FILED
July 7, 2020
OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

IN SUPREME COURT

ADM20-8001

ORDER REQUIRING FACE COVERINGS AT COURT FACILITIES

O R D E R

The operations of the Minnesota Judicial Branch during the statewide peacetime emergency first declared by the Governor of Minnesota on March 13, 2020, are governed by the order filed on May 15, 2020, as modified by the order filed on May 28, 2020. *See Order Governing the Operations of the Minnesota Judicial Branch Under Emergency Executive Order Nos. 20-53, 20-56*, No. ADM20-8001 (Minn. filed May 15, 2020); *Order Governing Public Access and Services at Judicial Branch Facilities*, No. ADM20-8001 (Minn. filed May 28, 2020). As part of the transition to a planned and gradual expansion of operations in court facilities, the Judicial Council has authorized criminal jury trials and in-person proceedings for limited categories of hearings in criminal, civil, juvenile, and probate case types. In-person services provided at court public service counters, a clerk's office in a court facility, and the State Law Library have also been gradually expanded. Judicial Branch staff have been directed to return to work at court facilities as needed to support the gradual expansion of court operations and in-person proceedings during the transitional phase, and the Judicial Branch has implemented exposure control measures consistent with guidance provided by the Minnesota Department of Health and the Centers for Disease Control & Prevention (CDC), such as physical distance requirements and

plexiglass barriers, to ensure the safety of those who are present in court facilities, including members of the public. Participants in jury trials held in Judicial Branch court facilities have worn face coverings, and Judicial Branch staff and judges are encouraged to wear face coverings while in the public areas of court facilities.

Public health guidance from the CDC and the Minnesota Department of Health states that the use of face coverings, in addition to other exposure prevention measures, can reduce the spread of COVID-19 in public settings when the 6-foot physical distance requirement cannot be maintained. Some local and county governments in Minnesota require face coverings when entering government buildings, including in some buildings in which Judicial Branch facilities are located. The National Center for State Courts also reports that public concerns are lessened when face coverings are among the required measures for those present in a court facility. *See, e.g.*, National Center for State Courts, The Center (June 24, 2020) (summarizing responses to a national survey, indicating that the majority of respondents would be more comfortable in a court facility if the exposure control measures include required face coverings).

As the Judicial Branch continues to expand in-person proceedings, services, and operations at court facilities, requiring those who enter the facility or work at the facility to wear a face covering when physical distance requirements cannot be maintained will contribute to the exposure precaution measures already in place for the safety of members of the public and for Judicial Branch staff and judges. Further, requiring face coverings to be worn in court facilities when physical distance requirements cannot be maintained will contribute to the administration of justice by allowing the Judicial Branch to continue to

safely and methodically expand court services and in-person court proceedings while implementing uniform safety measures for all court facilities.

IT IS HEREBY ORDERED THAT:

1. Effective July 13, 2020, every person entering a court facility must wear a face covering at all times while in public areas, hallways, or other common areas of the facility. Other than as authorized by paragraph 2 of this order, a face covering may be removed while in the public areas of a court facility only when the required physical distance is maintained or plexiglass barriers are in place. The requirements of this paragraph apply to Judicial Branch staff and judges, attorneys, parties, witnesses, case participants, those who attend in-person hearings, and any individual who enters a court facility to use public services provided by the Judicial Branch.

2. Effective July 13, 2020, a face covering worn in the courtroom may be removed only if physical distance requirements in the room in which the proceeding is held are maintained and the presiding judge authorizes that removal. If during a particular proceeding—i.e., prospective jurors participating in voir dire, witnesses when testifying, or counsel or parties when addressing the court, witnesses, or the jury—unusual circumstances make it necessary to remove a face covering while in the courtroom even though physical distance is not maintained, the presiding judge has the discretion to authorize that removal if alternate measures, such as a face shield or plexiglass barriers, are available.

3. In order to ensure compliance with this order, the State Court Administrator shall update the Judicial Branch COVID-19 Preparedness Plan and make the updated plan publicly available.

4. Other than as set forth in this order, the order of May 15, 2020, as modified by the order of May 28, 2020, continues in full force and effect.

Dated: July 7, 2020

BY THE COURT:

Lorie S. Gildea
Chief Justice