CHAMBERS OF
MARY L. MARLOWE SOMMER
DISTRICT JUDGE
DIVISION VIII

State of New Mexico
First Judicial District Court

SANTA FE COUNTY
LOS ALAMOS COUNTY
RIO ARRIBA COUNTY

POST OFFICE BOX 2268
SANTA FE, NM 87504
PHONE: (505) 455-8170
FAX: (505) 455-8179

June 26, 2020

Chief Justice Judith Nakamura
New Mexico Supreme Court
271 Don Gaspar Avenue
Santa Fe, New Mexico 87501

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

Senior Justice Barbara Vigil
New Mexico Supreme Court
271 Don Gaspar Avenue
Santa Fe, New Mexico 87501

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

Re: First Judicial District Reopening Plan

Dear Justices:

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

Sincerely,

MARY MARLOWE SOMMER
Chief Judge, First Judicial District
First Judicial District

Managing the Number of People Permitted in Our Courthouses:

Criteria for in-person hearings:

The criteria we are employing is that which is set out in New Mexico Supreme Court Order No. 20-8500-013. The Civil Divisions, Criminal Divisions, and Family Court Divisions have exhaustively identified the protocol to be followed in continuing remote hearings and the protocol to be followed for in-person hearings. Self-represented litigants have been given instructions on appearing remotely and this has been going well. For in-person accommodation of self-represented litigants, we will accommodate them as we did under normal circumstances, but with the protocol set forth in our Division plans when holding in-person hearings for everyone's safety and social distancing. The press has been accommodated to access remote hearings the same as the public. We will accommodate the press as we did under normal circumstances, with the protocol set forth in our Division plans when holding in-person hearings for everyone's safety and social distancing.

For greater detail, please refer to the reopening plans from each area of the First Judicial District Court, including: Jury Division, Clerk's Office (also Self-Help and Domestic Violence), Family Court Services, ADR, Drug Court, Interpreting, Civil Divisions, Criminal Divisions, Family Divisions, the Rio Arriba and Los Alamos District Courts Division. Each Magistrate Court under the First Judicial District Court has provided this information in its reopening plan.

Filing:

We are receiving new cases and subsequent filings in person, by fax, and email from self-represented litigants and attorneys in non-electronic filing case types. When a filing fee is due to the court we are opening the case and corresponding with the customers to let them know to send payment in the form of a money order by mail.

Scheduling of Hearings throughout the Courthouse:

We anticipate that with the continuation of remote hearings, the number of persons entering or congregating in the courthouse at any period of time, will not rise too dramatically and certainly not to the degree before remote hearings were

implemented. 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. Also, we have only two courtrooms in which juries can be selected and in which jury trials can be held. Both are on different floors of the courthouse. The jury assembly room is on the first floor. It is at the end of the hallway and away from the lobby. Per social distancing requirements, it seats 21 prospective jurors, and thereafter 21 seats available for the selected jurors and members of the public. The ceremonial courtroom is on the second floor. It holds the same number of seats as the jury assembly room, again per social distancing requirements. Therefore, only two juries can occur at any given time. In addition, the venue schedules for the ceremonial and the jury assembly do not always mirror themselves, thus cutting the number of jurors at any given time. In addition, all juries are pick and go.

Keeping the Public Employees and Judges Safe:

Please refer to our "Safety and Sanitization Protocol" that applies throughout the entire First Judicial District Courthouse under "First Judicial District Interpreting Plan." Reopening plans from each area of the First Judicial District Court, including Jury Division, Clerk's Office (Self-Help and Domestic Violence), Family Court Services, ADR Drug Court, Interpreting, Civil Divisions, Criminal Divisions, Family Court Divisions, and the Rio Arriba and Los Alamos District Courts Division also address this issue. Each Magistrate Court under the First Judicial District Court has provided this information in its reopening plan.

Docket Management and Scheduling:

Each judge is responsible for addressing the backlog of cases that have been delayed in the last several weeks. For non-jury trials, each court is continuing to conduct hearings remotely. Therefore, the number of hearings has not suffered much, it is obviously the jury trials. As part of the prioritization, all judges are prioritizing jury trials that were scheduled during the past several weeks that have not been able to proceed. Included in these cases that have not been able to proceed are cases where the defendant is being held without bond on a preventative detention hold or cases with file dates prior to January of 2019. Evidentiary hearings with upcoming deadlines are being given priority as well.

Many of the upcoming trial settings for 2019 are able to be set on the upcoming trial calendar. For the jury trials, we have redone our venue schedule in order to accommodate the use of only two courtrooms. The venue schedule allows for each judge to have a two week trial period, when it is his/her venue time. Later 2019 cases and 2020 cases, without in-custody defendants, are being given less priority in scheduling than the cases where the defendant is held without bond. Hearings continue to be scheduled and held as promptly as possible.

The influx of new cases will be docketed in the same manner that new cases have been docketed. There have been new cases that have been filed since the COVID-19 pandemic. Influx of COVID-19 related cases have been designated to two civil judges early on at the direction of the New Mexico Supreme Court. There has already been a rise in domestic violence cases filed. There continues to be a steady flow of criminal and civil cases.

Jury Trials:

Jury trials have been addressed by the Civil Division judges, the Criminal Division judges, the Rio Arriba and Los Alamos District judge, and the Jury Division in their respective individual reopening plans. Jury trials for the Magistrate Courts have been addressed in their individual reopening plans.

Resources:

Our Court has enough resources to implement our proposed reopening plans.

First Judicial District
Reopening Procedures

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 Court Reopening Procedures Safety & Sanitizing

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

Safety: minimizing the risk of exposure to the novel coronavirus.

Keeping the public, employees and judges safe.

Protect Judges and court staff from exposure to the degree possible.

The First Judicial District Court is committed to the safety of our employees and Judges. Employees and Judges who are at a higher risk of experiencing severe illness from COVID-19 due to age or underlying medical conditions have been teleworking and will continue to do so until further notice. Other employees who are currently working remotely will continue to telework as much as possible. We anticipate the need for additional staff to be present in the courthouse as the court begins to implement more in-person services; however, we anticipate 90% of the employees working on-site will continue to work on a staggered schedule so there will be a rotation of employees coming into the courthouse on a daily basis.

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 the requirement to wear masks in the building. 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 the minimum 6 feet of social distancing. All employees and Judges have been provided with their own bottle of hand sanitizer and a cloth mask. Disposable masks are also available for Judges and staff as necessary.

Screening Criteria

Signage has been placed at the entrance of the courthouse, in English and Spanish, requesting that individuals perform self-screening prior to entering the facility. All entrants are instructed not to enter the courthouse if exhibiting any symptoms of COVID-19, if exposed to someone with COVID-19, or has tested positive for COVID-19. A phone number is listed to allow for these individuals to contact a court employee regarding their court-related issue.

In addition, any individual who enters the First Judicial District Court shall be subjected to screening by either Santa Fe County Sheriff's Officers or designated employees at the entrances to the District Courts. These screenings include temperature taking with a touch-less infrared thermometer. All personnel who are designated to take temperatures will be trained in the proper procedure for temperature taking and will be provided with the proper protective equipment necessary to include gloves and disinfecting solution. Anyone with a temperature of 100.4 or over will not be permitted access to the building. The required screening questions will be asked by the Sheriff's Officers or designated employees and if any person answers yes to one or more of the questions, the individual will be asked to leave the court. The individual will be provided with a phone number to call to resolve their court-related issue.

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.

For other court business, individuals age 65 and older as well as 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 will be advised to appear for court hearings and proceedings remotely.

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 six feet distancing requirement. These six 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 six feet apart. Elevator signage allows for only one person at a time in each elevator.

Face Coverings

Per NM Supreme Court Order No. 20-8500-017 dated May 15, 2020, all persons who enter the courthouse are required to wear masks or other protective face coverings at all times when in the building. Disposable masks will be provided to any individual who does not have a mask or other protective face covering. Judges and employees will wear masks at all times in the building unless the Judge or employee is in an enclosed office with no visitors. If visitors are received in an enclosed office, the employee or Judge must immediately don a mask. Cubicles are not considered closed offices.

Hygiene

Several touch-less hand sanitizer dispensers have been purchased for use in the courthouse. Two will be mounted on mobile stands for use at the front door. The remaining dispensers will be mounted to the walls in areas such as at the door to the jury assembly room, the entry to the Clerk's Office and the entry to courtrooms. 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.

Additional plexiglass has been installed at all customer service windows to close large gaps and openings in the glass, minimizing exposure and providing additional protection to customers and court staff members. Staff members who deal with the exchange of paperwork have been provided with hand-held ultra violet light sanitizer wands in an effort to eliminate germs, bacteria and viruses that could potentially exist on the documents.

Cleaning Protocol

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 an ample supply is maintained by Court Administration for distribution to staff as requested.

Restrooms are cleaned on a daily basis by County custodial personnel. Multiple-stall restrooms have the middle stall taped off and locked to maintain proper social distancing. A maximum of two people will be allowed in restrooms at a time. Signage will be displayed on the restroom doors to indicate this limit. 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 Count 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 door knobs 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.

Glass partitions are being installed in all courthouses in the district and will be complete by June 30, 2020. The glass is being installed on courtroom benches to provide protection between the Judge, Court Monitor and witness as the minimum 6 ft of distance is not possible in those areas. The glass will be cleaned by designated court personnel at the beginning and end of each day or when the transition of occupants in each occupied space occurs.

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 four-week period. Bailiffs will be provided with a bin to maintain individual juror care bags provided to jurors selected to serve. The clear bags containing hand sanitizer, a pen, a mask and notebook and each bag will be clearly marked with the name of the juror. The Bailiff will collect the bags at the end of the day or before breaks and maintain them in the bin provided. When presidings resume, the Bailiff will pass out each juror's bag to the respective juror while using a gloved hand. The bin will not be passed around or otherwise touched by jurors. Only Bailiffs will come in contact with the bin and its contents.

New Mexico Judicial Branch COVID-19 Court Facility Screening Questions

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

First Judicial District Court Reopening Procedures

Santa Fe, Los Alamos, Rio Arriba Court Clerk's Office

First Judicial District Court

Resuming Business Plan – Customer Service / Scheduling of Clerk Staff

Santa Fe, Tierra Amarilla & Los Alamos locations

Safety: minimizing the risk of exposure to the novel coronavirus

The customer service windows are plexi-glass from the ceiling to the counter. For customers filing in-person at the courthouse, documents are passed through a 12"x 3" slot and clerk staff communicate with the customer using microphones, thereby minimizing exposure to customers and court staff members. A predetermined number of customers are allowed in each customer service public common area, at any time, which varies depending on the size of the area and doors are propped open during normal business hours. All customer service public common areas are clearly marked for 6 feet apart social distancing with tape on the floor and in the hallway, (see photos attached). Signage referencing the public health order requirements for wearing masks are posted in all customer service public common areas. Disinfectant Spray/Disinfectant Wipes/HDQ Neutral Disinfectant Cleaner and Microfiber Cleaning Cloths are all readily accessible at each clerk 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 needing 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. Both the clerk providing assistance at the clerk's front counter and the customer accessing the clerk's office wear masks. Ultra violet light sanitizer wands are utilized at each customer service window in order to scan documents in an effort to eliminate germs, bacteria and viruses that could potentially exist on the documents. These guidelines apply to all customer service offices such as Santa Fe Clerk's Office, Tierra Amarilla Clerk's Office, Los Alamos Clerk's Office, Self Help and Domestic Violence Divisions.

Managing the number of people permitted in our courthouses - 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 customers copy. If a document is received and a filing fee is required, such as 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.

Keeping the pubic, employees and judges safe

Santa Fe Clerk's Office:

Currently, a group of 11 employees works in the office during normal business hours on a rotating basis 2-3 days of the week and teleworking other days. On any given day of the workweek, the clerk's office staff is comprised of 2-Supervisor/Managers, 2-Judicial Lead workers, and 3-Judicial Specialist IIs because of scaled back, staggered work schedules. All clerk staff are in compliance with social distancing requirements as the Court Manager and Supervisors all have their own offices; lead workers are positioned on opposite sides of the L-shaped court counter. The judicial specialists work in cubicles that are 5'7" feet high (see photos attached). The three employees working in cubicles are positioned on opposite sides of the office, more than 6 feet apart. Clerk's office staff working in the office are serving the public processing payments, emailed, faxed and hard copy filings, FTR and copy requests as well as answering incoming calls to the court. All other clerical responsibilities are processed by telework staff working remotely from home. This has allowed us to minimize exposure of court staff by maintaining the 6 feet social distancing requirement.

Tierra Amarilla Clerk's Office:

The Tierra Amarilla clerk's office staff is comprised of 1- Judicial Lead worker. The employee covers the office on a regular basis during normal business hours to serve the public. On occasion when this employee takes leave, clerk staff from the Santa Fe office are scheduled to provide coverage. The office staff member provides customers with Supreme Court approved forms, reviews new case packets to ensure all forms are completed, signed, notarized, processes payments, emailed, faxed and hard copy filings, FTR and copy requests as well as answer incoming calls to the court.

Los Alamos Clerk's Office:

The Los Alamos District Court clerk's office is open one day per week. Staff is comprised of 1-Judicial Specialist II. Three employees from the Santa Fe office provide coverage for this office on a rotating basis to serve the public. The office staff member provides customers with Supreme Court approved forms, reviews new case packets to ensure all forms are completed signed, notarized, processes payments, emailed, faxed and hard copy filings as well as answers incoming calls to the court.

Self Help:

The Self Help office staff is comprised of 1-Judicial Specialist II. Two employees provide coverage for this office on a rotating basis, working in the office 2-3 days of the week to serve the public and all other days teleworking.. The office staff member provides customers with Supreme Court approved forms; reviews new case packets to ensure all forms are completed signed and notarized as well as answer incoming calls to the court.

Domestic Violence:

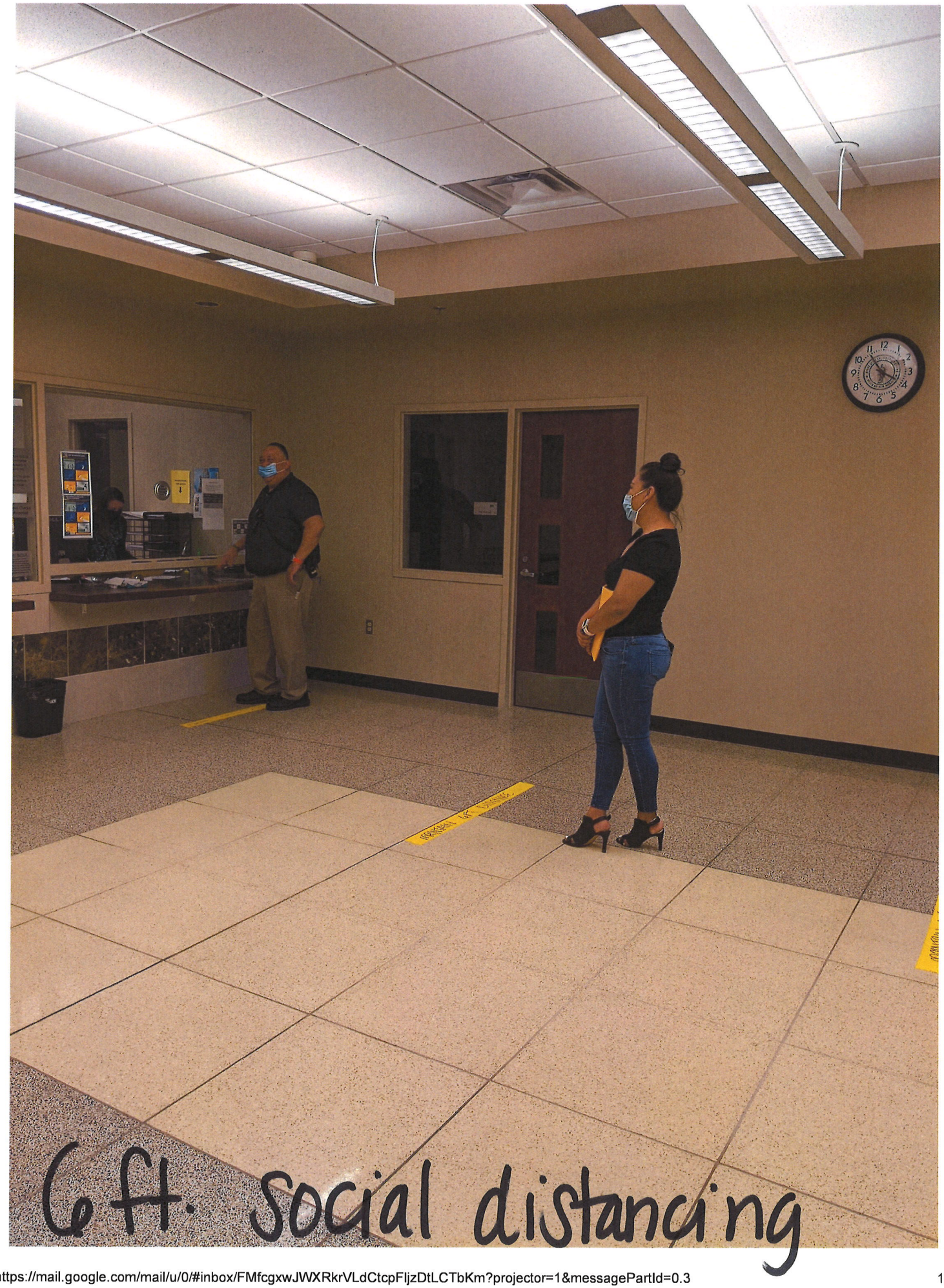
The Domestic Violence office staff is comprised of 1- Judicial Lead worker or 1-Judicial Specialist II. The employees are scheduled to provide coverage in the office on a rotating basis working in the office 2-3 days of the week to serve the public and other days teleworking. The office staff member reviews new case documents, processes new case packets, emailed, faxed and hard copy filings, calendars hearings, arranges service of documents by local law enforcement departments as well as answer incoming phone calls to the court. All other clerical responsibilities are processed by telework staff working remotely from home. This has allowed us to minimize exposure of court staff by allowing the court to maintain the 6 feet social distancing requirement.

