

FOURTH JUDICIAL DISTRICT

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**ADMINISTRATIVE ORDER  
PERTAINING TO DISTRICT  
COURT COURTROOMS WITH  
CRIMINAL CALENDARS AND  
ACCESS DURING COVID-19  
EMERGENCY**

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**WHEREAS**, On March 13, 2020, Minnesota Governor Tim Walz declared a peacetime state of emergency pursuant to the issuance of Executive Order 20-01 due to the worldwide spread of COVID-19, also referred to as the Coronavirus and has issued subsequent orders, including a stay at home directive extending until May 4, 2020 (Emergency Executive Order No. 20-33)(Apr. 8, 2020); and

**WHEREAS**, on April 9, 2020, the Minnesota Supreme Court Administrative Order ADM20-8001 was issued in response to the latest Emergency Executive Order No. 20-33 concerning the continuing operations of the courts of the state of Minnesota, including the district courts; and

**WHEREAS**, pursuant to Minn. Stat. § 484.69, subd. 3, the chief judge of the judicial district has general administrative authority over the courts in the judicial district; and

**WHEREAS**, criminal calendars in the Fourth Judicial District can have up to 50 in-custody defendants who are seen, and a courtroom gallery may be filled with spectators; and

**WHEREAS**, the CDC has recommended that smaller gatherings be limited to no more than 10 people and be carried out with adherence to guidelines for social distancing; and

**WHEREAS**, Court participants, including justice partners, have expressed concerns about the public health implications if the gallery size in these courtrooms is not limited; and

**WHEREAS**, in an effort to protect the public, as well as Court participants and Court staff pursuant to the Order of the Minnesota Supreme Court, by ensuring only persons necessary for Court proceedings or having essential business with the Court enter our courthouses, while ensuring that constitutional rights are preserved; and

**WHEREAS**, the Court is vested with the right and obligation to preserve order and decorum in its courtrooms. Minn. R. Crim. P. 26.03; Minn. R. Gen. Prac. 2.01(a) and 2.02(e).

Based on the foregoing, this Court makes the following:

**ORDER**

1. Effective immediately, for criminal calendars and criminal matters heard in any courtroom in this District, the undersigned Chief Judge orders that spectators observe social distancing protocols and that only the number authorized, based on a 6 foot perimeter for individual seating, and as marked in the gallery of each courtroom, be allowed at any one time in the gallery portion of those courtrooms.
2. The Hennepin County Sheriff's Office is hereby authorized to control the number of people in the courtrooms hearing criminal matters, as set forth herein, and to bar or remove persons from those courtrooms as necessary in compliance with this Order.
3. In addition to Court staff, prosecutors and defense counsel appearing on these calendars, the following persons are authorized to enter the courtrooms and be seated in the gallery: (i) immediate family of a defendant, only while that person's case is heard; (ii) the alleged victim (and victim advocate) in any case, only while that case is being heard; (iii) a defendant's case worker and/or probation officer, only while his/her case is being heard; and (iv) representatives of the media.
4. For purposes of this Order, any media representative planning to attend shall notify the Court's Public Information Officer, Spenser Bickett, at 612-801-7583 or email at: Spenser.Bickett@courts.state.mn.us in advance and be prepared to present proper media credentials to the deputies at the courtroom.
5. This Order supersedes the related order dated March 20, 2020 and shall remain in effect until May 4, 2020, and may be extended by further Court Order.
6. Notwithstanding this Order, the presiding judge in any criminal matter may make such further order, issued from the bench or by written order, as may be necessary or appropriate under the specific circumstances, to adopt other approved measures to allow continued public access to court proceedings and to protect health and safety in the courtroom in which they are presiding. The presiding judge also retains authority to have any person removed from the courtroom or other approved access to the proceedings based on a violation of applicable Rules,

including Rule 4 of the General Rules of Practice or existing policy of District Court, including the person's violation of required courtroom decorum.

Dated: April 9, 2020

**BY THE COURT:**

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Ivy S. Bernhardson  
Chief Judge  
Fourth Judicial District