

<p>SECOND JUDICIAL DISTRICT: CITY AND COUNTY OF DENVER, COLORADO</p> <p>City and County Building 1437 Bannock Street Denver, CO 80202</p> <p>Lindsay-Flanigan Courthouse 520 West Colfax Avenue Denver, CO 80204</p>	
<p>Chief Judge Administrative Order 2022-01</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Courtroom: 259</p>
<p style="text-align: center;">CHIEF JUDGE ADMINISTRATIVE ORDER 2022-01 REGARDING COURT OPERATIONS UNDER COVID-19 AND SUSPENSION OF JURY TRIALS</p>	

Over the last 21 months, our court has continued to monitor the status of the SARS-CoV-2 coronavirus (COVID-19) in our community. Today, COVID-19 remains pervasively impactful throughout the world, our country and our state. The City and County of Denver is no exception. The Courts of the 2nd Judicial District remain committed to conducting as much of our essential functions as possible while promoting a safe and healthy environment for our employees and the public. In response to the COVID-19 pandemic, Denver District, Juvenile, County and Probate Courts have entered orders modifying court operations and integrating additional safety measures to align with changing public health guidance. Taking these measures has allowed for continued public access to the courts and continuity in the provision of essential court services while ensuring public safety. Given the current state of the ongoing public health crisis, it is now appropriate that the courts reassess these safety measures.

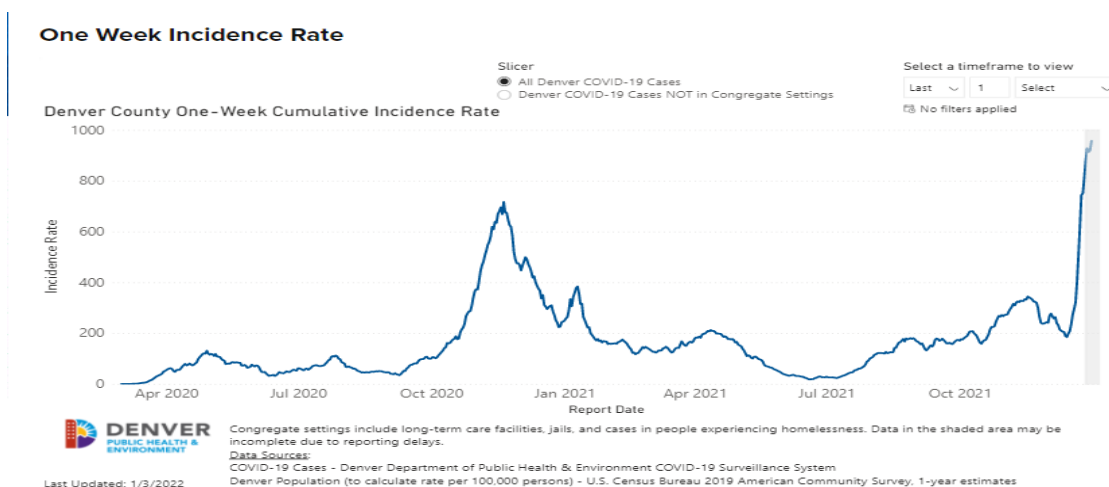
On January 25, 2021, I entered the Sixth Amended Order on Limited Court Operations and Suspension of Jury Trials (CJO 2020 – 04). This order incorporates the findings and recitations set forth in that order and prior versions, including the Third, Fourth, and Fifth Amended Orders on Limited Court Operations and Suspension of Jury Trials (CJO 2020-04).

Since the issuance of these orders, I have continued to monitor the status of the SARS-CoV-2 coronavirus (COVID-19) and emerging variants in our community, and adjusted operations accordingly to ensure that we can safely conduct as many essential functions as possible while continuing to provide a safe environment for both the public and our staff. The three-pronged criteria for assessing COVID-19 prevalence in the

community remains based on three data metrics: new COVID-19 cases over a two-week period (per 100,000 people), testing positivity rate, and impact on hospitalizations.

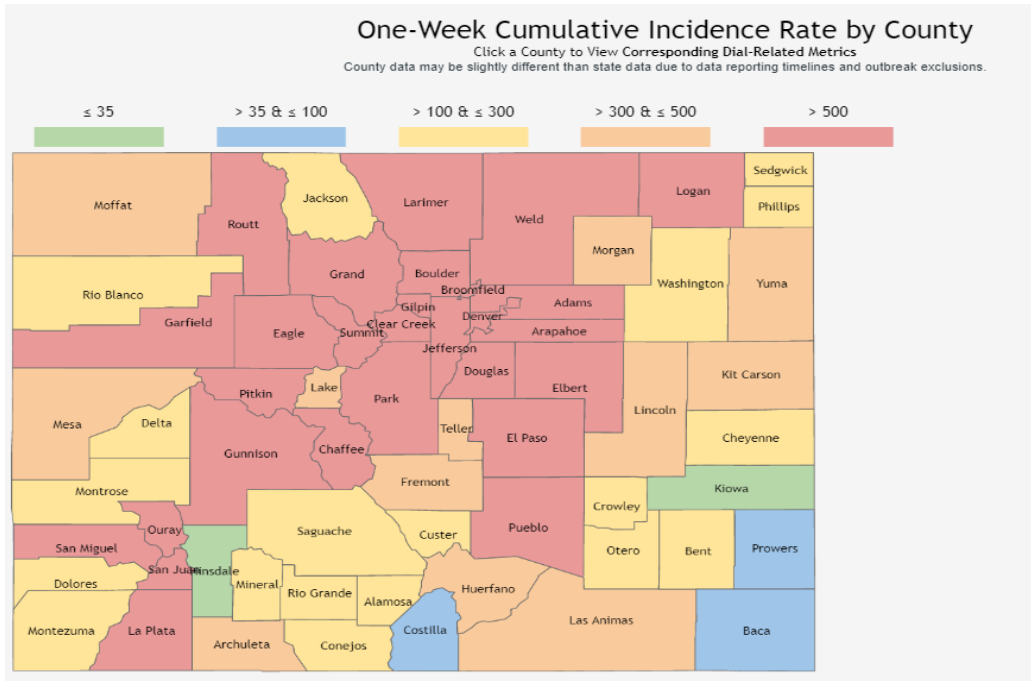
As this public health crisis persists, we have been diligently assessing the impact of evolving Coronavirus variants. On or about November 24, 2021, authorities in South Africa reported that a new variant of the SARS-CoV-2 coronavirus was identified, as B.1.1.529 or the Omicron variant. Omicron is notable for its capacity to spread more rapidly than previous strains of the coronavirus, in some instances it has been found to be 2 to 4 times more transmissible than the other variants of the virus. On December 2, 2021, the first known case of Omicron was reported in San Francisco, California and on that date the Colorado Department of Public Health and Environment (CDPHE) confirmed the first case of the B.1.1.529 found in Colorado. The presence of the Omicron variant in Colorado has increased over three weeks from a negligible factor to more than 90% of all reported COVID-19 cases in Colorado as of December 29, 2021.

Public health officials in Denver have likewise detected the significant increase in COVID-19 cases primarily of the Omicron variant. With COVID-19 surging across the state and hospital capacity threatened, Mayor Michael B. Hancock, joined by metro-area public health leaders, on Tuesday, Nov. 23, 2021 announced a new face covering order for Denver as part of a coordinated approach to prevent the region’s hospital system from collapsing. This Order was extended on December 28, 2021 to and including February 3, 2022. In the City and County of Denver, as of today, the one-week positivity rate was 25.1%, an alarming increase from 4.9% on December 16th. Further, the one-week cumulative incidence rate increased from 208.1 on December 16th to 1097 on January 3, 2022. Last, the City and County of Denver lodged its highest number ever for cases reported in a single day, 1,601 on December 31, 2021. Clearly these numbers are trending in the wrong direction and warrant our immediate attention. After conferring with local public health officials, all indications are that increased COVID cases, driven by the fast spreading Omicron variant, will continue to climb over the next four weeks as the impact of increased social activity and travel over the December holidays begins to be measured.