Resources

The Clerk's Office, Self Help and Domestic Violence offices have all been operating effectively and efficiently under this plan for the past few months. Teleworking staff have VPN remote access.

Clerk's Office Cubicles

Clerk Cubicle w/ clerk working


6 ft. social distancing

MAINTAIN 6FT. DISTANCE
MAINTAIN 6FT. DISTANCE
6 ft. markings in hallway
MAINTAIN 6FT. DISTANCE

Clerk's office
Social distancing markers

First Judicial District Court
Reopening Procedures
Santa Fe County
Los Alamos County
Rio Arriba County
Jury Division

First Judicial District Court
Resuming Jury Selections & Jury Trials Plan
Santa Fe, Tierra Amarilla & Los Alamos locations

Supplies needed:

- Disinfectant Spray/Disinfectant Wipes/HDQ Neutral Disinfectant Cleaner/Microfiber Cleaning Cloths or disposable cloths
- Face Masks
- Gloves (staff use only for sanitizing and taking temperatures)
- Hand Sanitizer
- 8 oz. water bottles
- Accessible Trash Receptacles
- Plexi-Glass/Tempered glass
- Instant Forehead Thermometers
- Ultraviolet UV Sanitizer Wand
- 2 way radio

Customer Service

- Prior to arriving at the Santa Fe Courthouse all jurors will be required to park at one of the designated parking areas as recommended on the jury summons. This is to include handicapped parking at the entrance of the building. Jurors arriving at the Los Alamos and Tierra Amarilla courthouses will be required to park in the designated parking lot for those courthouses.
- Jurors shall submit to all screening requirements prior to entering the building to include temperature screening and answering required screening questions. Jurors have been instructed to stay home if they are sick.
- All jurors are required to wear face masks that cover both their nose and mouth prior to entering the building and at all times while in the building, in compliance with the Chief Justices' mandatory health order effective May 15, 2020.
- 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 6 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.
- Upon entry of the Jury Assembly room the juror follow the clearly marked pathway and will walk straight into the assembly area. To the left is the customer service counter/jury services office and straight ahead is an open room with a courtroom setting to include 2 large wooden counsel tables, placed more than six feet apart in distance and facing each other, a Judge's bench, court monitor station and jury clerk station. The bench, court monitor and clerks station's are protected by a 1/4 inch thick tempered glass that has been installed from the top of the bench and goes up 36 inches and has a 12x3 opening at the bottom of the tempered glass.
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- The Ceremonial Courtroom located in the Santa Fe Courthouse is located on the second floor. Jurors will be required to enter the courthouse five at time. The path from the entrance doors to security will be clearly marked with arrows. Jurors will proceed through security to the second floor either by the marked stairway or marked elevator leading up to the courtroom. ***Please see the plan for Santa Fe courthouse as outlined in the Civil Division and Criminal Division Reopening Plan for description of courtroom***
- The Tierra Amarilla large courtroom located in Tierra Amarilla is located on the second floor. Jurors will be required to enter the courthouse five at time. The path from the entrance doors to security will be clearly marked with arrows. Jurors will proceed through security to the second floor either by the marked stairway or marked elevator leading up to the courtroom. ***Please see the plan for Tierra Amarilla courthouse as outlined in the Civil/Criminal Division Reopening Plan forTierra Amarilla courthouse for description of courtroom***
- The Los Alamos courtroom is located in Los Alamos courthouse and is located on the second floor. Jurors will be required to enter the courthouse five at time. The path from the entrance doors to security will be clearly marked with arrows. Jurors will proceed through security to the second floor either by the marked stairway or marked elevator leading up to the courtroom. ***Please see the plan for Los Alamos courthouse as outlined in the Civil/Criminal Division Reopening Plan for Los Alamos courthouse for description of courtroom***

- The customer service window in Santa Fe is a glass window from the counter top to the ceiling and is safeguarded to close large gaps and has a 12x3 opening at the bottom of the glass, minimizing exposure for protection to jurors and court staff members.
- Microphones and speakers have been installed in the customer service window to further assist with the six foot distance requirement and to increase better audio for the customer and jury staff member. Outside of the customer service window is a floor sign indicating where the six foot distance is located.
- Counters, door handles and any other surfaces accessible to the public and employee workstations are sanitized and disinfected with a disinfectant wipes or disinfectant spray after each juror has left that specific area.
- Hand sanitizer, facial tissue and trash receptacles are placed outside of the customer service window. An ultraviolet light sanitizer wand is utilized at the customer service window in order to scan documents in an effort to eliminate germs, bacteria and viruses that could potentially exist on the documents.

Reopening of Jury Division

- Staff of the jury management division are operating during normal business hours on a staggered and scaled back work schedule to serve the public.
  - On any given day the office has one staff member scheduled to work in the office. The staff member assigned to work in the office will be responsible to help any juror that walks in for assistance with: Qualification/Questionnaire forms, excusal request paperwork and Age Affidavits, scan mail and faxes for the staff working at home. The at home staff members process the scanned mail, answers emails, web tasks and juror document uploads in Jury+ system. All staff issue individual juror numbers regardless of scheduled post. The staggered schedule has allowed

us to minimize exposure of court staff. All jury staff are required to wear their masks and are encouraged to wash their hands often and utilize the UV sterilization wand while processing paperwork of any kind. This schedule has been operating effectively and efficiently for the last several months.

- In the Jury office there is an open area with three desks, which are more than six feet in distance. Attached to this open area is a smaller office, which has one more desk. The staff member that utilizes the smaller office sits more than six feet away from the remaining staff members.

Jury Selection Preparation & Jury Trials

- 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 in 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 includes 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 remind the juror to bring their mask. If the juror arrives without a mask one will be provided to them before entering the building. The information will also include that if the juror is experiencing any symptoms to not appear and contact the jury division by phone or email.
- 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

- For selections only the staff will be increased to ensure all areas of the selection are covered and assistance with guiding jurors to the appropriate area for their selection. (Once selection is completed for the day, the additional staff members will return to their remote work assignments.)
- The morning of selection jurors will arrive at the Courthouse. Outside of the main entry doors the jurors will be greeted by a jury staff member. The staff member will be located in a designated area for the jurors only.
- Each juror will be screened prior to entering the building. The screening will consist of the jurors answering a questionnaire regarding, COVID-19 symptoms, recent travel and will be required to submit to a temperature check prior to entering the Courthouse. Any juror with a temperature of 100.4 or above will be denied access to the courthouse.
- The jury division staff will be required to bring jurors in for selections in separate sessions. This will consist of a morning and afternoon session. Each session will consist of 21 jurors. If 21 jurors are seated in the courtroom or jury assembly room, the remaining amount of jurors that appeared will be released for that session.
- 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 appear 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 met. Jurors will be directed to enter the building in small groups of five (5) allowing 6 feet 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. Jury staff will communicate through 2-way radio to ensure all jurors in the correct courtroom or assembly room for their selection. This will also assist in notifying the jury staff member at the entrance that the total number of jurors have been met for that session (21).
- The Ceremonial Courtroom located in the Santa Fe Courthouse is located on the second floor. Jurors will be required to enter the courthouse five at time and must remain in a single file line. The path from the entrance doors to security will be clearly marked with arrows. Jurors will proceed through security to the second floor either by the marked stairway or marked elevator leading up to the courtroom. At the entrance of the Ceremonial Courtroom jurors will be greeted by a jury staff member who will be giving the jurors attendance prior to entering the courtroom. The staff member will guide the jurors to a designated seat one at a time after checking in at the door. ***Please see the plan for Santa Fe courthouse as outlined in the Civil Division and Criminal Division Reopening Plan for description of Ceremonial Courtroom***
- The Tierra Amarilla large courtroom located in Tierra Amarilla is located on the second floor. Jurors will be required to enter the courthouse five at time and must remain in a single file line. The path from the entrance doors to security will be clearly marked with

arrows. Jurors will proceed through security to the second floor either by the marked stairway or marked elevator leading up to the courtroom. At the entrance of the large courtroom jurors will be greeted by a jury staff member who will be giving the jurors attendance prior to entering the courtroom. The staff member will guide the jurors to a designated seat one at a time after checking in at the door. ***Please see the plan for Tierra Amarilla courthouse as outlined in the Civil/Criminal Division Reopening Plan for Tierra Amarilla courthouse for description of courtroom***

- The Los Alamos courtroom is located in Los Alamos courthouse and is located on the second floor. Jurors will be required to enter the courthouse five at time. The path from the entrance doors to security will be clearly marked with arrows. Jurors will proceed through security to the second floor either by the marked stairway or marked elevator leading up to the courtroom. At the entrance of the large courtroom jurors will be greeted by a jury staff member who will be giving the jurors attendance prior to entering the courtroom. The staff member will guide the jurors to a designated seat one at a time after checking in at the door. ***Please see the plan for Los Alamos courthouse as outlined in the Civil/Criminal Division Reopening Plan for Los Alamos courthouse for description of courtroom***
- 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 6 feet apart and there are place 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 six 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.

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 and must submit to a temperature check. If a juror is exhibiting any symptoms the jury staff member will immediately notify the Judge and counsel, ultimately the juror exhibiting symptoms will be replaced by an alternate.
- 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 two cloth masks, 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 rearranged to have 3-4 jurors in each row of the jury box depending on how many jurors are serving on that specific case. The remaining jurors will be strategically placed in the gallery area of the courtroom maintaining a six foot distance. The jurors' seats in the gallery will be clearly marked to where each juror will be seated.

Supreme Court of New Mexico

CHIEF JUSTICE
JUDITH K. NAKAMURA
JUSTICES
BARBARA J. VIGIL
MICHAEL E. VIGIL
C. SHANNON BACON
DAVID K. THOMSON

P.O. BOX 848
SANTA FE, NEW MEXICO
87504-0848

CHIEF CLERK
JOEY D. MOYA, ESQ.
(505) 827-4860 FAX (505) 827-4837

Dear Prospective Juror,

Jury trials are a critical and unique part of our American democracy and are particularly important during challenging times. Jurors bring common sense and a citizen's perspective to our criminal and civil justice proceedings, and help lawyers and judges resolve conflicts peacefully. The right to a jury trial is so important that it is included in our constitution. Preserving that right, however, depends on the willingness of citizens like you to serve on juries.

We understand that some of you may have concerns about reporting to jury duty during the COVID-19 pandemic. On behalf of the New Mexico Supreme Court, I want to assure you that the judiciary has and continues to work diligently to protect the health and safety of *every* person who enters a courthouse. Every court has implemented safeguards recommended by health authorities, including the New Mexico Department of Health and the New Mexico Human Services Department, to offer maximum protection against the virus.

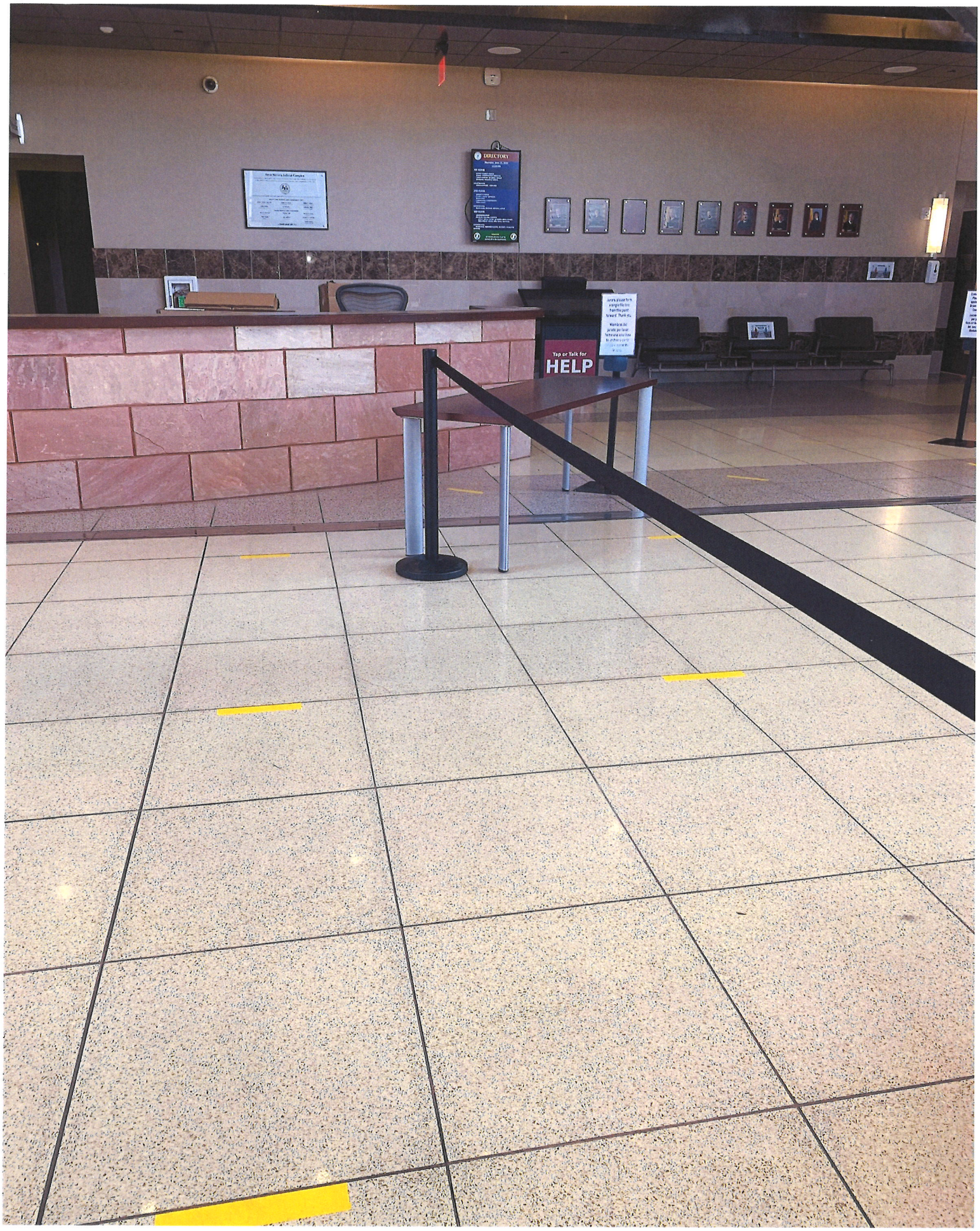
Our COVID-safe practices include:

- A minimum of 6-foot distancing between people in courtrooms, juror assembly rooms, elevators, and elsewhere throughout our courthouses. This means that potential jurors will not be sitting next to each other during jury selection and those selected will be spread out both in the courtroom and jury deliberation room.
- Protective plexiglass has been installed where physical distancing cannot be maintained.
- Temperature checks and screening of everyone to ensure someone with symptoms does not enter a court facility.
- Requiring everyone — jurors, judges, attorneys, witnesses, staff, and visitors — to wear a mask when in a court facility. A mask is provided to anyone who does not have one.
- Cleaning and disinfecting all areas in judicial buildings, particularly high-touch surfaces, such as doors and courtroom seating. Hand sanitizer is available throughout courthouses.

Protecting the health and well-being of citizens who ensure our American system of justice works is our highest priority. Thank you for your service.

