



CHAMBERS OF  
MARY L. MARLOWE  
DISTRICT JUDGE  
DIVISION VIII

State of New Mexico  
**First Judicial District Court**

LOS ALAMOS COUNTY  
RIO ARRIBA COUNTY  
SANTA FE COUNTY

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March 14, 2022

Chief Justice Michael Vigil  
New Mexico Supreme Court  
271 Don Gaspar Avenue  
Santa Fe, New Mexico 87501

Senior Justice C. Shannon Bacon  
New Mexico Supreme Court  
271 Don Gaspar Avenue  
Santa Fe, New Mexico 87501

Justice David Thomson  
New Mexico Supreme Court  
271 Don Gaspar Avenue  
Santa Fe, New Mexico 87501

Justice Julie V. Vargas  
New Mexico Supreme Court  
271 Don Gaspar Avenue  
Santa Fe, New Mexico 87501

Justice Briana H. Zamora  
New Mexico Supreme Court  
271 Don Gaspar Avenue  
Santa Fe, New Mexico 87501

Re: First Judicial District Revised Reopening Plan

Dear Justices:

I hereby provide our District's revised reopening plan for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mary Marlowe Sommer".

MARY MARLOWE SOMMER  
Chief Judge, First Judicial District



**First Judicial District**  
**Plan to Resume Court Operations**  
**(Revised 3/14/2022)**

**District Court**  
**Santa Fe County**  
**Los Alamos County**  
**Rio Arriba County**

**Magistrate Court**  
**Santa Fe County**  
**Los Alamos County**  
**Rio Arriba County**

# **First Judicial District Safety and Sanitizing Plan for Resuming Court Operations.**

## **Safety: minimizing the risk of exposure to the novel coronavirus**

### ***Managing the Number of People Permitted in Our Courthouses***

- ***Criteria for in-person hearings:***

Pursuant to New Mexico Supreme Court Order No. 21-8500-024 dated 10/29/2021, criminal and civil jury trials are conducted in-person as are other matters as designated in said Court Order. For other proceedings not required to be held in person, remote hearings will continue where possible and practicable. The Civil Divisions, Criminal Divisions, and Family Court Divisions have exhaustively identified the protocols to be followed with both remote hearings and in-person hearings. Self-represented litigants have been given instructions on appearing remotely. For in-person accommodation of self-represented litigants, victims, defendants, parties, counsel, press and public, the protocols set forth are followed to allow for everyone's safety and social distancing.

When social distancing requirements prevent all the above-described persons in the courtroom, the press and public will be accommodated through audio-visual display outside the courtroom with seating three (3) feet socially distanced. In the event that area is not sufficient, another courtroom with audio/visual display of the proceedings may be utilized to accommodate additional overflow. Self-represented litigants, victims, defendants, parties, and counsel, will be socially distanced in the courtroom in accordance with Supreme Court Orders.

- ***Filing:***

All Supreme Court approved forms and new case packets are available on the court's website for downloading and filing with the court. Alternative methods to file court documents such as e-mail or fax are available to self-represented litigants and attorneys for non-electronic filing cases to reduce the face-to-face interactions and minimize exposure. Court endorsed copies are returned to the filer upon receipt, to acknowledge filing of the document and to serve as the customer's copy. If a document is received and a filing fee is required, such as the opening of a new case, the customer is given the option to submit an Application for Free Process or is advised to mail payment to the court. The case is opened and the clerk that processed the paperwork monitors the case for payment. All public record and IPRA requests are received by email and the requests are fulfilled by sending the documents electronically to the requester, thereby eliminating the need for them to come to the court for their documents.

- ***Scheduling of Hearings throughout the Courthouse:***

The continuation of remote hearings will minimize the number of persons entering or congregating in the courthouse at any period of time. The judges are well educated on the Supreme Court's Orders regarding the standard under which the decision to hold an in-person hearing should be considered, as well as regarding safety, distancing, and sanitization requirements.

***Keeping the public, employees and judges safe.***

- ***Protect Judges and court staff from exposure to the degree possible:***

Employees and Judges have been educated on the best practices to follow in order to minimize the risk of contracting COVID-19. These include, instructions on the proper technique of hand washing, coughing/sneezing etiquette, social distancing requirements and guidance on any mask-wearing requirements. Employees have been instructed to stay home if they are sick. Signage throughout the building reminds employees of these practices. Workstations are arranged to allow for a minimum of three (3) feet of social distancing. All employees and Judges have been provided with their own bottle of hand sanitizer. Disposable masks are also readily available for Judges and staff as necessary.

Customer service windows in the Clerk's Office are plexiglass from the ceiling to the counter. For customers filing in-person, documents are passed through a 12" X 3" slot and clerk staff communicate with the customer using microphones; thereby minimizing exposure to customer and court staff members.

Signage referencing the public health order requirements are posted in all customer service public common areas.

- ***Screening:***

Employees are required to answer screening questions before entering the courthouse. If unable to pass the screening questions, the employees are not permitted to enter the building and they must contact a member of the First Judicial District's Emergency Response Team for further guidance.

In addition, either Santa Fe County Sheriff's Officers or designated employees at the entrances to the District Courts shall subject any individual who enters the First Judicial District Court to screening. Any individuals who are unable to pass the screening questions will be asked to leave the court. The individual being denied access will be directed to the exit door, maintaining three (3) feet of required social distancing. The individual will be provided with a phone number to call to resolve their court-related issue. The screening desk will be closed momentarily to disinfect any surfaces that may have been contaminated.

- ***Vulnerable Populations:***

With respect to jury service, individuals age 65 and older can be excused from serving jury duty upon request. Individuals with serious underlying conditions such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those

with compromised immune systems resulting from cancer treatment or other autoimmune disorders may be excused from jury service with a physician's note and upon approval by the presiding Judge.

