

## **NOTICE TO THE BAR AND PUBLIC**

### **COVID-19 – OVERVIEW OF HEALTH AND SAFETY PROTOCOLS; INFORMATIONAL NOTICES TO AFFECTED COURT USERS OF A POTENTIAL COVID-19 CASE DURING AN IN-PERSON COURT EVENT**

The Judiciary is continuing to take steps to reduce the risks of exposure to the COVID-19 virus in state court locations. This notice explains how the Judiciary is supporting the health and safety of all court users, including by continuing to provide notice to affected individuals of confirmed or potential COVID-19 cases in state court locations.

1. Individuals who have COVID-19 or COVID-19 like symptoms are not permitted within state court facilities.

Signs on and within state court facilities remind all court users that they must not enter or remain in the building if they have COVID-19 like symptoms or otherwise pose a risk of spreading the virus. The Judiciary will continue to accommodate individuals who cannot be physically present within a court facility, including by converting an in-person proceeding to a virtual format when appropriate.

2. Judiciary employees must be vaccinated against or regularly tested for COVID-19.

The Judiciary has implemented a policy for all state court judges and staff to provide proof of vaccination or submit negative weekly test results to Human Resources. This organization-wide oversight will further reduce the chance that court employees could unknowingly bring the virus into court facilities.

3. All court users must wear masks and maintain social distancing in order to avoid close contact and reduce exposure risks.

Regardless of vaccination status, face masks and social distancing are required in Judiciary areas of court locations, subject to limited exceptions. Plexiglass and other safeguards are also in use, including in areas where social distancing is difficult to maintain. Judiciary policies prevent close contact between court occupants and thereby reduce to the extent possible the chance of any increased risk of exposure or transmission in state court locations.

**4. The Judiciary will provide informational notice to other participants in an in-person proceeding if there is a confirmed or potential COVID-19 case.**

If the Judiciary learns that an individual who was present during an in-person court event has tested positive for, or without other explanation developed symptoms of COVID-19, the court will provide an informational notice to other participants to the extent practicable.

State court locations are open to the public without appointments, and court staff are not tracking the areas visited by court users. However, if the Judiciary learns that a participant in a jury proceeding or other in-person court event has tested positive for COVID-19, or without other explanation has developed symptoms consistent with the virus, court staff will provide informational notice to affected participants. Such notice will never disclose the identity of the person who has or may have COVID-19. Rather, the informational notice will inform the affected court users of the date and location of the potential exposure and will provide other relevant information as well as a contact person to answer any questions.

The Judiciary will continue to provide such informational notice as soon as possible after learning of a potential or confirmed COVID-19 case during an in-person court event. The Judiciary will also continue to coordinate with State and County building owners to arrange for cleaning if and as appropriate.

The Judiciary will continue to respond to potential COVID-19 cases in court locations based on current public health guidance and other factors.

- If the court event has concluded, the court would provide the informational notice to the identified participants.
- If the court event is ongoing, the court would provide the notice. The court then could (1) continue the court event in an in-person format because absent close contact there is no increased risk; or (2) convert any upcoming in-person date to a virtual format, if appropriate based on the type of the case; or (3) adjourn any upcoming in-person date to a future date; or (4) cancel the court event pending further information. The Judiciary will determine next steps following disclosure of a potential or confirmed COVID-19 exposure based on all relevant factors, including the role of the affected individual and

whether the court proceeding can and should continue without their physical presence.

- By way of illustration:
  - If a grand juror in an in-person panel tests positive for, develops symptoms consistent with, or has a close contact with someone with COVID-19, the Assignment Judge in consultation with the County Prosecutor could continue the in-person sessions (without the grand juror for the duration of any quarantine period). Alternatively, one or more sessions could be adjourned or converted to a virtual format. As necessary, the grand juror could be excused from further service.
  - If a witness who testified during an in-person jury trial tests positive for, develops symptoms consistent with, or has a close contact with someone with COVID-19 before their testimony has concluded, the judge could adjourn the trial for the necessary quarantine period and then resume in-person testimony; permit the witness to complete their testimony virtually with the consent of counsel; or adjust the trial schedule following notice to counsel.

5. Attorneys and court users should contact the court regarding any potential or confirmed COVID-19 case that affects a court proceeding.

- If an attorney tests positive for, develops symptoms consistent with, or has a close contact with someone with COVID-19, or is informed that their client or a witness has tested positive for, developed symptoms consistent with, or had a close contact with someone with the virus, the attorney should contact the court for guidance. An attorney or self-represented litigant should contact senior leadership, i.e., the Assignment Judge, Trial Judge, or Trial Court Administrator in the vicinage or the Clerk of Court. Such initial contact with the court is intended to avoid inadvertent disclosure of the identity of the person who has or may have COVID-19. It is also necessary to ensure that the court can provide consistent and accurate notice to other participants, including jurors.

Questions on this notice should be directed to the Office of the  
Administrative Director of the Court at (609) 376-3000.

  
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Chief Justice Stuart Rabner

  
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Administrative Director Glenn A. Grant

Dated: September 9, 2021