

FOURTH JUDICIAL DISTRICT

**ADMINISTRATIVE ORDER
PERTAINING TO FOURTH
JUDICIAL DISTRICT COURT
COURTROOMS DURING COVID-
19 EMERGENCY**

WHEREAS, On March 13, 2020, Minnesota Governor Tim Walz declared a peacetime state of emergency pursuant to the issuance of Executive Order No. 20-01 due to the worldwide spread of COVID-19, which order was extended by Executive Order No. 20-53 (May 13, 2020), and he has also issued other orders, including Executive Order 20-56, (May 13, 2020), which rescinded the stay-at-home directive announced in Executive Order No. 20-48. Executive Order No. 20-56 also allows individuals to leave their homes or gather for some activities, and exempts the Judicial Branch from limits on gatherings, which are subject to policies established by the chief justice and which will occur as directed by court order; and

WHEREAS, on May 15, 2020, the Minnesota Supreme Court Administrative Order ADM20-8001 was issued in response to the latest Executive Order Nos. 20-53 and 20-56 concerning the continuing operations of the courts of the state of Minnesota, in order to facilitate the move to a transitional phase for the gradual, planned extension of in-person proceedings in the district courts in light of guidance provided by the executive orders and the Minnesota Department of Health; 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, the Fourth Judicial District is implementing social distancing markings and in all of its courtrooms, conference rooms, public counters and, where feasible, other Court spaces in cooperation and consultation with Hennepin County; 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(a), Subd.3; Minn. R. Gen. Prac. 2.01(a) and 2.02(e) and Rule 2.8 of the Code of Judicial Conduct.

Based on the foregoing, this Court makes the following:

ORDER

1. Effective immediately, for all matters heard in any courtroom in this District, the undersigned Chief Judge orders that all persons 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, except persons living in the same household may sit together.
2. The Hennepin County Sheriff's Office is hereby authorized to control the number of people in the galleries of the courtrooms, as set forth herein, and to bar or remove persons from the galleries of those courtrooms as necessary in compliance with this Order.
3. In addition to Court staff and counsel appearing in a courtroom, the following persons are authorized to enter the courtroom and be seated in the gallery: (i) immediate family of a party, 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. If marked seats remain available after these persons are seated, they may be filled by the general public.
4. For purposes of this Order, any media representative planning to attend a court hearing 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 orders dated March 20, 2020, April 9, 2020, and May 1, 2020, and remains in effect until further Court Order.
6. Notwithstanding this Order, the presiding judge in any 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: May 18, 2020

BY THE COURT:

Ivy S. Bernhardson
Chief Judge
Fourth Judicial District