Sincerely,

Judith K. Nakamura
Chief Justice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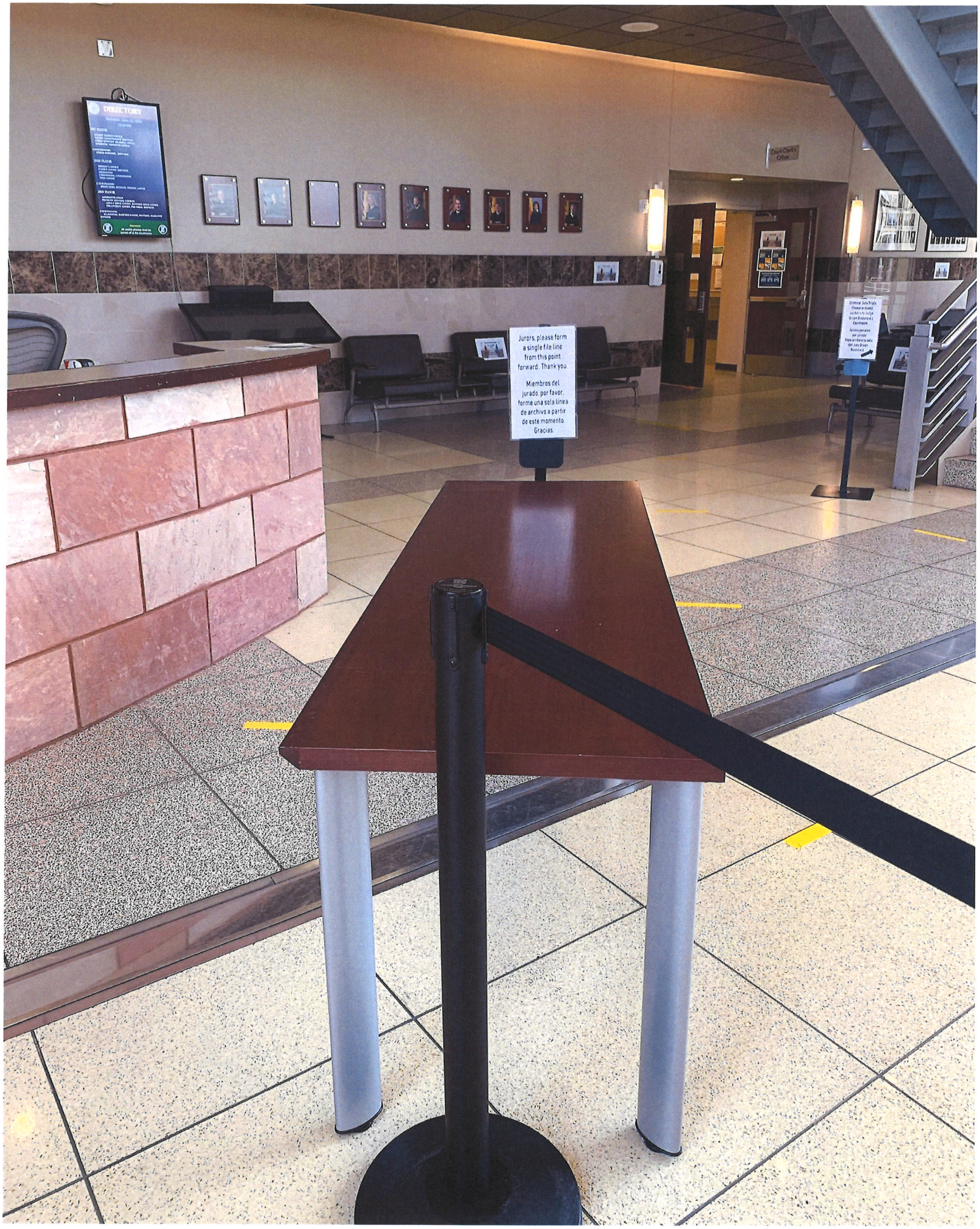
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Court Clerk's Office
Jurors, please form a single file line from this point forward. Thank you.
Miembros del jurado, por favor, forme una sola línea de archivo a partir de este momento. Gracias.

Court Clerk's Office
Criminal Jury Trials
Please proceed upstairs to Judge Bryan Biedsheid's Courtroom
Juicios penales por jurado
Vaya arriba a la sala del Juez Bryan Biedsheid
Jurors, please form a single file line from this point forward. Thank you.
Miembros del jurado, por favor, forme una sola línea de archivo a partir de este momento. Gracias.

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Juicios penales
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Vaya arriba a la sala
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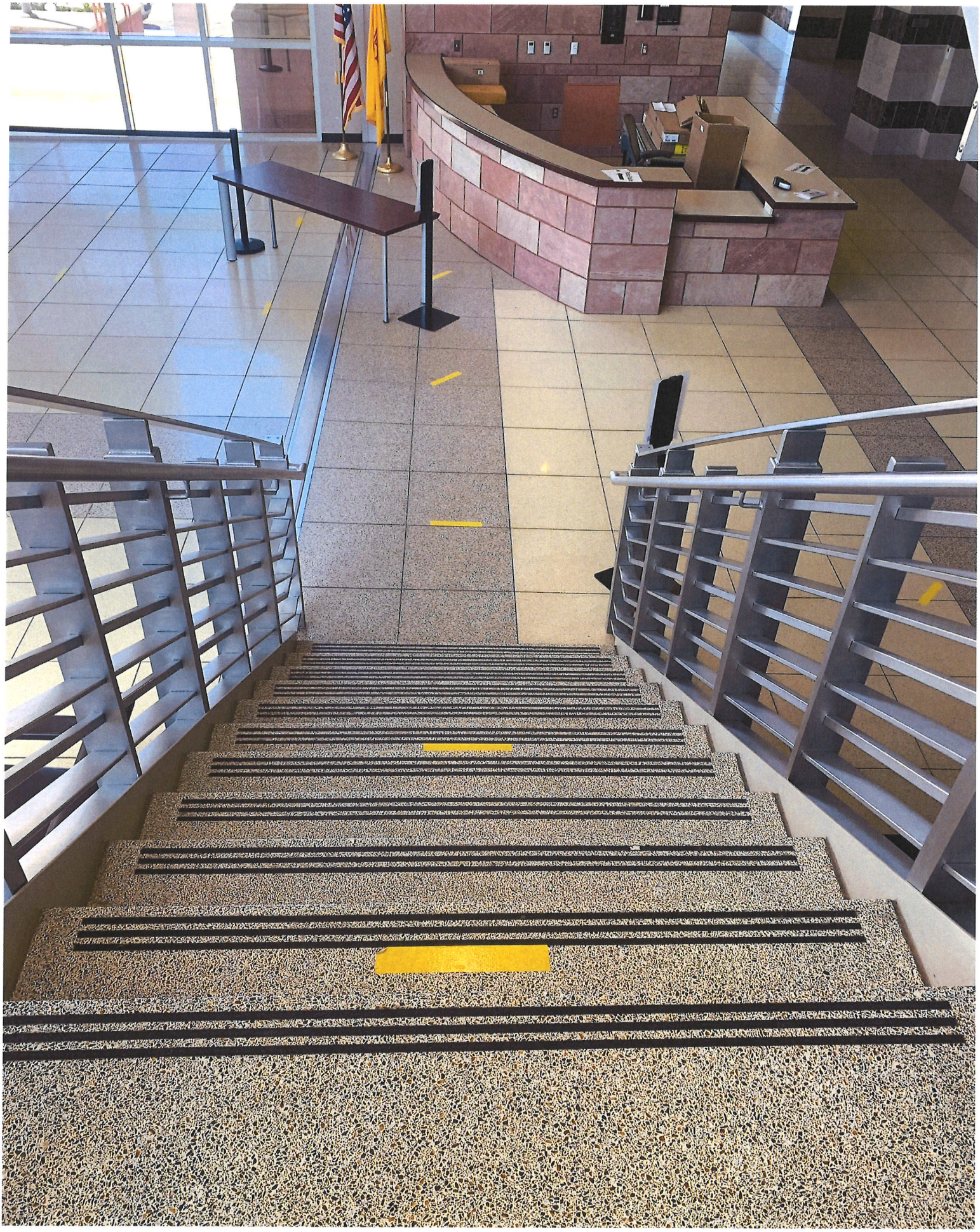

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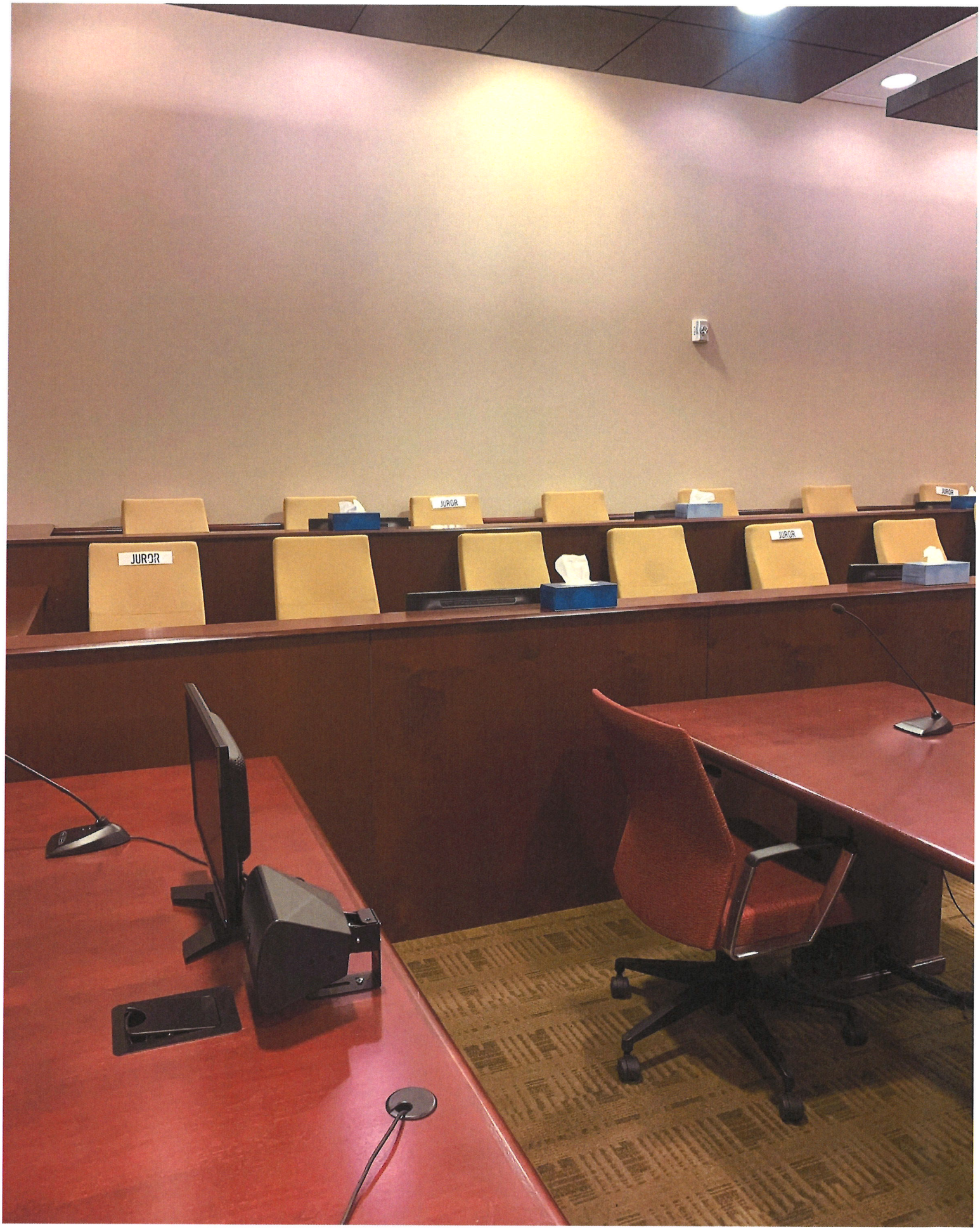
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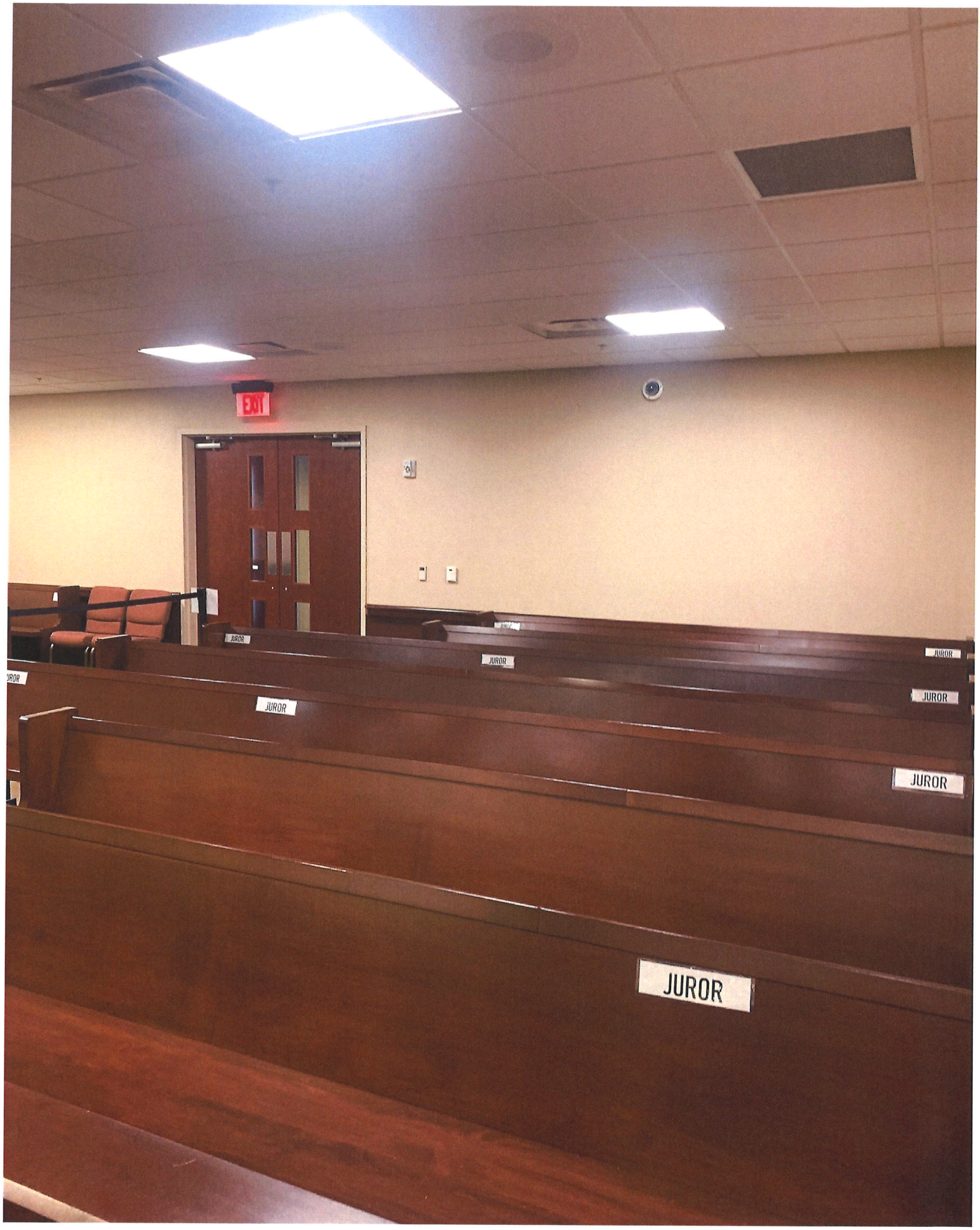
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First Judicial District Court Reopening Procedures 2020 & 2021 Venue Schedules

TO: CHIEF JUDGE MARY L. MARLOWE SOMMER

FROM: KIM MOORE

RE: YEARS 2020 AND 2021 VENUE SCHEDULES WITH DIVISION X AND WITH PHE

For your review are revised 2020 and 2021 Venue Schedules with the addition of Division X, designated as a primarily civil division, and under the continuing Public Health Emergency and all recommended guidelines.

As discussed, we will be using two locations for Santa Fe jury selections: the Jury Assembly Room and Judge Biedscheid's Courtroom, to be split among seven judges. Judge Jason Lidyard will continue, for the most part, as scheduled, to conduct selections in Tierra Amarilla and Los Alamos.

Here's how it looks:

Jury Assembly Room: Selections held on Monday every two weeks, rotating among FJM, MJW, MSG and DIV X. Each judge has selection every eight weeks.

Judge Biedscheid's Courtroom: Selections held on Monday every other two weeks, rotating among BPB, MMS and TGE. Each judge has selection every six weeks.

T.A. and Los Alamos: Selections held on Wednesday with JCL, and to be shared with other judges, as needed.

Other Selections to be held, as necessary and if more than one trial scheduled, within each two week rotation.

One important note: Each Judge's very first Jury Selection, beginning July 15, 2020, actually aligns with his or her previously scheduled Jury Selection listed on the old Venue Schedule. Beyond that, however, the new Jury Selection dates mostly fall on different weeks, with some purely coincidental exceptions. It is imperative that Judges and TCAAs compare the new schedule to the old schedule to determine which dates are different and adjust scheduling orders accordingly.

Also, it is important to note that all Santa Fe Jury Selections will be held on Mondays, and Rio Arriba and Los Alamos on Wednesdays. (With the exception of the very first Santa Fe jury selection, scheduled with Judge Biedscheid, on July 15, 2020, which is a Wednesday, not a Monday, and the same day Judge Lidyard has Rio Arriba jury selection.)

