel of 18-28 people that will have their temperature checked, go through security and be escorted with adequate spacing to the large courtroom in each district court courthouse.
- c. The staff will create a second venire panel (*district court only*) of 18-28 people that will be instructed to return at 1:30 PM. The panel will also be provided instructions on the jury call-in numbers, in case the first panel was sufficient for jury selection. This process may continue, if additional panels are necessary.
- d. The panels will be escorted into the district court courtroom and instructed to sit in seats that have been previously marked for appropriate socially distancing. All jurors will be instructed to keep their masks on at all times and will be provided additional masks, if necessary.

D. Jury Selection (In-person only)

(Plexiglass will be strategically placed in each courtroom)

1. The attorneys will be seated in the courtroom prior to juror seating. The State will be allowed no more than two people at counsel table. The defense will be allowed no more than three people including the defendant.
2. Microphones shall be tested prior to selection and shall be appropriately distributed throughout the courtroom.
3. The judges will give the standard introductory instructions and questions along with several Covid-19 related questions approved by the chief judge for uniform use at all trials in the Eighth Judicial District.
4. The attorneys will conduct voir dire following all normal procedures and protocols with the additional mask requirement.
5. Following voir dire of the first venire panel, the parties and the court will excuse jurors for cause and the parties may exercise any preemptory challenges. Either party may request to postpone exercising their preemptory challenges until the second or subsequent panels have been questioned. Judges will be instructed to only allow this in situations where it is evident that a jury will not be selected from the current venire panel.

6. Hand sanitizer will be available to prospective jurors at all times. The Court will provide bottled water. Doors and windows in the courtroom will be left open to help to assist with air flow and ventilation with the exception of the security doors leading to the judges' chambers.

E. Juror seating for trial

1. Four jurors will be seated in the jury boxes to allow adequate social distancing.
2. The remaining 2 - 3 jurors in a magistrate case will be seated in the first two rows of the gallery adjacent to the jury box.
3. The remaining 8-12 jurors in a district court case will be seated in the remaining rows of the gallery adjacent to the jury box with appropriate social distancing.
4. The courtrooms will be reconfigured accordingly giving deference to providing the parties and counsel with adequate spacing for communication and observation of witnesses and the jury.

F. Jury Trials

Masks

The court has received and ordered a sufficient number of masks to conduct jury trials throughout the district for the next four months. This period of time may be extended depending on the number of jurors that utilize their own masks.

Pads and Pencil

Gloves will be worn by bailiffs when handing anything to jurors, to include pads and pencils for note taking during trial.

Trial Procedure

All general rules and procedures for trial will be followed with careful attention to strictly limit any idle time that the case is not being presented to the jury. Jury instructions will be finalized during the lunch hour of an on-going trial or after sending the jury home for the day. Each judge will be encouraged to review the instructions and provide the parties needed changes as frequently as practical.

Bench Conferences

District court bench conferences will be limited, but may occur at the sidebar in the courtroom. The judge will be encouraged to come down from bench to provide for sufficient social distancing. Two of the district courtrooms are equipped with white noise for bench conferences, which will assist in distancing of the parties and the judge. If necessary, the parties can use a hearing room for more extensive conferences, but this action should only be used in limited circumstances.

Magistrate bench conferences can occur in a similar manner as the district court or the magistrate may go into the jury deliberation room.

Recesses

The jurors will remain in the courtroom and the parties will be able to leave the courtroom. Bailiffs and other court staff will attend to the jurors and escort the jurors to bathrooms in the juror deliberation rooms. (Clayton 0)(Taos 4)(Raton 2). In Clayton, the jurors will have priority to the public restrooms with the parties advised to use nearby county facilities.

Confidential Communication during Trial.

Defendants will be able to communicate with their attorney by passing notes, text, electronic means and court provided two-way radio. The Court will ensure that defendants have every opportunity to meaningfully assist in their defense despite COVID-19 precautions.

Publishing Exhibits and Exchanging Documents

Gloves will be worn by bailiffs when exchanging documents with counsel or handing anything to the jurors. Parties will be instructed, as a default, to use the Elmo, computers or other electronic means to publish exhibits, refresh recollection, or impeach witnesses, rather than using documents that need to be shared.

Social Distancing from the Bench

Portable plexiglass partitions will be used and strategically placed between the judge, witness stand, and monitor station.

The Public and Media Access: 6-13 members of the public will be able to observe trials in-person. This may be reduced to keep victims, victims' families and defendants' family and friends separated. In the event that additional members of the public wish to be present, each courthouse will provide a remote broadcast in the adjacent courtroom or hearing room. As indicated above, up to three members of the media will be provided in-person access to jury trials, unless more are approved by the chief judge.

Deliberation

The jurors will deliberate in the courtroom. Following deliberation, a questionnaire will be provided to the jurors regarding their juror experience.

Briefing: Following the completion of a jury trial, the judge and court staff will debrief the application of the jury plan.

VIII. EVALUATION AND MODIFICATION

The plan will not be static, but will require continued input from staff, litigants, attorneys, and other related people and will be modified or amended on a monthly basis or as needed. The modification and amendments will be indicated and provided to the emergency response team shortly after their finalization.