All Supreme Court approved forms and new case packets are available on the court's website for downloading and filing with the court. Alternative methods to file court documents such as via e-mail or fax are also available to minimize exposure for vulnerable populations.

- ***Social Distancing:***

There is a separate entrance and exit to the District Courthouse. Outside the entrance to the courthouse, a lane has been designated with yellow rope to establish clear single-file pathways into the courthouse. Once inside the courthouse, stanchions have been installed to guide individuals through the security screening areas. The floor in these entry pathway areas has been marked with brightly colored tape to indicate the three (3) feet distancing requirement. These three (3) feet distancing floor markers are located throughout the building in any area where single-file lines form, such as at the Clerk's Office or Self-Help Center. Distancing markers have been affixed to seating throughout the waiting areas and lobbies of the courthouse to ensure patrons sit a minimum of three (3) feet apart. Elevator signage allows for three persons at a time in each elevator to conform with the social distancing requirements.

Courtroom capacity is posted at the individual entrances to the courtrooms. Capacity has been maximized to the best level possible through rearranging seating in the courtrooms. The room capacity varies by courtroom and is determined based on the number of seats available that allow for three (3) feet of social distancing in the courtroom.

All staff workspaces are spaced a minimum of 3 feet apart. Seating in the courtrooms and all public areas is marked with signage to indicate the seats than can be used based on the social distancing requirements.

- ***Face Coverings:***

Face coverings will be used in accordance with applicable NM Supreme Court orders.

- ***Hygiene:***

Several touch-less hand sanitizer dispensers are readily available for use throughout the courthouse. Hand sanitizer dispensers will be checked on a daily basis at a minimum to ensure they are filled with an adequate amount of sanitizer. Boxes of facial tissue are readily available throughout the building in both the public and secure areas and waste receptacles are located in those areas. Signage throughout the building encourages proper hygiene practices are followed, such as hand-washing techniques and sneezing/coughing best practices. Water fountains throughout the building will be disabled to eliminate the potential for spreading germs through

sharing of the water fountains. Jurors will be provided with individual bottles of water in place of the water fountains/dispensers.

- **Cleaning:**

The First Judicial District Court is complying with CDC recommendations and the NMDOH guidelines regarding cleaning and disinfecting. Staff are required to clean their workstations at the beginning and end of every day with disinfectant solutions provided by the ERT to include door handles, keyboards, phones, etc. and will clean during the day as needed. Each department has an employee assigned to clean common equipment such as copiers, shredders, safes, etc. at the beginning of each workday and every two hours thereafter. Multiple-user workstations must be sanitized in between each user. High-touch public areas such as counters, public kiosks, etc. are sanitized at a minimum of every two hours as recommended by NMDOH's COVID-Safe Practices for Individuals and Employers. Commercial grade cleaning supplies have been made accessible to all court employees and Judges and Court Administration maintains an ample supply for distribution to staff as requested.

Disinfectant Spray/Disinfectant Wipes/Disinfectant Cleaner and Microfiber Cleaning Cloths are all readily accessible at each clerk's customer service workstation. Employee workstations, counters, door handles and any other surfaces accessible to the public are sanitized and disinfected at a minimum of every two hours or as needed in accordance with the *NMDOH's COVID-Safe Practices for Individuals and Employers*. Hand sanitizer, trash receptacles and boxes of Kleenex are placed outside each of the customer service windows for public use.

Restrooms are cleaned on a daily basis by County custodial personnel. In addition, a sign has been placed in the bathrooms instructing users to call a specific phone number if they see the restroom needs immediate attention. Staff reached at the number provided can then contact County custodial personnel to provide the necessary services.

In addition, County custodial personnel sanitize and disinfect commonly used areas of the courthouse such as the customer service counters, lobby and the elevators. They also sanitize doorknobs and light switches throughout the building several times per day. If enhanced cleaning is required, the County has provided those services as requested in accordance with their agency's cleaning protocols. This process will continue being followed as needed.

Courtrooms will be sanitized by designated court personnel with disinfecting solutions between each court hearing or proceeding to include wiping down attorney tables, courtroom bench, door handles, podiums, chairs and any other areas used by the public. Designated personnel will be trained on the proper procedure of cleaning and will use disposable gloves provided by the court when using cleaning products.

Bailiffs will be provided with a clipboard and spreadsheet to record the names, phone numbers and email addresses of all persons present in the courtroom for contact-tracing purposes. This list will be provided to Administration at the end of each day to ensure the list is maintained in a centralized location for the required retention period.

## **Jury Trials**

- ***Jury Selection Preparation***

Prior to jurors being qualified for jury service, jurors are sent a summons in the mail. Included in the summons mailing is a letter to the prospective jurors from the Supreme Court with the COVID-safe practices. Once jurors respond to the summons the jury staff will determine if the juror is seeking excusal or if they are qualified to serve. Once qualified, the juror will receive an individual juror number in the mail from the jury office.

Jurors are required to call the Juror information line or check the jury information webpage every Friday after 5:00 p.m. to verify if their group/individual jurors number are going to be called for a jury selection anytime the following week.

Two to three weeks prior to jury selection the jury staff prepares a jury questionnaire CD for counsel. This CD includes all of the questionnaires for the jurors that are scheduled to appear for that specific trial for counsel to review. \*\*\*Counsel has the opportunity to conduct a hearing prior to selection day to determine which jurors should not appear for selection. This will assist in whittling down the number of jurors that will appear for jury selection.\*\*\*

Following the hearing, the jury staff will contact the jurors that are not to appear for the selection day.

