

SUPREME COURT OF NEW MEXICO
PUBLIC HEALTH EMERGENCY OPERATIONS PLAN

The changes the Supreme Court has made to its operations during the public health emergency have not resulted in a reduction of services. The Supreme Court Building has remained open for normal hours of operation throughout the public health emergency. The Supreme Court Law Library also has remained open for normal hours of operation but has limited borrowing privileges and access to public computers. The resumption of borrowing privileges and public computer access for law library patrons is planned for July 15 unless public health authorities announce more restrictive gathering requirements before then. Teleworking has been maximized for Supreme Court employees and will be maintained for the foreseeable future. What follows is a summary of the actions taken and planned for maintaining Supreme Court operations during the ongoing public health emergency.

I. SAFETY: MINIMIZING THE RISK OF EXPOSURE TO THE NOVEL CORONAVIRUS.

A. Managing The Number Of People Permitted In Our Courthouses.

1. Criteria for in-person hearings.

All oral arguments will continue to take place by audio-video connection. In-person oral arguments will not resume until the current public health emergency has passed.

All attorneys presenting oral argument to the Court will do so by remote audio-video connection. Self-represented litigants are rarely asked to present oral argument, but, if the Court requests oral argument from a self-represented litigant, the same remote audio-video connection would be used.

If necessary, oral argument can proceed with all Justices also appearing by audio-video connection. The bench is configured to allow for the seating of up to four Justices at the bench in the courtroom while maintaining six-foot social distancing requirements. The bench will not be configured to allow for the seating of all five Justices because there is not adequate space to maintain six feet between each

Justice. Therefore, when all five Justices are participating in an oral argument, at least one Justice will appear by audio-video connection to maintain adequate social distancing at the bench.

One clerk, one JID staff member, and one security officer will be in the courtroom when Court is in session, with more than a 6-foot radius maintained around each staff member.

Up to eight members of the press and public will be allowed into the Supreme Court courtroom to observe the proceeding, with seating in the gallery blocked off to ensure that a 6-foot social distancing radius can be maintained around each observer. Two additional video overflow sites are maintained in the Supreme Court Law Library and Court of Appeals courtroom for an additional 8 seats at each site for members of the press and public, with seating configured in each viewing site to ensure that a 6-foot social distancing radius can be maintained around each observer. For high profile oral arguments, KNME has provided live-streaming to the public through its YouTube channel and will likely continue to do so.

2. Filing.

With the exception of filings by non-attorney self-represented litigants, electronic filing through File and Serve is required for all cases. Filing by fax will continue to be accepted from self-represented litigants without the normal limitations for fax filing under Rule 12-307.1 NMRA. Filing by email from self-represented litigants also will be accepted through the clerk's office email address notwithstanding the electronic filing limitations under Rule 12-307.2 NMRA. The clerk's office remains open Monday through Friday, from 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m. to accept regular paper filings by self-represented litigants who choose that method for filing.

3. Scheduling.

No change is planned for the regular bi-monthly schedule of oral arguments before the Court. As a general matter, very few members of the press and public, if any, attend the oral arguments that are scheduled on a bi-monthly basis. And since all

attorneys will be required to attend remotely, the regular bi-monthly oral argument weeks will not generate large numbers of visitors to the courthouse. An audio recording of all oral arguments is posted to the Court's website immediately after the proceeding, which also limits the number of people who travel to the building to hear an oral argument.

Any oral arguments in high profile cases with great public interest will be scheduled on separate days apart from the regular bi-monthly schedule to limit the number of people who may wish to enter the building to observe oral argument. The availability of live-streaming of such cases will be widely publicized to also limit traffic to the building.

B. Keeping The Public, Employees And Judges Safe.

1. Protect judges and court staff from exposure to the degree possible.

With the exception of the Court's maintenance and security staff, teleworking will be maintained for most Court staff. Adequate on-site staffing has been maintained with two staff members present in the clerk's office, two staff members present in the office of staff counsel, two or three staff members present in the law library, and one or two staff members present in each chambers, all of whom have private offices.

The staff in the clerk's office and law library who may be required to assist any members of the public who appear at the clerk's counter or library reference desk for assistance will use face masks at all times and will wash their hands or use hand sanitizer after handling any documents exchanged with members of the public. Maintenance and security staff wear face masks at all times and regularly wash their hands or use hand sanitizer. Hand sanitizer is made available at the security desk, reference desk, and clerk's counter for members of the public.

Plexiglas is being installed at the reference desk in the library as an additional protective measure beyond current social distancing practices. Plexiglas will not be used at the security desk because of the nature of the work that must be performed, but contact with the public by security officers is limited in duration and security officers wear face masks at all times.

2. Screening.

a. COVID-Questions Screening

A screening questionnaire form containing the Supreme Court-approved COVID-19 screening questions will be sent by email at 6:30 a.m. every workday to all judicial officers and employees who work in the Supreme Court Building using an automated Google Form. All judicial officers and employees will be required to return the form electronically prior to entering the building. Anyone who answers affirmatively to any of the screening questions will be denied access to the building.

The Supreme Court Human Resources Administrator, in coordination with the Supreme Court Security Division, is responsible for managing the screening questionnaire process for employees to ensure that no one who fails the screening process is allowed to enter the building. Any judicial officers or employees who fail the screening process will be directed to their human resources representative and supervisor for additional directions.