YEAR 2020 VENUE SCHEDULE / PHE

ALL DIVISIONS - Updated 05/22/20

	DIVISION I	DIVISION II	DIVISION III	DIVISION IV	DIVISION V	DIVISION VI	DIVISION VII	DIVISION VIII	DIVISION IX	DIVISION X
	Mathew	**Sanchez-Gagne**	**Broderick Bulman**	**LaMar**	**Lidyard**	**Biedscheid**	**Ellington**	**Marlowe Sommer**	**Wilson**	**TBD**
22-Jun-20										
29-Jun-20										
6-Jul-20										
13-Jul-20					**RA**	**SF/JBC**				
20-Jul-20	**SF/JAR**									
27-Jul-20								**SF/JBC**		
3-Aug-20									**SF/JAR**	
10-Aug-20					**RA**		**SF/JBC**			
17-Aug-20		**SF/JAR**								
24-Aug-20						**SF/JBC**				
31-Aug-20										**SF/JAR**
7-Sep-20					**RA**			**SF/JBC**		
14-Sep-20	**SF/JAR**									
21-Sep-20					**LA**		**SF/JBC**			
28-Sep-20					**RA**				**SF/JAR**	
5-Oct-20						**SF/JBC**				
12-Oct-20		**SF/JAR**								
19-Oct-20					**RA**			**SF/JBC**		
26-Oct-20										**SF/JAR**
2-Nov-20					**RA**		**SF/JBC**			
9-Nov-20	**SF/JAR**									
16-Nov-20						**SF/JBC**				
23-Nov-20					**RA**				**SF/JAR**	
30-Nov-20								**SF/JBC**		
7-Dec-20		**SF/JAR**			**RA**					
14-Dec-20					**LA**		**SF/JBC**			
21-Dec-20										**SF/JAR**
28-Dec-20					**RA**	**SF/JBC**				

Legend: LA = Los Alamos Courthouse
RA = Rio Arriba Courthouse
SF = Santa Fe Courthouse

*** REMEMBER ***

WHEN A MONDAY SELECTION FALLS ON A HOLIDAY, THAT SELECTION IS MOVED TO TUESDAY

ALL SANTA FE SELECTIONS IN BOTH LOCATIONS ARE TO BE HELD ON MONDAYS

ALL RIO ARRIBA AND LOS ALAMOS SELECTIONS ARE TO BE HELD ON WEDNESDAYS

X = Generally, when there are overlapping venues for Rio Arriba, jury selections will be held in Rio Arriba, and the judge who has already selected will bring the remainder of that trial to Santa Fe. Please be sure to coordinate with one another's offices.

= Shared Panel

YEAR 2021 VENUE SCHEDULE / PHE

ALL DIVISIONS - Updated 05/22/20

	DIVISION I	DIVISION II	DIVISION III	DIVISION IV	DIVISION V	DIVISION VI	DIVISION VII	DIVISION VIII	DIVISION IX	DIVISION X
	Mathew	**Sanchez-Gagne**	**Broderick Bulman**	**LaMar**	**Lidyard**	**Biedscheid**	**Ellington**	**Marlowe Sommer**	**Wilson**	**TBD**
21-Dec-20										**SF/JAR**
28-Dec-20					**RA**	**SF/JBC**				
4-Jan-21	**SF/JAR**									
11-Jan-21								**SF/JBC**		
18-Jan-21					**RA / LA**				**SF/JAR**	
25-Jan-21							**SF/JBC**			
1-Feb-21		**SF/JAR**								
8-Feb-21					**RA**	**SF/JBC**				
15-Feb-21										**SF/JAR**
22-Feb-21					**RA**			**SF/JBC**		
1-Mar-21	**SF/JAR**									
8-Mar-21					**RA**		**SF/JBC**			
15-Mar-21									**SF/JAR**	
22-Mar-21						**SF/JBC**				
29-Mar-21		**SF/JAR**			**RA**					
5-Apr-21								**SF/JBC**		
12-Apr-21					**RA**					**SF/JAR**
19-Apr-21							**SF/JBC**			
26-Apr-21	**SF/JAR**									
3-May-21						**SF/JBC**				
10-May-21									**SF/JAR**	
17-May-21					**RA**			**SF/JBC**		
24-May-21		**SF/JAR**								
31-May-21							**SF/JBC**			
7-Jun-21					**RA / LA**					**SF/JAR**
14-Jun-21						**SF/JBC**				

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YEAR 2021 VENUE SCHEDULE / PHE

ALL DIVISIONS - Updated 05/22/20

	DIVISION I	DIVISION II	DIVISION III	DIVISION IV	DIVISION V	DIVISION VI	DIVISION VII	DIVISION VIII	DIVISION IX	DIVISION X
	Mathew	**Sanchez-Gagne**	**Broderick Bulman**	**LaMar**	**Lidyard**	**Biedscheid**	**Ellington**	**Marlowe Sommer**	**Wilson**	**TBD**
21-Jun-21	**SF/JAR**									
28-Jun-21								**SF/JBC**		
5-Jul-21									**SF/JAR**	
12-Jul-21					**RA**		**SF/JBC**			
19-Jul-21		**SF/JAR**								
26-Jul-21						**SF/JBC**				
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9-Aug-21					**RA**			**SF/JBC**		
16-Aug-21	**SF/JAR**									
23-Aug-21							**SF/JBC**			
30-Aug-21									**SF/JAR**	
6-Sep-21					**RA**	**SF/JBC**				
13-Sep-21		**SF/JAR**								
20-Sep-21					**LA**			**SF/JBC**		
27-Sep-21					**RA**					**SF/JAR**
4-Oct-21							**SF/JBC**			
11-Oct-21	**SF/JAR**									
18-Oct-21					**RA**	**SF/JBC**				
25-Oct-21									**SF/JAR**	
1-Nov-21					**RA**			**SF/JBC**		
8-Nov-21		**SF/JAR**								
15-Nov-21							**SF/JBC**			
22-Nov-21					**RA**					**SF/JAR**
29-Nov-21						**SF/JBC**				
6-Dec-21	**SF/JAR**				**RA**					
13-Dec-21					**LA**			**SF/JBC**		
20-Dec-21									**SF/JAR**	
27-Dec-21					**RA**		**SF/JBC**			

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= Shared Panel

First Judicial District Court
Reopening Procedures
Santa Fe County
Civil

1st Judicial District Civil Division Re-opening Plan

Santa Fe County

On May 28, 2020, the New Mexico Supreme Court issued its Order No. 20-8500-020 concerning the lifting of its suspension of civil and criminal jury trials. Under the terms of the Order, New Mexico Courts may recommence jury trials under certain conditions, including maintaining social distancing of no less than six (6) feet of separation, limiting room occupancy to fifteen (15) people, including judges and court staff, except with permission, and requiring all persons in and around the courthouse to wear masks at all times.

For the 1st Judicial District Court of Santa Fe County to comply with Order No. 20-8500-20, it has been left with only two (2) spaces that can accommodate jury trials requiring a panel of twelve (12) jurors plus two (2) alternates. One space is the Ceremonial Courtroom and the other space is the Jury Assembly Room where our juries have been chosen and assembled throughout the trial dockets. These two (2) spaces will necessarily have to be shared by all civil and criminal judges holding jury trials.

At this time, it appears that bench trials and six (6) person jury trials may go forward in the standard courtrooms with the jury deliberation rooms being utilized under the current space and social distancing limitations.

The Ceremonial Courtroom must be used for judges with criminal dockets due to security requirements. The Jury Assembly Room will be shared by four (4) civil judges. One civil judge will share the Ceremonial Courtroom with the criminal judges,

The Jury Assembly Room requires certain modifications including mobile monitors for evidence displays and will not have certain podium electronic capabilities. Both spaces require the use of adjoining courtrooms for jury deliberations and breaks including breaks necessitated

by arguments outside of the jury's presence, resulting in the loss of these courtrooms for hearings and bench trials during jury trials.

To accommodate the space sharing by four (4) judges, the Court has been required to suspend the current assigned jury docket schedules. In an attempt to provide each judge with as much time as possible in the available spaces, the Court is assigning each criminal and civil judge a two (2) week jury docket on a rotating schedule. The Santa Fe civil judges' dockets will typically commence on Mondays.

Juries in the 1st Judicial District will no longer be chosen for the entire scheduled docket on the first day of the judge's docket. Smaller jury panels will be called, so that social distancing may be maintained and room occupancy limitations complied with. This may mean that multiple panels will need to be called and staggered throughout the day and that individual voir dire of potential jurors will be more limited. It may mean the use of an entire day to assemble one (1) twelve (12) person jury with alternates. Juries for trials will be chosen on the first day of the re-assigned trial date(s), and trials will commence as soon as the jury has been chosen. If peremptory challenges were reduced in number, it is anticipated that smaller panels could be used and possibly less time would be needed for jury selection.

Trials will continue to be scheduled on a trailing docket basis. So that as many jury trials as possible may be conducted, the civil judges may consider limiting trial times, for example, to five (5) days, including jury selection. This will allow at least two (2) trials in a two (2) week docket. Parties will be offered and encouraged to stipulate to the use of summary jury trials which could be conducted in one (1) day, and, by stipulation of the parties, these trials could be binding or nonbinding. Theoretically, at least three (3) summary jury trials could be conducted

in a week. This would however place a heavy burden on Jury Services personnel. Summary jury trials, may also be used to reduce trial backlogs.

Reasonably anticipated evidentiary objections will necessarily be required to be resolved before trial. Exhibits must be offered and their admission ruled upon before the jury selection. Opening statements and closing arguments will be limited in time. Exhibits will be published electronically, but exhibit books will be required for the judge, witnesses, opposing counsel and the jury. The jury exhibit book would not be disturbed or handled by witnesses or counsel except when unanticipated exhibits are added or other exhibits would be removed. This jury exhibit book would be used by the jury during deliberations.

Each judge will prioritize the cases on their individual dockets. Cases that are time sensitive such as Temporary Restraining Orders, Guardianships, Adoptions and Name Change would be given priority by their nature. Each judge would decide how to populate their own dockets. The civil divisions would continue to handle cases, other than trials, remotely if possible and practical in the circumstances. Each judge will need to assess when an in-person hearing will be held based upon the nature of the hearing and the need to observe witnesses, use interpreters and review evidence, such as voluminous documentary evidence. Self-represented litigants will be provided with the option of attending remote hearings using Google Meet. The press and public will have equal access with the litigants to remote proceedings using the same platforms as the litigants for any hearing. The press and public will be subject to the same social distancing and gathering limitations as the litigants for in-person hearings. When the Court is handling matters of public interest and in-person attendance is not possible, the press and public may observe the proceeding through Google Meet.

For all cases not involving a public health proceeding or a party who is a self-represented litigant, a governmental entity, represented by a civil legal services organization (e.g. New Mexico Legal Aid), or represented by an attorney providing pro bono legal services, the civil divisions may use CourtCall.

For all cases involving a public health proceeding or a party who is a self-represented litigant, a governmental entity, represented by a civil legal services organization (e.g. New Mexico Legal Aid), or represented by an attorney providing pro bono legal services, the civil judges shall use Google Meet. Divisions 5, 6 and 9 are using Google Meet for all matters, and connection instructions and links are posted on their portions of the 1st Judicial District Court website.

Until the Courts can safely conduct twelve (12) person jury trials in our standard courtrooms with our standard deliberation rooms, there will be certain cases that will not be able to have a trial conducted due to the limited space and the number of parties and attorneys involved. The Court is researching potential alternatives for these cases. The use of auditoriums, gymnasiums and convention centers are being reviewed, but the uncertainty of the budget and the anticipated costs of rental, cleaning, security and additional staffing needs do not make these alternatives attractive at this time. Unfortunately, the Court cannot predict when this situation may change or when viable alternatives may be found.

We are all cognizant that this is a temporary situation, but it is a situation without a predictable end. It may last more than a year without any way to predict when we may be allowed to return to operations similar to those in place before the current public health emergency.

First Judicial District Court Reopening Procedures Santa Fe County Criminal and Juvenile

FIRST JUDICIAL DISTRICT COURT
SANTA FE DISTRICT COURTHOUSE
CRIMINAL AND JUVENILE CASES
PROPOSED PLAN FOR RESUMPTION OF JURY TRIALS
PROCEDURE FOR HEARINGS

Criteria for In-person Hearings for Santa Fe 101CR and JR Cases

There are two criminal judges that are assigned the Santa Fe criminal docket. One of these judges is assigned to the Juvenile Docket for all three counties, Santa Fe, Los Alamos and Rio Arriba. These two judges will continue to have hearings held remotely through telephonic and/or audio-visual connection. Any counsel wishing to have an in-person hearing will be required to submit a written motion. The court may on its own initiative determine the need for an in-person hearing. In considering whether an in-person hearing should be set, the Court is cognizant of the New Mexico Supreme Court's directive that remote hearings continue as much as possible.

At present, the two Santa Fe criminal judges use the Polycom system for all remote hearings. Santa Fe criminal and juvenile hearings will be accessed using the PexIP system following the training in order to accommodate a greater number of attorneys, witnesses, public and press able to access a remote hearing. For in-custody defendants at the Santa Fe Detention Center that appear on video, the two judges are allotted a three-hour window each weekday, which the judges must schedule around each other. Present in the courtroom for remote hearings are the judge, the court monitor and the bailiff.

The Court intends to continue with the New Mexico Supreme Court's Order No. 20-8500-12 with regard to remote hearings, which requires that if a party plans to offer documentary exhibits for admission at the hearing, the offering party shall submit the proffered exhibits to the court, with a copy to the opposing party, no later than 48 hours prior to the hearing, along with an exhibit list that indicates whether the parties stipulate or object to the admission of each proffered exhibit and the grounds for any objections. If it appears that one or more proffered exhibits will be opposed, the presiding judge may hold an evidentiary hearing prior to the hearing at which the exhibits are sought to be admitted in order to resolve objections to the admission of the exhibits. The admission of exhibits opposed on foundational or authentication grounds may be conditionally admitted pending witness testimony, but purely legal objections to the admission of an exhibit may be resolved before the hearing for which the exhibits are sought to be admitted. The Court intends to continue with the New Mexico Supreme Court's Order that if a party anticipates challenging the identification of a defendant at a hearing to be held by telephonic or audio-video connection, that party shall notify the court and opposing counsel at least forty-eight (48) hours before the hearing so that the court and opposing counsel have adequate time to prepare and make arrangements for conducting the hearing in a manner conducive to addressing and resolving a challenge to the identity of the defendant.

Each morning the cleaning crew for the County will disinfect the courtroom per the First District Safety and Sanitizing Plan for Resuming Court Operations.

All these considerations also apply to remote bench trials.

Courtroom Use for In-person Hearings

The First Judicial District has submitted its Safety and Sanitizing Plan for Resuming Court Operations. All the requirements established therein, apply to all persons coming into the courthouse and, therefore, the courtrooms for criminal matters.

For the courtrooms to be used for criminal and juvenile in-person hearings, there is 1/4 inch tempered glass installed as follows: a glass barrier separates the witness from the judge; a glass barrier separates the court monitor from the judge. The tempered glass does not run in front of these areas because there is at least six feet of social distancing from the remainder of the courtroom. A mobile 1/4 inch glass shield separates the court monitor from counsel table and the lectern area. 1/

1/ Court staff met with plexiglass installers for quotes on Lexan plexiglass for our courtrooms. The installers could not submit quotes on Lexan plexiglass because they could not guarantee availability at any time close to the deadline the New Mexico Supreme Court issued for re-opening. In terms of types of plexiglass, only Lexan is appropriate. It is the type used in our Clerk's Office and Domestic Violence office. Earlier, Santa Fe County, as lessor of the courthouse, installed a lesser quality plexiglass in the Court's Domestic Violence Office. The County had to remove it and install Lexan plexiglass, because the lesser quality plexiglass bowed. The 1/4th inch tempered glass will ensure separation among all persons that are stationed in a location that is not at least six feet apart. The comparisons between the two are addressed at https//www.dillmeierglass.com. Plexiglass is lighter material when compared to tempered glass. Tempered glass is naturally dense, heavier and stronger than plexiglass. COVID-19 lives shorter on glass (and stainless) steel than other surfaces (citing the Journal of Hospital Infection).

There are two counsel tables. Two chairs are placed at the two ends of the table. Signage is used to instruct counsel and parties not to move the chairs from the marked location. Counsel tables are spaced six feet apart from one another. Counsel tables are spaced at least six feet apart from the lectern. The lectern is at least six feet from the bench. Counsel tables are greater than six feet from the bench.

With respect to in-custody defendants, a defendant will be in foot and hand restraints and accompanied by a sheriff deputy. The two will enter from the door leading into the courtroom from where in-custody defendants are routed from the holding cell to the courtroom. A defendant, either an in-custody or out-of-custody, is to be seated at the end of the counsel table closest to the door from which in-custody defendants enter. The seat will be marked as described above. Counsel and defendant will communicate by use of an individual writing pads and a blunt writing instrument (such as a sharpie) for an in-custody defendant. These will be provided by the Court. There has been a suggestion that counsel and defendant be able to use the interpreter equipment. Our interpreter tells us this is not practical. First, it would be hard to keep the conversation confidential. The equipment would need to be constantly monitored to make sure each attorney/client pair were using a different channel than anyone else, because if others are using the equipment at the same time and get on the same channel, they can hear what is being said. Nor is this equipment a two

way system. Therefore, both would need to wear a transmitter and a receiver. Should the proposed communication not work, the Court will revisit this issue. However, other district courts which have now opened for in-person hearings and trials, have reported that use of a writing pad and a writing instrument has been working without any problems. These writings will be gathered by defense counsel at the close of the hearing.

All persons in the courtroom must maintain the designated six feet markings around the courtroom. Counsel's objections must be made from counsel table. The parties shall timely motion the Court on matters regarding witnesses or exhibits, or matters which would ordinarily be brought up at a bench conference.

The bailiff will disinfect the witness stand and microphone upon a witness' exit from the stand. Each morning the courtroom will be disinfected per the First District Safety and Sanitizing Plan for Resuming Court Operations.

All these considerations also apply to in-person bench trials.

Santa Fe (101) CR Jury Trials and Juvenile Jury Trials

Jury Selection

Please refer to the Jury Division's comprehensive reopening plan applicable to all jury trials, which describes the use of specific questionnaires which include COVID-19 screening, followed by a subsequent questionnaire closer to jury selection which targets COVID-19 screening.

Supplemental Questionnaires

The parties are encouraged to use supplemental questionnaires to reduce the amount of time used for voir dire on "for cause" challenges which the parties can stipulate to before jury selection. In addition, supplemental questionnaires will allow a hearing to be held before voir dire so that the parties can argue which jurors can be excused "for cause" prior to voir dire.

Criteria and Courtroom Use for Criminal and Juvenile Trials

The First Judicial District Court has two courtrooms available for jury trials: 1) On the first floor: the "jury assembly room" which already has a bench, court monitor, counsel table, projector and witness box, with moveable chairs for the jury and spectators; and 2) On the second floor "the ceremonial courtroom" which has those locations as well and a fixed jury box and gallery seating. The revised venue schedule addresses the remaining months of 2020 and for the upcoming year of 2021. It allows a two week period for each judge to use one of the two courtrooms to which they have been assigned for his/her jury trial time, per the revised trial venue schedule. Judges can work out trading venue times, or allowing another judge to use all or some of his/her two week

trial period should the assigned judge not need that much time or not have a trial set during that particular two week trial period assignment.

The two Santa Fe criminal judges and one civil judge are assigned to the "ceremonial courtroom" to conduct jury trials. This courtroom will accommodate social distancing of up to 21 jurors for jury selection and will accommodate the 12 jurors and alternates selected for the trial itself. Chairs in the jury box and gallery are marked for jurors and each juror will have an assigned seat. The sign marking the seating location advises the jurors in English and Spanish not to remove these markers and to remain at all times within the marked space, upon entering the courtroom.

Chairs within the jury box have been eliminated except for the four that can be distanced six feet from one another. Juror seating continues into the gallery with designated marked seating distancing the jurors by six feet. For jury selection, the entire gallery is used for jury selection seating. However, once the jury is selected, the seating designated for jurors during jury selection is revised by taking away any of the 21 juror designated seating not needed for trial, and replacing them with designated public seating signs. Jurors are distanced from spectators by leaving the row between the jurors and the spectators empty, which is greater than six feet. In the event that the gallery is filled, the Court will provide a video display of the hearing outside the courtroom, with marked social distancing seating.

There is ¼ inch thick tempered glass separating the judge from the witness, and the judge from the court monitor. Glass also encloses the witness and the court monitor on the side away from the judge. The 1/4th inch tempered glass does not run in front of the bench, so that the judge, witness and court monitor have no glass in front. This is because the lectern, projector, counsel table, and jurors are distanced at least six feet from the bench area. In addition, the lectern, projector and counsel table are spaced six feet apart from one another, and at least six feet apart from jurors. There are four counsel tables. Two chairs are placed at the two ends of each table. The tables are set up such that the "four corners" of the two tables ensures the four persons located at marked locations are at least six feet apart. Signage is used to instruct counsel and others not to move the chairs from the marked location.

The jurors not selected as jurors for the trial will be excused and escorted out of the courtroom by the bailiff, six feet apart and will follow the socially distancing markings to exit the courthouse. Any jurors needing employment letters will be met outside by a jury clerk, at a marked location at least 10 feet away from the entrance to the courthouse. The jury clerk will put an employment letter on a portable table next to him/her. The jury clerk will step six feet back and the juror can retrieve his/her letter from the table.

The jurors selected for trial will then be taken to the courtroom next door to the "ceremonial courtroom," one at-a-time by the bailiff. Juror seating will be marked throughout the courtroom, at least six feet from one another. The courtroom is set up for 15 jurors. If the trial has more than three alternates, additional juror seating will be accommodated by designating another seat which is already at least six feet from the marked seating of the 15 jurors. Upon their arrival to the courtroom, jurors will find an ERT issued "juror bag" on their seat, a water bottle, and a non-peanut individually wrapped snack bar on their individual chairs. Two medium trash receptacles

will be placed at the exit of the courtroom leading into the public hallway. These receptacles will be emptied during the juror's lunch break and after the jury has left for the day. Water bottles and snacks will be replaced daily and on the jurors chairs when they arrive in the morning. The hand-sanitizer will be replaced at the request of the juror. The bailiff will handle these assignments. The jurors will be reminded that at no time, other than to drink or eat, may they take their masks off.

The jurors will use the bathroom that they would otherwise use if they were able to use the jury deliberation room (which does not accommodate social distancing). There are two unisex bathrooms. The bailiff will take the jurors, two at-a-time, to the bathroom by leading the two jurors down the hallway, socially distanced, and with masks on. A sign on the bathroom door will advise jurors they may not take their masks off while in the bathroom.

All persons present in the courtroom will be seated at their assigned location before the jury enters the courtroom. A defendant, either in-custody or out-of-custody will be seated at the end of the counsel table closest to the door from which an in-custody defendant enters the courtroom. This seat will be marked and will be at the end of the counsel table. Counsel and defendant will communicate by use of individual writing pads and a blunt writing instrument (such as a sharpie) for an in-custody defendant. These will be provided by the Court. There has been a suggestion that counsel and defendant be able to use the interpreter equipment. Our interpreter tells us this is not practical. First, it would be hard to keep the conversation confident. The equipment would need to be constantly monitored to make sure each attorney/client pair were using a different channel than anyone else, because if others are using the equipment at the same time and get on the same channel, they can hear what is being said. Nor is this equipment a two way system. Therefore, both would need to wear transmitter and a receiver. Should the proposed communication not work, the Court will revisit this issue. However, other district courts which have now opened for in-person hearings and trials, have reported a writing pad and writing instrument are being used without any problems reported. These writings will be gathered by defense counsel at the close of the hearing. During the trial, if an immediate, extreme situation arises where defense counsel and defendant must confer verbally, the Court may allow use of the area behind the door from which an in-custody defendant is brought into the courtroom. When in that contained area, defense counsel and defendant shall be required to observe the social distancing marking on the floor. For in-custody defendants, a deputy must accompany them to this area.

Counsel will be required to remain at counsel table at the designated location at all times during the trial, except when using the lectern for publishing exhibits to the jury during the examination of a witness. The bailiff is to handle the exhibits between attorney and witness and the court monitor. Objections must be made from counsel table. The parties shall timely motion the Court on matters regarding witnesses or exhibits, or on matters which would ordinarily be brought up at a bench conference. Email between counsel and the bench is an option for use at the discretion of the judge, with the agreement of the parties. The email chain would be made part of the record.

The bailiff will disinfect the witness stand and microphone upon a witness' exit from the bench. Each morning the ceremonial courtroom and the courtroom used by the jury will be disinfected per the First District Safety and Sanitizing Plan for Resuming Court Operations.

Juvenile trials are not a frequent occurrence.

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 County
Los Alamos County
Rio Arriba County
Family Court

Pandemic Planning For Family Court

The Family Court Judges of the First Judicial District Court ("FC") have had tremendous success conducting hearings and trials by Google Meet and telephone and expect to continue remote hearings. Our priority in this process is the protection of the health of employees, hearing officers, staff and the Judges. We have no plans to open courtrooms for hearings at this time.

The Family Court Judges understand that FC should be the last division to schedule the return of in-person hearings. The Criminal and Civil Divisions conduct jury trials which the FCD does not. The Family Court supports the Pandemic plans of those divisions for its priorities.

In order to continue operating during the pandemic, the FC issues orders without hearings whenever possible. We hold all of our hearings and trials by Google Meet and have not needed to postpone hearings. Our staff works from home and at the Courthouse.

An informal approach to policies and the Rules of Civil Procedure to allow litigants to email filings, exhibits, etc. also has been implemented.

In keeping with the prior pandemic policies approved by the Court and with the other Divisions of the First Judicial District Court, the first step to any return to in-person hearings would be to prioritize needs and monitor safety.

A. Dockets:
   1. The assigned Judge and Domestic Relations Hearing Officer ("hereinafter DRHO") shall continue to timely review his/her assigned caseload and incoming motions and assignments.
   2. In reviewing the matters assigned, every effort is made to determine if a matter can be adjudicated and managed by memorandum order. If so, the order is drafted, filed and mailed to the attorneys of record/the self –represented litigants.
   3. The Judges continue to monitor all matters for adherence to the emergency nature of the allegations.
   4. The Judges are referring cases to the Court Clinic for mediation, Priority Consultations and Advisory Consultations are held, following the Clinic's pandemic plan for its staff.
   5. All D.V. hearings are held within the required statutory timeframes.

B. Remote Hearings
   1. All cases set in the FC (including D.V.) during this state of emergency shall be heard by telephone or Google Meet until further notice. Notices to the litigants include directions for Google Meet conference protocol, as well as instructions on submission of exhibits via email. These specialized notices of hearing shall continue to be used until further notice.
   2. During remote hearings, all staff in the court shall conform to the 6-ft distancing rule for the protection of our court monitors, administrative staff and the Judges or DRHO.

3. To this end, the DRHO and each Judge has arranged an individual Google Meet contact number.

C. Exhibits:
   1. Judges are using the proposed text email system for identifying to the parties and counsel where to send exhibits at least 24 hours prior to any evidentiary hearing.
      a. Child Support: sfedcshoproposedtxt@nmcourts.gov;
      b. The DVD: sfeddvproposedtxt@nmcourts.gov;
      c. Other DM cases- to the assigned judge's proposed text email

D. General matters:
   1. All employees and judicial staff will wear face masks when in common public areas and common work areas (not to include enclosed private office spaces) and shall follow the 6-ft distancing rule whenever possible.
   2. The Judges and DRHO have managed their respective dockets so as to minimize backlog at this time.

First Judicial District Court
Reopening Procedures
Los Alamos County
Rio Arriba County

FIRST JUDICIAL DISTRICT COURT'S PLAN FOR RECOMMENCING JURY TRIALS IN THE TIERRA AMARILLA AND LOS ALAMOS COURTHOUSE

This document constitutes the plan for recommencing civil and criminal jury trials conducted by the First Judicial District Court at the courthouses located in Tierra Amarilla and Los Alamos, New Mexico.

1. Entry into Courthouse and Courtroom by the Public

Any person who seeks entry into the courthouse will be subject to an initial screen consisting of general questioning and a temperature check by court staff or security. Each person who enters the courthouse shall wear a face mask, or other covering, and maintain a distance of six (6) feet from all other persons while inside. Finally, each person who enters a courtroom will have their name, telephone number, and date of entry logged by court staff. Court staff and security will inform the public of these precautionary measures and monitor for compliance. The presiding judge of the jury trial will address any non-compliance.

2. Recommencing Jury Trials

In order to conduct a public twelve-member jury trial in accordance with New Mexico Supreme Court Order No. 20-8500-020, the courtrooms located within the Tierra Amarilla and Los Alamos Courthouse had to be modified. First, seating was removed. Second, seating was restricted to designated chairs or marked sections of benches and pews. Third, where six (6) feet of distance could not be created between seats, tempered glass dividers were, and are scheduled to be, installed.

With these modifications, each courtroom accommodates seating for a judge, court staff, counsel and parties within the well and bench area. In Tierra Amarilla, the courtroom also

accommodates twenty-two (22) additional seats within the jury box and gallery area. Similarly, in Los Alamos, the courtroom accommodates twenty (20) additional seats within the jury box and gallery area.

In both courtrooms, seating for jurors will be spread throughout the jury box and gallery area. Fifteen (15) juror seats have been designated at each courtroom and juror seating within the gallery has been, or will be, cordoned off by barriers, stanchions, and court security. All remaining seats within the gallery area will be available to the general public and press. For increased public access, viewing screens within the courthouse lobby and remote viewing platforms are being considered and will be implemented to the greatest extent possible.

Photographs of the courtrooms in Tierra Amarilla and Los Alamos are attached to demonstrate the above-described modifications. Photographs of the Tierra Amarilla courtroom are marked as TA 1 through TA 18. Photographs for the Los Alamos courtroom are marked as LA 1 through LA 9.

In Tierra Amarilla, tempered glass has been installed around the judge's bench and court monitor station along with the railing of the jury box and gallery. Counsel tables are separated by more than six feet, and each table is six feet in length with a chair situated at both ends. Juror seating in the jury box is limited to four (4) jurors and a portion of the gallery has been designated to accommodate eleven (11) additional jurors for a total of fifteen (15) juror seats. Other seating within the gallery is limited to seven (7) total seats: two (2) seats for court security, one at the double doors into the courtroom and another at the entrance into the well, and five (5) seats for the general public or press.

In Los Alamos, tempered glass will be installed around the judge's bench and court monitor station as well as along each railing of the jury box. Again, counsel tables are separated

by more than six feet, and each table is six feet in length with a chair situated at both ends. Seating for nine (9) jurors is available within the jury box once tempered glass is installed. An additional (1) juror can be placed off the right side of the jury box and five (5) jurors can be seated in the gallery for a total of fifteen (15) juror seats. Public seating for five (5) members of the general public and press is available in the gallery too. Stanchions will be placed in the gallery's center isle to separate public seating from juror seating, and a seat will be placed in the gallery at the entrance to the well for court security to enforce separation. Another seat for court security is available inside the well next to the court monitor station once tempered glass is installed.

The mechanics of the trial itself will be such that all precautionary measures imposed by the orders of the New Mexico Supreme Court are complied with by all persons while inside the courthouse and courtroom. Notice of those measures will be provided to all persons upon entering the courthouse by either verbal or written advisement. Court staff and security will provide the advisement and monitor for compliance. The presiding judge of the jury trial will address any non-compliance.

Jury selection will be conducted following the same protocol at the Santa Fe Courthouse. Due to the limited number of seats in both courtrooms, jury selection will be conduct in morning and afternoon sessions. For each session, all available seating in the jury box and gallery of the courtrooms will be used to seat prospective jurors. Therefore, twenty-two (22) prospective jurors can be seated per session at the Tierra Amarilla Courthouse and twenty (20) prospective jurors can be seated per session at the Los Alamos Courthouse.

At each session, the parties will be perform voir dire and, thereafter, the prospective jurors will be excused with notice that, if selected, they will receive a phone call informing of

their duty to report on the date of trial. In the absence of the prospective jurors, the court and the parties will then conduct excusals for cause. After excusals for cause, if a sufficient number of prospective jurors remain so that after all peremptory excusals are exercised by each party the number of prospective jurors left would equal fourteen (14) – i.e., a twelve-person jury with two alternates – then the court and the parties will complete the jury selection process. If, however, an insufficient number of prospective jurors remain after the excusals for cause then the afternoon session will be held, and the same process would be done all over again until a sufficient number of prospective jurors is attained to complete the jury selection process.

TA1

TA2

TA 3

TA 4

TA 5

TA 6

TA 7

TA 8

TA 9

TA 10

TA 11

TA 12

TA 13

TA 14

TA 15

TA 16

TA17

TA18

SIX FEET APART
A UNA DISTANCIA DE 6 PIES
Public Seating
SIX FEET APART
A UNA DISTANCIA DE 6 PIES

LA1

LA 2

LA5

Public Seating
Public Seating
Public Seating
Public Seating

LA 6

LA 7

LA 8

LA 9

First Judicial District
Reopening Procedures
Information Technology

TO: Chief Judge Mary Marlowe Sommer

FROM: Dave Madrid, Joseph Moore

CC: Kathleen Vigil, Lucretia Ulibarri-Romero, Tyra Chavez

DATE: June 22, 2020

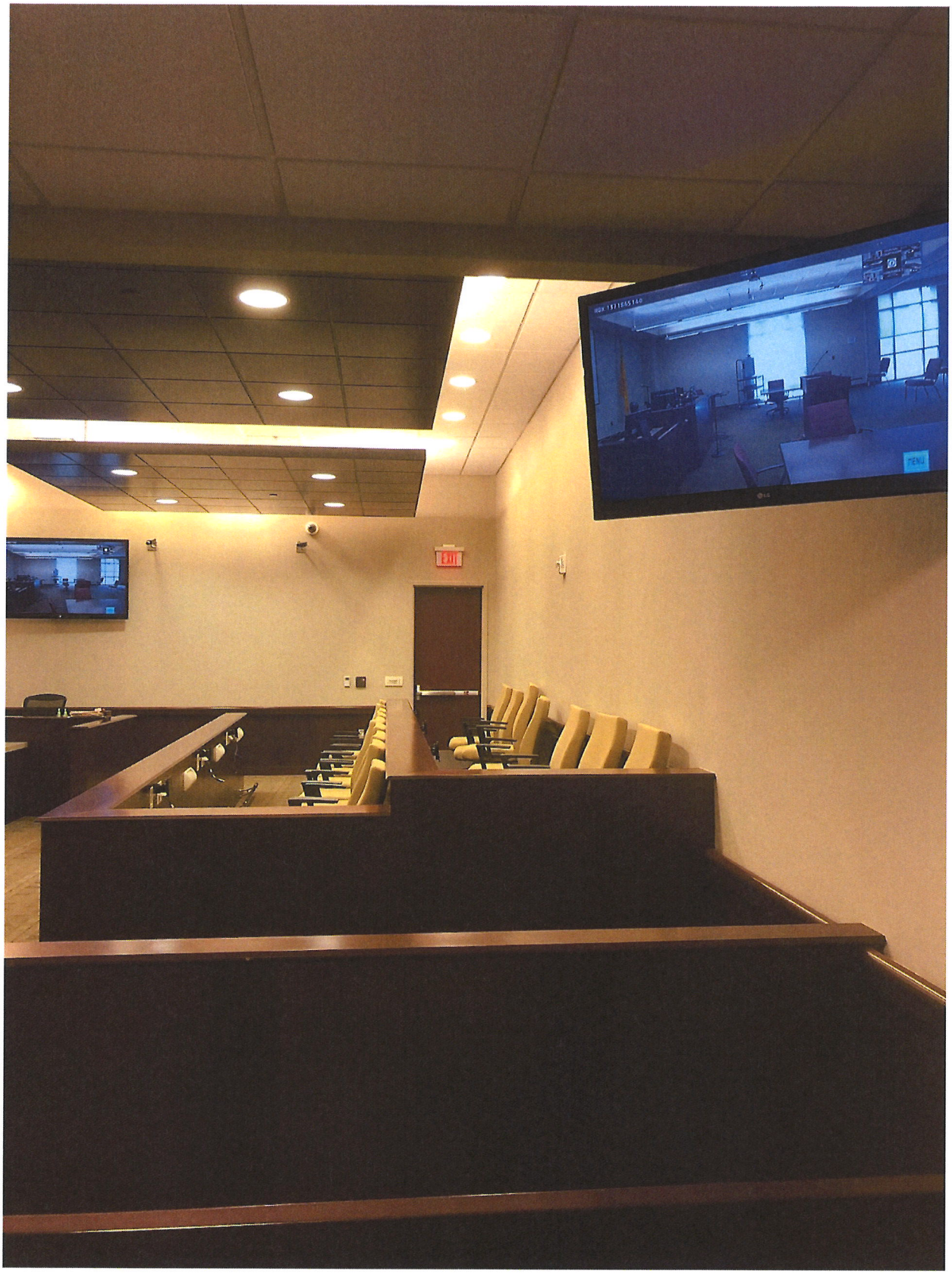
SUBJECT: Public Viewing and Members of the Press- Overflow areas for Civil/Criminal Trials Using the Ceremonial Courtroom (Criminal) and Jury Assembly Room (Civil) at the Santa Fe District Courthouse.

With Social Distancing in effect and Jury trials set to begin in July- the Santa Fe District Courthouse will have an issue housing people who are associated with these trials. Family members, members of the Press, etc. will not all be physically able to be present for these trials due to current social distancing safety measures due to the COVID-19 virus that is present in our community.

Broadcasting the proceeding to other areas of the Santa Fe Courthouse will help alleviate the issue from social distancing which creates limited Occupancy. Use of Polycom video units are available in all Santa Fe courtrooms and a Polycom HDX 4000 has been setup on a mobile cart in the Jury Assembly area of the Santa Fe Courthouse. Polycom also has available the Polycom Real Presence Web Suite that allows for any Windows based computer to be able to view the hearing via a web browser.

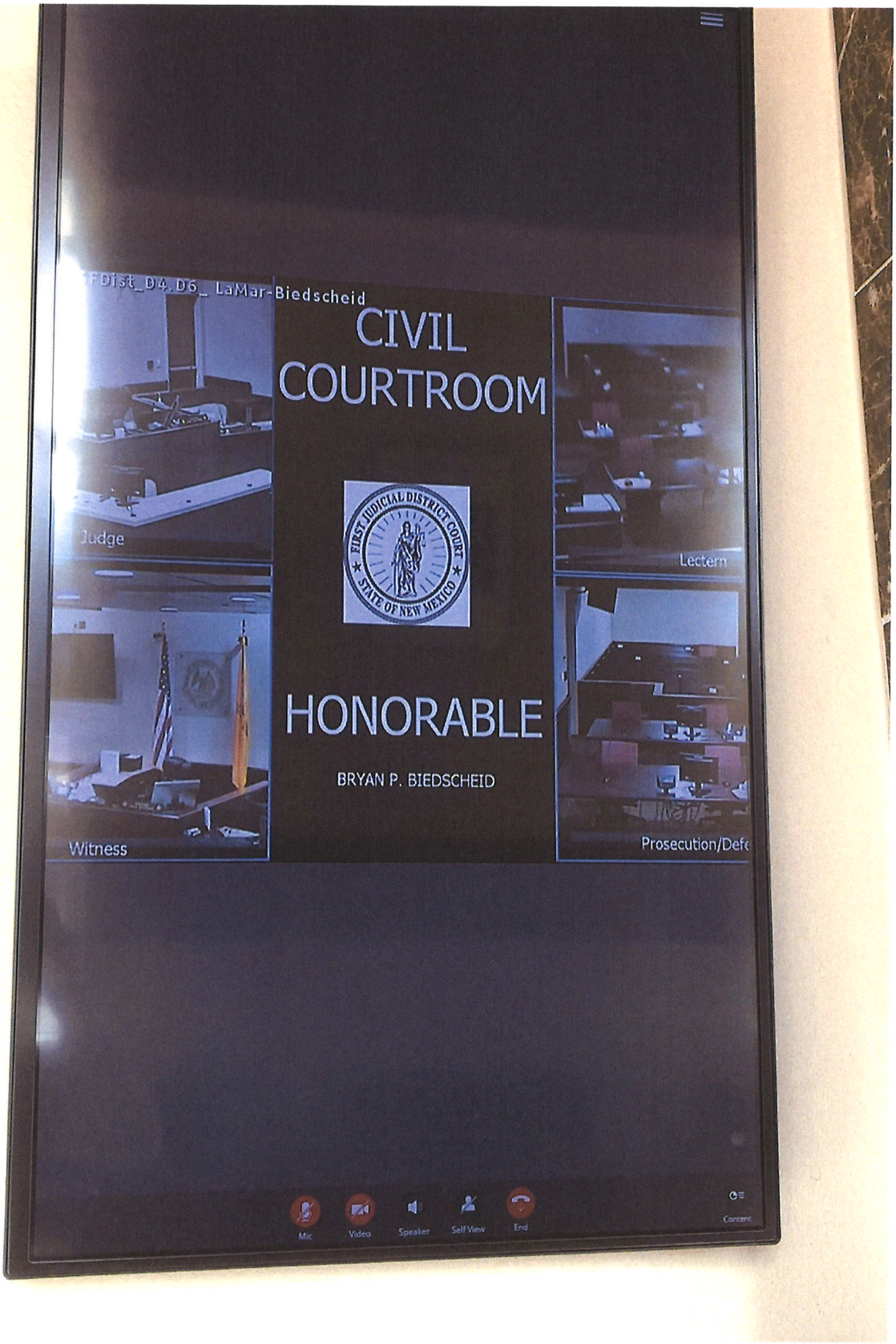
All of the hallway directories and courtroom docket displays are powered by windows based PC's and any of the hall-way directories or courtroom docket display screens can be overtaken for this purpose of streaming proceedings to another part of the courthouse. Unused courtrooms during these proceeding will also be used to house overflow occupants of a trial.

Below are some images from a hallway docket displays and a courtroom used for overflow.



Courtroom viewing Jury Assembly

Directory viewing Jury Assembly



Docket Display viewing Courtroom.

First Judicial District Court Reopening Procedures Interpreting Plan

First Judicial District Interpreting Plan

Safety: minimizing the risk of exposure to the novel coronavirus.

Keeping the public, employees and judges safe.

Protect Judges and court staff from exposure to the degree possible.
Although it is a well-known fact and it has been proven in studies that face-to-face interpreting is the best and most efficient method in legal settings, remote interpreting by phone or video shall continue to be used as often as possible, especially for short and/or uncomplicated proceedings. Judges may request that interpreters be physically present for longer, more complex hearings. For in-person interpreting, a safe environment shall be provided to every extent possible. Interpreters who finish their in-person hearing early will be released from the courthouse location upon completion of the assignment. However, interpreters must remain available for redirects for the duration of their guarantee.

Screening Criteria
Interpreters shall submit to any screening being performed upon entering the building to include temperature screening and answering required screening questions. Interpreters have been instructed to stay home if they are sick.

Social Distancing
Interpreters shall observe physical distancing guidelines, remaining 6 feet from other people at all times. They will be provided a shielded location in the courtroom where they may interpret safely.

Face Coverings
Interpreters shall wear masks when in areas of the building where others are present and upon entering and exiting courtrooms. It should be noted that it may be difficult to interpret clearly and be fully understood by the NES party while interpreting through a mask. The mask may distort and muffle the voice of the interpreter. All efforts shall be made to preserve the constitutional right of the NES party to hear and understand all proceedings related to their case.

Cleaning Protocol
Interpreters will disinfect interpreting equipment before and after every use, utilizing cleaning products provided by the Emergency Response Team. They will distribute equipment before NES parties arrive. At conclusion of the hearing, the interpreter will don gloves and immediately disinfect equipment with disinfectants provided by the ERT. Equipment shall not be transported from the courtroom before thoroughly disinfecting it. Clorox wipes shall be used on non-porous surfaces and disinfectant spray shall be used on cloth or foam parts of equipment. When finished cleaning the equipment, gloves must be carefully removed, grasping the outside

of each glove at the wrist area, using care not to touch bare skin, and peeling the glove away from body, pulling it inside out, and immediately depositing gloves in trash receptacle. Disinfected equipment may then be transported to storage area. Interpreters must promptly wash hands thoroughly with soap and water after storing equipment.

First Judicial District Court Reopening Procedures

Court Constituent Services
Foreclosure Settlement Program
Alternative Dispute Resolution

HON. MARY L. MARLOWE SOMMER
CHIEF JUDGE

First Judicial District Court
Santa Fe, Rio Arriba & Los Alamos Counties

KIM MOORE
PROGRAM COORDINATOR
505-455-8145

COURT CONSTITUENT SERVICES

The First Judicial District Court's Court Constituent Services Division, which is staffed by one program coordinator, oversees two programs: The Foreclosure Settlement Program (FSP) and the Alternative Dispute Resolution Program (ADR), and also assists in coordinating the Court's Pro Bono and Pro Se Legal Services, including monthly Free Legal Clinics and Pro Se Family Law Presentations.

RE: Reopening Protocol under the continuing Public Health Emergency:

FSP: We have continued all aspects of the FSP program during the PHE with one modification: The weekly FSP informational workshops that were held in person in Judge Lidyard's courtroom are now held by email and by telephone with participating homeowners, and we will continue that practice for the foreseeable future. Although it creates more work overall, it seems to be working well.

ADR: We have mostly continued all aspects of ADR, although at a reduced level, with one exception: We are not holding in person settlement conferences in the ADR conference rooms located on the first floor of the courthouse during the PHE. Settlement conferences are held remotely by video or by telephone, or have been postponed somewhat indefinitely. We should continue this practice until the Governor and the Supreme Court allow for hearings to be held in person again. And, even then, it's not certain that we can maintain adequate social distancing in our conference rooms, given their size, and may need to continue to limit in person settlement conferences at the courthouse for the foreseeable future.

Free Legal Clinics / Pro Se Family Law Presentations: These have all been canceled during the PHE, and given that we simply can't predict or guarantee, and thus prepare for, the number of people who will attend, it would be difficult to determine and implement the necessary safeguards to maintain social distancing. But we should continue to reevaluate the Court's ability to address these issues.

First Judicial District
Reopening Procedures
Family Court Services

Re-Opening Plan for Family Court Services (FCS):

Currently, FCS is effectively providing the majority of our procedures, which are conducted telephonically and off-site. Specifically:

Mediations; Priority Consultations; Abuse/Neglect Mediations; and Open Adoption Mediations.

Currently, the only procedures not being conducted are:

Advisory Consultations (*) and the Information Session on Children and Separation as well as the Information Session on Kinship Guardianships (**).

(*) Advisory Consultation involve parent-child observations, the only portion of the procedure which cannot be conducted telephonically.
The proposed Advisory Consultation Instructions during this public health emergency are attached.

(**) We are planning to make a video recording of the Information Sessions for both Children and Separation and Kinship Guardianships for posting on the Court website, anticipating that large gatherings will not be possible until the resolution of the public health crisis.

Currently, our main door to the department is locked with a sign directing litigants to contact us by phone. Once plexi-glass, or some other barrier, is installed on the Administrative Assistant's desk, we will unlock the door.

Re-Opening Protocol:

Social Distancing:

Once plexi-glass, or some other barrier, is installed on the Administrative Assistant's lobby desk and a temporary barrier (rope, chain, or Dutch door) is installed on the Administrative Assistant's office door, we will unlock the main door to FCS for direct public access to our FCS lobby.

In anticipation, we have placed tape at 6 foot intervals on the floors just outside the main entrance into our lobby and in the lobby area in order to guide the public in better approximating social distancing.

We have placed signs on the walls in both Spanish and English requesting litigants to distance themselves 6 feet from other people. Additionally, we have limited the number of people (3 maximum), in addition to Monica and Debi at their desks, who can gather in the lobby area at any one time.
Because the hallway outside the majority of clinician offices is not 6 feet wide, we have placed tape markings in the form of arrows to direct traffic one-way, in a clock-wise

manner through our secure area back to the lobby. This assures compliance with the social distancing requirement.

As our public waiting areas are not utilized due to telephonic procedures; however, we have taped chairs in the waiting areas so that there is no confusion about their use.

We have placed a sign in the copy room designating only one person in the room at a time.

All of the clinicians continue to conduct their procedures from home via telephone. Only the Director and the administrative staff (Debi and Monica) come to the Court. The administrative staff come on a rotating basis in order to minimize the possibility of viral spread and only to conduct business which they are yet unable to complete at home.

Communal Office Supplies:

In order to assure safety, the staff agreed to significantly limit the use of the FCS kitchenette to the refrigerator, microwave water cooler, and sink. Staff will no longer utilize common silverware or dishes, and those items will be temporarily 'locked' in the cabinetry to assure such until the resolution of this public health emergency.

Common office devices such as staplers, pens, hole punches will no longer be utilized and staff will utilize only those devices that are kept in their personal office spaces. These common office devices will be stored until the resolution of the public health emergency.

Disinfection Protocol:

A sign was placed on the copy machine mandating staff to use a Lysol wipe on the display before each use. Lysol wipes are positioned next to the machine.

In our kitchenette, we have placed signs on the refrigerator and microwave, along with Lysol wipes, asking that those handles and the microwave controls be wiped before each use. Lysol wipes have also been placed next to those appliances.

Disinfection Protocol:

The following cleaning protocol will be utilized on high-touch surfaces on a regular basis utilizing the disinfectants provided by our District's Emergency Response Team:

The following will be disinfected on a daily basis at 5:00 pm each day:

Office light switches.
Office door handles within the department.

The following will be disinfected every two hours during the workday at 8:00 am,

10:00 am, 12:00 pm, 2:00 pm and 4:00 pm:

Door handles of the main entrance;
Main interior door handles within the department;
Copy machine control panel;
Office supply cabinet handles;
Bathroom door and stall handles;
Toilet and sink handles.

Once the Advisory Consultation Instructions are approved, parents and children will periodically be present in FCS, only passing through our lobby to the observation room, where they will remain throughout the 90-minute observation unless they need to use the public restroom in the hall immediately outside our department. Immediately following their appointment, the parties will be directed out of the department and any questions will be addressed via email or by phone.

The observations will be scheduled to assure that there is a 7-day period between use of the observation room, to significantly minimize the possibility of community spread of the virus.

The day prior to this scheduled appointment, our assigned county cleaning staff member (Gia) will thoroughly clean and disinfect the surfaces and chairs in the room using the disinfectant provided by the Emergency Response Team. Following this cleaning, the room will be locked until immediately prior to the scheduled appointment.