One business day prior to jury selection, the jury staff will clean all areas of the assembly room or the courtroom where the jury selection will take place to include door handles, seating area, counter tops, and microphones.

The Friday before the jury selection the jury staff will post the individual juror numbers required to report for jury duty. For example, Santa Fe Group #700 individual juror numbers 1-55 will be notified to report via the jury page of the court's website and telephone recording. This will help eliminate an excessive amount of jurors from reporting to any selection. Please keep in mind when determining what individual juror numbers are being called that the jury division will account for any possible no-shows as well as any jurors seeking excusal for the selection day or trial dates. This also accounts for those jurors who may be exhibiting any symptoms.

The web posting and phone recording will instruct the reporting jurors to check in with the jury staff member upon their arrival to the courthouse and will advise the juror of any COVID-19 protocols, such as current mask requirements. The information will also inform the juror that they should not appear if they are

experiencing any symptoms and instructs them to contact the jury division by phone or email if they are symptomatic.

The jury page on the court's website will be updated informing potential jurors of all precautionary measures the court is taking to minimize exposure and protect those serving, court staff and judges from contracting the virus.

- ***Jury Selection***

The morning of selection, a jury staff member outside of the courthouse will greet jurors. Jurors must answer the required screening questions prior to entering the building and they are instructed to stay home if they are sick. Any juror who is unable to pass the screening questions will be denied entry to the courthouse.

The jury division staff will be required to bring jurors in for selections in separate sessions. This may consist of multiple morning and afternoon sessions. If there is more than one jury selection occurring in Santa Fe, the jury division staff will stagger the times that the jurors are to appear. For example, Group 700 Individual jurors 1-20 appear at 8:00 a.m. and group 700 individual jurors 21-40 appear at 8:30. This will allow for jury staff to ensure all jurors are checked in and in their assigned selections before another group of jurors appears at the courthouse. These selections may be held in the same county or one in Santa Fe/Los Alamos or Santa Fe/Tierra Amarilla.

If the press would like to attend the jury selection, there will be seats available outside of the assembly room or courtroom where the selection will be streamed by video.

The jury services staff will be strategically positioned in the courtroom, assembly room, hallway and front entrance of the courthouse to ensure social distancing and PPE requirements are maintained.

Jurors will be directed to enter the building in small groups to allow for a minimum of three (3) feet of social distancing from the individual in front of them while going through the security screening process and will walk through the clearly marked hallway or stairway to the courtroom or Jury Assembly room.

Each juror will be seated in a chair or bench (depending on location of selection) that is clearly marked. Each seat and bench are measured to sit a minimum of three (3) feet apart and there are markings on the floor to indicate where a chair or bench should be placed in an effort to maintain social distancing during selection. Counsel tables and chairs are placed a minimum of three (3) feet apart from one another as well.

During the voir dire process, the bailiff will hold a wireless microphone for the jurors to speak into. During this time, the bailiff will be required to wear gloves and wipe the microphone between each juror.

During breaks, jurors will be instructed to utilize certain restrooms. If water is requested a water bottle will be provided to the juror during the selection.

Following each selection session, the jury staff will then guide the jurors in small groups either down the stairs or through the elevator (one juror at a time) to the entrance/exit doors of the building. After the jurors are selected, the jury staff will contact each juror that has been selected and will be serving on that specific trial and will provide them with a trial letter with all of the trial information/dates. This letter will also instruct the jurors what time they are required to appear for their trial. If another trial is taking place or a selection is taking place on the same day, the times will be staggered.

All jurors are required to wear face coverings in accordance with the applicable Supreme Court requirements.

Hand sanitizer dispensers are available for jurors' use throughout the building to include the front entrance and entrances to the jury assembly room and all courtrooms being used for jury trials whether in Santa Fe, Los Alamos or Tierra Amarilla.

After entering the building and completing the security screening process, jurors must observe three (3) feet social distancing requirements, which are clearly marked in the courtyard and throughout the building to include: hallways, stairways, elevators, Jury Assembly room and courtrooms. The signs will be clearly marked with arrows indicating the path to the courtrooms and jury assembly room.

Counters, door handles and any other surfaces accessible to the public and employee workstations are sanitized and disinfected with a disinfectant wipe or disinfectant spray after each juror has left that specific area.

- ***Jurors Reporting for Trial***

Each morning of the trial, the jurors will be required to check with the jury staff at the entrance of the building. Each juror will need to complete the COVID-19 screening questionnaire on a daily basis. If a juror is exhibiting any symptoms, the jury staff member will immediately notify the Judge and counsel. Ultimately, an alternate will replace the juror exhibiting symptoms.

On any given day, if there is more than one jury trial held, the jury staff will stagger the times that the jurors are to appear that morning. This will help with the foot traffic as well as making sure all jurors are in their respective trials.

Jurors that are impaneled will be provided a clear drawstring bag, which will consist of a disposable mask, hand sanitizer, pen, notepad and “thank you” juror card.

Each morning, the jury staff will stay in close contact with the bailiff to ensure jurors have arrived and will assist in taking the jurors to the appropriate courtroom for the trial.

Jurors are seated in the courtroom or assembly room. They are seated strategically to allow for a minimum of three (3) feet social distancing. All juror seats will be clearly marked to indicate where each juror will be seated.

With the social distancing reduction from six (6) feet to three (3) feet, the jury deliberation rooms can safely accommodate fourteen (14) people. The ability to utilize the jury deliberation rooms will free up other courtrooms, which were previously used for this purpose and allow for more efficient use of courthouse spaces.

- ***Grand Jury Proceedings***

The Court has determined that the suspension of grand juries should continue at this time. It is important that the Court have a full comprehension of how the reopening of the courthouses for jury trials and changes in operations will affect the traffic at the courthouses. The Court continues to encourage the use of preliminary examinations and our Magistrate Court judges have expressed their availability to conduct preliminary examinations.