The Security Officer in the front lobby will ask visitors to the building to respond to the screening questions by referencing a sign posted at the entrance that lists the questions. Several laminated cards with the questions will be available for anyone who needs that accommodation, and the laminated cards will be cleaned with disinfectant after each use. Anyone who answers in the affirmative to any of the questions or who refuses to answer the questions would be denied access to the building and would be able to immediately exit without the need for further travel through the building.

b. Temperature-Check Screening

Anyone wishing to enter the Supreme Court Building would be required to have a temperature-check conducted by the Security Division at the front entrance to the building. No one with a temperature of 100.4 degrees Fahrenheit or higher will be permitted to enter the building and would be able to immediately exit without the

need for further travel through the building. Judicial officers and employees who are denied access to the building will be directed to their human resources representative and supervisor for additional directions.

3. Vulnerable Populations.

Anyone from a vulnerable population who would be required to present oral argument to the Court will be accommodated through the audio-video process described above. Similarly, anyone from a vulnerable population who needs to file a document with the Court will be accommodated through the use of File and Serve for attorneys or through the use of email and fax filing for self-represented litigants. Anyone from a vulnerable population who wishes to observe oral argument would be accommodated through the viewing sites in the building with the precautions described above or, when available, through the live-streaming broadcasts. The Clerk will work closely with any member of a vulnerable population needing additional accommodations. Any employees within a vulnerable population are also accommodated through the use of teleworking.

4. Social Distancing.

Social distancing requirements in the Supreme Court Building will be ensured through the following measures:

- Telework for employees will be maximized to the fullest extent possible to limit the number of people in the building.
- With the exception of maintenance and security staff, all employees working onsite have private offices.
- Maintenance and security staff are not required to work within the close proximity to one another and all wear face coverings at all times.
- Security staff maintains a six-foot distance from any visitor to the building and bags and packages are processed through the package screening machine without the need for security to handle most packages. On the rare occasion, when a visitor must be screened with a hand wand, the security officer is only closer than six feet to the person searched for a few seconds. If a physical

search of a bag or other package is required, it is done while maintaining social distancing requirements.

- All court proceedings will be conducted remotely to limit the number of people traveling to the building for oral arguments.
- Seating for oral arguments will be strictly limited to ensure that a six-foot radius can be maintained around each person.
- Floor markings and pylons will be maintained at the entrance to the building, reference desk in the library, and clerk's counter to remind everyone of the distances needed to maintain social distancing while waiting in line, though waiting in line was rarely a necessity in the Supreme Court Building before the public health emergency and has been non-existent since then.
- Approved social distancing signs are posted throughout the building and signs regarding capacity limits are posted at each public restroom and elevator in the building as well as outside the oral argument viewing areas on oral argument days.
- The second and third floors of the library have been closed off to the public and seating in the first floor reading rooms are limited to one person in each room.
- The public computer room will be similarly limited to one person at a time upon reopening.
- There are no common areas in the building where employees or the public are allowed to congregate.
- All ingress and egress through the building will occur through the front entrance, which is very manageable and in compliance with social distancing requirements because traffic in and out of the building is always very light and any persons passing each other at that shared point of ingress and egress would only be in contact for a very short time.

5. Face Coverings.

The use of face coverings by everyone working in the building is strictly enforced at all times except when in a judicial officer or employee is in a private office with no one else present.

We have enough cloth face coverings available to provide at least two to all Supreme Court personnel who work in the building, which includes those who are currently teleworking should they need them upon return to the building.

We have a supply of disposable face coverings at the security desk at the front entrance for anyone who seeks to enter without one. No visitor to the building will be allowed to enter the building without a face covering.

6. Hygiene.

Approved hygiene signs are posted throughout the building and in public restrooms. Adequate supplies of hand sanitizer, disinfectant wipes, hand soap, and tissues are available for all Court personnel working in the building. Trash receptacles are available throughout the building, restrooms, and offices.

Maintenance staff monitors the need for replenishing hygiene items in common areas of the office suites, conference rooms, courtrooms, and restrooms. Hygiene items are monitored and made available to the public at the library reference desk by library staff and at the clerk's counter by clerk's office staff. All hygiene supplies for private offices are secured in the clerk's office and are replenished upon request to the Clerk on an as-needed basis.

7. Cleaning.

The Maintenance Division cleans the Supreme Court Building in accordance with the guidelines issued by the Centers for Disease Control and the New Mexico Department of Health for the cleaning and disinfection of public facilities during the public health emergency. All offices, restrooms, courtrooms, conference rooms, and common areas receive a thorough, deep cleaning each night and all high touch objects and areas are cleaned at least every two hours throughout the day. Courtrooms and conference rooms are cleaned immediately after any oral argument or meeting that is held.

Upon reopening, the public computer area and individual reading rooms on the first floor of the law library will be cleaned and disinfected after each use. Upon the

resumption of borrowing privileges for law library patrons, returned materials are held for 48 hours before re-shelving. The 48-hour holding period is the recommended standard for libraries during the COVID-19 pandemic to preserve the integrity of the books while ensuring that materials are not checked out before the recommended time has passed for allowing any virus that may be present on paper materials to degrade to a safe level.

II. DOCKET MANAGEMENT AND SCHEDULING.

The Supreme Court has not experienced a significant reduction in filings or oral arguments during the public health emergency nor delayed the consideration of any matters because of the public health emergency and therefore does not anticipate the need to adjust any of its docket management and scheduling practices. Increased activity in the lower courts could eventually lead to increased filings in the Supreme Court, but any such increase would be spread out over an extended period of time that will not require a change to current docket management practices.

III. RESOURCES.

Adequate supplies have been secured to implement the telework, social distancing, hygiene, and cleaning practices outlined above and, if necessary, maintain them beyond the next fiscal year.