During and following the scheduled observation, no person will enter the room and the door will be locked for a minimum of 2 days, after which the county cleaning staff will again clean and disinfect the room. The observation room will remain locked and will be accessible only for the scheduled cleanings and the scheduled observations.

We have cleared the room of all toys, etc. and require parents to bring an activity for their children to participate in during the observation.

Needs:

A teller-like (plexi-glass) window surrounding Debi's desk area to allow her to safely interact with clients. For Monica's area, a temporary barrier (rope, chain, or Dutch door with a ledge suitable for writing) will protect her by assuring that no one goes straight into her office. Until a protective barrier is installed at Debi's desk area, all Advisory Consultation parent-child observations will be scheduled on days that she is not present in the Court, as Monica's office area is better protected from public access.

ADVISORY CONSULTATION INSTRUCTIONS
DURING THE CURRENT PUBLIC HEALTH EMERGENCY

1. The Advisory Consultation (AC) is scheduled for the entire day, from 8:15 am until 5:00 pm, though the procedure usually concludes earlier. As each case is unique and complex, we schedule sufficient time to assure that a thorough consultation is conducted.

2. The following must be submitted to Family Court Services by the date specified on your appointment notice:

   a. Payment of your AC fee in the amount specified below, to be received a minimum of 10 business days prior to the consultation. If you need to discuss your fee, contact Monica Romero (sfedmxr@nmcourts.gov) (505-455-8232).

   b. The signed Release of Information form and completed AC Questionnaire.

   NOTE: If you do not comply with steps 2a and 2b, the appointment will be cancelled at the Court's discretion. If you do not appear for the AC, you may be ordered by the Court to pay your full fee.

3. On the day of your AC, the consultant will contact you by phone at approximately 8:15 am to provide an explanation of the procedure. You will not be present at the courthouse for the AC.

   The consultant will telephonically interview each parent separately. As well, the consultant may need to ask follow-up questions of each parent after the initial interviews. Please ensure that you have a private, reasonably quiet space available to you for the duration of the AC. Additionally, please assure that you have childcare so that your child or children is/are not present to overhear any part of your conversations with the consultant.

4. On the day of your AC, the consultant may contact individuals who currently live in the home with the children or plan to live in the home with the children; or, the consultant may arrange for an alternative day for these telephonic interviews.
   These may include your spouse, boyfriend/girlfriend, extended family member, etc., provided they live in the home with the children. Please provide the phone numbers for these individuals to the consultant on the day of your appointment if you did not list those phone numbers in your AC Questionnaire.

5. On the day of your AC, the consultant will interview your child or children by phone. Please ensure that your child is provided with privacy during this interview.

6. You may email the consultant relevant documentation, such as photos, report cards, counseling reports, police records, or drug test results, etc. Do not provide documents from your legal file in the First Judicial District Court, as the consultant has access to

those documents.

7. As part of the AC, the consultant will make arrangements with you for parent-child observations, which will take place in the courthouse at Family Court Services on another day. In addition to yourself, other individuals currently living in your home may be present in the observation room with you. These parent-child observations are digitally recorded. There may be circumstances in which parent-child observations are not indicated; the consultant will make this determination.

   Due to the public health emergency, the room where the parent-child observations occur no longer has toys or games. Please bring items that you might usually utilize to occupy your child's time, such as favorite games, coloring books, or other activities which engage your child's attention. Additionally, please feel free to bring snacks and beverages for your child. The parent-child observation will take approximately 90 minutes.

   If the other parent will be transporting your child or children to the courthouse for this portion of the AC, they must wait outside the courthouse; or, if they choose not to wait, return to the courthouse to pick up the children after the observation is completed.

8. Please note the following:

   Face masks are required upon entry to the Court, throughout the public areas of the Court, and in Family Court Services. Face masks are also required while you and your children are in parent-child observations. Additionally, please follow all directives regarding social distancing while in the Court.

   Parents traveling from out of state must comply with any self-isolation mandates imposed by the New Mexico Governor's most current Executive Order. Please seek a rescheduling of the parent-child observations if you or anyone in your home is experiencing fever, cough, shortness of breath, other cold or flu-like symptoms, or if you are ill or have been knowingly exposed to anybody who has been diagnosed with or is symptomatic of illness from Covid 19.

   The observation room is regularly sanitized and appointments are scheduled at 7-day intervals to minimize health risk. Please do not hesitate to contact Monica Romero (sfedmxr@nmcourts.gov) or Stephen Stone (sfedsxs@nmcourts.gov) if you have questions or concerns.

First Judicial District Court Reopening Procedures Drug Court Program

RE-OPENING PLAN FOR PHASE I

FOR THE FIRST JUDICIAL DISTRICT COURT DRUG COURT PROGRAM

To: Chief Judge Marlowe-Sommer

From: Michael Nunez, Staff Attorney/Drug Court Program Manager

Date: 6/24/20

PHASE 1- Beginning June/July 2020. Clients either unable to enter the Court or except in extremely limited circumstances with approval of the Program Manager and the Drug Court Judge.

CLEANING PROCEDURES

- Staff will follow the attached cleaning calendar during this phase.
- Cleaning the front area/lobby four times a day with the disinfectant provided by the emergency response team, twice in the morning and twice in the afternoon. (clients are not in this area, this is an area seldom used)
- Cleaning the conference room once a day, in the morning, with the disinfectant provided by the emergency response team. (This room is rarely used especially with clients not being allowed in the building.) If the area is used in the afternoon, the person using the area will clean the conference room with disinfectant after using the area.
- Commonly used areas- copy/print area, counters, table, kitchen area cleaned with the disinfectant provided by the emergency response team four times daily- twice in the morning and twice in the afternoon on the days staff are present.

STAFF

- Masks and gloves provided to staff by Court.
- Staff required to wear masks outside their office and in their office if others are present, can only be in their office without a mask if they are alone in their office per Supreme Court Order.
- Staff on staggered schedule to minimize the amount of people at the Court and in a small workspace. (Schedule attached. Generally speaking this schedule is followed , though modifications are made week by week when necessary for staff to complete tasks they need to be at the office for)
- Generally, Tuesday and Wednesday afternoons staff is not on site. Tuesday and Wednesday mornings there is only one staff member at the Court. Mondays and Wednesdays staff present at the Court are encouraged to leave midday or in the early afternoon if they are able to. Friday's staff leave as soon as Court business is completed and if no Court, they are encouraged to work remotely.
- Staff encouraged to work from home as much as possible.

CLIENTS

- **No in person client visits inside the courthouse and in the drug court area.**
- Extremely limited client visit **outside the courthouse** with masks required and practicing social distancing. Masks available for those clients that need one. (short visits to sign documents, review handbook for new clients, pick up necessary items or documents)

- **All client court staff, physician assistant and treatment visits virtually.**
    - Court staff meetings still on google meets or zoom. (pursuant to JID exception approved)
    - Physician assistant meetings on google meets or zoom.
    - Treatment meetings on go to meeting pursuant to Mesa Vista policies.
- Drug/Treatment Court all virtual on google meets.
- Clients will turn in all paperwork to Court Staff via email.
- Clients still encouraged to stay home, comply with Governor's orders, clients able to work if they have work that is open, clients can perform community service if they can find a place to perform community service where social distancing could be practiced.
- Drug testing would continue as it has with social distancing practiced as much as possible. Clients will wait outside until called to not congregate in the lobby area. Clients will be required to wear a mask and if they do not have one, one will be provided to them. Drug testing observers required to wear a mask.

FJDC Drug Court Re-Opening Cleaning Schedule For Phase I

- Below is a schedule of which staff member will clean which part of the office. Cleaning means using the disinfectant provided by the Emergency response team to thoroughly spray and wipe down the mentioned area.

Time	Monday	Tuesday	Wednesday	Thursday	Friday
8 am	**Copy Room:** Iven/Marcella **Conference Room:** Iven/Marcella **Drug Court Lobby:** Iven/Marcella			**Copy Room:** Antonio **Conference Room:** Antonio **Drug Court Lobby:** Antonio	**Copy Room:** Antonio **Conference Room:** Antonio **Drug Court Lobby:** Antonio
9 am		**Copy Room:** Felix **Conference Room:** Felix **Drug Court Lobby:** Felix	**Copy Room:** Felix **Conference Room:** Felix **Drug Court Lobby:** Felix		
10 am					
11 am	**Copy Room:** Iven/Marcella **Drug Court Lobby:** Iven/Marcella	**Copy Room:** Felix **Drug Court Lobby:** Felix	**Copy Room:** Felix **Drug Court Lobby:** Felix	**Copy Room:** Antonio **Drug Court Lobby:** Antonio	**Copy Room:** Antonio **Drug Court Lobby:** Antonio
Noon					
1 pm	**Copy Room:** Iven/Marcella **Drug Court Lobby:** Iven/Marcella	**All staff remote working**	**All staff remote working**	**Copy Room:** Mike **Drug Court Lobby:** Mike	
2 pm		**All staff remote working**	**All staff remote working**		**Copy Room:** Iven/Marcella **Drug Court Lobby:** Iven/Marcella
3 pm		**All staff remote working**	**All staff remote working**		
4 pm	**Copy Room:** Iven/Marcella **Drug Court Lobby:** Iven/Marcella	**All staff remote working**	**All staff remote working**	**Copy Room:** Mike **Drug Court Lobby:** Mike	**Copy Room:** Iven/Marcella **Drug Court Lobby:** Iven/Marcella
5 pm					

FJDC Drug Court Staggered Schedule to prevent covid-19 transmission

Monday • Mike present all day • Iven/Marcella present at least all morning; afternoon depends on tasks that week	**Tuesday**	**Wednesday**	**Thursday** • Mike present all day • Iven/Marcella present at least all morning; afternoon depends on tasks that week • Antonio present all day	**Friday** • All staff present all morning and until drug court business is completed for the week • If no court, staff encouraged to work from home
In office:				
Mike	Felix (Generally in the office 9-12)	Felix (Generally in the office 9-12)	Mike	
Marcella			Marcella	
Iven			Iven	
			Antonio	
At home:				
Antonio	Marcella	Marcella	Felix	
Felix	Iven	Iven		
	Mike	Mike		
	Antonio	Antonio		

Santa Fe Magistrate Court Reopening Procedures

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, gloves 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

The Presiding Judge and Court Manager have conducted an audit of employees and judges who may by at a higher risk for exposure to COVID-19. This audit is based on age and/or underlying medical conditions. These conditions may include a diagnosis of a severe medical conditions such as heart, lung or kidney disease that may increase the likelihood of severe illness if exposed to COVID-19. To date, no employee or judge has been identified as high risk.

Any Judge or employee that should later be determined to fall into the category of high risk will be evaluated for telecommunication work assignment.

Employees and judges are to remain home and not come to the court building if they are ill, exhibiting any symptoms of COVID-19.

Screening questions shall be answered daily by employees and judges include:

- Have you been asked to self-quarantine because of COVID-19 and are you still within the quarantine period?
- Within the past 14 days, have you been diagnosed with COVID-19 by a Doctor?
- Within the past 14 days, have you had a positive test result for COVID-19 from a testing center or by the Department of Health?
- Within the past 14 days, have you been in contact with anyone who you know has COVID-19?
- Within the past 14 days, have you had a fever above 100.4 degrees, chills, sore throat, body aches, or headaches?
- Within the past 14 days, have you developed new shortness of breat, difficulty breathing, or dry cough?

Have you recently developed a loss of taste or smell?

Any judge or employee answers yes to one or more screening questions s hall notify both the Presiding Judge, Court Manager and Supervisor by cell phone, or email. Employees or judges will then be encouraged to seek medical care immediately by calling their health care provider and inform them about symptoms and recent travel. 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 expected to comply with Supreme Court Order 20-8500-23 as it relates to travel including the requirements for reporting and self isolation, and New Mexico Judicial Branch CORONAVIRUS (COVID-19) FAQS:

Masks shall be worn by judges and employees at all times while in the court building. The Presiding Judge and Court Manager have identified six (6) private offices within the court building as defined in Supreme Court Order 20-8500-017. These offices are assigned to each of the four judges in the court, the court manager, and the DWI Drug Court Coordinator. While working alone in each of the aforementioned offices, the judge or employee may remove their mask. However, if another person approaches or enters the private office space the judge or employee must immediately place their mask on their face.

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 requiring the use of facemasks for anyone entering the building
- Signs requiring the observance of the social distance requirement of six (6) 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:

- Asks questions of all visitors to our court as follows:
  Have you been asked to self-quarantine because of COVID-19 and are you still within the quarantine period?
  Within the past 14 days, have you been diagnosed with COVID-19 by a Doctor?

Within the past 14 days, have you had a positive test result for COVID-19 from a testing center or by the Department of Health?
Within the past 14 days, have you been in contact with anyone who you know has COVID-19?
Within the past 14 days, have you had a fever above 100.4 degrees, chills, sore throat, body aches, or headaches?
Within the past 14 days, have you developed new shortness of breath, difficulty breathing, or dry cough?
(An affirmative answer to any of the aforementioned questions would be grounds for being denied entry to the building.)

- Take a temperature reading of all visitors to our court to confirm that they are eligible for entry. A temperature reading of 100.4 degrees will be grounds to deny access to the court building.
- Ensure that any visitor to our court building wears a facemask.
- 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 non-compliance by visitors to our court.
- Deny entry to the court building from anyone who answers "yes" to one or more screening questions, has a temperature of 100.4 degrees or higher, 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 remain in the 6' social distancing increment.
- Marking the floor in specific 6' increments, clearly depicting where a visitor to our 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 and gloves as necessary.
- Use of a Q-matic system to call visitors to the window to avoid improper distancing.

While the court building has five (5) service windows, the court has reduced the number of service windows open for personal contact to one. Each of the five 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.

The Santa Fe Magistrate court will request "hand held ultra violet light sanitizer wands" to further reduce exposure to germs, bacteria, and viruses that may exist on documents brought to the court by parties in a civil or criminal case.

Employee Entry Door (from secured parking area)

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

- Signs requiring the use of facemasks for anyone entering the building
- Signs requiring the observance of the social distance requirement of six (6) feet between persons
- Signs describing the proper manner in which to wash hands thoroughly.
- A *"self assessment"* station with digital no-contact thermometer, masks, gloves, hand sanitizer, and logs is in use at this entry point. An employee designated by the court management staff will monitor the daily arrival of employees and compliance with the requirements of the *"self assessment"*.

All judges and employees are required to enter the building from the employee entrance in the secured parking area.

Any employee who answers in the affirmative to any of the following questions may be denied entry into the building:

Have you been asked to self-quarantine because of COVID-19 and are you still within the quarantine period?
Within the past 14 days, have you been diagnosed with COVID-19 by a Doctor?
Within the past 14 days, have you had a positive test result for COVID-19 from a testing center or by the Department of Health?
Within the past 14 days, have you been in contact with anyone who you know has COVID-19?
Within the past 14 days, have you had a fever above 100.4 degrees, chills, sore throat, body aches, or headaches?
Within the past 14 days, have you developed new shortness of breath, difficulty breathing, or dry cough?

Employees answering in the affirmative to any question listed above shall immediately leave the building and notify the court manager or supervisor from the secure parking lot to receive additional direction.

Employee Area

Employees have been assigned to work stations assignment that follow proper social distance protocols. Employees are also assigned to work in closed courtrooms to further reduce the risk of exposure to COVID-19.

Risk reduction and decontamination of these areas are discussed below.

Break Room

Employees have been instructed on proper social distancing requirements. The break room 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 (seasonable) 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

Plexiglass has been installed on benches, and staff work areas. These barriers are intended to reduce potential exposure to airborne pathogens. The barriers will be supplemented by microphone and speaker units for use during in-person proceedings when permitted.

Risk reduction and decontamination of these areas are discussed below.

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, gloves, antibacterial spray and single use paper towels are available throughout the court building.

- Judges will be responsible for their offices, bench, glass partitions around the bench, and courtroom furnishings used during the conducting of dockets or hearings.
- Employees will be responsible for their work station, glass partitions around the work area, 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 at 10:30, 2:30, and after business hours each day. The number of restroom stalls have been reduced to ensure social distancing requirements.
- Access to restrooms will be limited to two persons at a time. Signs have been posted to notify court visitors of this requirement.
- It is recommended that air dryers currently installed in public and employee restrooms be replaced with a paper towel dispenser.

It is noted, that the Santa Fe Magistrate Court does not have custodian or janitorial staff to complete routine disinfection of door handles, light switches, service counters, lobby chairs and other surfaces in our court building. Our contract provider has been providing these types of services throughout our building twice daily (10:30 and 2:30). Custodians report after 5:00p.m. daily and complete routine cleaning and disinfecting.

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 faxed documents 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.

At no time will an in-person hearing exceed the fifteen (15) person capacity established by the Supreme Court except as authorized by the Chief Judge of the District. Upon receipt of the approval to exceed the fifteen (15) person capacity, the court shall ensure that all other requirements of this plan regarding social distancing, and risk reduction

procedures will be adhered to. The fifteen (15) person capacity as defined includes judges, court personnel, attorneys, litigants, jurors, members of the press and general public.