**First Judicial District Court**  
**Reopening Procedures**  
**Santa Fe Magistrate Court**

## **Santa Fe Magistrate Court Proposed Resumption of Operations Plan**

The Santa Fe Magistrate Court has an obligation to provide court related services to any person who may become involved in the criminal or civil justice system. Due to the COVID-19 health crisis, it is imperative that our court must restrict physical contact between members of the court and those we serve. It is also imperative, however, that we protect the Constitutional Rights of any person accused of a crime, while providing efficient and timely court proceedings. It is the intention of the Santa Fe Magistrate Court to provide a safe and secure work environment for employees and judges. Employees and Judges have been educated on the best practices to follow in order to minimize the risk of contracting COVID-19. Personal protective equipment in the form of facemasks, and personal use antibacterial dispensers have been provided to every employee. Large spray bottles to disinfect work areas are accessible to all employees. The court has been able to replenish these items upon request. The following protocols are currently in use, and where necessary, have been developed for the opening and continued operation of the Santa Fe Magistrate Court during the COVID-19 health crisis.

### **Employees and Judges**

Employees and judges are to remain home and not come to the court building if they are ill or exhibiting any symptoms of COVID-19. It is contemplated that employees may complete a paper screening question form, or participate in an electronic screening assessment, either of which shall be completed prior to entry into the building. Any judge or employee who is unable to pass the screening questions shall notify both the Presiding Judge, Court Manager, Supervisor and First Judicial District Court's Emergency Response Team (ERT) by cell phone, or email. The Santa Fe District ERT will provide further instructions regarding required testing, etc. These practices will apply to employees and judges when an illness develops at home prior to work, or while in the work place.

Court employees and judges are required to comply with Supreme Court Orders relating to the Public Health Emergency.

### **The Court Building**

#### **Entrance**

The court building has a single public entrance and single separate public exit point. The following information is posted and visible upon approach to the building as well as in the interior upon entry:

- Signs regarding any face covering requirements
- Signs requiring the observance of the social distance requirement of three (3) feet between persons
- Signs describing the proper manner in which to wash hands thoroughly\*
- Signs detailing prohibited items from being brought into the court building\*

\*Posted in both English and Spanish.

### **Lobby**

When the court building is open to the public, a contract security officer is on duty in the lobby.

The security officer is responsible for the following tasks:

- asking the required COVID-19 screening questions of all persons requesting access to the building. Anyone unable to pass the screening questions will be denied entry to the building.
- Maintain a log of all visitors to our court with all necessary contact information that may include a telephone number, cell phone number, email address or mailing address.
- Ensure non-approved items are not permitted into the court building
- Notify the Court Management Staff of any potential risk or noncompliance by visitors to our court.
- Deny entry to the court building from anyone who answers “yes” to one or more screening questions or who will not comply with any Supreme Court mandated requirement. The party will be asked to provide a contact telephone number and will be contacted by the Court Manager or Supervisor to determine the needs of the party.

The lobby has been configured to ensure social distancing and to reduce the risk of exposure to COVID-19 by:

- Removing chairs and ensuring the remaining seating is spaced appropriately and marked to comply with a minimum of three (3) feet of social distancing.
- Marking the floor to indicate three (3) feet increments, clearly depicting where a visitor to the court should walk or stand.
- Locking all courtroom doors accessible through the lobby to prevent access.
- Placing a hand sanitizing station in a clearly observable and accessible location. (This sanitizing station is inspected daily to ensure a proper supply and operation of the system).
- Placing facial tissue and additional waste receptacles in the lobby.
- Disabling the water fountain.
- Providing facemasks as necessary.
- Use of a Q-matic system to call visitors to the window to avoid improper distancing.

Each of the five (5) clerks service windows are enclosed by high strength glass with 3” openings at the bottom for the exchange of documents or payments. Microphones and

speakers allow for limited exposure during any interaction between the public and court employees.

### **Employee/ Judge Entry Door (from secured parking area)**

The following is posted at the employee entry door(s):

- Signs regarding any applicable face-covering requirements
- Signs requiring the observance of the social distance requirement of three (3) feet between persons
- Signs describing the proper manner in which to wash hands thoroughly.
- An “*assessment*” station with masks, hand sanitizer, and logs is in use at this entry point.

### **Employee Area**

Employees have been assigned to work stations assignment that follow proper social distance protocols.

Risk reduction and decontamination of these areas are discussed below.

### **Break Room**

Employees have been instructed on proper social distancing requirements. The breakroom has been reconfigured by removing chairs and limiting the number of employees permitted in the break room at any one time. Employees have been encouraged to utilize the outside break table (seasonal) and jury rooms that are not currently in use for their lunch or breaks provided social distancing requirements are observed.

Risk reduction and decontamination of these areas are discussed below.

### **Court Rooms**

Seating has been configured in the courtrooms to ensure that a minimum of three (3) feet of social distancing is maintained.

### **Risk Reduction**

Judges, employees, and contract custodial staff all play a significant role in risk reduction. The court will continue to comply with CDC and NMDOH guidelines regarding cleaning and disinfection of work areas. Disinfection of work areas is assigned to employees by work assignment to reduce any potential for cross contamination. Facemasks, antibacterial spray and single use paper towels are available throughout the court building.

- Judges will be responsible for maintaining their offices, bench, and courtroom furnishings used during the conducting of dockets or hearings.
- Employees will be responsible for their work station, copiers, printers, telephones, and surfaces on, or near where this equipment is utilized.
- The Court Manager/Supervisor will assign staff to attend to the lobby and common areas.
- The customer counter area will be sanitized every two hours.
- Restrooms are maintained by contract janitorial staff after business hours each day.

