

SIXTH JUDICIAL DISTRICT OF COLORADO

ADMINISTRATIVE ORDER 2020-8 REGARDING COURT TRIALS AND HEARINGS
DURING THE COVID-19 PANDEMIC

Due to serious public health issues related to the COVID-19 pandemic, the Colorado Department of Public Health and Environment (CDPHE) has issued orders and guidelines to protect public health. Public Health Safer at Home Guidance, issued by CDPHE and updated May 29, 2020, allows certain organizations to operate indoors as long as the number of individuals inside of the business do not exceed 50% of fire code occupancy capacity or 50 people, whichever is less, and as long as individuals in the business remain at least six (6) feet from one another and are properly masked.

Considering these guidelines, and as long as health concerns caused by the COVID-19 pandemic requires masks, a limitation on the number of people in buildings, and six (6) feet of social distancing between persons located indoors, the following procedures shall be used for in-person motions hearings and court trials in the Sixth Judicial District:

Pursuant to Chief Judge Order 2020-7, everyone, including witnesses, attorneys, security, judges, and staff will wear masks when in the courtrooms unless speaking on the record.

When introducing exhibits, instead of handing exhibits directly to the judge, clerk, or court reporter, the standard practice in the Sixth Judicial District shall be to have such exhibit displayed using existing courtroom technology, including digital display of exhibits through laptops to the projector screen and display of exhibits on the Elmo. Additionally, hard copies of the exhibits and media must be tendered to the court by leaving it in a location designated by the presiding judge. The presiding judge shall direct counsel how to display any exhibits that cannot be displayed electronically.

Each night before or the morning prior to commencement of the day's hearing or trial, and over the lunch hour, maintenance personnel shall appropriately disinfect all areas that the witnesses and litigants will be occupying in the courtroom.

The reporter's station, counsel tables, and the lectern shall be rearranged to provide at least six (6) feet of separation between all participants in the hearing or trial. Counsel tables and the reporter station shall also be placed such that they are at least six (6) feet from the witness stand and all other persons in the courtroom. The presiding judge shall require all persons in the gallery to remain at least six (6) feet from other individuals in the courtroom and in no event shall the number of individuals in any courtroom exceed 40 people in the courtrooms of Divisions 1, 2, 5, and 6, no more than 46 people in the courtroom of Divisions 3, and no more than 50 people in the courtroom of Division 4.

Unless authorized by the presiding judge, the lectern in the courtroom shall not be used and counsel shall conduct the hearing or trial from counsel tables. Witnesses shall wear masks in the courtroom while approaching and leaving the witness stand. The witnesses' masks may

only be removed while they are testifying. In between witnesses, the witness stand shall be sprayed with disinfectant by court staff. Gloves and paper towels shall be available for witnesses to dry the witness stand if they so desire. Hand sanitizer and antiseptic spray or antiseptic wipes shall be available in the courtroom for trial participants. Counsel and other participants who desire to do so may wear gloves provided by counsel. All parties appearing at the hearing shall be allowed to bring small personal sized bottles of hand sanitizer into the courtroom. During the hearing or trial, the presiding judge and courthouse security staff shall be authorized to enforce all applicable public health orders.

The presiding judge shall allow clients to use cell phones (set on silent), laptops, tablet computers, or other electronic devices to communicate privately and securely with counsel in order for counsel to remain a distance of six (6) feet or more from their client. The client shall also be allowed to pass written notes to their counsel. Counsel shall be responsible to provide the paper or electronic equipment necessary for counsel to communicate with their client.

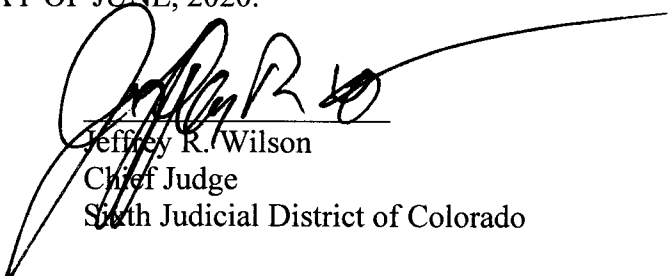
Prior to coming to court, the jury, counsel, and their staff and witnesses shall self-screen to determine if they have symptoms of COVID-19. All parties coming to court shall evaluate whether they have:

1. A temperature of 100.4 degrees or greater (for any individuals who do not have access to a thermometer, they shall determine if they feel as though they have a fever);
2. A cough;
3. Difficulty breathing or shortness of breath;
4. Muscle aches;
5. Have a sore throat;
6. New loss of taste or smell; or,
7. Chills.

If any persons involved in the hearing or trial exhibit one or more of these symptoms, they shall not come to court. Instead, such person shall call and inform the Court, bailiff, or appropriate attorney that they did not pass their self-screening protocol. Such person need not disclose their specific symptom(s) and the party that such individual has called shall not ask them to do so.

The presiding judge may modify the provisions of this order to fit the particular circumstances of the case being heard so long as the health and safety of the participants and spectators at the trial or hearing is not endangered and the provisions of this order is followed as closely as practicable.

APPROVED AND SIGNED THIS 24th DAY OF JUNE, 2020.


Jeffrey R. Wilson
Chief Judge
Sixth Judicial District of Colorado