

Supreme Court of Colorado

2 East 14th Avenue
Denver, CO 80203
(720) 626-5460

April 27, 2020

To all Colorado attorneys:

In these exceptional times, it seemed appropriate to bring you up to speed on some of the steps our court has taken in response to the challenges inherent in the COVID-19 pandemic. Since Chief Justice Coats's March 16 order setting general parameters around the operation of our state courts during this public health crisis, our court has been working hard on collaborative solutions to several of the most pressing problems.

Because we have no authority to revise our constitution and statutory amendments are up to the legislature, we turned to our court rules as potential tools to address the current crisis. With the assistance of several of our advisory committees, each of which includes judicial officers and attorneys, we have amended a number of rules to address challenges and protect public health during this pandemic.

- We amended the Criminal Rules to allow remote hearings where in-person hearings were previously required. We have done so in a way that protects the rights of both defendants and victims.
- We amended the Criminal and Juvenile Rules to allow judges to declare a mistrial when, due to a public health crisis, it is unsafe to assemble a jury. These changes ensure that trials will be held only once it is safe to call upon citizens to serve as jurors.
- We amended the Criminal Rules to allow a person to request a sentence reduction during the pendency of a direct appeal.
- We amended the Rules of Civil Procedure and the Probate Rules to avoid unnecessary in-person contact by allowing returns of service to go without notarization.
- We adopted new Probate Rules to allow remote witnessing of testamentary and non-testamentary instruments in some circumstances.
- We have adopted an emergency rule that allows new law school graduates to practice law before taking the bar examination if the July 2020 bar examination must be postponed.

In addition to rule changes, the Chief Justice has been communicating daily with the Chief Judges of each of our judicial districts. Our Chief Judges, Chief Probation Officers, Court Executives, and Clerks of Court in the districts are collaborating regularly regarding the challenges COVID-19 presents, best practices for addressing those challenges, and any needed support or direction

from our court or from the State Court Administrator's Office. The current crisis has highlighted the reality that each Chief Judge is in the best position to address the unique obstacles confronting the courts in his or her district. Among other things, each of our non-appellate courthouses is owned and controlled by the county in which it is located, which means that local relationships are essential. As well, courthouses differ in their capacity to hold proceedings consistent with CDC recommendations and in their audio-visual capabilities. And the infrastructure and resources of local stakeholders (including jails, prosecution offices, and defense counsel offices) differ from district to district (and even from court to court).

The collaboration among and with our Chief Judges has resulted in another set of reforms and policies aimed at protecting the health, safety, and rights of all concerned in these difficult times. For example:

- Each chief judge has entered administrative orders during the last six weeks. Those orders, which are largely a result of discussions with local stakeholders and which recognize the unique obstacles confronting each court or judicial district, have addressed, among other issues, courthouse closures and reduced hours, electronic transmission of paper filings, procedures for rescheduling court appearances, courthouse security and screening, probation supervision modifications, pretrial release procedures, enforcement of arrest and bench warrants, staffing reductions, building cleaning procedures, inmate transport, writs, and remands for criminal defendants, bond return dates, staff and self-help contact instructions, and records request procedures.
- In his discussions with the Chief Judges, the Chief Justice has repeatedly emphasized the need for reduction of jail populations while continuing to protect public safety and the rights of victims, the harms of issuing eviction and foreclosure orders absent extraordinary circumstances, the need to continue hearing non-criminal matters to the extent that can be done within our available resources and using remote technology, and the need to find creative solutions to continue the important business of the courts.
- The Chief Justice authorized the Chief Judges to temporarily waive certain probation standards in order to limit in-person contact and protect the health of probationers and our staff.

We have also worked closely with the State Court Administrator's Office to change the way we serve the public.

- The IT division of the State Court Administrator's Office has been working nonstop to install, train, and troubleshoot technology that allows our judges to connect with attorneys, parties, victims, and the public through virtual audio-visual courtrooms. This technology is being rolled out statewide and has enabled us to conduct urgent criminal proceedings entirely remotely. As this technology is adopted by our courts, you should begin to see more non-criminal cases use the same technology. This will hopefully help non-criminal matters advance during and after this period of emergency.
- The IT division is also working to implement new technology that allows our court staff to perform much, if not all, of their work remotely.

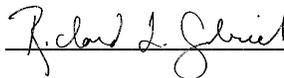
Finally, we have come up with a remote solution to welcome new members of the profession who passed the bar examination in February. Between May 1 and May 21, each of us will host one of several smaller ceremonies, conducted through Webex, to swear in new members of the bar.

Through all of this, we remain deliberative to reduce unintended consequences, and we remain mindful of the need to respect the role and limitations of our branch of government. We realize that the measures we have taken are less than perfect. But given the extraordinary circumstances, there are no ideal solutions.

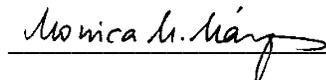
Because this situation is fluid, we will continue to monitor developments and will adjust as appropriate. The lives and health of our judicial officers and employees, attorneys, parties, and the public will remain a priority as we continue to navigate the challenges brought about by COVID-19. In the meantime, please know that we remain steadfast in our commitment to carry out our mission to provide a fair and impartial system of justice.



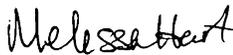
Nathan B. Coats



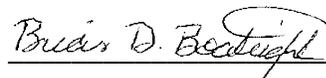
Richard L. Gabriel



Monica M. Márquez



Melissa Hart



Brian D. Boatright



Carlos A. Samour, Jr.



William W. Hood, III