## **Court Docket**

The Santa Fe Magistrate Court is in full compliance with Supreme Court Order 20-8500-016. The order will continue to guide our effort to address Core Operations and Minimum Operations as defined. During the COVID-19 Pandemic, the Santa Fe Magistrate Court has continued to operate at full capacity. Based on the guidance provided in Supreme Court Order 20-8500-013 requiring the use of audio/visual hearings, the court has not experienced a need to reduce the number of scheduled hearings in any criminal or traffic docket. The only backlog that has been experienced is in the area of jury selection /jury trials. The Santa Fe Magistrate Courts ability to maintain its full criminal docket derives from the following processes or requirements:

- The court has a regular repeating calendar for DWI, Domestic Violence, Felony Docket Call, Felony Plea and Disposition, Felony Preliminary Hearing, General Misdemeanor, and Traffic Dockets.
- Hearings for each case type are held by utilizing telephonic and video hearings. No in person cases are heard unless approved as provided for in Supreme Court Order 20-8500-013.
- An email address (sfemfilings@nmcourts.gov) has been established for the filing of pleadings per Supreme Court Order 20-8500-013. This email address is available for both criminal and civil dockets, including self represented litigants. The court continues to accept documents faxed to 505-986-5866.
- A conference line has been established for use in DWI, Domestic Violence, Felony Docket Call, Felony Plea and Disposition, Felony and Preliminary Hearing dockets. Judges, Attorneys for both the State and Defense, Defendants, Witnesses, and victims are required to utilize the conference line for all hearing types.
- Defendant appearance for DWI and Domestic Violence Pre-trial conferences is waived with the entry of appearance by defense counsel.
- Defendant appearance is waived for all Felony Case Docket Calls with the entry of appearance by defense counsel.
- Strict compliance with Scheduling Orders for DWI and Domestic Violence Dockets.
- Defendants and attorneys are required to check in by telephone for all DWI and Domestic Violence Status Dockets, all Felony Plea and Disposition Dockets, All Felony Preliminary Hearing Dockets, General Misdemeanor Dockets and Traffic Dockets. Upon receipt of a call back number, an Odyssey Case note is generated listing the call back number for the defendant/attorney. When the judge calls the case, the judge will conference in the defendant or attorney.
- All challenges to identity are addressed in an Evidentiary Hearing setting as prescribed by Supreme Court Rule 20-8500-012
- All contested evidence is addressed in a pre-hearing motion setting as prescribed by Supreme Court Rule 20-8500-012.
- A Docket Call for DWI and Domestic Violence cases has been established to confirm the acceptance of a plea, or a setting requirement for trial. This Docket Call setting complies with Supreme Court Order 20-8500-022 and is a minimum of 5 business days in advance of any Jury Selection Setting.
- A Sentencing Docket has been established to accept all pleas and enter a judgement based on the plea if accepted.

- Owner Resident Relations cases are set within the time requirements set forth in the statute. The court utilizes Supreme Court Order 20-8500-007 to address the issue of restitution in these matters.
- Mobile Home Park Act cases are set within the time requirements set forth in the statute. The court utilizes Supreme Court Order 20-8500-008 to address the issue of restitution in these matters.
- General Civil cases are reviewed for complexity and time estimated for trial. They are then set as directed by judges in the civil division of the court. General Civil cases are set for a Pre-Trial hearing allowing the judge to address discovery requirements and the exchange of discovery between the parties.

### **In Person Hearings**

In accordance with Supreme Court Order 20-8200-013, the Santa Fe Magistrate Court will continue to address all docket types via video/audio hearings. These docket types include DWI, Domestic Violence, Felony Docket Call, Felony Plea and Disposition, Felony Preliminary Hearing, General Misdemeanor, and Traffic Dockets. General Civil Trials, and cases filed under both the Owner Resident Relations Act, and Mobile Home Park Act will continue to be heard via audio/video formats.

Should a judge or party request an in-person setting for any case type, the judge presiding over the case shall confer with the Chief Judge of the District and outline the emergency need for an in-person appearance. With the approval of the Chief Judge, the court may schedule the in-person hearing.

A minimum of three (3) feet of social distancing will be observed at all times during in-person hearings. Any masking requirements applicable at the time of the hearing will be strictly adhered to.

### **Jury Selection**

Jurors most vulnerable to increased risk of exposure to COVID-19 will be excused upon request. Excusals will be granted in accordance with the procedures outlined in NMSA 1978, 38-5-2.

### **On Site Jury Selection**

- One jury panel will be selected.
- Juror questionnaires will be available fourteen (14) days in advance of the jury selection date.
- Juror questionnaires will be required to be accessed by state and defense counsel in advance of the setting. No paper questionnaires will be provided on the date of selection.
- Prospective jurors arrive at the court building at 8:00 a.m.
- Prospective jurors are subject to answering the required COVID-19 screening questions. (Prospective jurors who are unable to pass the screening question may be denied entry to the building.)
- Prospective jurors are required to comply with applicable face covering requirements.