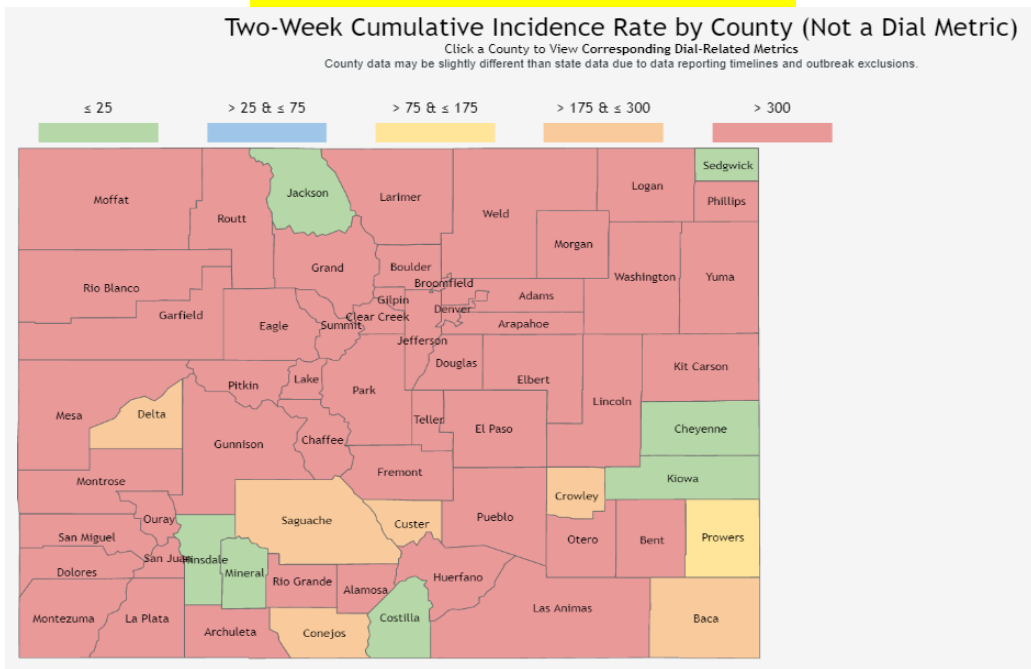


The Colorado Department of Public Health and Environment (“CDPHE”) and Denver Department of Public Health and Environment (“DDPHE”) continue to maintain current COVID-19 data, which I review daily. The three-pronged criteria for assessing COVID prevalence in the community remains unchanged and is based on three data metrics: new COVID-19 cases over a two-week period (per 100,000 people), testing positivity rate, and impact on hospitalizations. I obtained the data below from the CDPHE and DDPHE on January 4, 2022:

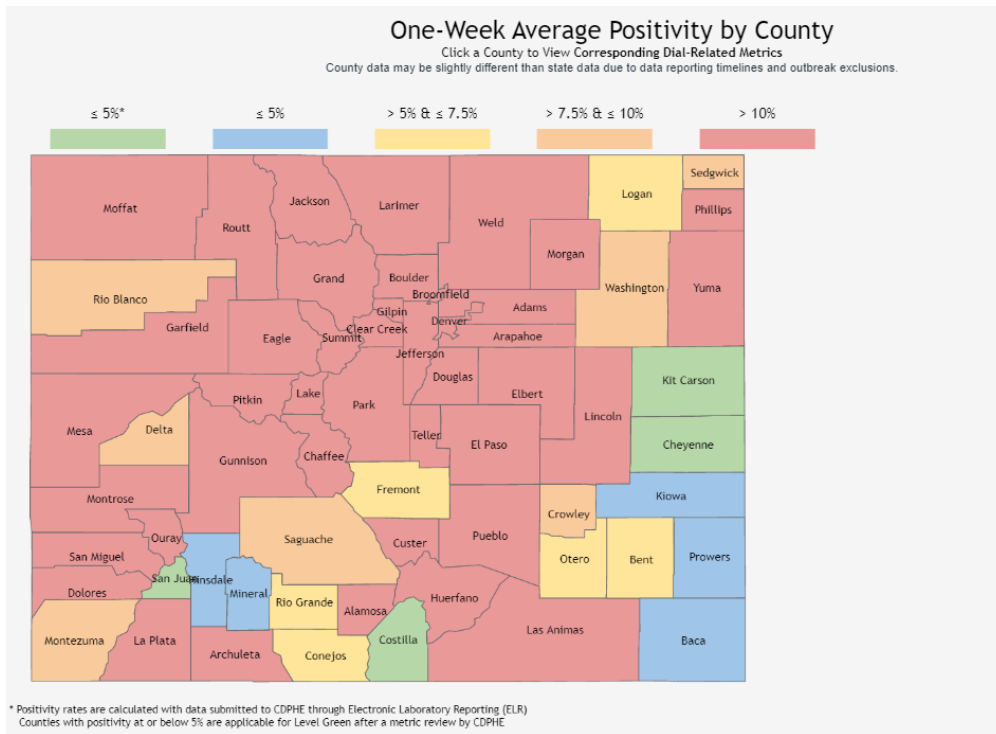
One Week Cumulative Incidence Rate



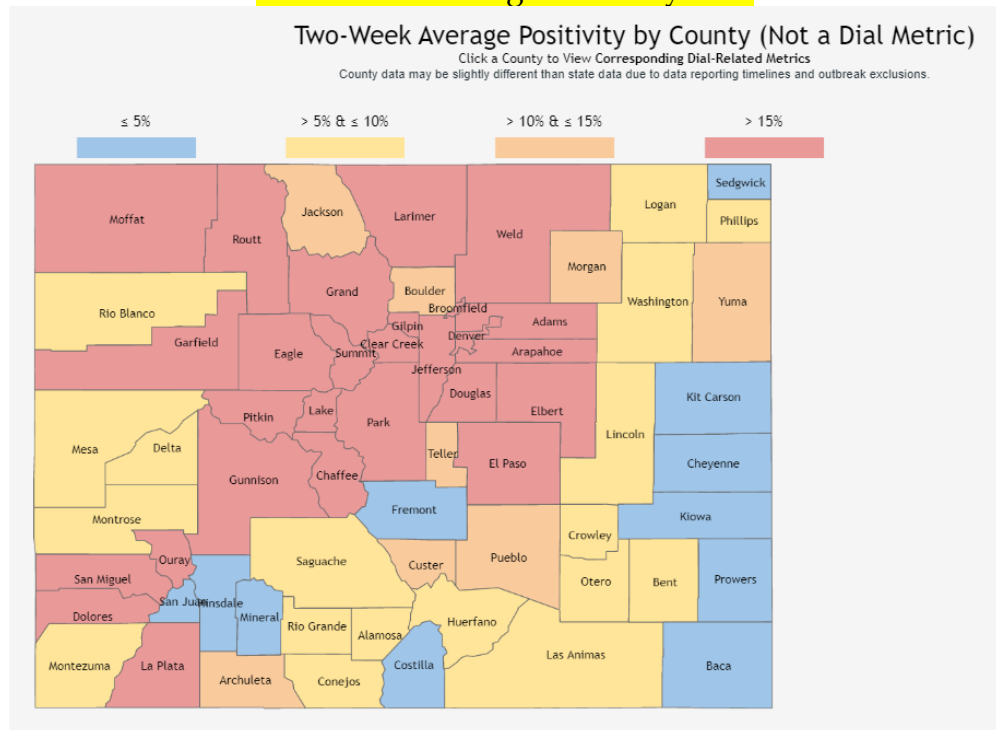
Two-Week Cumulative Incidence Rate



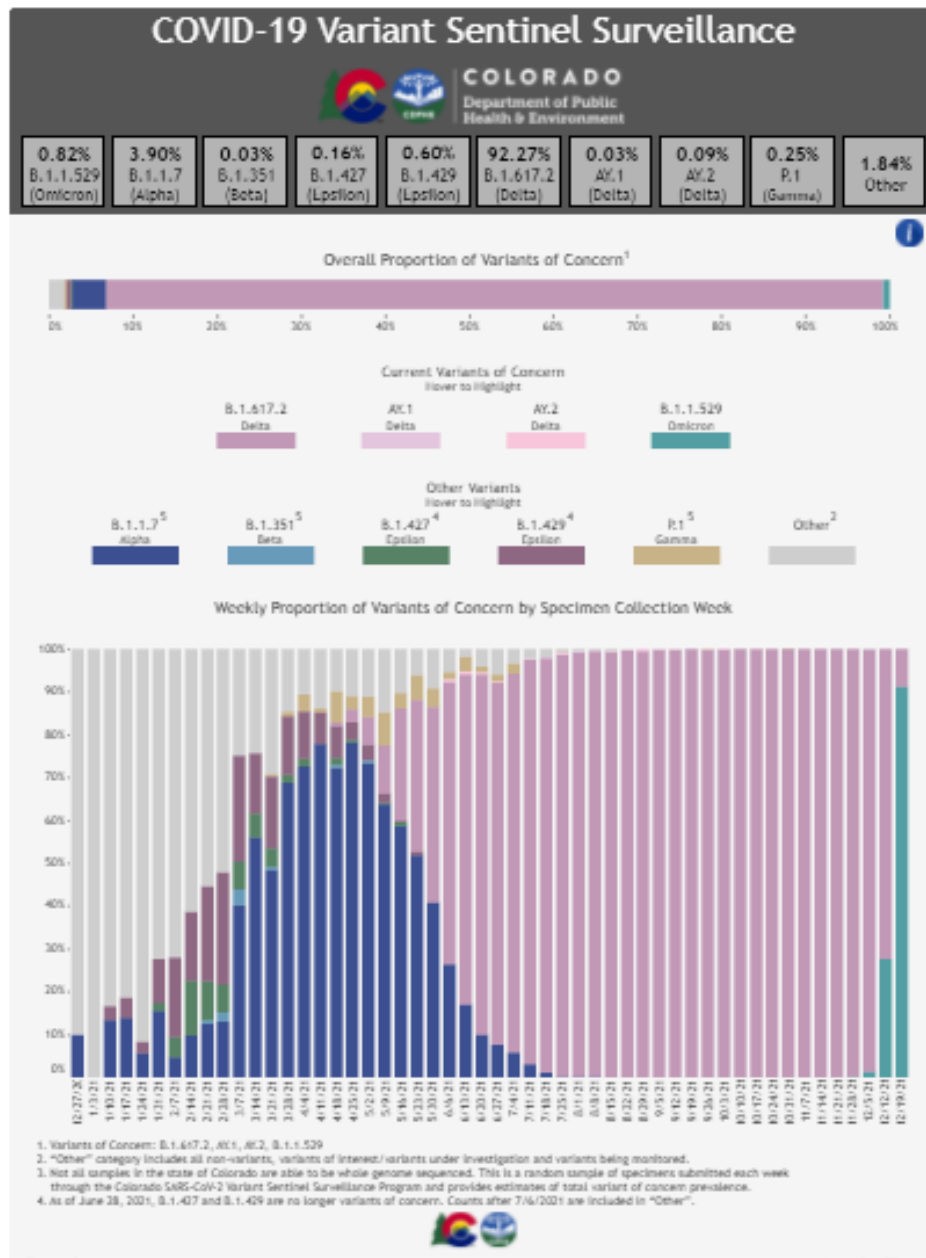
One-Week Average Positivity Rate



Two-Week Average Positivity Rate



Overall Proportion of Variants of Concern



As shown by the chart above, the Omicron variant accounted for a mere 1.3 percent of the positive COVID tests in Colorado less than one month ago, but that number increased to over 91% of the positive COVID tests. Of further concern, Colorado's 7-day average positivity rate sits at a robust 23.99% as of January 3, 2022.

The information from the CDC is also concerning. Although preliminary studies suggest that Omicron infection may be less severe than other variants, the data is limited. More importantly, for purposes of assembling large numbers of people for jury service in a county, such as Denver, where nearly 80% of the population between ages 18 and 65 are considered fully vaccinated, is that the CDC reports the Omicron variant exhibits a

“combination of increased transmissibility and the ability to evade immunity conferred by past infection or vaccination (i.e., immune evasion).” Thus, “even if the proportion of infections associated with severe outcomes is lower than with previous variants, given the likely increase in number of infections, the absolute numbers of people with severe outcomes could be substantial.”

<https://www.cdc.gov/coronavirus/2019-ncov/science/forecasting/mathematical-modeling-outbreak.html>

Moreover, staffing absences related to COVID are increasing and are now impacting our ability to serve the public as timely and efficiently as we ordinarily would. Therefore, due to the ongoing public health issues related to the COVID-19 pandemic, and based upon the rising coronavirus numbers in the City and County of Denver, and particularly the rapid increase in positivity rates for the Omicron variant, I find that we are not able to safely assemble jurors in the 2nd Judicial District at this time.

Pursuant to the authority granted in Chief Justice Directive 95-01 and upon conferral with the Presiding Judges of Denver County, Juvenile and Probate Courts, it is hereby ORDERED as follows:

The Courts of the 2nd Judicial District (District Court, Probate Court, Juvenile Court, and County Court) hereby suspend the summoning of jurors for jury trials set through January 28, 2022. This order is subject to review and revision in accordance with prevailing public health guidelines from the CDPHE and DDPHE.

Further, the Denver District Court temporarily modifies its court operations through January 28, 2022, as follows:

Court proceedings will be conducted virtually, to the greatest extent possible. Individual judges will retain discretion to hear those matters deemed essential and, as necessary, in person.

Denver District Court will be implementing revised operations, including situational work from home, and staffing which will remain in effect until further notice. Staff will be assigned as coordinated by the Clerk of Court and the Court Executive, with the approval of the Chief Judge. Clerk’s Office hours will be Monday thru Friday excluding legal holidays, 8:00 am – 4:00 pm, at the Lindsey-Flanigan Courthouse and Denver City and County Building

Denver Adult Probation Department will be reducing office presence but will remain open 8:00 am – 5:00 pm Monday through Friday. Most supervision and intake contacts will be virtual whenever possible.

Denver County Court will maintain its current practice of in-person proceedings with an option to accommodate virtual proceedings for parties who so request due to a positive COVID test, are experiencing symptoms, or other COVID concerns. The

Denver County Court maintains in-person proceedings to meet the needs of those who are unable to access the Court through a virtual appearance. Those who have tested positive, are experiencing symptoms, or have other COVID concerns are instructed to appear virtually. Please see the Denver County Court website for virtual instructions at www.denvercountycourt.org.

The Third Amended Joint Administrative Order (2021-02) Concerning Mandatory Face Coverings in Court Facilities remains in full force and effect.

Dated this 4th day of January, 2022, NPT January 3, 2022.

BY THE COURT:



Michael A. Martinez
Chief Judge, 2nd Judicial District