Jury Selection

Jurors most vulnerable to increased risk of exposure to COVID-19 will be excused upon request. Excusals will be granted due to age, extreme risk, or other health limitations.

The Santa Fe Magistrate Court is currently reviewing the possibility that Jury Selection may be conducted off-site, or, within the court building.

Off-site Jury Selection would allow for a multiple case Jury Selection process. This selection process would be held in a school gymnasium or other large suitable space.

On-site Jury Selection would require a return to "pick and go" Jury Trials. This selection process would be conducted at the court building.

Off-Site Selection

Off-site Jury Selection would be accomplished in the same fashion as is currently used for our multiple case jury selection process.

- Approximately 10 jury panels could be selected during this type of jury selection.
- Juror questionnaires would be available 14 days in advance of the jury selection date.
- Juror questionnaires would be required to be accessed by state and defense counsel in advance of the setting. No paper questionnaires would be provided at the jury selection site, or on the date of selection.
- A maximum of 50 prospective jurors would be admitted into the jury selection site.
- Prospective jurors arrive at the selection site at 8:00 a.m.
- Prospective jurors would be subject to screening questions as follows:
  Have you been asked to self-quarantine because of COVID-19 and are you still within the quarantine period?
  Within the past 14 days, have you been diagnosed with COVID-19 by a Doctor?
  Within the past 14 days, have you had a positive test result for COVID-19 from a testing center or by the Department of Health?
  Within the past 14 days, have you been in contact with anyone who you know has COVID-19?
  Within the past 14 days, have you had a fever above 100.4 degrees, chills, sore throat, body aches, or headaches?
  Within the past 14 days, have you developed new shortness of breath, difficulty breathing, or dry cough?

(An affirmative answer to any of the aforementioned questions would be grounds for being denied entry to the building.)

- Prospective jurors would be required to submit to a temperature screening to confirm that they are eligible for entry. A temperature reading of 100.4 degrees will be grounds to deny access to the building.
- Prospective jurors will be required to wear a facemask at all times while within the building.
- Prospective jurors answering "yes" to one or more screening questions, has a temperature of 100.4 degrees or higher, or who will not comply with any Supreme Court mandated requirement would be denied entry into the building. The party will be asked to provide a contact telephone number and will be contacted by the Court Manager or Supervisor to confirm the information and reset for jury duty in the future.
- Prospective Jurors approved for entry would be supplied with an In-Panel Juror Bag that would include a two face masks, a personal size hand sanitizer container, pen, and note pad and a thank you card.
- Prospective Jurors approved for entry would be 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 would be 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 will be encouraged to remain seated, or stand within their assigned seat and area immediately surrounding it. The prospective jurors would be permitted to use the restrooms, but would not be permitted to congregate in or out of the jury selection area.
- Upon reconvening from the selection for every case, staff would decontaminate drinking fountains, and restrooms as necessary.

On Site Jury Selection

- 1 jury panel would be selected during this type of jury selection.

- Juror questionnaires would be available 14 days in advance of the jury selection date.
- Juror questionnaires would 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.
- A maximum of 08 prospective jurors would be admitted into the courtroom.
- Prospective jurors arrive at the court building at 8:00 a.m.
- Prospective jurors would be subject to screening questions as follows:
  Have you been asked to self-quarantine because of COVID-19 and are you still within the quarantine period?
  Within the past 14 days, have you been diagnosed with COVID-19 by a Doctor?
  Within the past 14 days, have you had a positive test result for COVID-19 from a testing center or by the Department of Health?
  Within the past 14 days, have you been in contact with anyone who you know has COVID-19?
  Within the past 14 days, have you had a fever above 100.4 degrees, chills, sore throat, body aches, or headaches?
  Within the past 14 days, have you developed new shortness of breath, difficulty breathing, or dry cough?
  (An affirmative answer to any of the aforementioned questions would be grounds for being denied entry to the building.)
- Prospective jurors would be required to submit to a temperature screening to confirm that they are eligible for entry. A temperature reading of 100.4 degrees will be grounds to deny access to the building.
- Prospective jurors will be required to wear a facemask at all times while within the building.
- Prospective jurors answering "yes" to one or more screening questions, has a temperature of 100.4 degrees or higher, or, who will not comply with any Supreme Court mandated requirement would be denied entry into the building. The party will be asked to provide a contact telephone number and will be contacted by the Court Manager or Supervisor to confirm the information and reset for jury duty in the future.
- Prospective Jurors approved for entry would be supplied with an In-Panel Juror Bag that would include a two face masks, a personal size hand sanitizer container, pen, and note pad and a thank you card.
- Prospective Jurors approved for entry would be 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 would be 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.

- Attorneys and defendants will be escorted by court staff 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 will be encouraged to remain seated, or stand within their assigned seat and area immediately surrounding it. The prospective jurors would be permitted to use the restrooms, but would not be permitted to congregate in or out of the jury selection area.
- Upon reconvening from the selection for every case, staff would decontaminate common areas as necessary.

Other In-Person Hearings

When other in-person hearings are permitted, the court will fully comply with all Supreme Court Orders in effect for court capacity, screening, 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.

EXIT

EXIT
EXIT

SUPREME COURT
STATE OF NEW MEXICO

EXIT

New Mexico Judicial Branch COVID-19 Court Facility Screening Questions

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

Los Alamos Magistrate Court Reopening Procedures

Protocol for operations in Los Alamos Courthouse

June 24, 2020

GENERAL INFORMATION OF 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. We are 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 MEASURE TAKEN TO THE COURTHOUSE

At the entrance to the courthouse for the public, signs have been placed: Outside: A triangle red sign: "Restroom available at the Ashley Pond and PD". This is for the attendees at the Farmer's market on Thursdays until the end of October.

In the first floor lobby, signs include: "Help Keep Courts Safe, in English and Spanish, Mask required, Stop the spread of Germs and on the public elevator, inside and on the door. Signs were provided for us and updated when new ones are issued. There is a 2'X3' sign with all the Covid-19 required questions for the public to read.

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. Temperature will be taken and public will be given a ticket to present to the clerk of the respective court for proof.

Afternoons the temperature check will be taken by the staff when the public reaches the window area of the clerk's station.

During high traffic times only 30 members of the public will be allowed in the building. MASK ARE REQUIRED FOR EVERYONE.

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 and signs have been placed on the floor for social distancing at the entrance and in the lobby. Sanitizer in an automatic dispenser on the wall next to clerk's windows and trash cans 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: Wash hands, one person at a time in restroom and elevator, Help Keep Courts Safe, and Mask required, provided to the court. Sanitizer and trash cans available for the public. 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 distance and tape has that marked off to visually enforce the requirement.

Physical changes for safety on the second floor:

Courtroom: The two hearing room inside the first courtroom doors have two chairs placed on either end of a six foot table. Signs placed for only two people allowed. In courtroom the six pews, three on each side have signs place for the public to sit with social distancing requirements

met. Tables for the attorneys have been placed six feet apart and chairs placed at the ends for social distancing requirements. 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.

Podium is removed. Speaker system allows the parties to remain at the tables.

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

Glass will be installed between each row of jurors and between the witness box and judge, around judge bench and between the judge and clerks area.

The judge keeps a contact tracing log of all persons entering the court room with date, names and phone number.

Clerks/staff area: Sanitizers are placed in convenient placed: at the tickler, outside the office doors, staff restroom, breakroom sink and in the offices. Trash cans are in every area. Mask are worn, except when in private offices or alone in the clerks area. No physical changes have been made in this area. If needed we will remove any chairs needed in the jury deliberation room.

Cleaning: The Los Alamos County is the landlord and the cleaning crew come early in the morning and some afternoons. The cleaning meets all protocol. 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 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 in 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

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 by six feet. Public can sit in the pews, public seating allows for 10 people to be in the pews. These seats are labeled.

Trials: As stated above the tables for parties are 6 feet apart and the public area will be social distance labeled. Witness can be seated in the lobby or in one of the two conference rooms outside the courtroom doors. There are only two chairs on each end of a 6 foot table for use by witness or clients and their attorneys. If there is more than the limit mandated, 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.

Jury: The Jury box has three rows with 3 chairs in two rows and 4 in the third. For Magistrate juries of 6 people (7 with an alternate). With the 10 social distance seats in the pews JURY SELECTION can accommodate a 20 person pool. Tables will be turned to face the pool. We can use the courtroom or hearing room for seating a second pool to wait until called.

FOR DISTRICT AND MAGISTRATE: Jurys would be 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 could wait in the hearing room downstairs and prosecutor could us the District attorney's office (one person only due to the size) or the courtroom downstairs. A possible remote microphone could be placed in the attached hall for side bars. White noise is part of the speaker and microphone system. If the courtroom was needed for the recording of discussion for District, jurors could be taken to the lower courtroom out of hearing range. For District court to use the lower courtroom a mobile FTR would need to be set up.

Potential Jurors, upon entering the building will be given a mask, if they do not have their own. Notices of mask requirement (provided or personal) should be included in the notice to report. Once the maximum number for the courtroom overflow will be directed to the lower courtroom or hearing room until needed.

Only bottled water would be allowed for jurors. The courteous coffee will be a thing of the past. We will allow restroom breaks one juror at a time. Restrooms in the jury deliberation area can be used.

After a jury is selected and a break requiring leaving the courthouse, entry may be from the employee entry at the rear of the building. This will be manned by staff till all have arrived. This is will be a decision made on a case by case basis.

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

Jury questionnaires should include the Covid-19 questions. Magistrate court shares the jury division in District. Discussion will be ongoing when juries are needed.

Visitors to the courtroom, for any hearing, will be on a first come first serve basic according to the availability of the social distance capacity. There will be no more than 10 people allow in the pews. Supreme Court rules on number of people in the courtroom will be observed. No more than 25 max capacity include judge staff and jurors.

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 6' distance. If there is an overflow we will use the courtroom, hearing room, and lobby on the first floor.

NEW IN CORDANCE 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.

We conduct status hearings for our prelims and will stress the need for attorneys to have better communication with their clients and the district attorney to maximize time in the courtroom. Many pre-lims are waived. If a pre-lim hearing is needed it is set at the end of the docket. This allows all non-essential persons to leave the courtroom/house.

Los Alamos Magistrate has a low case load. We do not anticipate any problems managing social distance and keeping the public and staff safe. We have not developed a backlog. We do not anticipate a large influx of new cases. As we move to the new normal each case may take a little more time. Patience and practice will be our guide.

Since the Los Alamos Justice Center, includes District, Magistrate, Municipal Courts and the Los Alamos County is the landlord cooperation with all parties is essential. Working meetings need to be held as often as the plans may need adjusting.

SAFETY OF THE PUBLIC AND STAFF IS THE HIGHEST PRIORITY OF THE LOS ALAMOS MAGISTRATE COURT.

Judge Pat A. Casados

505-662-2727

Public Seating
SIX FEET APART
A UNA DISTANCIA DE 6 PIES
SIX FEET APART
A UNA DISTANCIA DE 6 PIES

Public Seating
SIX FEET APART
SIX FEET APART

JUROR
JUROR
JUROR
JUROR

Public Seating
Public Seating
Public Seating
Public Seating

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Rio Arriba Magistrate Court Reopening Procedures

PROCEEDURE FOR ENTERING THE 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 are believed to be high risk, teleworking will continue to be followed until further notice. Employees will still be placed on staggered shifts one day of work from office and one from home every other day to avoid exposure. All employees have been given remote access from their homes and this rotation will remain until further notice which allows our employees the least exposure as possible with the current situation.

In addition, our Employees and Judges have been educated and given instruction on proper hand washing, social distancing, coughing and sneezing and proper wearing of their masks while working at all times. Our court manager has instructed and informed each employee if they are sick they do not report to work. Each employee has been given their own bottle of sanitizer, masks and any proper training pertaining to the Covid-19. The district court has also provided us with disposable masks. In addition on June 19, 2020 glass barriers were installed in the courtrooms which separated the clerk, witnesses, defendants and attorneys from each other. All within the 6' radius.

Screening and Criteria

The Rio Arriba Magistrate court is its own building, but shared with Grand Jury, Drug Court, and public defender's office on designated days. With the onset of Covid they have not accessed the building. When the court reopens the Court Manager will communicate and coordinate with these entities to ensure that all protocols are implemented and followed.

Our building is set on 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 an entry door and an exit door. Upon entry there is a metal detector, but is not manned due to money issues.

This court has been fully functional and the large windows are labeled with COVID 19 signs and strict instructions as to access into this particular court building in Spanish and English language.

> As per NM Supreme Court Order NO. 20-8500-017 dated May 15, 2020 all persons entering the building clearly state that a mask is required. In addition our court has an additional sign 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.

> Prior to entry into the lobby area an automatic sanitizer wall mount is provided to the public for their use.

> Screening staff will consist of two clerks which will be rotated daily. Screening staff MUST be present at the front entrance at all times and will be required to wear a face mask. A temperature check will be required for all person(s) requesting to enter the building by screening staff. If a temperature of 100.4 degrees or over is registered, entry to the building will be denied. (*All screening staff will be trained to conduct proper temperature taking procedures. Protective safety equipment such as gloves, masks, and disinfectant solution will be provided to the screening staff*)· All individuals entering the court building must be ASKED the Initial Screening Questionnaire by entry screening staff. Screening staff will maintain a 6 foot distance while asking the questions. Individuals who answer YES to any question on the Initial Screening Questionnaire OR refuse to participate in the screening process must be denied access to the building. Individuals entering the building are REQUIRED to wear a face mask at ALL times. Mandatory Face Masks will be enforced by all Court Staff. The Court will provide face coverings for employees, jurors, witnesses, attorneys, law enforcement, or customers who do not have one *(if available).* Entry access will be controlled and limited to a total of 15 individuals (*Includes Judges and staff*) in the Court Building at one time.

> The lobby is set up in a manner if needed can seat 32 people comfortably complying with the 6' distancing, chairs have been properly set as well as signs indicating do not move chairs and signs that say once seated do not move till called forward by the proper clerk. Note: Our protocol is to only allow 10 people

in at one time. We are fortunate enough to have an entry door into the lobby and an exit door with signs stating the above.

> Once you enter the building we our equipped with two bathrooms, both contain soap and water. Signs are posted stating only one person can be in the bathroom at one time. Inside the bathroom some stalls have been roped off. To maintain a clean and sanitized work place. Our cleaning crew will arrive at 4 pm and clean the office very thorough, and wipe down all chairs and counters with sanitizer solutions. NOTE: If we request additional cleaning 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. Once inside court house lobby chairs have been properly spaced, 6' distancing is established by signs on each seat. Floor is clearly marked with colored tape. Numerous signs indicating the 6' foot distancing. Clerks work stations 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. Our Office Manager is located in a separate office within the clerk's area and clearly within the social distancing protocol.

Cleaning protocol

All employees entering the building are mandated to take their temperature and log it down prior to starting their day.

Each employee has been instructed 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 any issue 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 back log 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 hearing start 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 court room 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 with their client be allowed into the court room. The next case involving a totally new defense attorney and defendant will be allowed into the lobby so that they prepare for the next status hearing so that we get people in and out faster to avoid any further contact. All other attorney and defendant will be asked to be seated in their vehicle and will be called via phone when needed or their turn is up.

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

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 meets and these excusals will be decide amongst ALL in order to be fair.

Jury trials are held Fridays only and began at 8:00 am. The court rooms have been set up with 13 seats available in each courtrooms, they are marked at 6' foot apart and are not to be moved. Signs indicate this 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.

Acoustics have been tested and are in place which were conducted with Joseph Moore and Nelson Morfin assistance, both experts in this field and provided by district court and AOC and both courts are functioning properly. 13 Jurors, 2 ADA's, 1 Defense attorney, 1 defendant, 1 judge and 1 clerk total 19 people in one court room and only 13 jurors in the opposite court room with 1 clerk. This allows us to stay under 20 people per court room.

Luckily in our county we have not had to hold any civil jury trials in the time period I've have been judge, but just in case they will follow the same protocol as jury trials.

Once seated they will be instructed not to move, breaks will be provided periodically, judges will be aware of all that occurs during these times. Sanitizer bottles will be placed in the court room. Jurors needing the restroom will be escorted out of court room by a clerk to maintain 6' foot distancing and credibility amongst the court and maintain confidentiality.

Once Jurors are picked they will remain in the court room and will maintain the 6' foot distancing chairs are set in manner where all can be heard properly and clearly. ADA, Defense Attorney, defendant and all others will exit the court room to the lobby area so that jurors can make their decision at their designated seats inside the court room.

ADA and Defense tables are exactly 6' foot in width and one can be seated on one side and the other on the opposite side. NOTE: Attached is a photo of the way our court rooms are set up at this time.

Vulnerable Population:

We will accommodate vulnerable population by means of E-Mail, Fax, video, telephonic, google meets or standard mail. This will be done on an individual basis. Payments will be encouraged to be made via web site at NMCOURTS.GOV.

Resources:

We do not have a full time security guard on the premises. Cleaning/protective supplies are provided by the First Judicial District Court upon request.

New Mexico Judicial Branch COVID-19 Court Facility Screening Questions

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