- Prospective Jurors approved for entry are escorted to the appropriate predetermined seat. (example: the first juror would be seated in seat one, prospective juror two would be seated in seat two, etc.).
- Prospective jurors are required to sign in with all necessary contact information that may include cell phone number, email address and mailing address.
- Attorneys for both the prosecution and defense, as well as the defendant(s) will arrive at a predetermined time and location separated from the prospective jurors. The attorneys and defendant(s) will be subject to the same screening requirements, and requirements for personal protective equipment, wearing masks, signing in, providing contact information as is required for prospective jurors and court employees.
- Court staff will escort attorneys and defendants to their seating assignments for the selection process.
- The court will call each case. At the discretion of the judge, and with prior notice to the attorneys in each case, the judge may limit the time for voir dire by both the state and defense attorneys.
- During the selection process between the judge and attorneys, prospective jurors are encouraged to remain seated, or stand within their assigned seat and area immediately surrounding it. The prospective jurors are permitted to use the restrooms, but are not permitted to congregate in or out of the jury selection area.
- Upon reconvening from the selection for every case, staff decontaminate common areas as necessary.
- Empaneled jurors are supplied with a bag that includes two face masks, a personal size hand sanitizer container, pen, and note pad and a thank you card.

### **Other In-Person Hearings**

When other in-person hearings are conducted, the court fully complies with all Supreme Court Orders in effect for social distancing, masking requirements, and any other directives set forth.

### **General**

It is recognized that victims of crimes, and members of the public have the right to attend a specific hearing. Accommodations have been made to ensure statutory requirements for victims of crimes to attend have been met. Members of the public who request attendance at a particular hearing will be provided with information on how to access the hearing by phone or other internet source.

### **Media**

The Santa Fe Magistrate Court will provide audio or video access to any hearing upon request by a media source. The audio/video capability of the court will determine what form of access to the hearing may be available.



**First Judicial District Court**  
**Reopening Procedures**  
**Los Alamos Magistrate Court**

### **General Information Regarding the Los Alamos Justice Center**

The Los Alamos Justice Center includes three courts: First District Court, Los Alamos Magistrate Court and the Los Alamos County Municipal Court. Probation/pretrial services and District Attorney also have offices in the building. The building is attached to the Los Alamos Police Department and Detention center with separate entrances.

The Municipal Court is located on the first floor. There is a courtroom, hearing room and large lobby. The Los Alamos County provides a security guard at the entrance door with a metal detector. There are separate entrance doors and exit doors. The security guard is on duty from 8:00am to 12:00pm daily. First District Attorney has an office on the first floor. There are offices for the Probation officer and Community service director. The Municipal court has 3 windows for the public, each with a microphone/speaker system. There are two public restrooms.

The District and Magistrate Court are on the second floor. There is a large staircase and one elevator for access to the second floor for the public. District and Magistrate judges and staff have an elevator and staircase to the work area from the parking lot on the back of the building. The lobby is of medium size and has two pews for seating. Two clerk windows are facing the lobby for the public, one for magistrate court and one for district. Each window is equipped with a microphone/speaker system.

Behind the public access includes the seating area for the clerks in an open area. The breakroom/file room is just off the open area. A restroom is off the breakroom for the staff. District judge, with private restroom, and Magistrate judge have separate chambers. There are two small offices, one each for the District clerk and the Magistrate Clerk. Down the hall is a medium size jury room. Two restrooms are on either side of the entry to the jury room. There is a 12 foot table, 14 chairs and a credenza.

The shared courtroom is quite large with a very high vaulted ceiling. There is a jury box with 14 chairs, two tables for the attorneys, six pews for the public, a moveable podium, witness box and a clerk area. The elevated bench is in the corner of the room. The witness box is to the right of the judge and the clerk station is to the left. Outside the main doors of the courtroom are two witness/attorney rooms, each with a table and chairs. There are entrance doors for the judge and a separate one for the jury. A separate door leads to a secure area with an elevator and staircase for the detention center to enter with a defendant. The court room also holds a large roll cart for the video equipment.

The Los Alamos Magistrate is open 8:00am to 4:00pm daily, open during the lunch hour. The staff consist of one clerk and one judge. First District Court is in session when there is a Los Alamos docket. District Clerks hours on Wednesday are 8:00AM to 4:00PM, closed at lunch.

### **Safety Measures Taken**

At the entrance to the courthouse for the public, signs have been placed to notify the

public of the COVID-19 safe practices observed. Various signage in both English and Spanish includes: "Help Keep Courts Safe", signs regarding mask requirements, and "Stop the spread of Germs". Signs are updated as protocols change.

The security guard, employed by the Los Alamos County, is on duty 8:00AM to 12:00PM daily. The security guard directs the public to which court or service they require. He asks the screening questions or directs the public to the Covid-19 question on the sign. Members of the public will be given a ticket to present to the clerk of the respective court for proof.

First floor lobby, past the security area, has all the provided signs. The public restrooms have all the required signs including: "Wash hands and Help Keep Courts Safe" Tape has been placed on the floor for social distancing at the entrance and in the lobby. Hand sanitizer is available in an automatic dispenser on the wall next to clerk's windows and trash cans are available for the public. Sanitizer is provided by the Los Alamos county cleaning crew.

Upon arrival on the second floor the public is again greeted with all the signs on the walls, courtroom doors and public restroom. Sanitizer is provided by the Los Alamos county cleaning crew. Tape is on the floor with social distancing requirements and spacing. The signs are also placed to keep requirement for social distancing between the two windows for public service. Windows have microphones and a small slot for papers which is kept covered on the office side till needed. A sign requesting use of the sanitizer before and after contact with clerk is posted. Lobby can safely accommodate 8 people with 4 seated.

The lobby pews on the second floor have signs for social distancing and tape has been applied to visually enforce the requirement.

### **Physical changes for safety on the second floor:**

**Courtroom:** The two hearing rooms inside the first courtroom doors have chairs placed for a minimum of three (3) feet social distancing. In the courtroom the six pews are marked with signage to indicate where people may sit in accordance with the minimum of three (3) feet social distancing. Tables for the attorneys are distanced to allow for a minimum of three (3) feet of social distancing. In the jury box, chairs have been removed to allow only 10 jurors to be seated. When there is a District jury the other jurors will be seated in one side of the pews and public will be on the opposite. The Magistrate requirement of six jurors and one or two alternates can be seated in the jury box.

