IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

June 16, 2020

NO. 20-8500-023

IN THE MATTER OF
PRECAUTIONARY TRAVEL AND SCREENING PROTOCOLS
FOR ENTRY TO NEW MEXICO COURTHOUSES
DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

ORDER

WHEREAS, in Order No. 20-8500-003 this Court imposed out-of-state travel restrictions for judicial officers and employees of the New Mexico Judiciary in light of recommendations by public health authorities to avoid all non-essential out-of-state travel during the current public health emergency;

WHEREAS, in Order No. 20-8500-013, this Court issued updated precautionary measures for the safe and effective operation of the New Mexico Judiciary, including precautionary screening protocols for those entering courthouses, in light of the evolving public health crisis and latest recommendations and directives from public health authorities at that time;

WHEREAS, the Governor has since issued Executive Order 2020-037 on June 1, 2020, which continues to require "all persons whose travel to New Mexico has gone through an airport and whose point of departure originates outside of New

Mexico to self-isolate or self-quarantine for a period of 14 days from the date of their entry into the State of New Mexico or for the duration of their presence in the State, whichever is shorter" but which excepts certain categories of persons from the self-isolation or quarantine requirement, including "those arriving in the State pursuant to a Court order, and persons traveling into New Mexico to conduct business activities;"

WHEREAS, the latest Public Health Order issued by the Secretary of the New Mexico Department of Health on June 1, 2020, continues to advise avoiding all non-essential travel;

WHEREAS, this Court remains committed to maintaining safe courthouse environments for all those who are required to attend judicial proceedings or work in our courthouses by adhering to protocols for courthouse operations that meet or exceed the latest health and safety recommendations and directives from public health authorities during the current public health emergency; and

WHEREAS, in light of the foregoing, and the Court wishing to update the travel and screening protocols for entry to New Mexico courthouses and being sufficiently advised, Chief Justice Judith K. Nakamura, Justice Barbara J. Vigil, Justice Michael E. Vigil, Justice C. Shannon Bacon, and Justice David K. Thomson

concurring;

NOW, THEREFORE, IT IS ORDERED that, in addition to the regular security screening that courts conduct, all courts shall screen any person wishing to enter a courthouse or other building operated by the New Mexico Judiciary and deny access to anyone, including any judicial officer, judicial employee, juror, witness, attorney, litigant, or other person who answers yes to any of the screening questions for entry to courthouses and other judicial buildings posted on the New Mexico Judiciary website on the New Mexico Courts - Coronavirus (COVID-19) Information webpage at nmcourts.gov, which shall replace the provisions in Order No. 20-8500-013, at page 5, lines 13 to 20;

IT IS FURTHER ORDERED that all courts shall commence temperature checks for all persons, including judicial officers and judicial employees, seeking to enter a courthouse or other judicial building operated or occupied by the New Mexico Judiciary and shall deny entry to anyone with a temperature of 100.4 degrees Fahrenheit or higher;

IT IS FURTHER ORDERED that all courts shall maintain a daily log of all persons, including judicial officers and judicial employees, entering a courtroom, which shall include the name, telephone number, and date of entry for each person

on the log and which shall be retained for four (4) weeks;

IT IS FURTHER ORDERED that Order No. 20-8500-003 shall be WITHDRAWN and REPLACED with the following requirements governing out-of-state travel by judicial officers and judicial employees:

1. The suspension of all out-of-state travel on work-related business by judicial officers and judicial employees of the New Mexico Judiciary that was directed by this Court on March 12, 2020, shall remain in effect until further order of the Court;

2. All judicial officers and judicial employees are strongly discouraged from traveling out-of-state on personal business;

3. Any judicial officer or judicial employee who engages in out-of-state travel shall report the nature, extent, and details of the travel to the chief judge of the judicial district before traveling or, if advance notice of the out-of-state travel is not possible because of unforeseen, emergency circumstances, as soon as possible after the travel begins;

4. Any judicial officer or judicial employees who engages in out-of-state air travel shall comply with the self-isolation and self-quarantine requirements in Executive Order No. 2020-037, notwithstanding the exceptions in that executive order for travel required for appearing by court order or for business activity;

5. Any judicial officer or judicial employee who engages in out-of-state travel by means other than air travel shall engage in a fourteen (14)-day period of self-isolation upon return to New Mexico before returning to the workplace unless the chief judge of the judicial district in which the judicial officer or employee works exercises discretion to permit a return to the workplace without a fourteen (14)-day period of self-isolation upon an individualized assessment of the circumstances of the travel, provided that the discretion granted to chief judges under this provision shall be exercised in accordance with the following:

    a. Out-of-state travel for commuting to and from the personal residence

of the judicial officer or employee shall not require self-isolation;

b. Out-of-state travel for medical treatment for the judicial officer or employee or that person's immediate family member shall not require self-isolation;

c. Out-of-state travel to another state where the COVID-19 regional transmission rate is greater than 1.15 may warrant a period of self-isolation;

d. Out-of-state travel that included discretionary stops in addition to the intended destination, that included a mass gathering with other persons, or that did not otherwise comply with other social distancing requirements and recommendations from New Mexico public health authorities may warrant a period of self-isolation;

6. If a chief judge exercises the discretion granted in this order to permit a judicial officer or employee who travels out-of-state to return to work without engaging in a fourteen (14)-day period of self-isolation, the chief judge shall notify all judicial officers and employees within the judicial district of the name of the judicial officer or employee to whom the exception was granted; and

7. Any judicial officer or judicial employee engaged in a period of self-isolation shall be permitted to work from home to the extent that their work can be performed remotely and with the permission of the chief judge or other administrative authority of the affected individual;

IT IS FURTHER ORDERED that any person, other than a judicial officer or judicial employees, who engages in out-of-state air travel may enter a courthouse to appear pursuant to a court order or to engage in other business with the court, provided that the person successfully passes all other safety and public health screenings required by the court and otherwise complies with all other applicable directives from public health authorities;

IT IS FURTHER ORDERED that any judicial officer or employee who is denied access to a courthouse or other building operated or occupied by the New Mexico Judiciary because of the results of the screening and temperature check requirements in this order shall be required to engage in a fourteen (14)-day period of self-isolation, shall be required to obtain a test for COVID-19 and disclose the results of the test to the chief judge of the judicial district, and shall be permitted to work from home to the extent that their work can be performed remotely with the permission of the chief judge or other administrative authority of the affected individual;

IT IS FURTHER ORDERED that any judicial employee engaged in a period of self-isolation under the terms of this order who is not able or permitted to work from home shall use annual and sick leave or, if eligible, leave under the Families First Coronavirus Response Act;

IT IS FURTHER ORDERED that all references in this order to the chief judge of the judicial district shall, when applicable, include the chief judge of the Court of Appeals for judges and employees of the New Mexico Court of Appeals and the Chief Justice for Justices and employees of the Supreme Court or Administrative Office of the Courts; and

IT IS FURTHER ORDERED that this order shall remain in effect until amended or withdrawn by future order of this Court.

IT IS SO ORDERED.

WITNESS, the Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 16th day of June, 2020.

Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico