



FOURTH JUDICIAL DISTRICT

NOTICE TO ATTORNEYS APPEARING IN DISTRICT COURT AND MAGISTRATE COURTS

The New Mexico Supreme Court has ordered the courts to remain open during the three-week school closing due to COVID-19, but also to take precautions to protect the community and minimize public health risks. To that end, the Fourth Judicial District announces the following directives and guidance for attorneys appearing in district and magistrate courts, effective immediately:

1. The courts of the Fourth Judicial District will remain open Monday through Friday, 8:00 a.m. to 4:00 p.m.
2. Do not come to the courthouse if you (a) are showing signs of respiratory infection, such as fever or cough, (b) have been exposed to someone with COVID-19, (c) have traveled to high-risk countries with widespread transmission of COVID-19, or (d) have visited another state experiencing widespread community transmission of COVID-19. Instead, contact the judge's chambers by telephone and wait to speak to the judge's assistant for instructions. The same applies if persons accompanying you to court, such as clients or witnesses, fall into the above categories. It is your obligation to attempt to determine whether they do.
3. Where practical, you are instructed and encouraged to arrange in advance to appear telephonically at hearings
4. The courts are limiting the number of people allowed in courtrooms to no more than twenty-five (25) at a time. This includes attorneys, witnesses, jurors, observers, and court employees.
5. In order to limit in-person contact between attorneys and detainees, the San Miguel County Detention Center will now facilitate telephonic conferences between attorneys and detainees. Transport of detainees to courthouses for hearings will be minimized. You are instructed to arrange in advance of hearings for detainees to appear at hearings through audiovisual means.
6. Respondents in commitment cases will appear at hearings telephonically. Attorneys for the parties have the option to appear by telephone and the court will be conducting the hearings via telephone conference.

7. All civil jury trials are vacated and postponed until further notice. Whether pending criminal jury trials will go forward as scheduled will be determined case-by-case based primarily on the time elapsed since filing and whether the defendant is in custody, among other factors.

8. Interpreters will be available by telephone to assist in hearings as necessary.

9. Domestic violence and civil restraining order cases will require in-person hearings.

10. We encourage you to confer in good faith with opposing counsel to attempt to resolve uncontested matters that would otherwise require hearings.

11. We encourage you to meet with your clients and with opposing counsel well in advance of scheduled hearings so that hearings can start and finish on time. This will help to minimize the number of people congregating in the courthouse waiting to be heard.

12. We encourage defense attorneys to speak to their clients about waiving appearances at arraignments to avoid the necessity of transport from the detention center to the courthouses. Waiver requires a document signed by both counsel and the defendant. For other hearings in criminal cases, we encourage appearances by telephone or video, and waivers of appearances will not be effective unless all parties and the court approve the waiver in advance.

13. If you would like to postpone a scheduled hearing for any reason, please file a motion and submit a proposed order in the event that you are unable to reach agreement with the other parties or attorneys. Requests for continuances will be considered without a hearing on the motion.

14. This is an unprecedented public health emergency. Circumstances may change, and this may result in changes to court operations in the future.



Gerald E. Baca, Chief District Judge
Fourth Judicial District Court

Date: 3/16/2020