The speaker system allows the parties to remain at the tables to minimize movement in the courtroom.

Hand sanitizer is placed in convenient places: attorney tables, jury box, judge's bench, and witness stand.

The judge keeps a contact tracing log of all persons entering the court room with date,

names and phone number.

**Clerks/staff area:** Hand sanitizer is placed in convenient areas: outside the office doors, staff restroom, breakroom sink and in the offices. Trash cans are in every area. Masks are worn in accordance with Supreme Court Orders.

**Cleaning:** The Los Alamos County is the landlord and the cleaning crew come early in the morning and some afternoons. The cleaning meets all protocols. If more is requested the crew will honor the request. Stair rails and door handles are cleaned daily. When chairs in the courtroom are turned around cleaning staff takes an extra care in cleaning. Between hearings at the Magistrate court, the staff cleans the chair and table area that was used. Staff also cleans the counter outside the window on a regular basis. Every 2 hours as recommended. This is in addition to the cleaning crew's protocol.

**Lobby:** Pews have been moved away from the clerk's windows and separated to meet social distancing requirements.

The Los Alamos Magistrate dockets include Pre-trials and Felony status hearings on Fridays. Traffic tickets by local officer as set for Tuesdays. Trials with officers are set on the officer's schedule. Civil trials, probation hearings, and arraignments are set as needed. We will continue to have hearings held remotely as much as possible.

**Filings:** Filings are taken at the window or allowed to be faxed in to the court. Police department paperwork is placed in a secure locked box behind a secure door on the first floor. Staff goes to pick up. The return paperwork is handled the same way.

**Scheduling:** Time will be set between each hearing to allow departure and entry with social distancing and cleaning of area after each hearing. District Court and Magistrate work together on the scheduling of the courtroom. If hearings are at the same time, the Magistrate court moves their hearings to the Courtroom or hearing room on the first floor. Magistrate and Municipal Court have a good working relationship. Magistrate court keeps Municipal staff informed of scheduling.

**Arraignments/traffic:** Walk-ins will be taken as they arrive. Clients will sit at the attorney tables. Signatures needed will be done at the clerk's window not at the bench. This will be the same procedure for traffic trial with officers. Officers at one table and defendant at the other. Tables are separated to abide with established social distancing requirements. Public seating is labeled to indicate seating in accordance with social distancing requirements.

**Trials:** As stated above the tables for parties are adequately socially distanced and the public area will be labeled for social distancing. Witnesses can be seated in the lobby or in one of the two conference rooms outside the courtroom doors. If there is more than the allowable limit, we can send excess to the hearing room, courtroom or lobby of the first floor. Magistrate and Municipal keep in contact on the possible need for use

of lower courtroom or hearing room.

**NEW IN ACORDANCE TO ORDER 20-8500-022**

**Jury trials/pre-lims:** Status hearing, either telephonic or video, will be held before each jury trial and pre-lims to line up issues. NO last minute plea agreements will be accepted later than 7 business days before trial by the Magistrate Court. Motions on admissibility of evidence and witnesses will be held at the status hearing. Jury instructions can be agreed upon at status. If additional instructions are needed they will be dealt with as needed. Every effort will be taken to avoid juries sitting while discussion is going on.

**FOR DISTRICT AND MAGISTRATE:** Juries are allowed to deliberate in the courtroom. With the recent addition of monitors for the cameras, we can place a colored placard to allow the jury to indicate if they need assistance or have reached a decision. Defense attorney and client can wait in the hearing room downstairs and prosecutor can use the District attorney's office (one person only due to the size) or the courtroom downstairs. A remote microphone can be placed in the attached hall for side bars. White noise is part of the speaker and microphone system. If the courtroom is needed for the recording of discussion for District Court proceedings, jurors can be taken to the lower courtroom out of hearing range.

Only bottled water is allowed for jurors. We will allow restroom breaks one juror at a time. Restrooms in the jury deliberation area can be used.

The cleaning crew will be notified of a jury trial and any additional cleaning requirements needed.

Visitors to the courtroom, for any hearing, will be on a first come first serve basis according to the availability of the social distance capacity.

**Prelims:** We will set for every 15 minutes, scheduling one defense attorney at a time. We have a single district attorney. The conference rooms can be used for the attorney to speak with their client maintaining the three (3) feet social distance. If there is an overflow, we will use the courtroom, hearing room, and lobby on the first floor.



**First Judicial District Court**  
**Reopening Procedures**  
**Rio Arriba Magistrate Court**

### **Safety: minimizing the risk of exposure to the novel coronavirus**

The safety of the Rio Arriba Magistrate Judges and Staff and public is imperative. Employees and Judges have been educated and given instruction on proper hand washing, social distancing, coughing and sneezing and required mask protocols. Judges and employees have been informed that they must not report to work if they are ill. Each employee has been given their own bottle of sanitizer, masks and any proper training pertaining to Covid-19.

### **Screening and Criteria**

The Rio Arriba Magistrate court is its own building, but shared with the Grand Jury, Drug Court, and public defender's office on designated days. The Court Manager has communicated and coordinates with these entities to ensure that all protocols are implemented and followed.

Rio Arriba Magistrate Court is located on the Northeast side of Espanola. The entrance consists of a large parking area and has a large lobby capable of holding approximately 60 to 70 people. There is one main entry door and one main exit door.

### **Access to the Court Building**

All staff is required to answer the screening questions prior to entering the courthouse. If a judge or employee is unable to pass the screening questions, they may not enter the building. Upon successful entry, each staff member will sanitize their desk, keyboard, mouse and phone with appropriate cleaner.

