

FOR IMMEDIATE RELEASE:

THIRD JUDICIAL DISTRICT COURT'S POLICY ON COURT ACCESS DUE TO THE COVID-19 PANDEMIC

EFFECTIVE MARCH 30, 2020

The Third Judicial District Court in Las Cruces will be instituting a temporary policy to reduce the possible risk of COVID-19 exposure to the public, the court participants and the employees of the Court. Our consolidated Magistrate Courts, will be issuing a similar access policy. As you may be aware, the New Mexico Department of Public Health has issued emergency public health orders to include mandatory closures and guidelines to stem the spread of COVID-19 in New Mexico. The courthouses are exempt from the public health orders as they are an independent branch of the government responsible for providing essential public safety services, maintaining the rule of law, and ensuring that the constitutional rights of persons are protected.

The court access policy is based on Supreme Court Order No. 20-8500-002 (March 17, 2020) which states that it is a priority that all courts in New Mexico remain open to provide essential public safety services and maintain the rule of law in a safe environment for all New Mexicans. The Order recognizes the constitutional rights of all New Mexicans, which are necessarily balanced with the emergent public health and safety needs our citizens at a time of a public crises.

This policy also considers the Supreme Court directives under Order 20-8500-002 to provide the public with alternative means of presenting their matters to the court by use of electronic or facsimile transmission to minimize the travel and social contact required to file documents in person at the courthouse. Likewise, the policy is consistent with the same Supreme Court Order that gives discretion to the district courts to control access by screening individuals seeking to enter the courthouse who may be infected by the COVID-19 virus.

In summary, this policy does not bar access to the courthouse, but rather, it provides access in different forms consistent with the need to protect the public health and safety at a time of need.

Beginning March 25, 2020:

The public seeking to access the Third Judicial District Court will undergo two (2) separate screenings at the main entrance to the courthouse. The first (Primary) screening will occur outside of the main door. Personnel will be stationed outside of the door to screen and assess each individual's physical condition both by observation and inquiry. Each person seeking to enter the courthouse will be asked three questions to determine whether they meet the New Mexico Department of Health criteria to establish whether a COVID-19 high-risk contagion exists. The three questions are:

- 1) Whether the individual reports a fever, cough, or shortness of breath that has developed in the past fourteen (14) days;
- 2) Whether the individual has travelled within the last fourteen (14) days to high-risk COVID-19 affected areas as defined by the New Mexico Department of Health; or

- 3) Whether the individual reports a diagnosis, or close contact with anyone who has a diagnosis, of a COVID-19 infection, or has been in contact with someone who has been in a defined high-risk area within the last 14 days.

Persons answering affirmatively to any of these questions will be asked to leave the courthouse campus and return to their own residence and contact medical personnel for further direction.

A second (Secondary) screening will take place once an individual passes through the Primary screening. The Secondary screening will take place within a short distance from the main entrance. Personnel will be present to assess the reason for why the individual seeks access to the courthouse.

-if the individual is present for purposes of filing a pleading, that individual will be given a facsimile number where the individual can fax his or her pleading to the Clerk's office from outside of the courthouse. The individual will also be given an email address as a second option, where the individual can email his or her pleading from their own personal computer to the Clerk of the court. The individual will be redirected to go back outside of the courthouse to accomplish the filing of their document.

-if the individual is present to inquire about the status of his or her case, the individual will be provided a phone number to the Clerk's office so that individual can call at their convenience and inquire. The individual will be redirected to go back outside of the courthouse to use their own personal cell phone to call the Clerk's office.

- if the individual seeks assistance as an unrepresented litigant, the individual may be provided the following options: 1) they may call a phone number to set an appointment with the pro se office; or 2) they will be provided the Third Judicial District website address so that they can download information and documents; or 3) they may be provided a phone number to the pro se office to discuss the matter with office personnel as necessary.

- if the individual seeks to make payment or filing an initial pleading that requires payment of a fee, the individual after Secondary screening, will be directed to the Clerk's office to conduct the payment/and or filing.

-all individuals with matters deemed emergency-type filings (domestic violence petitions, law enforcement filings, emergency injunctive relief, emergency custody motions, etc.) will be directed to the Clerk's office.

Attorneys, litigants, witnesses, legal staff, the press and families attending court hearings:

Pursuant to Supreme Court Order No. 20-8500-006 (March 23, 2020), the Third Judicial District will utilize remote methods (video, telephonic, etc.) to conduct court hearings whenever possible.

If remote methods cannot be utilized, that the court may require personal attendance at a hearing. Attorneys, litigants, witnesses, legal staff, the press and families attending hearings will all be subject to the Primary screening. However, please note that pursuant to the Supreme Court Order No. 20-8500-006; no more than 15 individuals can congregate in one area. Depending on the nature of the

proceeding, the judge and staff may need to have individuals removed from the courtroom and they will be asked to sit outside in the hallway, and when necessary, outside of the building. Every effort will be made to keep the core participants (attorneys, parties, legal staff, and witnesses) in the proceeding area. Additional seating will be offered at the discretion of the judge and his/her staff. No legal proceeding will occur without the core participants.

This policy will be subject to amendment at any time, depending on how conditions change. We ask that the public be patient with the Third Judicial District as we will take all steps necessary to keep the court “open”, but at the same time, provide a measure of safety for the health of the public and its staff. Should there be any question about this policy or other concern, please feel free to call us at:

Administration: 575-523-8200 ext 201

Drug Court: 575-523-8200 ext 395 or 341

Jury: 575-523-8200 ext 350

Mediation: 575-523-8200 ext 314

Clerk's Office: 575-528-8316

575-528-8334

575-523-8254

Pro Se/ Self Help Center: 575-523-8200 ext 326.

Thank you for your patience and understanding.

Chief Judge Manuel I. Arrieta

Third Judicial District Court