### **Public**

The Rio Arriba Magistrate Court has signage on the front door that instructs the public to call our listed number prior to entering the building. Anyone who has had symptoms or the Covid-19 are mandated to call on the phone prior to reporting to the front entrance.

Public will be screened at the front door by screening staff, which will consist of two clerks who will be rotated daily. Screening staff must be present at the front entrance at all times and must adhere to face covering requirements. All individuals entering the court building must be asked the Initial Screening Questionnaire by entry screening staff. Screening staff will maintain the required amount of social distancing while asking the questions. Individuals who are unable to pass the screening questions will be denied access to the building. All persons entering the building must comply with applicable mask requirements as set forth by the Supreme Court. An automatic hand sanitizer dispenser is mounted at the entrance to the courthouse for the public's use.

The lobby is set up in a manner to comply with the minimum three (3) feet social distancing. Chairs have been properly set with signage asking that chairs not be moved. In addition, signage instructs the public to remain in their seat until called forward by the proper clerk.

The Rio Arriba Magistrate Court is equipped with two bathrooms, both containing soap and

water. Signs are posted stating there can only be one person in the bathroom at one time. Inside the bathroom, some stalls have been roped off to comply with three (3) feet of social distancing. To maintain a clean and sanitized workplace, the cleaning crew arrives at 4 pm and cleans the office very thoroughly. They wipe down all chairs and counters with sanitizer solutions. NOTE: If additional cleaning is requested, it is possible to contact the company and at all times they do accommodate us.

### **Social Distancing**

The court is set up with a separate entrance and exit. Inside of the courthouse lobby, chairs have been properly spaced to comply with the social distancing requirements. The floor is clearly marked with colored tape to indicate the spacing requirements. Numerous signs instruct that social distancing must be maintained at all times. Clerks' workstations have dividers that separate each employee. Staff is not face to face with each other and are within the social distance protocol. Judges chambers are more than 30 feet apart. The Court Manager is located in a separate office within the clerk's area and clearly within the social distancing protocol.

### **Cleaning protocol**

Each employee has been provided instructions per the CDC recommendations and the NMDOH guidelines regarding cleaning and disinfecting. Staff has been instructed and given a copy of this protocol and are requested to wipe down their complete station once they arrive at work and numerous times throughout the day. Cleaning supplies have been provided and Judges have volunteered to come out every hour and wipe down the high touch public areas. Judges have met with custodial staff and explained their expectations when cleaning. Custodial staff is responsible for daily cleaning of the office and making sure all is disinfected and sanitized.

### **Docket management and scheduling**

Both Judges are working on a daily basis. Both Judges address all walk-ins, warrants, or any work pertaining to the court process. Judges take care of their dockets and in this case, we are up to date even with the backlog of the Covid-19 issue. All hearing and arraignments are conducted via phone or remotely. This process has been kept up diligently and therefore hearings have not suffered. Jury trials on backlog have been prioritized according to time standard and are already scheduled. Evidentiary, pre-detention, probation and violation of conditions of release or any in custody arraignments are held via video or telephonically with all attorneys, defendants and litigants present by either means.

### **Preliminary hearings**

Status hearings begin at 8:30 am. Note: We have had great success with google conferencing and this will be adhered to, but upon opening the courts fully ADA and Defense Attorney for that particular case will be allowed into the courtroom with the defendant. Each status hearing is allotted 15 minutes unless there is a plea. The defense attorney assigned to the case will handle all cases assigned to them and then they will be released. Only after he or she is done will another defense attorney be allowed into the courtroom with his or her client. The next case involving a new defense attorney and

defendant will be allowed into the lobby so that they prepare for the next status hearing in order to get people in and out faster to minimize contact. All other attorneys and defendants will be asked to be seated in their vehicle and will be called via phone when needed or when it is their turn.

Preliminary hearings will adhere to the same protocol as outlined above. The only difference is that they involve more time and those that can be handled via google meet will keep occurring in that fashion.

### **Jury Trials**

A copy of the list of jurors will be given to the attorneys prior to voir dire. Three days prior to trial, the parties can sign a stipulated excusal list. Excusal for cause will be e-mailed to the judges and the judges will get all parties on phone or by google meet and these excusals will be decided amongst ALL in order to be fair.

Jury trials are held Fridays only and begin at 8:00 am. The courtrooms have been set up with seating adequately spaced to comply with the three (3) feet minimum distancing requirement. The seats' locations are clearly marked and they are not to be moved. Signage instructs this requirement as well. The court monitors are set up in a manner where voir dire can be in person in one court and via video in the other court accommodating the ADA and defense to see and hear approximately 26 jurors.

Once seated, potential jurors will be instructed not to move. Breaks will be provided periodically, and judges will be aware of all that occurs during these times. Hand sanitizer bottles will be placed in the courtroom. Jurors needing the restroom will be escorted out of the courtroom by a clerk to ensure compliance with the required social distancing, maintain credibility and confidentiality.

Once jurors are selected, they will remain in the courtroom and will maintain the required three (3) feet of social distancing. Chairs are set in a manner where all can be heard properly and clearly. For deliberations, ADA, Defense Attorney, defendant and all others will exit the courtroom to the lobby area so that jurors can make their decision at their designated seats inside the courtroom.

ADA and Defense tables are exactly 6' foot in width and adequate social distancing can be maintained in order to comply with the Supreme Court requirements of a minimum of three (3) feet.

### **Vulnerable Population:**

The court accommodates the vulnerable population by means of E-Mail, Fax, video, telephonic, google meets or standard mail. This will be managed on an individual basis. Payments are encouraged to be made via web site at [NMCOURTS.GOV](http://NMCOURTS.GOV).